

EEOC

NATIONAL DISABILITY POLICY REVIEW

Work Group on Employment of Working Age Adults

Outline of Current Activities at EEOC January 23, 1995

Data and Discussion of Current Status

The U.S. Equal Employment Opportunity Commission (EEOC) was created by Congress and enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Age Discrimination in Employment Act of 1967, which protects employees 40 years of age or older; the Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination; and Section 501 of the Rehabilitation Act of 1973, which prohibits federal sector discrimination against persons with disabilities.

On July 26, 1992, EEOC began enforcing the Americans with Disabilities Act (ADA), which prohibits discrimination against individuals with disabilities in the private sector, and in state and local governments.

The ADA requirements became effective on July 26, 1992 for employers with 25 or more employees and became effective on July 26, 1994 for employers with 15 to 24 employees. The ADA alone has resulted in private sector charges of approximately 15,274 in FY 1993 and 18,859 in FY 1994. Currently, approximately 20 percent of the EEOC's total charges are brought under the ADA. Despite this significant increase in responsibility, virtually no additional resources have been provided to the Commission when one accounts for mandatory increases such as inflation and pay adjustments. Without additional resources, aggressive enforcement of the ADA and the other laws for which we are responsible is becoming increasingly difficult.

In FY 1994, our total appropriation was \$230 million, of which \$26.5 million went to State and Local Fair Employment Practices Agencies (FEPAs) (this amount is set by Congress each year and is not within the EEOC's discretion to determine), \$186 million went to EEOC enforcement, and \$17.2 million went to executive direction and support (including staff for the Chairman, Vice Chairman, other three Commissioners, Executive Secretariat, Office of Legal Counsel, Inspector General, EEO office, and management support). In FY 1995, the EEOC's total appropriation was \$233 million, of which \$26.5 million went to FEPAs.

Between July 26 of 1992 and October 31 of 1994, the EEOC received 36,604 charges asserting ADA violations, of which approximately 1,727 charges were filed in October 1994. Of the charges, approximately 50% involved a discharge, 25% involved an alleged failure to provide a reasonable accommodation, 11% involved hiring, 10% involved harassment, and a smaller percentage raised other issues such as discipline, layoff, benefits, promotion, rehiring, wages, and suspension.

Note that the EEOC is attempting to address the basic problem of people with disabilities not getting hired (i.e., not all government resources are going to existing employees). Although only 11% of charges were hiring, 30% of the lawsuits brought by EEOC under the ADA focus on hiring issues. Also, the Commission's systemic program has focused on per se violations in the hiring process, e.g., prohibited inquiries on applications.

Of the 17,966 ADA charges that were resolved as of October 31, 1994, we found cause in 488 cases, or approximately three percent of the time. In addition, approximately 10 percent of those charges were withdrawn voluntarily without EEOC approval; and approximately eight percent were settled with the involvement of the Commission. Again as of October, 1994, we had brought 37 lawsuits under the ADA, of which 13 involve AIDS or HIV.

The EEOC's definition of disability comes from the ADA and the Rehabilitation Act, which define an individual with a disability as a person who meets any one of three tests:

- (1) a person with a physical or mental impairment that substantially limits a major life activity (e.g., breathing, walking, eating, speaking, caring for oneself);
- (2) a person with a record of such an impairment; or
- (3) a person regarded as having such an impairment.



U. S. Department of Housing and Urban Development
Washington, D.C. 20410-2000

January 27, 1995

OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL OPPORTUNITY



Ms. Lisa Fairhall
Office of Management and Budget
Education Branch
Room 8234
New Executive Office Building
725 Seventeenth Street, NW
Washington, DC 20503

Dear Ms. Fairhall:

In response to the January 18, 1995 memorandum requesting information on Federal programs for persons with disabilities for the National Disability Policy Review Team, I am enclosing information on housing and community development programs administered by the Department of Housing and Urban Development. One copy of each of the following materials is included:

- Fair Housing, It's Your Right
- Section 504, Equal Opportunity for People with Disabilities
- 1993 Programs of HUD
- HUD's Special Needs Assistance Programs
- The State of Fair Housing, Report to the Congress Pursuant to Section 808(e)(2) of the Fair Housing Act, 1992
- Worst Case Needs for Housing Assistance in 1990 and 1991
- Cost of Accessible Housing
- Adaptable Housing
- Chart on HUD Programs for Persons with Disabilities and Homeless People

Also, I am sending a memorandum to each of the Department's program Assistant Secretaries asking for their assistance in providing the specific and detailed information requested in the memorandum. I will be providing you with this additional data over the next several weeks.

I welcome the opportunity for the Department to work with the National Disability Policy Review Team. If you have questions or need additional copies of any of the enclosed materials, please contact Bonnie M. Milstein, Director, Office of Program Compliance and Disability Rights, (202) 708-2618, extension 207.

Sincerely

A handwritten signature in dark ink, appearing to read "Roberta Achtenberg", followed by a long horizontal flourish line extending to the right.

Roberta Achtenberg
Assistant Secretary

Enclosures

HUD Programs for People with Disabilities and Homeless People

Name of Program	Group Served	Purpose	FY 1994 Funding
Supportive Housing for Persons with Disabilities (Section 811 Program) National Affordable Housing Act of 1990 Operated by the Office of Housing	Persons with Disabilities of very low income who are at least 18 years old.	To expand the supply of specially designed housing with supportive services for persons with disabilities.	FY 94 actual funding: \$157,869,000 for 2,663 units FY 95 funding unavailable at this time
Section 202 Program, projects existing before the National Affordable Housing Act of 1990 Operated by the Office of Housing	Elderly, and one of three categories of Persons with Disabilities as specified in the project application.	To expand the supply of housing with supportive services for the elderly and persons with disabilities.	No funding after FY 91, see 811 program above
Emergency Shelter Grants (ESG) Program Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To help improve the quality of existing emergency shelters for the homeless, to make available additional shelters, to meet the costs of operating shelters and of providing essential social services to homeless individuals, and to help prevent homelessness.	FY 94 appropriation: 115.0 million FY 95 appropriation*
Supportive Housing Program Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To promote the development of supportive housing and supportive services, including innovative approaches to assist homeless persons in the transition from homelessness and to enable them to live as independently as possible.	FY 94 appropriation: \$334.0 million FY 95 appropriation*

*Total FY 95 appropriation for all Special Needs Assistance Programs is \$1.12 billion; specific program funding not yet determined.

Name of Program	Group Served	Purpose	FY 1994 Funding
Shelter Plus Care Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons who are severely mentally ill; have chronic problems with alcohol, drugs, or both, or have AIDS or related diseases.	To provide rental assistance for hard-to-serve homeless persons with disabilities in connection with supportive services funded from sources other than this program.	FY 94 appropriation: \$123.7 million FY 95 appropriation*
Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Persons Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To provide rental assistance on behalf of homeless individuals in connection with the moderate rehabilitation of SRO dwellings.	FY 94 appropriation: \$150 million FY 95 appropriation*
HUD-Owned Single Family Property Disposition Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To aid homeless persons by making HUD-held properties available to nonprofit providers.	N/A, Program provides no funding
Title V, Surplus Federal Property for Use to Assist the Homeless Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To make available suitable Federal properties categorized as unutilized, underutilized, excess, or surplus to states, units of local government and non-profit organizations for use to assist the homeless.	N/A, Program provides no funding

*Total FY 95 appropriation for all Special Needs Assistance Programs is \$1.12 billion; specific program funding not yet determined.

Name of Program	Group Served	Purpose	FY 1995 Funding
Housing Opportunity for Persons with AIDS (HOPWA) Program Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Persons with HIV/AIDS and their families.	To provide states and localities with the resources and incentives needed to devise long-term comprehensive strategies for meeting the housing needs of low income persons with HIV/AIDS and their families.	FY 94 appropriation \$156.0 million Fy 95 appropriation*
Innovative Homeless Initiatives Demonstration Program Operated by the Office of Community Planning and Development, Special Needs Assistance Program	Homeless Persons.	To fund activities which are components of an innovative approach toward providing a "continuum of care" system designed to assist homeless persons and to prevent homelessness..	FY 94 appropriation: \$25.0 million FY 95 appropriation*
Section 8 Mainstream Housing Assistance** Operated by the Office of Fair Housing and Equal Opportunity, and the Office of Public and Indian Housing	Very low income Persons with Disabilities.	To provide Section 8 vouchers and certificates to increase the availability of permanent housing options and to offer a greater range of housing choice to persons with disabilities	3,500 certificates from FY 94 Headquarters Reserve 5,000 certificates from FY 95 set-aside
Section 8 for Persons with HIV/AIDS** Operated by the Office of Community Planning and Development, Office of HIV/AIDS Housing	Very low income Persons with HIV/AIDS	To provide Section 8 rental assistance vouchers to increase the availability of permanent housing options and to offer persons with HIV/AIDS an opportunity to select housing.	New Program in FY 95 5000 vouchers

*Total FY 95 appropriation for all Special Needs Assistance Programs is \$1.12 billion; specific program funding not yet determined

**Pending approval of HUD's FY 95 Operating Plan.

Name of Program

Group Served

Purpose

FY 1995 Funding

Section 504 of the Rehabilitation Act of 1973 Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities, 24 CFR, part 8	Persons with Disabilities.	To prohibit discrimination on the basis of disability by all recipients and subrecipients of Federal financial assistance.	
Section 504 of the Rehabilitation Act of 1973 Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Housing and Urban Development, 24 CFR, part 9	Persons with Disabilities.	To prohibit discrimination on the basis of disability in all programs and activities conducted by the U. S. Department of Housing and Urban Development.	
Title II of the Americans with Disabilities Act (ADA) Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 CFR, part 35 HUD is the designated agency for state and local public housing and housing assistance and referral	Persons with disabilities.	To prohibit discrimination on the basis of disability in services, programs, and activities provided, or made available, by public entities.	

