Disability Issues Related to Online Application Systems
Frequently Asked Questions – For Employer

May a contractor use only an online application system to accept applications for employment?

Yes, a contractor has the option of utilizing an online-only application system, or another electronic form such as e-mail or facsimile. However, contractors must ensure that applicants with disabilities are given an equal opportunity to apply for jobs.

Does a contractor have to ensure that its online application system is accessible to individuals with disabilities?

The ADA, Section 503, VEVRAA, and their regulations require that a contractor provide equal opportunity to qualified applicants with disabilities and disabled veterans to compete for jobs. This obligation includes, if necessary, making reasonable accommodations to qualified individuals with disabilities, unless doing so would impose an undue hardship (significant difficulty or expense) on the contractor. Covered contractors also must take affirmative action to employ and advance qualified individuals with disabilities and disabled veterans in its recruitment, advertisements, and job application practices. See 41 CFR Parts 60-250.5, 60-300.5 and 60-741.5.

Although major technological advances have been made in recent years, many online systems may not be fully accessible. For example, an individual with a visual disability may find the print or graphics on the webpage difficult to read. Or the system may not operate if an individual with a disability is using adaptive software. Contractors may therefore find it beneficial (but are not required) to design, or re-design their online application systems to ensure the greatest degree of ready access to the greatest number of potential applicants with disabilities. Utilizing "universal design" techniques can be a cost-effective and efficient way to minimize the need for individual reasonable accommodations and to ensure that the contractor is reaching out to, and receiving applications from, the widest pool of qualified applicants.

If a contractor routinely offers applicants various methods of applying for jobs and all methods of application are treated equally, then an employer may not need to ensure that its online application system is fully accessible. But if a contractor only uses an online application system to accept applications for employment, it must ensure that potential applicants with disabilities either can use the system *or* can submit an application in a timely manner through alternative means. This includes providing a means to contact the contractor, other than through the online system, to request any reasonable accommodation needed to provide an applicant with a disability an equal opportunity to apply and be considered for the contractor's jobs.

May a contractor establish a separate application system for use solely by applicants with disabilities, while applicants without disabilities use the online application system?

A contractor may not require that applicants with disabilities use a separate application process. Such a system would operate as an unlawful pre-employment inquiry into whether an applicant has a disability, and could be considered a form of segregation. Many people with disabilities may be able to use the online application system and must be given an equal opportunity to do so.

On the other hand, a contractor may offer an optional alternative application method for use by applicants who cannot use the online process. However, offering an alternative method will not relieve the contractor of the obligation to provide other reasonable accommodations that may be needed to access the online system or apply for a job. If a contractor does not routinely offer an optional alternative application method, as a reasonable accommodation, it may have to provide such an alternative if requested to do so by an individual with a disability.

If the contractor is using an online application system that already provides many accessibility features for individuals with disabilities, does the contractor also have to provide reasonable accommodations?

Potentially yes. Having an online application system that includes many accessibility features for individuals with disabilities or uses "universal design" does not relieve a contractor of its obligation to provide reasonable accommodations if needed to address the inability of an applicant with a disability to use or access the online system. Notice of how to obtain reasonable accommodations should be provided by the contractor via its online application system, as well as on its paper applications and job announcements. Ideally, such notices should be prominently displayed, and included at the beginning of the online application process. At a minimum, these notices should contain the name of the person to contact, and the process for requesting an accommodation.

What are some of the types of reasonable accommodations that might be needed in the application process?

Reasonable accommodations in the application process may include, but are not limited to:

> 1) providing information regarding job vacancies in a format accessible to individuals with vision or hearing impairments, *e.g.*, making information available in Braille, and by responding to job inquiries via TDDs or use of the telephone relay system;

> 2) providing readers, interpreters, or other similar assistance during the application process;

> 3) appropriately adjusting or modifying employment-related examinations, *e.g.*, by extending the time in which to complete an online examination for an applicant with a cognitive or neurological disability; and

> 4) ensuring an applicant with a mobility impairment has full access to testing locations, *e.g.*, if an online test is given via a company kiosk, the kiosk must be physically accessible to the applicant with a mobility impairment.

How can a contractor know whether its online application system is interoperable with assistive technology used by individuals with disabilities?

In order for an application system to be generally accessible, it should incorporate "interoperable" electronic and information technologies. Interoperability is the ability of a computer system to effectively interact and communicate when an applicant with a disability is using assistive technology/adaptive software and adaptive strategies with the contractor's

application system. The U.S Department of Labor's Office of Disability Employment Policy (ODEP) has identified resources available to the contractor community and job applicants in this regard. This and other information can be found on ODEP's website at http://www.dol.gov/odep/. Additional resources can be found on the website of the Job Accommodation Network (JAN) at www.jan.wvu.edu.

Is a contractor required to periodically evaluate its online application systems?

Yes. As a part of its affirmative action obligations, a contractor is required to evaluate and audit its personnel processes to determine whether it is providing equal opportunity to individuals with disabilities. Such an evaluation should encompass a review of any online application systems. At a minimum, the regulations contained in 41 CFR Part 60-2, 60-250.44, 60-300.44, and 60-741.44 require that a contractor measure the effectiveness of its affirmative action program, and ensure that its personnel processes provide for careful, thorough consideration of qualified individuals with disabilities and disabled veterans.

