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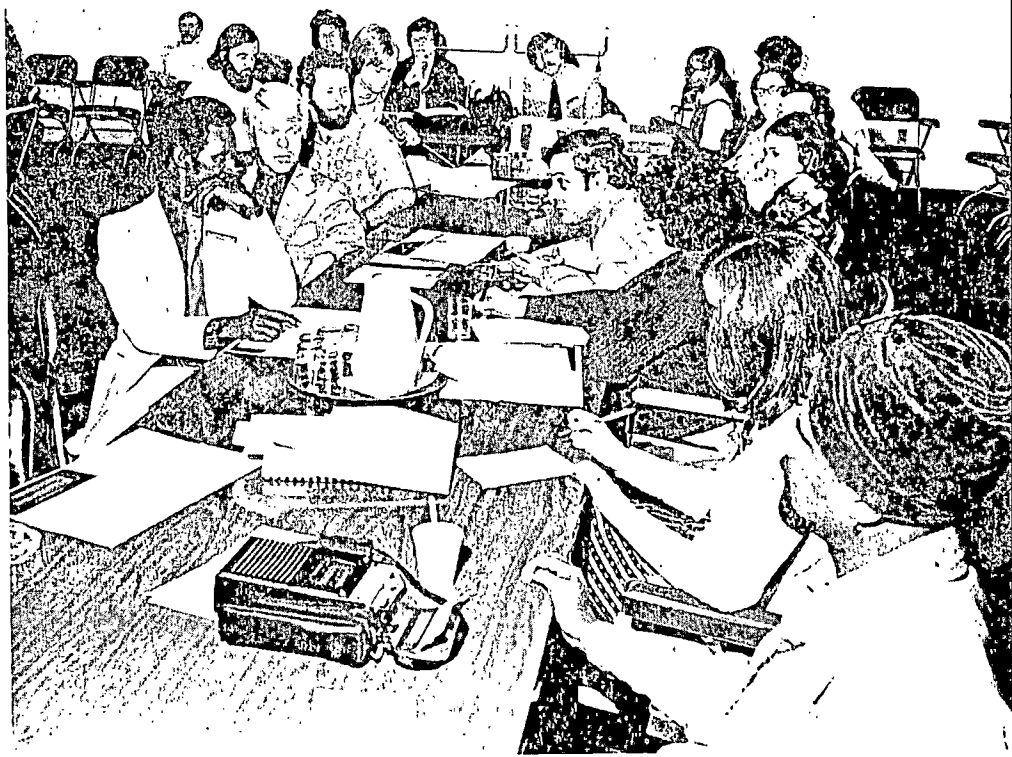
Performance

November-December 1975

Consumers and
Affirmative Action:
Confronting
the Issue



Consumers gather at Brookings Institution to discuss affirmative action.



CONSUMERS AND AFFIRMATIVE ACTION: CONFRONTING THE ISSUE

IN OCTOBER, CONSUMERS CAME to Washington, D.C. from all over the United States for a special conference on affirmative action. This meeting, sponsored by the President's Committee, provided a rare opportunity for consumers to meet with government planners and give input to a program before it was finalized.

On August 29, 1975, regulations governing affirmative action were published in the Federal Register by the Department of Labor. Once these regulations, concerning Section 503 of the Rehabilitation Act, are published, interested people have 45 days in which to give their comments to the Depart-

Nancy Kowalski from the National Association of the Deaf interprets for meeting participants who are deaf.



ment of Labor. This meeting was held within this 45-day period so consumers could report to groups which they represent and make a response.

Since the Rehab Act was passed two years ago, there has been much confusion surrounding Section 503. This section requires that anyone contracting with the government for over \$2500 have an affirmative action program for hiring and promoting handicapped workers. The regulations which apply to this section describe the obligation of contractors and subcontractors, the actions consumers may take, and the government enforcement procedures.

Because the basis of this program's enforcement requires that handicapped people who feel they have been discriminated against file a complaint to start corrective action, it is necessary that consumers understand the regulations thoroughly. Also, because this section of the Rehab Act is so important to consumers, it is of special significance that consumers have a say in formulating the regulations which will govern it.

With these concerns in mind the President's Committee set up an all-day meeting at Brookings Institution on October 6 solely for consumers and officials from the Department of Labor

Don Galloway, consumer participant from Center for Independent Living, Berkeley, California.



who are in charge of Section 503 so they could meet and discuss the portions of the regulations which consumers felt were inadequate.

Representing the Office of Federal Contract Compliance Programs were Ward McCreedy and Dave Brigham. Assistant Secretary of Labor for Employment Standards Bernard DeLury also attended, spoke, and answered questions.

Consumer representatives came from California, Florida, Wisconsin, Minnesota, Massachusetts, Texas, and New York, as well as Washington, D.C. They spoke for members of the American Council of the Blind, the Amer-

ican Coalition of Citizens with Disabilities, the National Association of the Deaf, the United Handicapped Federation, the National Paraplegia Foundation, the Center for Independent Living, Little People of America, and other state and local organizations. Individual consumers also attended.

Consumer representatives were invited because they were well versed in programs which affect the handicapped and because they could report back to large constituencies and get the word out about the program. These consumers met government, face to face, and exchanged ideas.

The entire proceedings were taped.

*Pat Thoben speaks
with emphasis on
Section 503.*

*Bud Keith talks things over with other
meeting participants.*



The tape was accepted by the Department of Labor as the official viewpoints of those present, and with the approval of the Solicitor General, it will serve as comments on the program the same as any comments submitted in writing.

The regulations were discussed point by point, with explanations about where changes had occurred and why they had occurred. Much of the discussion centered around the language of the regulations. There was special concern expressed by the disabled consumers about the word "qualified." It was pointed out that the affirmative action programs for blacks, women,

and other minorities do not require this descriptive phrase. It was feared by many of those present that the contractors would use the word "qualified" as a basis for noncompliance.

Additional concern was expressed regarding the mechanisms to be used in determining a worker's "qualifications" and who would make such a determination.

Other points of discussion were what was required of a contractor as far as accommodation in order to be in compliance with the regulations, and questions as to whether the severely handicapped would be adequately covered.

Lex Frieden (right) and his attendant rest during a break in the proceedings.



In addition to the regulations themselves being discussed, government officials were questioned about their own good faith effort as it applies to this program. There was concern on the part of consumers that many people being hired to carry out this program are not themselves disabled, and this may be indicative of how effective the entire affirmative action program will be in meeting the needs of disabled consumers.

Several of the meeting participants voiced their concerns over the enforcement procedures which they felt left the burden of enforcement responsibility on the disabled person. Several com-

mented that the effectiveness of affirmative action for handicapped people would remain an unknown until legal actions leading to court decisions were taken.

The meeting was an important opportunity for disabled consumers to voice these concerns to the government officials responsible for administering a major program to assist disabled people. By discussing reservations and criticisms about the new regulations, both the consumer and the government gained. Effective programs for disabled people need the contributions of disabled people at each step of the way. ●