Name of Program	Group Served	Purpose	FY 1995 Funding
Fair Housing Act Implementation of the Fair Housing Amendments Act of 1988 (Fair Housing Act), 24 CFR, parts 14, 100, 103, 104, 105, 106, 109, 110, 115, and 121	Persons with Disabilities, families with children (Fair Housing Amendments) Fair Housing Act includes race, color, religion, sex and national origin.	To prohibit discrimination on the basis of race, color, sex, religion, national origin, handicap , and familial status in the sale, rental, and financing of dwellings.	
Fair Housing Act Design and Construction Requirements, and Final Fair Housing Accessibility Guidelines, 24 CFR, Chapter I, 100.25, and Subchapter A, Appendix II and III.	Persons with Disabilities and their associates.	To require covered multifamily dwellings (buildings with 4 or more units) to be designed and constructed to include those features of accessible and adaptable design outlined in the Fair Housing Act, and to provide technical guidance of designing such dwellings in compliance with the accessibility requirements.	
Architectural Barriers Act (ABA) Accessibility Standards for Design, Construction, and Alteration of Publicly Owned Residential Structures, 24 CFR, part 40, and Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically handicapped, 24 CFR, part 41	The Architectural Barriers Act is not a civil rights statute, but persons with physical disabilities are served.	To implement the Architectural Barriers Act of 1968, and to prescribe standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures.	



DEPARTMENT OF HEALTH & HUMAN SERVICES

Social Security Administration

TO: Lisa Fairhall or Richard Green
Office of Management and Budget

FROM: Susan Daniels, Associate Commissioner of the
Office of Disability, Social Security Administration

DATE: January 27, 1994

SUBJECT: Response to Request for Agency Program Information

1. A) PROGRAMS ADMINISTERED BY SSA:

The Social Security Administration (SSA) administers 2 major disability income maintenance programs, viz., the disability insurance (DI) program and the means-tested Supplemental Security Income (SSI) program for persons who are blind or disabled.

o Fund State, Local, Non-Profit or Private Entities:

SSA reimburses State Vocational Rehabilitation (VR) agencies (and will begin in October 1995 to reimburse other government and private rehabilitation entities) for providing return to work and rehabilitation services to SSI and DI beneficiaries. When beneficiaries complete VR services and go to work, the VR agencies can submit a claim to SSA for reimbursement of the total costs of services to those beneficiaries. A claim for reimbursement is considered successful if the beneficiary has worked for at least 9 months at earnings levels of \$940/month for blind beneficiaries and \$500/mo for all other beneficiaries.

Less than 0.5 percent of beneficiaries on the rolls in any year leave due to work. Although movement on and off the SSI rolls is at a much higher rate than for the DI program, a negligible number of SSI disabled and blind recipients leave and remain off the rolls as a result of work activity.

A small percentage of applicants for disability benefits are screened and referred for State VR services by the State DDSs. In FY 1994, approximately 172,000 persons (72,000 allowances; 100,000 denials) were referred to the State VRAs.

During the same year, SSA received 10,297 claims for reimbursement of State VR expenditures on DI and SSI clients and made payments on 10,599 such successful claims for a total of \$63.5 million. About one-half of the DI beneficiaries who are successfully rehabilitated (according to this definition of success) actually leave the cash benefit rolls.

B) NOT APPLICABLE

2. AGENCY: Social Security Administration

PROGRAM TITLE: Social Security Disability Insurance
Supplemental Security Income

PROGRAM DESCRIPTION:

The DI program serves persons who meet a medical definition of disability and who have made the requisite number of payments to the DI trust fund via the FICA payroll tax based on their earnings.

The SSI program serves persons who meet the same definition of disability but have not worked sufficiently in their lives to accumulate the necessary earnings credits for DI benefits and who meet specified low income tests.

DEFINITION: Under sections 223(d) and 1614(a) of the Social Security Act, the definition of disability means "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months."

TYPES OF BENEFITS: Cash
Rehabilitation Reimbursement
Research

o NUMBERS SERVED, DEMOGRAPHICS, BUDGET OUTLAYS:

CASH BENEFITS AS OF JUNE 1994

<u>All Worker Beneficiaries</u>		<u>Number of Beneficiaries</u>		
<u>Program</u>	<u>Number</u>	<u>Total Benefits</u>	<u>Under 30</u>	<u>w/ Mental Disorders</u>
DI	3.8 m	\$34.6 billion	167,000	1,145,000
SSI	4.7 m	\$19.6 billion	1,380,700	2,664,900

REHABILITATION REIMBURSEMENT PROGRAM FOR 1994

FY 1994 DDS referrals to State VR 172,000
(72,000 beneficiaries and 100,000 denials)

10,297 claims received from VRAs in 1994

10,599 claims paid

Total FY 1994 payments = \$63.5 million.

1/2 of One percent of the DI beneficiaries who are successfully rehabilitated under this particular program and success criteria actually leave the cash benefit rolls.

DISABILITY RELATED RESEARCH IN FY 1994

(note -- will fax on Monday, January 30, 1994. Waiting for a breakdown from our Office of Research and Statistics)

o NON-FEDERAL FUNDING: None

o NATURE AND PERIODICITY OF DATA:

Numbers of beneficiaries & amounts of benefits, age/sex/race demographics, disabling conditions, and VR reimbursement data are collected continuously and published quarterly and annually in the Social Security Bulletin and the Bulletin's Annual Statistical Supplement.

o ROLES OF FEDERAL/NON-FEDERAL ENTITIES:

SSA establishes rules and benefit amounts for both programs.

Some States provide supplements for SSI beneficiaries.

All States operate State Vocational Rehabilitation program(s) serving small numbers of DI and SSI beneficiaries under the SSA Rehabilitation Reimbursement Program.

o MAJOR ISSUES:

Backlog -- Cases for disability determination in State Disability Determinations Units = 698,470. Cases on appeal in the Office of Hearings and Appeals = 510,000. Average time it takes to process a claim is 75 to 80 days.

Rapidly growing rolls and sharp increase in amount of cash benefits paid under both DI and SSI.

Rapid growth in SSI benefits to children with disabilities, in particular, the growth attributed to the Zebley decision which ruled that children whose behavior is not age

appropriate (i.e. children with a behavior disorder) are eligible for a benefit.

Recent press and congressional action (94 Amendments) regarding benefits paid to drug addicts and alcoholics.

Allegations of fraud and recent press exposing fraud in the SSI program. eg. parent's alleged coaching of children who file for benefits for a mental disability (i.e. behavior disorder) and interpreter fraud in relation to alien applicants/beneficiaries.

Insolvency of the DI Trust Fund

The perception of a 20 year trend to liberalize the criteria for benefits.

o ADVOCATES/CONGRESSIONAL SUPPORTERS/OTHER

National and Local Disability Advocacy Organizations

National Association of Social Security Representatives
(private attorneys and others)

Private and Public Rehabilitation Providers

Organized Labor

House Ways and Means Committee (Valerie Nixon)

Senate Finance Committee (Ed Lopez)

o SSA CONTACT:

Marie Parker Strahan
Special Assistant to the Associate Commissioner
Office of Disability, Social Security Administration
(410) 965-5774



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

VIA MESSENGER

January 30, 1995

TO: Lisa Fairhall
Office of Management and Budget

FROM: Liz Savage *J*
Special Assistant to the
Assistant Attorney General

SUBJECT: National Disability Policy Review

The enclosed document was prepared in response to the January 18 request for agency program information. As we discussed, the Justice Department's enforcement program does not exactly fit into the specified guidelines, but we have tried to follow them to the greatest extent possible.

Last week we received notification of Congressional approval of our proposed reorganization to consolidate enforcement of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The reorganization, which creates a new "Disability Rights Section", is reflected in the enclosed overview.

If you have any questions, please don't hesitate to call me at 514-4279.

Enclosures: WP 5.1 Disc
Standard print

Department of Justice
Civil Rights Division, Disability Rights Section

Statute and regulations: The Disability Rights Section is responsible for carrying out the Attorney General's enforcement, technical assistance, and certification responsibilities under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., a comprehensive civil rights law that prohibits discrimination on the basis of disability in employment, public accommodations and commercial facilities, State and local government programs and services, and telecommunications. The Department of Justice's implementing regulations are published at 28 C.F.R. Parts 35 and 36.

Definition of disability: Under the ADA, the term "disability" means, "with respect to an individual -- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment"; or (C) being regarded as having such an impairment." 42 U.S.C.12102(2). If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act.

Enforcement: The Public Access Section (now the Disability Rights Section) was created on October 1, 1992, to ensure that public and private entities comply with the ADA and the Department's regulations prohibiting discrimination on the basis of disability. Under Title II of the ADA, which covers State and local government services, and Title III of the ADA, which covers public accommodations and commercial facilities, the Section investigates alleged violations and secures compliance through litigation or voluntary settlement agreements.

Under Title II the Section exercises a government-wide coordination and "clearinghouse" role regarding the administrative enforcement of Title II. (The Section performs a similar function with respect to Section 504 of the Rehabilitation Act of 1973). It refers complaints to the other agencies designated in the Title II regulation (the Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Interior, Labor and Transportation) and coordinates overall enforcement. The Section also initiates litigation upon referral from any one of the designated Federal agencies that conduct Title II and Section 504 investigations.

Under Title III, the Section initiates litigation where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance. The Section also has ADA title I enforcement responsibilities with respect to the employment practices of public employers. It litigates cases referred to it by the Equal Employment Opportunity Commission and also initiates cases under the Attorney General's independent "pattern or practice" authority.

The Section seeks to avoid contested litigation, if possible, by means of settlement agreements and court approved consent decrees.

Technical assistance: As required by section 506 of the ADA, the Section manages a program to provide technical assistance and guidance to organizations and individuals with responsibilities or rights under Titles II and III of the ADA. Technical assistance activities include outreach to broad and targeted audiences, a toll-free ADA Information line that receives 5000-8000 calls per month, the development and dissemination of interpretative materials including annual updates to the statutorily required technical assistance manuals for Titles II and III, an electronic bulletin board and an Internet address for electronic dissemination of materials, and an ADA speaker's bureau. In addition to staff activities, the Section manages a technical assistance grant program to develop and disseminate materials and information tailored to the needs of specific audiences such as restaurant owners, hotel and motel operators, grocery store managers, retailers, small businesses, health care providers, senior citizens, police officers, court officials, mayors and city officials, people with various kinds of disabilities, and others. The Section also provides legal review of other Federal agencies' ADA technical assistance materials and coordinates a government-wide program aimed at ensuring consistency and efficiency among Federal agencies' ADA technical assistance programs.

Certification: The Section also manages a program to certify State and local building codes that meet ADA Standards for Accessible Design and provides technical assistance to building code officials and to organizations that develop model accessibility codes or consensus standards. Certification is a voluntary process that allows accessibility to be assessed early in the construction process as part of the State or local building permit and inspection processes. By promoting the incorporation of ADA-equivalent accessibility requirements into local codes, certification makes those requirements more familiar and readily available to local architects and builders, and eliminates possible conflicts with Federal law.

