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Part IX

Office of Personnel Management

**Nondiscrimination on the Basis of
Handicap in Programs and Activities
Receiving or Benefiting From Federal
Financial Assistance; Final Rule**

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Intergovernmental Personnel Act Programs; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: This regulation implements section 504 of the Rehabilitation Act of 1973. It forbids discrimination against qualified handicapped persons in employment and in the operation of programs receiving Federal financial assistance from the Office of Personnel Management.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION:

Background

Section 504 of the Rehabilitation Act of 1973 provides that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The rule applies to all recipients of Federal assistance from OPM (the Intergovernmental Personnel Act (IPA) grant program is the only grant-in-aid program administered by OPM). These rules are intended to ensure that recipients of Federal assistance from OPM operate their programs without discrimination on the basis of handicap. The rules define and forbid acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving financial assistance from OPM.

Under Executive Order 11914 (41 FR 17871, April 29, 1976) HEW (Department of Health, Education and Welfare) was required to issue general standards for other agencies and departments to follow in writing their regulations to implement section 504. The standards were published at 43 FR 2132, January 13, 1978. Generally, the standards set forth enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices are discriminatory.

This rule forbids discrimination against qualified handicapped persons in employment and in the operation of

programs receiving Federal financial assistance from the Office of Personnel Management. As employers, recipients must make reasonable accommodation to the handicaps of employees or job applicants, unless the accommodations would cause the recipient undue hardship. Recipients are not required to waive bona fide employment requirements (e.g., residency or citizenship) in implementing the provisions of these regulations. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons and to operate their programs in a nondiscriminatory manner.

The major program in the Office of Personnel Management to which this rule applies is the Intergovernmental Personnel Act (IPA) grant program. The IPA (Pub. L. 91-648) was enacted in 1970 to reinforce the Federal system by strengthening the personnel and management resources of State and local governments. The IPA grant program provides financial assistance on a matching fund basis to State, general purpose local, and Indian tribal governments for personnel management and training projects.

Rulemaking History

On September 26, 1978, the Office of Personnel Management (then the U.S. Civil Service Commission) published a Notice of Proposed Rulemaking (at 43 FR 43465) setting forth a proposed regulation for public comment. Fifteen sets of comments were received in response to the September 26 Notice of Proposed Rulemaking; they have been considered and analyzed. Copies of these written comments are available for public inspection in Room 2308, 1900 E Street, NW., Washington, D.C. Set forth below is an analysis of the final regulation explaining the changes from the proposed regulation.

Analysis

Subpart G of Part 900 of the regulation is divided into 10 sections.

Section 900.701 states the purpose of the regulation. Many commenters suggested that the coverage of the entire section be extended to all programs covered by OPM not just Intergovernmental Personnel Act (IPA) grants as stated in the proposed regulations. As suggested, the coverage language of the provision of the regulations has been extended to include any OPM programs extending Federal financial assistance even though the IPA program is currently the only grant-in-aid program administered by OPM.

Some commenters, primarily recipient governments, expressed concern about the cost of complying with these regulations, as proposed. OPM is sympathetic to the concerns of recipient governments with respect to the cost of implementation of section 504. Executive Order 11914 requires that, in matters of substance, OPM regulations must be consistent with the HEW guidelines.

We emphasize that the employment provisions of the guidelines and the OPM regulations affecting recipient governments place an emphasis on reasonableness. Only qualified handicapped individuals are protected from discrimination, and to be required, accommodations must both be reasonable and not impose an undue hardship on recipient governments on the basis of cost or otherwise. Any action which would create an undue hardship on a recipient government (on the basis of cost or otherwise) may not be reasonable and therefore may not be required.

Section 900.702 describes the applicability of the subpart. Many commenters made the same observations as were made on § 900.701 regarding extending the coverage of the regulations. As stated above, the regulations have been extended to cover all OPM programs which grant Federal financial assistance.

In addition, one commenter suggested that the duration of the obligation under the regulations be changed from the period of time for which the assistance is authorized to the period of time for which property is retained or as long as OPM assistance is given. Since few IPA grants result in the acquisition of any property and OPM's authority to oversee the use of such property would terminate when the grant ended, we do not consider it practical to extend the duration of any obligations beyond what OPM could control by termination of funding. For this reason the commenter's suggestion is not being adopted.

