structure of the recipient's workforce; and
(3) The nature and cost of the accommoda-
modation needed.
(d) A recipient may not deny any em-
ployment opportunity to a qualified
handicapped employee or applicant if
the basis for the denial is the need to
make reasonable accommodation to
the physical or mental limitations of
the employee or applicant.
§ 8.12 Employment criteria.
(a) A recipient may not use any em-
ployment test or other selection cri-
terion that screens out or tends to
screen out individuals with handicaps
or any class of individuals with handi-
caps unless:
(1) The recipient demonstrates that
the test score or other selection cri-
terion, as used by the recipient, is job-
related for the position in question;
and
(2) The appropriate HUD official dem-
onstrates that alternative job-related
tests or criteria that tend to screen out
fewer individuals with handicaps are
unavailable.
(b) A recipient shall select and ad-
minister tests concerning employment
to ensure that, when administered to
an applicant or employee who has a
handicap that impairs sensory, man-
ual, or speaking skills, the test results
accurately reflect the applicant's or
employee's job skills, aptitude, or
whatever other factor the test purports
to measure, rather than the applicant's
or employee's impaired sensory, man-
ual, or speaking skills (except where
those skills are the factors that the
test purports to measure).
§ 8.13 Preemployment inquiries.
(a) Except as provided in paragraphs
(b) and (c) of this section, a recipient
may not make a preemployment in-
quiry or conduct a preemployment
medical examination of an applicant to
determine whether the applicant is an
individual with handicaps or the na-
ture or severity of a handicap. A recipi-
ent may, however, make preemploy-
ment inquiry into an applicant's abil-
ity to perform job-related functions.
(b) When a recipient is undertaking
affirmative action efforts, voluntary or
otherwise, the recipient may invite ap-
pllicants for employment to indicate
whether and to what extent they are
handicapped, if the following condi-
tions are met:
(1) The recipient states clearly on
any written questionnaire used for this
purpose, or makes clear orally if no
written questionnaire is used, that the
information requested is intended for
use solely in connection with its reme-
dial action obligations, or its vol-
untary or affirmative action efforts;
and
(2) The recipient states clearly that
the information is being requested on a
voluntary basis, that it will be kept
confidential (as provided in paragraph
(d) of this section), that refusal to pro-
vide the information will not subject
the applicant or employee to any ad-
verse treatment, and that the informa-
tion will be used only in accordance
with this part.
(c) Nothing in this section shall pro-
hibit a recipient from conditioning an
offer of employment on the results of a
medical examination conducted before
the employee's entrance on duty if all
entering employees in that category of
job classification must take such an
examination regardless of handicap,
and the results of such examination are
used only in accordance with the re-
quirements of this part.
(d) Information obtained under this
section concerning the medical condi-
tion or history of the applicant is to be
collected and maintained on separate
forms that are accorded confidentiality
as medical records, except that:
(1) Supervisors and managers may be
informed of restrictions on the work or
duties of individuals with handicaps
and informed of necessary accommoda-
tions;
(2) First aid and safety personnel
may be informed if the condition might
require emergency treatment; and
(3) Government officials inves-
tigating compliance with section 504
shall be provided relevant information
upon request.

Subpart C—Program Accessibility
§ 8.20 General requirement concerning
program accessibility.
Except as otherwise provided in
§§ 8.21(c)(1), 8.24(a), 8.25, and 8.31, no