Budget and demographics: The Section's law enforcement, technical assistance, and certification activities serve 5.9 million businesses, 80,000 units of State and local government, and 49 million people with disabilities. In FY 1995, its budget authority is \$9,871,000 and its outlays are projected at \$9,871,000.

Major programmatic issues: Because the coverage of Titles II and III of the ADA is so broad, the major administrative/programmatic issue currently confronting the Disability Rights Section is the difficulty of acquiring adequate staffing and financial resources to meet the demand for the Section's law enforcement, technical assistance, and certification activities.

**Department of Justice
Civil Rights Division, Special Litigation Section**

The program enforces the federal constitutional and statutory rights of mentally disabled persons pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. 1997. In general, enforcement activity is designed to protect the 14th Amendment due process rights of mentally disabled individuals and to vindicate the rights of mentally disabled institutionalized persons rights pursuant to the Americans with Disabilities Act, 42 U.S.C. 12101, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and the Individuals with Disabilities Education Act, 20 U.S.C. 1400.

In state operated facilities where persons with mental disabilities are confined, investigations examine the availability and adequacy of treatment and training programs designed to improve their mental health and develop skills to live as independently as possible. Various legal theories are employed to create alternatives to warehousing disabled people isolated institutions. These strategies require the development of integrated programs in the community. In the absence of agreements by state officials to develop and implement necessary remedial steps, lawsuits are brought in federal court.

Since the statute was enacted in 1980, there have been 190 investigations pursuant to CRIPA; 53 have involved facilities for the mentally disabled. In general, there activities have been upon behalf of the institutionalized developmentally disabled/mentally retarded and the seriously mentally ill. The statute encourages voluntary compliance and there have been 39 consent decrees entered governing conditions of confinement in 40 facilities. Other facilities were improved without the need for a consent decree or litigation.

The program's annual budget is 3,367,000; approximately 60% of which is devoted to activities upon behalf of mentally disabled individuals.

The Section works with a broad array of advocacy groups including the protection and advocacy agencies in the 50 states, local association for retarded citizens and alliances for the mentally ill. As well, we have litigated cases and developed various projects with legal services lawyers and the public interest bar.

U.S. Department of Labor

Assistant Secretary for
Employment Standards
Washington, D.C. 20210



January 27, 1995

MEMORANDUM TO: CAROL RASCO
Assistant to the President for
Domestic Policy

ALICE RIVLIN
Director
Office of Management and Budget

FROM: BERNARD E. ANDERSON 
Assistant Secretary

SUBJECT: Information Requested from Agencies
Within Department of Labor

In response to your January 18, 1995 memorandum I am including a memorandum for each of the agencies who have programs dealing with disabilities. The agencies involved include Office of the Assistant Secretary for Administration and Management (OASAM), Assistant Secretary Cynthia Metzler, Veteran's Employment and Training Service (VETS), Assistant Secretary Preston Taylor, Employment and Training (ETA), Assistant Secretary Douglas Ross, Wage and Hour Division (WHD), Administrator Maria Echaveste and Office of Federal Contract Compliance Programs (OFCCP), Deputy Assistant Secretary Shirley Wilcher.

If there are any follow up questions or information that you may need, please contact Gene Karp, Deputy Assistant Secretary for Employment Standards Administration at (202) 219-6191.

Attachments



JAN 27 1995

MEMORANDUM FOR SHIRLEY J. WILCHER

FROM:

Annabelle T. Lockhart
ANNABELLE T. LOCKHART
Director
Directorate of Civil Rights

SUBJECT: Survey of Federal Programs for Individuals With
Disabilities

The attached responds to your memorandum requesting a description of programs for individuals with disabilities. This information has been asked for by the Domestic Policy Council. In addition to the attachment in hard copy, we are providing you with a disc copy of our response.

Attachment

**PROGRAMS BY THE DIRECTORATE OF CIVIL RIGHTS,
U.S. DEPARTMENT OF LABOR**

(This responds to the request for information from the Domestic Policy Council.)

1. A) Identify each program administered by the agency serving individuals with disabilities.

a. Section 504 of the Rehabilitation Act of 1973, as amended.

- **Agency, Bureau, Account and Program Title:** Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management; Enforcement of section 504 of the Rehabilitation Act of 1973, as amended.
- **Description of program:** This is an enforcement activity. Recipients of financial assistance from the Department of Labor are prohibited from discriminating on the basis of disability. The protection of section 504 extends to applicants for and participants in funded programs and activities as well as applicants for and employees of funded programs. Programs that receive funding by the Department of Labor include: State Unemployment Insurance and Employment Service programs; State education and enforcement activities funded by the Occupational Health and Safety Administration and the Mine Safety and Health Administration; training and employment programs funded under the Job Training Partnership Act of 1982, as amended, including State programs for economically disadvantaged and dislocated workers, Migrant and Seasonal Farmworkers, Native Americans and Job Corps; and employment and training programs for veterans. Regulations Implementing section 504 are found at 29 CFR part 32 and 29 CFR part 34.
- **Type of service or benefit provided:** Discrimination complaint processing.
- **Number and demographics:** There are no accurate numbers of individuals with disabilities in DOL programs protected by section 504. However, DCR has estimated this number to be 5,096,460. This is based upon an estimate of the total number of participants in and applicants for DOL funded programs (25,391,549) and an estimate of the number of individuals employed in and seeking employment in State and local programs funded by DOL (90,750), and the assumption that 20%¹

¹/ This estimate is based upon information contained in the Americans with Disabilities Act of 1990.

of these participants, employees and applicants are individuals with disabilities.

- **Budget authority and outlays for FY 1994 and FY 1995:** Enforcement of section 504 is not a specific line item in DCR's budget. DCR's overall FY 1994 budget was \$4,906,000. DCR's FY 1995 estimated budget is \$4,891,000.
- **Nature and frequency of data collected on services/benefits provided and populations served:** Data on the actual number of persons with disabilities served by a recipient is collected only at the time of a compliance review.
- **Roles of Federal and non-Federal entities in administering the program:** Both part 32 and 34 requires each recipient to designate an individual responsible for ensuring that it is complying with section 504 and to establish a recipient-level complaint procedure for the resolution of complaints alleging a violation of section 504.
- **Major administrative and/or programmatic issues currently confronting the program:** None
- **Other information:** None
- **Name, position and telephone number of contact person:** Bud West, Senior Policy Advisor, (202) 219-8927.

b. Partial responsibility for the investigation of complaints alleging violation of Title II of the Americans with Disabilities Act of 1990.

- **Agency, Bureau, Account and Program Title:** Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management; Enforcement of Title 28 CFR part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.
- **Description of program:** This is an enforcement activity. Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability by public entities. Just as with section 504, Title II's protection extend to applicants for and participants in a public entity's programs and activities as well as applicants for and employees of such programs. Title 28 CFR 35.190(b)(7) assigns to the Department responsibility of processing complaints alleging a violation of Title II in "all programs, services, and regulatory activities relating to labor and the work force."

- **Type of service or benefit provided:** Discrimination complaint processing.
- **Number and demographics:** Unknown
- **Budget authority and outlays for FY 1994 and FY 1995:** No specific budget line item for this activity. See above.
- **Nature and frequency of data collected on services/benefits provided and populations served:** None.
- **Roles of Federal and non-Federal entities in administering the program:** Public entities with 50 or more employees are required to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II and part 35.
- **Major administrative and/or programmatic issues currently confronting the program:** None.
- **Other information:** None.
- **Name, position and telephone number of contact person:** Bud West, Senior Policy Advisor, (202) 219-8927.

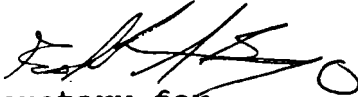
U.S. Department of Labor

Office of the Assistant Secretary for
Veteran's Employment and Training
Washington, D C 20210



MEMORANDUM FOR: **BERNARD E. ANDERSON**
 Assistant Secretary for
 Employment Standards

ATTENTION: **GENE KARP**

FROM: **ESPIRIDION BORREGO** 
 Deputy Assistant Secretary for
 Veterans' Employment and Training

SUBJECT: **Programs Serving Individuals with Disabilities**

The Office of the Assistant Secretary for Veterans' Employment and Training welcomes the opportunity to describe the programs and services available to individuals with disabilities through the Veterans' Employment and Training Service (VETS). VETS programs and services are authorized by law and funded through the annual appropriations process. Services to veterans are provided directly by VETS' staff or through grants to State and/or local service providers. Although VETS serves all veterans and other eligible persons, many legislated programs specifically target disabled veterans or special disabled veterans.

A disabled veteran is essentially defined as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are individuals entitled to VA disability compensation rated at 30% or more, or who qualify for vocational rehabilitation services provided by the VA. Many of VETS programs and activities described on the attached pages describe services to be provided to or on behalf of disabled veterans as required by law.

VETS also serves National Guard members and reservists who are injured or disabled during a period of active duty. VETS provides direct reemployment assistance to separating military and members of reserve components and the National Guard as authorized by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Individuals released from active duty may have the legal right to return to the job they left. If a disability was incurred or aggravated that disqualifies an

individual from continuing employment in the same job they had prior to active duty they may have further rights. VETS assists employers and veterans (once able to return to work) to secure necessary accommodations to continue in their previous position, or in any other position of similar seniority, status and pay for which they can now, or after some rehabilitation or retraining, qualify.

It is important to recognize that Department of Labor VETS staff are instrumental in preserving veterans' reemployment rights with no need for additional funds. Similarly, in many of the programs described below, much of the direct labor exchange and other client services are provided by VETS funded State staff with little additional discrete funding necessary to perform those services.

The following pages contain detailed descriptions of VETS programs (identified by the respective Catalog of Federal Domestic Assistance (CFDA) number), activities and services which significantly impact the employment status of those individuals who are defined as disabled veterans. The descriptions include the Disabled Veterans' Outreach Program (DVOP); the Local Veterans' Employment Representative (LVER) program; programs authorized and funded through Title IV, Part C, of the Job Training Partnership Act (JTPA IV-C); services through Homeless Veterans' Reintegration Projects (HVRP) authorized under the Stewart B. McKinney Homeless Assistance Act; the Service Members' Occupational Conversion and Training Act (SMOCTA) program and the Federal Contractor Job Listing (FCJL) component to the Federal Contractor Program (FCP).