Section 900.703 outlines the specific definitions used in this subpart. With regard to the definition of "recipient" one commenter asked that "subrecipient" be included and another asked that the term "ultimate beneficiary" be clarified. This definition includes the concept of subrecipient by including the words " * * * any entity * * * directly or through another recipient * * *". Therefore it is not necessary to define subrecipient separately. The term "ultimate beneficiary" is now defined separately in these regulations. Several commenters suggested that the proposed definition of "Federal financial assistance" was not broad enough.

Therefore, this definition has been revised and is the same definition used by HEW in its regulations. Many commenters asked that "qualified handicapped person" be defined and HEW's definition used. This definition has been added to the regulations.

A commenter pointed out that "respiratory system" was not included in the list of disorders defining "physical impairment." This was omitted in error and has been added to the list. Several commenters noted that drug addiction and alcoholism were not listed as examples of mental or psychological disorders and requested that they be included. These two examples have been added as requested. A commenter suggested that the phrase "an interest in such property" be changed to "controlling interest" in the definition of "facility." This change has been made.

Section 900.704, which was entitled "program consistency with merit principles" in the proposed regulations has been deleted. It was pointed out by one commenter that this section was in excess of what was required by HEW regulation and could be confusing to readers in distinguishing "fair" treatment from those policies and practices which will ensure nondiscrimination. To avoid any confusion in this matter the section has been deleted. Subsequent sections have been appropriately renumbered. In the new § 900.704, "Discrimination Prohibited," one commenter requested that the term "significant assistance" be defined. It is used here in the same context as the HEW regulations which do not define the term separately. It is not specifically defined in these regulations either. A commenter suggested that paragraph (a) should be changed to specifically extend the prohibition against discrimination to programs or activities which benefit from Federal financial assistance. It was suggested that paragraph (b) (1) (iv) extend the prohibition against different or separate aid to any class of handicapped persons. It was also suggested that language be added to ensure that recipients will make their communication with applicants, employees and beneficiaries available to people with impaired vision and hearing. The first three suggestions have been adopted.

Several commenters pointed out that § 900.705, "Program Accessibility," did not include a provision requiring a transition plan when structural changes to facilities are required. Others pointed out that it failed to illustrate the types of actions recipients may use as alternatives to structural changes and to

suggest adoption of the ANSI standards. Another commenter suggested that reference should be made to the Architectural Barriers Act. All the suggestions made regarding this section, with the exception of the reference to the Architectural Barriers Act, have been adopted. Since the Office of Personnel Management provides no financial assistance to build or alter facilities, the reference to the Architectural Barriers Act is not appropriate in these regulations. In addition, HEW required that a time limit be established for transition plans.

Section 900.706, "Employment Practices," was the subject of many comments. The commenters requested that reasonable accommodation be defined and that there be a more detailed explanation of "undue hardship." These terms are explained to the same extent that they are in the HEW regulations and further discussion would be more appropriate in guidance material rather than in the regulations. Therefore, these suggestions were not adopted. Several commenters suggested that the regulations provide that recipients may make pre-employment inquiry into an applicant's ability to perform job-related functions rather than his/her ability to meet medical qualifications, as stated in the proposed regulations. This suggestion has been adopted. Several commenters stated problems with the organization of this section and with some of the language used. The former paragraph (a)(2) has been moved to paragraph (d) and portions of the section revised based on these comments. One commenter stated that the Commission (OPM), in its proposed regulations, failed to include the provisions required by §§ 85.52, 85.53, 85.54 and 85.55 of HEW's regulations on Executive Order 11914. Those requirements were contained in the proposed regulations in § 900.707 and are in the final regulations in § 900.706.

Some commenters expressed confusion over the coverage of employment practices as described in this subpart. OPM financial assistance (currently only in the form of IPA grants) is awarded to various State and local government agencies. The employment practices outlined in this subpart apply to positions in those organizations which administer such grants. This applies to all recipients administering IPA grant funds unless a recipient government demonstrates by clear and convincing evidence that a program or activity with respect to which discrimination is alleged, is not funded in whole or in part with IPA grant funds.

One commenter suggested that the coverage of § 900.707, "certification required," is too narrow. Another stated it believed the whole organization should be required to certify compliance, not just those portions receiving Federal financial assistance. This section has not been changed based on these comments. OPM authority and enforcement ability in this regard are limited to those programs to which Federal financial assistance is extended. In § 900.708, HEW required that all recipients prepare self-evaluations. OPM's proposed limitation to those recipients employing 25 or more persons has been deleted.

