the Act and this part. Where the contractor has destroyed or failed to pre-
serve records as required by this sec-
tion, there may be a presumption that the information destroyed or not pre-
served would have been unfavorable to
the contractor. Provided, That this pre-
sumption shall not apply where the contractor shows that the destruction or failure to preserve records results from circumstances that are outside of
the contractor’s control.

(c) The requirements of this section shall apply only to records made or
kept prior to or after the date that the Of-
fice of Management and Budget has
clarified the requirements.

§ 60–300.81 Access to records.

Each contractor shall permit access
during normal business hours to its
places of business for the purpose of con-
ducting on-site compliance evalua-
tions and complaint investigations and
inspecting and copying such books and
accounts and records, including com-
puterized records, and other material
as may be relevant to the matter under
investigation and pertinent to compli-
ance with the Act or this part. Infor-
mation obtained in this manner shall
be used only in connection with the ad-
ministration of the Act and in further-
ance of the purposes of the Act.

§ 60–300.82 Labor organizations and
recruiting and training agencies.

(a) Whenever performance in accord-
cence with the equal opportunity clause
or any matter contained in the regula-
tions in this part may necessitate a re-
vision of a collective bargaining agree-
ment, the labor organizations which
are parties to such agreement shall be
given an adequate opportunity to
present their views to OFCCP.

(b) OFCCP shall use its best efforts,
directly or through contractors, sub-
contractors, local officials, the Depart-
ment of Veterans Affairs, vocational
rehabilitation facilities, and all other
available instrumentalities, to cause
any labor organization, recruiting and
training agency or other representative
of workers who are employed by a con-
tractor to cooperate with, and to assist
in, the implementation of the purposes
of the Act.

§ 60–300.83 Rulings and interpreta-
tions.

Rulings under or interpretations of the Act and this part shall be made by
the Deputy Assistant Secretary.

§ 60–300.84 Responsibilities of appro-
 priate employment service delivery
system.

By statute, appropriate employment
service delivery systems are required
to refer qualified disabled veterans, re-
cently separated veterans, other pro-
tected veterans, and Armed Forces
service medal veterans to fill employ-
ment openings listed by contractors
with such appropriate employment de-
ivery systems pursuant to the manda-
tory job listing requirements of the
equal opportunity clause and are re-
quired to give priority to disabled vet-
erans, recently separated veterans,
other protected veterans, and Armed
Forces service medal veterans in mak-
ing such referrals. The employment
service delivery systems shall provide
OFCCP, upon request, information per-
tinent to whether the contractor is in
compliance with the mandatory job
listing requirements of the equal op-
portunity clause.

APPENDIX A TO PART 60–300—GUIDE-
LINES ON A CONTRACTOR’S DUTY TO
PROVIDE REASONABLE ACCOMMODA-
TION

The guidelines in this appendix are in large
part derived from, and are consistent with,
the discussion regarding the duty to provide
reasonable accommodation contained in the
Interpreting Guidance on Title I of the
Americans with Disabilities Act (ADA) set
out as an appendix to the regulations issued
by the Equal Employment Opportunity Com-
mission (EEOC) implementing the ADA (29
CFR part 1630). Although the following dis-
cussion is intended to provide an inde-
pendent “free-standing” source of guidance
with respect to the duty to provide reason-
able accommodation under this part, to the
extent that the EEOC appendix provides ad-
ditional guidance which is consistent with
the following discussion, it may be relied
upon for purposes of this part as well. See
§60–300.1(c). Contractors are obligated to pro-
vide reasonable accommodation and to take
affirmative action. Reasonable accommoda-
tion under VEVRAA, like reasonable accom-
mmodation required under Section 503 and the