The attached summaries are composed following the guidance contained in the attachment to the White House Memorandum to Members of the National Disability Policy Review Team.

Attachments

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.801 - Disabled Veterans' Outreach Program**

- Formula staffing grants authorized under 38 U.S.C. 4103A., with funding from the Unemployment Trust Fund, awarded annually to States to staff and support a set number of Disabled Veterans' Outreach Program (DVOP) Specialists determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. DVOP Specialists provide direct client services, using a case management approach whenever applicable, that include outreach to disabled veterans who may be in need of employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referrals to jobs and to job training openings and referrals for supportive services that assist clients prepare to reenter the civilian labor force. The job duties summarized above are clearly delineated at 38 U.S.C. 4103A (c) . Though attached to local employment service (Job Service) offices, approximately one-quarter of a DVOP specialists' work week covers other appropriate sites such as Department of Veterans Affairs (VA) locations. These Specialists also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating servicemembers at various military installations.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran qualified to receive disability compensation from the Department of Veterans Affairs (VA), is receiving disability retirement from active military service, or was released from active duty due to a service-connected disability or due to a disability aggravated during military service. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans at 20 CFR 1001.121, and individual standards of performance are applied by each State to each DVOP specialist (38 U.S.C. 4104A and 20CFR 1001, Subpart E).

- Type of service or benefit provided: Outreach and employment or training-related assistance.
- DVOP specialists' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of each individual may be obtained by the DVOP specialist and may be kept on file (due to ADA guidelines, detailed information is optional), however, the only demographic information approved to be gathered for the disabled veterans' population served is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.
- Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$83,855,000 in obligations which supported approximately 1,772 staff nationally. In Fiscal Year 1995, \$83,601,000 was authorized to fund 1,698 positions.
- Data regarding the services provided by DVOP specialists is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. DVOP specialists provide direct client services and information reported reflects the results of their direct efforts. Since DVOP specialists also directly and indirectly provide some assistance to veterans who obtain their own jobs and disabled veterans placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.

Disabled Veterans' Outreach Program Page 3

The results of DVOP and total Job Service efforts are displayed below:

SERVICES	DVOP SPECIALISTS		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	69,278	27,609	146,090	54,917
Counseled/ Voc Guidance	6,027 9,210	2,679 3,975	4,392 4,264	7,335 6,800
Referred to Jobs	42,353	16,908	79,222	30,493
Placed in Employment	16,669	6,905	27,258	10,884
Entered Employment	10,935	4,640	38,802	15,389

- The Disabled Veterans' Outreach Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance at least quarterly and audits each LESO at least annually.
- The DVOP continues to evolve as the needs of the population and the makeup of the SESA changes. The Case Management approach to delivering client services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the DVOP specialists. The development of one-stop shopping career centers will necessitate further adjustment to the normal way of conducting DVOP Specialist business.
- The success of the DVOP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bipartisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.
- For more information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.802 - Job Training Partnership Act, Title IV, Part C (JTPA IV-C) - Services to Veterans**

- Veterans' Employment Programs are authorized annually under 29 U.S.C. 1520, et. seq. (JTPA) for programs described at 29 U.S.C. 1721, et. seq. JTPA IV-C grants are intended to further the employability of those disabled veterans, Vietnam era veterans and those recently-separated from military service (within the last four years). Funds are competitively awarded to state entities as designated by the Governors, generally JTPA Service Delivery Areas (SDAs) that provide direct client services under the direction of local Private Industry Councils. The primary intent of the program is to provide job training and employment opportunities for eligible veterans and to facilitate attainment of career goals through long term employment.

A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receiving disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with the provisions of each grant agreement, performance measures are applied to the services provided through each grant for both fiscal and programmatic activity.

- Type of service or benefit provided: Primarily outreach, assessment training and employment assistance. Vocational guidance, career exploration, and supportive services are also provided. In addition, limited funds are dedicated to research and demonstration pilot projects generally of National impact with the intent of testing and developing innovative improved service delivery designs and processes..

- JTPA IV-C grantees/service providers primarily deliver employment and training services to eligible veterans, including disabled veterans, as well as establishing linkages with other supportive service resources such as DVOPs/LVERs, and the Department of Veterans' Affairs (DVA). The nature and extent of disability of an individual applying for service may be obtained by the case worker (or DVOP specialist) during initial assessment and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population served is whether they are disabled veterans or special disabled veterans. Although final report data is not yet available, it is anticipated that in Program Year (PY) 1993, ending 6/30/94, approximately 2000 disabled and special disabled veterans were placed in permanent jobs. It is anticipated that similar services will be provided and results achieved in the current PY 1994 programs.

- Budgetary authority is provided at 29 U.S.C. 1520 et. al. For Fiscal Year 1994 \$8,957,000 was authorized which supported grant programs in 41 states and various specialized training services nationally. In Fiscal Year 1995, \$8,880,000 has been authorized to fund these programs. Under the newly implemented competitive award process there will be fewer (14) but larger grants.

- Data regarding the services provided by these programs is collected quarterly and compiled on a Program Year basis nationally at the end of each Program Year-based grant period. Grantee staff provide direct employment and training client services and information reported reflects the results of their direct efforts. Linkage with other state resources is also directly and indirectly provided through design; additional assistance from existing programs (e.g., DVOP/LVER) is provided to veterans as needed.

- The JTPA IV-C programs are administered by the State JTPA Administrative entities, State Employment Security Agencies (SESAs) or other state entities as designated by the Governor. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors grantee performance no less than quarterly and audits each grantee, on-site, at least once during the period of performance of the grant.

- The Case Management approach to services is being adopted at more and more locations. Although the specific intent of this program is to leverage resources as match to provide services to these eligible veterans which is over and above resources already accessible. Many programs target minority, women and homeless veterans and provide services which result in job placements otherwise not available.

- The success of the JTPA program is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.

- For further information contact Deputy Assistant Secretary Espiridion Borrego at (202) 219-9116 or Jeffrey Crandall at (202) 219-9105.●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.803 - Veterans' Reemployment Rights (VRR)**
- This program is operated by VETS' staff within the agency's general administrative budget. In fulfilling the VRR function VETS' resources attempt a right of veterans reservists and National Guard members.

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.804 - Local Veterans' Employment Representative (LVER) Program**

- This is a formula staffing grant authorized under 38 U.S.C. 4104. Authorized funds from the Unemployment Trust Fund are awarded annually to States to staff and support a set number of Local Veterans Employment Representatives (LVER) staff determined by formula and available funding. The primary intent of the program is to provide jobs and job training opportunities for disabled and other veterans. LVER staff are responsible for the direct provision of employment counseling, vocational guidance, interviewing, job referral, developing employment, apprenticeship, and other on-the-job training opportunities. Using a case management approach to delivering client services they also assist disabled veterans who may be in need of prosthetic equipment or other accommodations to become employable, or provide referrals to supportive services to address barriers to employment and help prepare clients to enter or re-enter the civilian labor force. LVER staff provide functional supervision of all veterans' services within their local office of operations and the preparation of quarterly and year-end program reports (with applicable recommendations). The job duties summarized above are clearly delineated at 38 U.S.C. 4104 (c). Though attached to local employment service (Job Service) offices, LVER staff also facilitate Transition Assistance Program/Disabled Transition Assistance Program workshops for separating service members at various military separation centers.

A disabled veteran is essentially defined at 38 U.S.C. 4211 as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

In accordance with Chapter 41 of Title 38, performance measures are applied to the services provided to veterans and subgroups of veterans (e.g. disabled and Vietnam era veterans) and individual standards of performance are applied by each State to each LVER (38 U.S.C. 4104A).

- Type of service or benefit provided: Vocational guidance, employment or training-related assistance, case management.
- LVER staff' clients are veterans or separating service members who may or may not be disabled. If disabled the extent of disability of an individual may be obtained by the LVER and may be kept on file (due to ADA guidelines, detailed information is optional). However, the only demographic information approved to be gathered for this population is whether they are disabled veterans or special disabled veterans and in which of four age clusters they fall, or whether they are veterans with a handicapping condition that is not service-connected.
- Budgetary authority is provided at 38 U.S.C. 4102A (b) (5) and outlays for Fiscal Year 1994 were \$ 78,166,000 in obligations which supported approximately 1,524 staff nationally. In Fiscal Year 1995, \$77,593,000 was authorized to fund 1454 positions.
- Data regarding the services provided by LVER staff is collected by States quarterly and compiled on a Program Year basis nationally forty-five days following the end of each Fiscal Year-based grant period. LVER staff provide direct client services and information reported reflects the results of their direct efforts. Since LVER staff also directly and indirectly provide some assistance to veterans and disabled veterans who obtain their own jobs as well as those placed in jobs or training by other Job Service staff, the numbers of disabled veterans placed by the entire Job Service should also be considered.

Local Veterans' Employment Representative Program Page 3

These are displayed below:

SERVICES	LVER staff		ALL JOB SERVICE	
	Disabled Veterans	Special Disabled	Disabled Veterans	Special Disabled
Registered	50,705	20,215	146,090	54,917
Counseled/ Voc Guidance	4,847 6,397	2,251 2,787	16,977 15,793	7,335 6,808
Referred to Jobs	33,436	13,031	79,222	30,493
Placed in Employment	13,063	5,285	27,258	10,884
Entered Employment	8,418	3,536	38,802	15,389

- The Local Veterans' Employment Representative Program is administered by the State Employment Security Agencies (SESAs). As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors Statewide performance no less than quarterly and audits each local service delivery point at least annually.

- LVERs also provide functional supervision over the services provided by other local employment service office (LESO) staff. The Case Management approach to services is being adopted at more and more locations. SESA staffing reductions affect the volume and proportion of all veterans served that are routed to the LVER staff. The development of one-stop shopping career centers may require adjustment to the normal way LVER staff provide functional supervision over other LESO staff.

- The successes of fifty years of LVER services are well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership.

- For further information contact Deputy Assistant Secretary Al Borrego at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, 17.805 - Homeless Veterans' Reintegration Projects Program**

- This is a categorical grant authorized under the Stewart B. McKinney Homeless Assistance Act and found at 42 U.S.C. 11487. Funds are awarded annually to support a number of Homeless Veterans Reintegration Project (HVRP) grants determined by available funding. The primary intent of the program is to provide jobs and job training opportunities for homeless veterans, some who may also be disabled. HVRP grants provide direct client services, using a case management approach to the provision of services whenever applicable, that include outreach to homeless veterans who will benefit from employability development or labor exchange/job placement services; outreach and job development through individual contacts with employers; vocational guidance, referral to jobs and to job training openings and referrals for supportive services geared toward assisting clients prepare to re-enter the civilian labor force. Though not affiliated with local employment service (Job Service) offices, HVRP grantees receive placement service assistance from DVOP and LVER staff.