Several commenters stated that § 900.709, "Notice and Consultation," should be more detailed and require more specific actions of recipients. The regulations have not been made more specific in this regard to enable recipients to comply in whatever way will cause the least administrative difficulties in specific programs. For the same reason, the phrase "as appropriate" has not been deleted as suggested by one commenter.

Regarding § 900.710, "Procedure for Effecting Compliance" one commenter requested that an individual complaints procedure and agency compliance reviews be initiated. According to HEW guidance, OPM should use the same compliance procedure used for Title VI violations. This change has been made in the regulations. The same complaints procedure and compliance review schedule will be used.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.
Kathryn Anderson Fetzter,
Assistant Issuance System Manager.

Accordingly OPM is adding Subpart G to 5 CFR Part 900 to read as follows:

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Subpart G—Nondiscrimination on the Basis of Handicap in Federally Assisted Programs of the Office of Personnel Management

Sec.	
900.701	Purpose.
900.702	Applicability.
900.703	Definition.
900.704	Discrimination prohibited.
900.705	Program accessibility.
900.706	Employment practices.
900.707	Certification required.
900.708	Self-evaluation.
900.709	Notice and consultation.
900.710	Procedure for effecting compliance.

Authority: Secs. 503, 507, Pub. L. 91-648, 84 Stat. 1909 and 29 U.S.C. 794.

Subpart G—Nondiscrimination on the Basis of Handicap in Federally Assisted Programs of the Office of Personnel Management

§ 900.701 Purpose.

The purpose of this part is to effectuate Section 504 of the Rehabilitation Act of 1973, to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance from the Office of Personnel Management (OPM).

§ 900.702 Applicability.

This subpart applies to each activity, program or project receiving Federal financial assistance from the Office of Personnel Management from the date this subpart is approved. The duration of the applicability is the period of time for which the assistance is authorized.

§ 900.703 Definitions.

Unless the content requires otherwise, in this subpart:

(a) "Recipient" means any State or its political subdivisions, any instrumentality of a State or its political subdivisions, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(b) "Federal financial assistance" means any grant, loan, contract, (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(c) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(d) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(1) As used in paragraph (d) of this section, the phrase: "physical or mental impairment" means:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means:

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (d) of this section but is treated by a recipient as having such an impairment.

(e) Qualified handicapped person means:

(1) With respect to employment, a handicapped person who with reasonable accommodation, can perform the essential functions of the job in question.

(2) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(f) Ultimate beneficiary means one among a class of persons who are entitled to benefit from or otherwise participate in, programs receiving

Federal financial assistance and to whom the protections of this subpart apply.

§ 900.704 Discrimination prohibited.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance from the Office of Personnel Management.

(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not, directly or through contractual or other

arrangements, utilize criteria or methods of administration:

- (i) That have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap,
- (ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or
- (iii) That perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(4) A recipient may not, in determining the site or location of a facility, make selections:

- (i) That have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance, or
- (ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this part.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall take appropriate steps to ensure that communications with their applicants, employees and beneficiaries are available to persons with impaired vision and hearing.

§ 900.705 Program accessibility.

(a) No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity to which this subpart applies.

(b) A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons. Where structural

changes are necessary to make programs or activities in existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of the regulation.

(c) A recipient may comply with the requirements of paragraph (b) of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, alteration of facilities or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(d) New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(e) In the event that structural changes to facilities are necessary to meet the requirements of this section, a recipient shall develop within 12 months of the effective date of this subpart a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons.

(f) OPM will adopt the Architectural and Transportation Barriers Compliance Board's "Minimum Guidelines and Requirements for Accessible Design" when they are issued in final form. (See 45 FR 55010 for the proposed version.) It is suggested that, in the interim, design construction or alteration of facilities be in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A117.1—1961 (R1971)). Copies obtainable from American National Standards, Inc., 1430 Broadway, New York, N.Y. 10018.