Where can I find additional information?

If you need more information pertaining to federal contractors' equal employment opportunity and affirmative action obligations, you can:

- Visit OFCCP's website at http://www.dol.gov/esa/ofccp/index.htm.
- Call OFCCP's toll free Help Desk at 1-800-397-6251; or
- Contact an OFCCP District or Area Office in your local area; a list of offices by State is available on OFCCP's website at http://www.dol.gov/esa/contacts/ofccp/ifnation2.htm.

The U.S Department of Labor's Office of Disability Employment Policy (ODEP) can provide technical assistance regarding accessible online application systems. The U.S. Equal Employment Opportunity Commission (EEOC), which also enforces Title I of the ADA, can provide guidance on employers' legal obligations concerning online application systems and reasonable accommodation.

- Visit ODEP's website at www.dol.gov/odep.
- Visit EEOC's website at www.eeoc.gov.

Disability Issues Related to Online Application Systems
Frequently Asked Questions – For Applicants and Employees

Many federal contractors are using online application systems. What are my rights as a qualified individual with a disability or disabled veteran when applying for a job with one of these contractors?

As a qualified individual with a disability or disabled veteran, you have the right to request a reasonable accommodation if you are unable or limited in your ability to use or access the online system as a result of your disability.

If I have a disability and request an accommodation in order to use a contractor's online application system, is the contractor required to provide the accommodation?

Yes. Contractors must provide reasonable accommodation that is needed to enable a qualified individual with a disability to have an equal opportunity to apply for job openings, unless the contractor can demonstrate that the accommodation would impose an undue hardship (significant difficulty or expense) on the operation of its business. The contractor is not obligated to provide the specific accommodation requested, but it must provide an accommodation that effectively enables an individual with a disability to apply for a position in a timely manner.

Because of my disability, I am unable to use the contractor's online application system, even with reasonable accommodation. Does the contractor have to let me apply for job openings in an alternative way?

Yes. The obligation to provide reasonable accommodation may require that a contractor permit an individual with a disability who cannot use or access the online application system to apply for job openings in an alternative way, unless the contractor can demonstrate that doing so would impose an undue hardship.

What are some of the types of reasonable accommodations that can be made in the application process?

Reasonable accommodations in the application process may include, but are not limited to:

> 1) providing information regarding job vacancies in a format accessible to individuals with vision or hearing impairments, *e.g.*, making information available in Braille, and by responding to job inquiries via TDDs or use of the telephone relay system;

> 2) providing readers, interpreters, or other similar assistance during the application process;

> 3) appropriately adjusting or modifying employment-related examinations, *e.g.*, by extending the time in which to complete an online examination for an applicant with a cognitive or neurological disability; and

> 4) ensuring an applicant with a mobility impairment has full access to testing locations, *e.g.*, if an online test is given via a company kiosk, the kiosk must be physically accessible to the applicant with a mobility impairment.

How will I know how to make a request for an accommodation?

Federal contractors must ensure that information on how to request an accommodation is provided to its applicants and employees. Some contractors will include this information on office postings, in printed job announcements, in recorded telephone messages, or through their customer service or personnel units. Contractors who use online application systems should also provide this information. If an employer fails to provide such information, contact the personnel or human resources office and explain that you are having difficulty, due to a disability, in using the employer's online application system (or explain any other problem you are having in applying for a job because of a disability) and request accommodation to ensure that you can submit a timely application and have an equal opportunity to compete for jobs.

As an applicant, do I have to identify myself as an individual with a disability in order to obtain a reasonable accommodation?

If you request an accommodation, then, yes, you (or someone on your behalf) will need to identify yourself as a person with a disability. While contractors may not, generally, ask an applicant to identify whether they have a disability, once you make a request for an accommodation based on your disability status, the contractor has the right to discuss your request with you. At that point, it may be necessary for you to explain your disability, the specific nature of the problems you are having because of your disability, and what accommodations are needed.

What if my request for reasonable accommodation is denied by a contractor?

If you believe that you have been denied an accommodation that is needed in order for you to access a contractor's online application system or to submit a timely application in an alternative way, you may file a complaint alleging employment discrimination under Section 503 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), or the Vietnam Era Veterans' Readjustment Act (VEVRAA). OFCCP's complaint form and filing information can be found on our website at http://www.dol.gov/esa/regs/compliance/ofccp/pdf/pdfstart.htm.

Complaints under the ADA may also be filed with the Equal Employment Opportunity Commission (EEOC). For more information regarding EEOC or filing a complaint, please visit EEOC's website at www.eeoc.gov.

Are there resources available to applicants with disabilities that identify the types of assistive technology available to aid in accessing online application systems?

The U.S Department of Labor's Office of Disability Employment Policy (ODEP) has identified resources available to job applicants and the contractor community. This and other information can be found on ODEP's website at http://www.dol.gov/odep. Additional resources can be found on the website of the Job Accommodation Network (JAN) at www.jan.wvu.edu.