- One third of the homeless adult male population are veterans; Federal estimates place 250,000 veterans homeless on any given night. The major priority among homeless veterans is job training and jobs, according to the VA survey compiled in conjunction with recent Summit on Homeless Veterans (February 1994).

- A disabled veteran is essentially defined as a veteran receiving disability compensation from the Department of Veterans Affairs (VA), receives disability retirement from active military service, or was released from active duty due to a service-connected disability. Special disabled veterans are those individuals entitled to VA compensation for a service-connected disability rated at 30% or more, or are disability retired from military service, or who qualify for vocational rehabilitation services provided by the VA.

- **Type of service or benefit provided:** These grant programs expedite the reintegration of homeless veterans into the labor market, with supportive services and placement into transitional and permanent housing.
- **HVRP clients** are any veterans who may be considered homeless. If disabled, the extent of disability of an individual may be obtained by the HVRP staff and may be kept on file (due to ADA guidelines, detailed information is optional). In their plans grantees do not have to indicate the number of disabled veterans they plan to serve. The number of disabled veterans actually served is also not available.
- **Budgetary authority** is provided at 29 U.S.C. 11448 and outlays for Fiscal Year 1994 were \$5,055,000 in obligations which supported thirty-two homeless projects in seventy-five major cities, and six rural areas nationally. These projects have served over 26,000 participants and placed over 10,000 homeless veterans into jobs. In Fiscal Year 1995, \$5,011,000 is authorized to maintain successful grantees for an additional year.
- **To the extent** that many homeless veterans suffer from substance abuse, they may be disadvantaged in the local labor market, which represents a significant handicap. Many other homeless veterans, particularly combat veterans have been diagnosed with Post Traumatic Stress Disorder (PTSD), and are characterized as disabled veterans, however no hard data is collected on this group. Data regarding the services provided by HVRP operators is collected by VETS quarterly and compiled on a Fiscal Year basis nationally forty-five days following the end of each Fiscal Year-based grant quarter. HVRP operators provide direct client services and information reported reflects the results of their direct efforts. HVRP operators also directly and indirectly provide assistance to disabled veterans who need housing and are able to get their own jobs, and are placed in jobs or training by HVRP projects.

- The Homeless Veterans' Reintegration Projects may be administered by State and local Public agencies, Private Industry Councils, not-for-profit agencies, and other municipalities or rural entities. As the grantor agency, the Veterans' Employment and Training Service (VETS) performs quarterly fiscal reviews and analyses, monitors program-wide performance no less than quarterly and generally audits each program operator annually.
- The HVRP continues to evolve as the needs of the homeless veterans population changes, and the capabilities of the Project providers increase. The Case Management approach to services is being adopted at more and more locations. Funding and program fluctuations affect the volume and proportion of all veterans served that are served by the HVRP operators.
- The success of the HVRP is well documented and shared by the major veterans' organizations, the Secretary of Labor, the current Administration, the bi-partisan membership of the Committee on Veterans' Affairs of both Houses of Congress, and both the Senate majority and minority leadership. The VETS' Homeless Veterans' Reintegration Project model has been successful. It costs about \$1,200 to outreach to, enroll, provide the necessary supportive services, training and transitional housing and get the homeless veteran a job. Reports of the services provided indicate cost effectiveness.
- For further information contact Special Assistant Tom Keefe at (202) 219-9116 or Joel H. Delofsky, Division Chief at (202) 219-9110. ●

- **U.S. Department of Labor, Veterans' Employment and Training Service, Service Members' Occupational Conversion and Training Act (SMOCTA) Program**

- SMOCTA is a special initiative to facilitate rapid transition of separating military personnel into the civilian workforce. Monetary incentives are provided to employers to train and retain in employment eligible veterans who either recently separated from military service or are eligible to receive compensation or vocational rehabilitation under the laws of the Department of Veterans Affairs (VA). The funds (approximately \$75,000,000) were derived from the Fiscal Year 1993 Defense Appropriation. At this point in time virtually all the authorized funds have been obligated to employers who have hired or are currently training certified eligible veterans in approved training programs. Although direct client assistance is provided by State staff funded by the Veterans' Employment and Training Service, SMOCTA is administered for the Department of Defense (DoD) by the VA.

- Type of service of benefit provided. Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representative (LVER) staff provide technical assistance to employers seeking training program approval and to eligible recently-separated and disabled veterans seeking certification and matching to approved programs.

SMOCTA clients are veterans being released early from the military to obtain employment. Veterans discharged after 2 August 1990, may be eligible for the program. Eligibility extends to individuals who are unemployed at the time of application and had been unemployed for at least fifteen weeks. Employers can receive up to \$10,000 for a trainee's wages during the training period; \$12,000 if the veterans has a service connected disability rating equivalent to 30% or more.

SMOCTA was enacted on October 23, 1992, as part of Public Law 102-484, the National Defense Authorization Act for Fiscal Year 1993 (Title XLIV, Subtitle G). It authorized the Department of Defense to support a program designed to assist separated service members in their integration into the civilian labor force.

The Act, which is codified at 10 U.S.C., Chapter 58, §§ 4481-4495, authorized DOD to enter into agreements with the Departments of Veterans Affairs and Labor to implement the program. A Memorandum of Understanding (MOU) was signed on March 11, 1993 by the three Departmental partners in this program. The Department of Veterans Affairs (VA) serves as the implementing agency, with responsibility for certifying eligible veterans and employers' training programs, and disbursing the on-the-job training payments to employers. The Department of Defense supports the program by providing funding, assisting with public information efforts and inspections or evaluations and coordination of program activities. The Department of Labor provides services to eligible veterans and employers through its DVOP and LVER staff and SESAs, promotes the program, and insures the provision of job development efforts and case management services to veterans participating in the program.

By the end of 1995 over 12,500 veterans have been placed into jobs, but it is unknown how many of those were disabled.

The agencies involved have demonstrated a high degree of cooperation and willingness to work together to resolve and prevent problems and difficulties. The MOU has bonded participating agencies together with the mutual goal to accomplish the objectives of SMOCTA as smoothly, efficiently, and as promptly as feasible.

- **U.S. Department of Labor, Veterans' Employment and Training Service, Federal Contractor Program, Job Listing Component**

- Section 4212 of title 38 U.S.C. requires certain federal contractors to take affirmative action to employ, and advance in employment, qualified special disabled veterans and veterans of the Vietnam-era. The contractors are also required to list all of its suitable openings with appropriate local employment service offices. Job Service staff, including Disabled Veterans' Outreach Specialists and Local Veterans' Employment Representatives, are then required to provide priority in referral for targeted veterans to listed federal contractor job openings.

The Department of Labor's Office of Federal Contract Compliance Programs is responsible for enforcement of the affirmative action and job listing provisions of the law. The Veterans Employment and Training Service (VETS), however, also plays a key role in gathering information about federal contractors and disseminating the data to State Employment Security agencies as well as ensuring referral priorities for special disabled and Vietnam-era veterans are observed. These responsibilities are carried out by continually updating the data base on current federal contractors and by annual on-site reviews of local office performance conducted by VETS field staff.

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

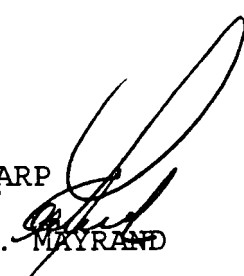
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RECEIVED
OFFICE OF THE
ASSISTANT SECRETARY
FOR ESA

MEMORANDUM FOR: GENE ~~K~~ARP 
FROM: PAUL A. MAYRAND
SUBJECT: Disability Program Package

Attached please find the subject package which we have prepared in response to your request.

Please advise me if any additional information is required. My telephone number is 219-5500.

Attachment

I. Dislocated Worker Program

A. Program Title

Department of Labor, Employment and Training Administration
Dislocated Worker Program

B. Authorizing Legislation

Title III of The Job Training Partnership Act (JTPA)

C. Brief Program Description

Block grants to states

D. Type Service Provided:

Re-training and re-employment services

E. Number and demographics of individuals served

311,876 dislocated workers served in PY 1992; 5,337 (3%)
were people with disabilities.

F. Budget authority and outlays for PY-1994-95: \$1,296 billion

G. Other funding (non federal):

N/A

H. Nature and periodicity of data collected on services:

Characteristics/annually

I. Roles of federal and non-federal entities administering the program:

Federal oversight; block Grants to states

J. Major administrative/programmatic issues currently confronting the program.

K. Advocacy groups/major political supporters, etc.

L. Name, position, and telephone number of contact person responsible for program information:

Eric Johnson 202-219-5577.

Comments:

There are no specific program or projects for people with disabilities.

II. Job Training Programs

A. Program Title:

Department of Labor, Employment and Training Administration,
Job Training and Partnership Act (JTPA)

B. Authorizing Legislation: Public Law 102-367

C. Brief program description:

Covered below.

D. Type Service Provided:

Title II-A authorizes training and services for the economically disadvantaged and others who face significant employment barriers. Services include an assessment of a individual needs and abilities and a strategy of services such as classroom training, on-the-job-training, job search assistance, work experience, counseling, basic skills training and support services. Title II-B offers economically disadvantaged young people jobs and training during the summer. These include basic and remedial education, work experience programs and support services such as transportation. Academic enrichment is also a major part of the program and may include basic and remedial education. Title II-C provides year-round training and employment programs for youth, both in and out of school. Program services may include all authorized adult services, limited internships in the private sector, school-to-work transition services, and alternative high school services.

E. Number and demographics of individuals served:

	<u>PY-88</u>	<u>PY-89</u>
adults	39,579 (10%)	36,577 (10%)
youth	46,579 (14%)	43,168 (14%)

	<u>PY-90</u>	<u>PY-91</u>
adults	31,247 (10%)	28,052 (10%)
youth	37,234 (14%)	38,463 (15%)

	<u>PY-92</u>	
adults	24,855 (10%)	
youth	36,934 (15%)	summer-96,314

F. Budget authority and outlays for 1994-1995:

II-A. \$988,021,000.00
II-B. \$876,664,336.00
II-C. \$608,682,000.00

G. Other funding(non-federal)

N/A

H. Nature and periodicity of data collected on services:

Participant data/ available 1st quarter of calendar year.