§ 900.706 Employment practices.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under a program or activity that receives or benefits from Federal financial assistance from OPM.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this

subpart applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(3) The prohibition against discrimination in employment applies to the following activities:

- (i) Recruitment, advertising, and the processing of applications for employment;
- (ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- (iii) Rates of pay or any other form of compensation and changes in compensation;
- (iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- (v) Leaves of absence, sick leave, or any other leave;
- (vi) Fringe benefits available by virtue of employment, whether or not administered by the recipient;
- (vii) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
- (viii) Employer sponsored activities, including social or recreational programs; and
- (ix) Any other term, condition, or privilege of employment.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Reasonable accommodation.* (1) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee under any program or activity receiving Federal financial assistance from OPM unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(2) Reasonable accommodation may include, but shall not be limited to, making facilities readily accessible to and usable by handicapped persons, acquisition or modification of equipment or devices, appropriate adjustment or

modification of examinations, the provision of readers and interpreters, job restructuring and providing part-time or modified work schedules and other similar actions.

(3) In determining pursuant to paragraph (b)(i) of this section whether an accommodation would impose an undue hardship on the operation of the recipient in question, factors to be considered by OPM include:

(i) The overall size of the recipient's program with respect to the number of employees, number and type of facilities and size of budget;

(ii) The type of operation, including the composition and structure of the work force; and

(iii) The nature and the cost of the accommodation.

(c) *Employment criteria.* (1) A recipient involved in activities receiving Federal financial assistance may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons in any program or activity that receives Federal financial assistance unless the test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question and alternative job-related tests or criteria that do not screen out as many handicapped persons are not shown by the Office of Personnel Management's Personnel Research and Development Center to be available.

(2) A recipient shall select and administer tests concerning employment so as to ensure that, when administered under any program or activity that receives Federal financial assistance from OPM, to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's ability to perform the duties of the type of position in question rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(d) *Preemployment inquiries.* (1) Except as provided in paragraph (d)(2) of this section, a recipient, when considering an applicant for employment under any program or activity receiving Federal financial assistance from OPM, may not conduct a preemployment medical examination and may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an

applicant's ability to perform job-related functions.

(2) Nothing in this section shall prohibit an organization from conditioning an offer of employment under any program or activity receiving Federal financial assistance from OPM on the results of a medical examination conducted prior to the employee's entrance on duty: *Provided*, That (i) All entering employees are subjected to such an examination regardless of handicap or when a preemployment medical questionnaire used for positions which do not routinely require medical examination indicates a condition for which further examination is required because of the job-related nature of the condition; and

(ii) The results of such an examination are used in accordance with the requirements of this subpart.

§ 900.707 Certification required.

(a) *General.* Each application to OPM for financial assistance, as a condition to its approval and the extension of financial assistance, shall contain or be accompanied by, a certification from the applicant in a form prescribed by OPM that the program will be conducted in compliance with the requirements of this subpart. The assurance shall obligate the recipient for the period during which the financial assistance is extended to the program.

(b) *Certification from subgrantees.* A certification shall be required of all subgrantees receiving financial assistance from OPM to the effect that all programs or parts thereof carried out by subgrantees shall be in compliance with the requirements of this subpart. The recipient shall be responsible for securing the certification from subgrantees.

§ 900.708 Self-evaluation.

(a) Each recipient shall, within one year of the receipt of financial assistance, conduct or have conducted an evaluation of its compliance with this subpart with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. Each such recipient shall evaluate its current policies and practices and their effects, and modify any that do not meet the requirements of this part. Each such recipient shall permit the Office of Personnel Management, during normal business hours, to examine its self-evaluation along with its books, records, accounts, facilities and other sources of information as may be useful to determine whether there has been compliance with this subpart. Self-evaluation required under other Federal

programs may be accepted by OPM if the information pertaining to activities receiving financial assistance from OPM is included and the records are available to OPM representatives.

(b) Each recipient shall modify, after consultation with interested persons and organizations, including handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(c) Each recipient shall take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

§ 900.709 Notice and Consultation.

(a) Programs and activities receiving OPM financial support shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of handicap in violation of Section 504 and this subpart.

(b) As appropriate, a recipient shall consult with interested persons, including handicapped persons or organizations representing handicapped persons, in achieving compliance with this subpart.

§ 900.710 Procedure for effecting compliance.

When the Office of Personnel Management determines that a recipient has failed or threatens to fail to comply with this subpart and the noncompliance or threatened noncompliance cannot be corrected by informal means, OPM may suspend or terminate or refuse to grant or continue financial assistance as provided in § 900.408 of Title 5 of the Code of Federal Regulations.

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