I. Roles of federal and non-federal entities in administering the program:

Federal-provide financial, administrative and legislative oversight to program; grants to state governors who establish service delivery areas to receive federal funds; local elected officials establish private industry councils to oversee job training programs at local levels.

J. Major administrative/programmatic issues currently confronting the program:

K. Advocacy groups:

L. Program contact person(data):

Diane Mayronne(202)219-5229

III. People With Disabilities Program

A. Program Title

Department of Labor, Employment and Training Administration,
Programs for People with Disabilities.

B. Authorizing Legislation:

Title IV, Part SECTION 451 JTPA

C. Brief program description:

The general purpose of the program is to increase the number and quality of job opportunities for disabled individuals. Programs are administered through a process of grant awards to national organizations established to serve the needs of people with disabilities. A brief description of the nine organizations currently funded under this program is attached.

D. Type service provided:

The projects provide special outreach services and tailored training, job development and job placement services. The services are designed to address major conditions which constitute barriers to labor market participation-sight, hearing, epilepsy, mental retardation, and other physical and emotional impairments.

E. Number and demographics of individuals served:

6,800 (see attachment for specific disability breakout)

F. Budget authority and outlays for 1994-1995:

\$4,172,815.00.

G. Other funding(non federal):

N/A

H. Nature and periodicity of data collected on services/individuals:

demographic-annually-within projects

I. Roles of federal and non-federal entities in administering the program: Federal-grant administration; non federal: program services

J. Major administrative programmatic issues currently confronting the program:

K. Advocacy groups/major congressional supporters, etc

L. Contact person:

Paul A. Mayrand, Director Office of Special Targeted Programs, 202-219-5500.

ETA (USES) Program for People with Disabilities:

A. Program Title

Department of Labor, Employment and Training Administration
Employment Service (ES) Program for People with Disabilities

B. Authorizing Legislation

Wagner-Peyser Act of 1933, as amended by the Job Training Partnership Act of 1982, and by the Rehabilitation Act of 1973, as amended.

C. Type of Service Provided

Qualified customers with a disability are provided assistance in obtaining employment. Services include counseling, testing, job development, employability appraisal and placement services. Customers are referred to outside agencies for training, rehabilitation, or supportive services not provided by ES local offices.

D. Brief Program Description

Services are provided by ES local offices of State employment security agencies to customers with disabilities who need help in obtaining employment.

E. Number and Demographics of Individuals Served

Total customers with disabilities served for program year 1993 - 468,136.

F. Budget Authority and Outlays for 1994-1995

Funded by congressional appropriation and distributed by ETA to states (Governors) as part of a block grant.

G. Other funding (Non-Federal)

N/A

H. Nature and Periodicity of Data Collected on Services/Program

Data is collected quarterly on: customers with disabilities counseled, tested, referred to training, trained, referred to jobs and placed in jobs.

I. Roles of Federal and Non-Federal Entities in Administering the Program.

At least one person in each state of federal employment office is specifically assigned to effectuate services to persons with disabilities.

Local office are responsible for the on-site implementation of the services (described in H above).

- J. Major Administrative/Programmatic Issues Currently Confronting the program:

Funding - Staff - Literature

- K. Advocacy Groups/Major Congressional Supporters, etc.:

- L. Name, Position, and Telephone Number of Contact Person Responsible for Program Information.

Carol Coates
ES Disabilities Specialist
(202) 219-9092

RESPONSIBLE ETA COMPONENT - Office of Job Training Programs

PEOPLE WITH DISABILITIES PROGRAM

The Employment and Training Administration's Projects for People with Disabilities Program is administered by its Office of Job Training Programs. It is authorized under Title IV, Part D, Section 451 of the Job Training Partnership Act and is funded through grant awards on an annual, program year basis. The general purpose of these projects is to increase the number and quality of job opportunities for disabled individuals. The projects provide special outreach services and tailored training, job development and job placement services. The grantees operate national programs which, in many instances, are linked to local rehabilitation agencies and programs. Additionally, these projects provide services which address each of the major conditions which constitute barriers to labor market participation - sight, hearing, epilepsy, mental retardation and other physical and emotional impairments.

There are currently nine national organizations which are funded under this program. For Program Year 1994, the total funding for the program is \$4,172,815 which collectively will serve approximately 6,800 disabled individuals. Attached is a list providing a short synopsis of each of the nine programs, their funding levels for PY 1994 and the numbers to be served by each.

Attachment

- Goodwill Industries of America - The project provides multi-occupational in-house training and job placement to physically and emotionally disabled, mentally retarded, deaf, blind and other disabled persons. In addition to its job development efforts, the project in Program Year 1994 will enroll 405 individuals of which 405 will be placed in jobs. The funding level is \$487,500.
- National Association of Rehabilitation Facilities - The project provides on-the-job training and job placement to disabled individuals in rehabilitation facilities. In addition to its job development efforts, the project in Program year 1994 will enroll 700 individuals of which 600 will be placed in jobs. The funding level is \$309,000.
- Epilepsy Foundation of America - The project provides screening and pre-employment evaluation, support services, job-seeking skills training, job search assistance and job placement tailored to the special needs of epileptics who are unemployed or underemployed. In addition to its job development efforts, the project in Program Year 1994 will enroll 1,236 individuals of which 800 will be placed in jobs. The funding level is \$715,850.
- Electronic Industries Foundation - The project provides a national outreach, pre-employment counseling and job placement program and fosters new employment opportunities for disabled persons, providing a centralized job referral service with the electronic and other industries and rehabilitation agencies. In addition to its job development efforts, the project in Program Year 1994 will provide services to 450 individuals of which 180 will be placed in jobs. The funding level is \$297,000.
- Mainstream, Inc. - The project conducts promotional activities to encourage employers to hire people with disabilities and to provide information on workplace accommodations. It recruits and places disabled individuals through a variety of services and a computerized job bank system. In addition to its promotional activities, the project in Program Year 1994 will recruit 540 individuals of which at least 370 will be placed in jobs. The funding level is \$358,750.
- Association for Retarded Citizens - The project provides on-the-job training in a variety of occupations for mentally retarded persons through sub-grants with public and private employers. For Program Year 1994 the goal is to enroll 1,000 individuals of which 850 will be placed in jobs. The funding level is \$1,194,800.

- o National Federation of the Blind - The project provides an applicant register, job announcements, counseling, job referrals and employer education seminars, and operates a job bank to promote the interests of the blind and place them in employment opportunities. In addition to its job development efforts and job bank efforts, the project in Program Year 1994 will enroll 2,000 and placed 125 of them in competitive employment, and will provide a series of employer/employee seminars, recorded bulletins, 11 publications concerning the needs of blind persons, one resource guide and one technical assistance guide. The funding level is \$251,320.
- o International Association of Machinists - The project provides training, supportive services and job development for unemployed or underemployed disabled persons. It provides follow-up services to assure placement success and career advancement opportunities. The project in Program Year 1994 will enroll 270 disabled individuals and place 180 in competitive employment. The funding level is \$268,000.
- o Marriott Foundation for People with Disabilities - The project is a transitional school-to-work program for youth with disabilities. It provides them with job training and placement that enhance their current and future employment prospects as they prepare to leave high school. The project in Program Year 1994 will enroll 118 disabled youth and place 105 of them into unsubsidized employment. The funding level is \$290,595.

U.S. Department of Labor

Employment Standards Administration
Washington, D.C. 20210

Reply to the Attention of:



January 27, 1995

MEMORANDUM TO: GENE KARP

FROM: WAGE AND HOUR DIVISION
Employment Standards Administration

SUBJECT: Information Requested From Agencies
Within Department of Labor

The material is attached.

1.A) Section 14(c) of the Fair Labor Standards Act (FLSA) provides for the employment of persons with disabilities under certificates at wage rates below the statutory minimum wage to the extent necessary to prevent the curtailment of opportunities for employment. Such wages must be commensurate with the individuals' productivity as that productivity is measured against the productivity of workers who are not disabled for the work being performed and must be based on wages being paid in the community for similar work.

B) None

2.) Employment Standards Administration, Wage and Hour Division. Regulations, (Account?), Employment of Workers with Disabilities Under Special Certificates.

Section 14(c) of the FLSA provides for the employment of workers with disabilities under certificates issued by the Department of Labor at wage rates below the statutory minimum otherwise required by the Act. Such employment is permitted in order to prevent the curtailment of opportunities for employment. The FLSA defines workers with disabilities as "individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age, physical or mental deficiency, or injury." The wages paid to such workers must be commensurate with wage rates paid in the vicinity to workers that are not disabled for the work being performed taking into account the type, quality, and quantity of work. Such wages must also reflect the individual's productivity. The program is authorized under 29 U.S.C. 214(a) and administered under Regulations, 29 CFR Part 525, Employment of Workers with Disabilities under Special Certificates.

The benefit provided is employment under certificate that would otherwise be unavailable if the employer was required to pay the minimum wage required by the FLSA.

In fiscal year 1993, approximately 8,000 certificates were issued authorizing the employment of over 175,000 workers with disabilities. Approximately 300 investigations were conducted. There is no breakdown by disability.

No money goes directly to individuals with disabilities. The agency is responsible for issuing certificates and for investigating possible violations of the regulations. No separate figures are available for expenditures related directly to this program.

There is no non-Federal funding.

Information with respect to certificates issued and investigations conducted is compiled quarterly and annually.

The Wage and Hour Division is solely responsible for administering the program.

The Division is currently considering consolidating the certification in one regional office. Certification is currently being done in all eight regions for the areas under their jurisdiction.

The person responsible for program information is Maria Echaveste, Administrator, Wage and Hour Division, (202) 219-8305.



MEMORANDUM FOR BERNARD E. ANDERSON
Assistant Secretary

Annie G. Stark

FROM:

fn **SHIRLEY J. WILCHER**
Deputy Assistant Secretary for
Federal Contract Compliance

SUBJECT:

Survey of Federal Programs for Persons with
Disabilities

Attached is the Office of Federal Contract Compliance Programs' response to the National Disability Policy Review Team's survey. Also attached are the responses prepared by the Directorate of Civil Rights and the Veterans' Employment and Training Service.

Section 503 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 793); Implementing Regulations at 41 CFR Part 60-741

The Office of Federal Contract Compliance Programs (OFCCP), an agency in the U.S. Department of Labor's Employment Standards Administration, enforces Section 503 of the Rehabilitation Act, as amended, (Section 503). Section 503 requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. The Department's regulations implementing Section 503, which are published at 41 CFR Part 60-741, prohibit contractors from discriminating against individuals on the basis of disability, and require them to implement the affirmative action requirements of the statute.

Section 503's scope and enforcement mechanisms have been affected by the passage of the Americans with Disabilities Act of 1990 (ADA), (42 U.S.C. 12101 et seq.), which prohibits discrimination against individuals with disabilities by employers generally. The ADA is enforced by the Equal Employment Opportunities Commission (EEOC).

The ADA required OFCCP to develop procedures to prevent the imposition of inconsistent or conflicting standards for the same requirements. OFCCP published for notice and comment proposed regulations that would conform Section 503's definitions and requirements to those of the ADA. Those regulations have not yet been published in final form. The definitions discussed below are contained in OFCCP's current regulations.

Covered Contractors

Section 503 applies to any contract or subcontract of \$10,000 or more. Contracts that meet the jurisdictional amount must contain a provision requiring that the contractor shall take affirmative action to recruit, hire, and promote qualified individuals with disabilities.

Approximately 100,000 employers with a collective workforce of about 25 million employees are subject to the affirmative action and nondiscrimination requirements of Section 503.

Covered Individuals

The Rehabilitation Act defines an individual with a disability as "any person who: (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment." (29 U.S.C. 706) The ADA amended the Rehabilitation Act to exclude from coverage, among others, individuals who are currently engaging in the illegal use of drugs, and individuals whose current use of alcohol prevents such

individuals from performing the jobs in question or whose employment, by reason of current alcohol abuse, would constitute a direct threat to property or safety of others.

Compliance Review and Complaint Investigation Process

OFCCP is authorized to investigate and attempt to resolve charges of employment discrimination under Section 503. OFCCP also conducts regular compliance reviews of Government contractors, which consist of a detailed examination of the contractor's workforce profile along with an investigation of each aspect of its policies and practices from recruitment and hiring process to terminations.

Because most Federal contractors are covered by both the ADA and Section 503, Title I of the ADA requires that the enforcement of the ADA and Section 503 be coordinated. EEOC and OFCCP have published joint regulations which set forth procedures governing the processing of complaints that fall within the overlapping jurisdiction of both the ADA and Section 503 -- 41 CFR Part 60-741 (OFCCP) and 29 CFR Part 1641 (EEOC). Under the joint rule, complaints of employment discrimination based on disability that are filed with the OFCCP are considered simultaneously dual filed under the ADA. Further, OFCCP has been designated EEOC's agent for purposes of investigating complaints filed with OFCCP that are subject to both laws.

An individual alleging a violation of Section 503/ADA must file a written complaint with OFCCP within 180 days of the date of the alleged violation. If the investigation of the Section 503/ADA complaint results in a finding of no violation, OFCCP will issue both a finding of no violation and a right-to-sue letter. If OFCCP finds a violation, it will attempt to obtain full relief. If the matter is not resolved through conciliation or settlement, it will be referred for administrative enforcement under Section 503.

Demographics

In FY 1994 OFCCP received a total of 528 complaints alleging violations of Section 503/ADA. During FY 1994, the agency completed 802 complaint investigations, and is planning to complete 744 complaint investigations in FY 1995.

During FY 1994, OFCCP obtained \$598,967 in back pay benefits for individuals with disabilities and \$1,613,792 in the financial awards.

Budget Authority and Outlays

The total budget appropriation for the agency was \$56,306,000 for FY 1994, and \$58,928,000 for FY 1995. There is no specific budget outlay for individuals with disabilities.

For further information contact Robert Gerlerter, Chief of the Branch of Planning and Program Development at 219-7501.

1. A. Programs administered by the Directorate of Civil Rights (DCR) that serve persons with disabilities.

- o Under the responsibilities outlined in Section 502 of the Rehabilitation Act, DCR is responsible for ensuring that all facilities occupied by DOL are accessible to persons with disabilities. Each regional office annually submits a status report on the accessibility of its buildings.
- o DCR provides the services of a full time interpreter for deaf and hard-of-hearing employees. The Interpreter also coordinates all additional interpreter services needed by the various DOL agencies.
- o DCR operates a PC-based Telecommunication network for the hearing impaired. FULLTALK allows hearing impaired persons to call an 800 number for the National and Regional offices, to obtain information on their TTY display screen about the Department or leave a message which can be relayed to the appropriate departmental component for response.
- o DCR has a contractual relationship with the Public Health Service to provide consultative services to DOL agencies responding to requests of reasonable accommodation from their employees. DCR acts as conduit between the DOL agency and the PHS physicians.
- o DCR processes complaints filed by DOL employees or applicants for employment that allege discrimination on the basis of disability (Section 501). DCR is also responsible, under Section 504 of the Rehabilitation Act, to investigate complaints alleging discrimination on the basis of disability filed by participants, beneficiaries, or employees of entities that receive financial assistance in the form of grants from DOL.



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

JAN 24 1995

Ms. Susan Daniels
Associate Commissioner for Disability
Department of Health and Human Resources
Social Security Administration
Baltimore, Maryland 21235

Dear Ms. Daniels:

We appreciate the opportunity to respond to your request for information pertaining to Office of Personnel Management's expenditure of resources associated with the employment of persons with disabilities. This information is submitted for consideration by the National Disability Policy Review Work Group; Employment of Working Age Adults.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Grant".

Michael A. Grant
Director of Agency
Initiatives

Enclosure

**OPM RESOURCES DEVOTED TO THE EMPLOYMENT OF PERSONS
WITH DISABILITIES**

**1. Compliance with Federal Laws and Merit System Regulations --
Program Management FTE 7.1.**

OPM provides technical and compliance assistance on laws that specifically address the employment needs and civil rights of persons with disabilities, their workplace accommodation and personal assistants. OPM supports the use of excepted service appointing authorities to promote the employment of persons with disabilities and technology management that enhances their employment opportunities.

OPM is also responsible for administering several provisions of the law which accord various benefits to people with disabilities. Included are:

- The Rehabilitation Act of 1973 which provides for nondiscrimination in Federal employment on the basis of handicap.
- 5 U.S.C., Section 8151, which mandates job restoration rights for Federal who sustain a job-related injury or illness.
- The Civil Service Rules which require OPM to assess the "physical and mental fitness" of applicants and employees.

In carrying out these responsibilities, OPM issues regulations, reviews and approves proposed agency medical standards, and provides extensive technical guidance to agencies and individuals on the application of these laws, impact of court and MSPB decisions, etc. OPM also provides expert testimony in connection with lawsuits involving these statutes.

**2. Disabled Veterans Affirmative Action Program (DVAAP) -
Program Management FTE 2.2, Printing Costs - \$1,500**

Agencies are required to provide information to OPM on their efforts to promote the employability of veterans in the Federal workplace under customized Disabled Veterans Affirmative Action Programs (DVAPP). This reporting requirements is in place to ensure that Disabled Veterans Affirmative Action Programs are reviewed annually for progress and that the action items in the DVAAP are aggressively carried out. OPM prepares an annual report to Congress on these governmentwide efforts and accomplishments in an effort to provide governmentwide information on how to review veterans' programs to determine where improvement can be made.

2.

3. Job Ready Disabled Veterans Connection (JRDVC) - Program Management FTE 0.2, System Support FTE 2.0

The JRDVC is a national automated referral system jointly sponsored by OPM and Department of Veterans Affairs. This referral system was designed to refer certain disabled veterans, who have entered and completed vocational rehabilitation programs sponsored by the Department of Veterans Affairs, to Federal vacancies.

4. Project ABLE (Able Beneficiaries Link to Employers) - Program Management FTE 1.5, System Support \$25,000 reimbursable income.

Project Able is another automated referral system designed to refer persons with disabilities who are receiving social security income benefits and are now "job ready" for independence through employment. This project is currently operating, under the joint leadership of the Social Security Administration and OPM in the states of Virginia, Maryland and Washington, D.C. We plan to expand the base of operations during FY 1995. The Project was approved as a reinvention laboratory. Agencies are encouraged to review referral listings and consider enrollees under a variety of noncompetitive hiring authorities.

5. Interagency Committee on the Employment of Persons with Disabilities -- Program Management FTE 1.0

The Rehabilitation Act of 1973 authorized the establishment of the Interagency Committee on the Employment of Persons with Disabilities. OPM and EEOC were designated to co-chair this committee. OPM is meeting with EEOC representatives to establish strategic plans for Committee review and implementation.

6. National Conferences Jointly Sponsored with the President's Committee on the Employment of Person with Disabilities -- Program Management FTE 0.5

OPM supports and promotes the national conference sponsored with the President's Committee on the Employment of Persons with Disabilities. The conferences are usually held in early May and December.

7. Alternative Media Formats For New Federal Employment Information System -- Program Management FTE 0.5, System Support FTE 0.5, Equipment/Reproduction Costs: TBD; approximately \$4,000.

3.

OPM just recently designed the first alternative media format (electronic, large print and audio tapes) products for use in applying for a Federal job and using the new Federal employment information systems. Once the materials are produced they will be made available through a one-stop customer service center.

8. National Standing Committees -- Program Management FTE 0.3

OPM participates with several National standing committees regarding persons with disabilities, including disabled veterans. These partnerships are to advance the employability of persons with disabilities in the Federal service and promote its employment opportunities and related services.

9. Medical Determinations, Reduction-in-Force, Non-Preference Eligibles) -- Program Management FTE 1.0

In accordance with 5 U.S.C. 3312 and 3318 and 5 CFR 339, medical qualification determinations, any disqualification or passover of a preference eligible for medical reasons must be approved by OPM before the position can be filled. These legal requirements apply to agency medical rejections of referrals from "certificates" for permanent or temporary appointments, and appointments under direct hire, outside of the register, or delegated examining authorities. All medical rejections raised by Federal agencies and the U.S. Postal Service are adjudicated by OPM including passover requests and determinations affecting future eligibility. Medical cases are referred to OPM by Federal agencies, OPM service centers, special examining units and seventy-four nationwide Postal Service divisions.

OPM must also approve agency medical disqualification of 30 percent or more disabled veterans before assignment to another position in a reduction-in-force (5 CFR 351.702 (d)).

Although agencies have the authority to medically disqualify non-preference eligibles, OPM will make a determination affecting the applicant's eligibility for future certification.

OPM's management is committed to ensuring that veterans and applicants are treated fairly and not discriminated against because of a medical or physical condition that would not alter their ability to perform the duties of a position. This commitment extends to ensuring the privacy and confidentiality of medical records.

10. Federal Interagency and Single Agency Training Services -- Program Management FTE 10.0, Payment of interpreters and readers -- \$90,000.

OPM's training program courses are only available to Federal employees. However, once persons with disabilities are hired,

4.

all of OPM's training programs are available to them to help improve their skills and knowledge. OPM has determined that it will make every practical effort to ensure that its interagency training programs are accessible to participants with disabilities. That includes providing interpreters and readers for classes. Also OPM ensures that classroom facilities where its training is conducted are fully accessible to persons with disabilities.

11. Legal Authorities Which Provide Support for Training of Federal Employees with Disabilities. Program Management FTE 10.0. Staff salaries providing policy advice to agencies -- \$5,000.

- a. Agencies may pay expenses necessary to make training accessible to employees with disabilities under 5 U.S.C. 4109 (Supp. 1994.) For hearing impaired, agencies may pay for interpreters. For visually impaired, they may pay for readers and tapes or braille learning materials.
- b. Under 5 U.S.C., 3102, agencies may pay for individuals to accompany or aid employees with disabilities traveling on official business (including travel for training) within prescribed OPM and CSA salary, travel, and per diem rates for Federal employees.

12. Testing Accommodations for Job Applicants -- Program Management FTE 1.0, Printing \$5,000, Travel \$1,000

OPM provides test accommodations for job applicants who have disabilities. Test are available in several formats, such as braille and large print. Time limits are extended for most tests, when appropriate, and test content modified, when appropriate. In addition, OPM psychologists provide consultation to OPM Service Centers and to other Federal agencies on the subject of appropriate test accommodations. OPM recently updated our publication entitled, "Guide for Administering Written Employment Examinations to Persons with Disabilities."

13. Organizational Assessment Survey -- Program Management - No significant annual resources are required for this work.

OPM's Organizational Assessment Survey contains several questions dealing with diversity, including questions pertaining to employees with disabilities.

Staff contact: Marilyn Thornton, Acting Director
Office of Diversity
1900 E Street, NW
Washington, DC 20415

202-606-1059

Fax 202-606-5549



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MEMORANDUM FOR LISA FAIRHALL
OFFICE OF MANAGEMENT AND BUDGET

JAN 27 1995

FROM: Ronald A. Glaser, Director *Glaser*
Office of Equal Opportunity Program

SUBJECT: National Disability Policy Review

As per the January 18, 1995, memorandum from Carol Rasco and Alice Rivlin, the following is a brief explanation of programs administered by the Department of the Treasury serving individuals with disabilities based upon the information available to us at this time. Due to the nature of Treasury's function, the majority of programs designed to serve individuals with disabilities are centered on employees of the various bureaus, rather than members of the public.

If you need additional information, please contact Jill Weissman of my staff at (202) 622-5478.

Internal Revenue Service

- The bureau has participated since 1990 in a cooperative program with the Jerry Mac Clifton Center in Austin, Texas, which allows trainable mentally retarded students between the ages of 18 and 22 to work for the agency.
- A worker trainee program was established in 1984 with the Texas School for the Deaf. This is a two year program designed for high school juniors and seniors, which trains the students in different areas of the organization and allows them to earn credit towards graduation.
- An alpha/numeric paging system has been established for all hearing impaired employees in the Kansas City Service Center to improve communications with those employees.
- The IRS maintains Visually Impaired Support Centers in Boston, MA and Los Angeles, CA which provide braille services for various publications, tax forms, and documents. Tax forms, the National Treasury Employees Union contract, and the IRS Rules of Conduct are available on cassette or in braille in all regions.
- The Disabled Employees Support and Acquisition Contract (DESAC), a three year contract that will cover the agency and its bureaus nationwide, will provide

adaptive hardware and software acquisition, installation, integration, training, and maintenance for employees with varying degrees of disabilities.

Bureau of the Public Debt

- For the past five years, the bureau has awarded three service contracts to a local sheltered workshop facility. The value of the three contracts is \$498,903. This program employs individuals with disabilities in mailing services, file maintenance, and janitorial services at the bureau's Parkersburg, WV offices.
- A variety of adaptive equipment was recently procured by the bureau in order to improve working conditions for employees with disabilities, including:
 - o Personal computers with electronic mail installed in all divisions to provide additional means of communication for hearing impaired employees.
 - o Telephone amplifiers, special headsets, and closed captioning equipment were made available to hearing impaired employees. In addition, auto-dialer systems were installed which notify hearing impaired individuals of fire alarms.
 - o Eighteen telecommunications devices for the deaf (TDDs) were installed in one Parkersburg, WV facility, including one TDD in the lobby for public use.
- The bureau employs one full time Interpreter Specialist, and contracted for one full time and one part time sign language interpreter. Public Debt also offers sign language classes to its employees, as well as a course in working with employees who are hearing impaired.
- Additional handicapped parking spaces were recently obtained in order to accommodate more employees with disabilities.

Bureau of Alcohol, Tobacco, and Firearms

- ATF has previously participated in Stay-in-School and summer programs which provided employment opportunities to individuals with disabilities. However, due to budget constraints those programs have been indefinitely eliminated.

- A \$4,000 contract has been awarded to provide a full time sign language interpreter for hearing impaired employees.

US Customs Service

- The bureau coordinated various activities for National Disability Employment Awareness Month, including wheelchair basketball and a guest speaker on Disability Rights Advocacy.
- Disability Awareness Training was provided in several regions to managers and supervisors, explaining what constitutes a disability, who a "qualified person" is, and how to provide reasonable accommodations under the current laws.

Federal Law Enforcement Training Center

- One full time equivalent position is dedicated to the employment of an individual with disabilities.
- FLETC coordinates with the State Rehabilitation Agency and the President's Committee on the Employment of People with Disabilities in order to recruit individuals with disabilities when positions become available.

Office of the Comptroller of the Currency

- The bureau coordinates a special annual program to recognize National Disability Employment Awareness Month, including presenting an OCC Disabled Employee Excellence Award.
- National resource directories have been developed to assist managers and recruiting officials in the areas of job placement and referral services, and technical assistance in hiring individuals with disabilities.
- A video entitled "All You Have To Do Is Ask," addressing issues relating to individuals with disabilities in the workplace, is used as a training tool during recruitment workshops.

United States Secret Service

- Sign language interpreters have been contracted to assist individuals with disabilities.

Office of Thrift Supervision

- The bureau conducts various activities for National Disability Employment Awareness Month.
- Disabled Persons Program Coordinators are employed in each of the bureau's regional offices.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FEB 07 1995

MEMORANDUM FOR LISA FAIRHALL

OFFICE OF MANAGEMENT AND BUDGET

FROM:

Ronald A. Glaser, Director *RG*
Office of Equal Opportunity Program

SUBJECT:

National Disability Policy Review

As per the January 18, 1995, memorandum from Carol Rasco and Alice Rivlin, a brief explanation of programs administered by the Department of the Treasury serving individuals with disabilities was faxed to your office on January 27, 1995. I am enclosing additional information regarding relevant programs recently submitted to this office by one of Treasury's bureaus.

If you need additional information, please contact Jill Weissman of my staff at (202) 622-5478.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

FEB 7 1995

MEMORANDUM FOR DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAM

FROM:

Ed. [Signature]
National Director, EEO and Diversity M:EO

SUBJECT:

White House Request for Information -
URMEM dated January 20, 1995

In response to the above subject memorandum, the attached information is provided. We apologize for the delay.

If you have questions, please contact me at (202) 622-5400 or a member of your staff can contact Patricia Mance, of my staff, at (202) 622-6783.

Attachments

1.A) The IRS' Volunteer Income Tax Assistance (VITA) Program offers free tax help to people who cannot afford paid professional assistance. Basic tax return is provided to taxpayers with special needs, including persons with disabilities, those with a low income, non-English speaking persons and elderly taxpayers.

2) Agency: Internal Revenue Service
Bureau: Department of the Treasury
Program Title: Volunteer Income Tax Assistance (VITA) Program

Description of Program:

The Volunteer Income Tax Assistance (VITA) Program offers free tax help to people who cannot afford paid professional assistance. VITA volunteers help prepare basic tax returns for taxpayers with special needs, including persons with disabilities, those with a low income, non-English speaking persons and elderly taxpayers. Volunteers also provide assistance and return preparation for prior-year Federal income tax returns, as well as the earned income and advance earned income tax credits. Assistance is provided at community and neighborhood centers, libraries, schools, shopping malls and other convenient locations.

The VITA Program originated in 1969 as a result of an increased emphasis on Taxpayer Education Programs due to the Tax Reform Act of 1969. Because of the success of the initial year, more emphasis was placed on expanding the VITA Program through increased recruitment of various religious, social and non-profit organizations; involvement of the military on a national level; development of specialized training materials; and expansion of assistance provided to the Spanish-speaking community in 1973.

The Internal Revenue Service provides VITA training materials and instructors. Training is conducted at times and locations convenient to volunteers and instructors. These sessions are generally offered from December through January each year.

Volunteers may take part in various VITA Program activities, such as directly preparing returns, teaching taxpayers to prepare their own returns, managing a VITA site, or arranging publicity. Volunteers typically include college students, law students, members of professional, business and accounting organizations, and members of retirement, religious, military and community groups. Anyone who wants to help can become involved in VITA. In fact, many high school students, assisted by their teachers, participate in VITA.

The emphasis in VITA is to teach taxpayers to complete their own tax returns. Many taxpayers will be able to prepare the returns themselves after they acquire the basic skills.

Type of Service Provided by the VITA Program:

Education, training, tax assistance.

Numbers and Demographics:

VITA is currently in its 25th year of service. In 1970, its first year of operation, 104,000 taxpayers were assisted by approximately 7,500 volunteers. In 1994, nearly 1.6 million taxpayers were assisted by 51,091 volunteers at 8,526 sites. This is a result of the tremendous support of the program by many associations and organizations across the nation. The proportion of individuals with disabilities served by the VITA Program, cannot be estimated and is not tracked by IRS.

Budget and Funding:

The VITA Program is not federally funded. IRS relies on the 51,091 volunteers that participate in the VITA Program to administer the program in the community, throughout the nation. Also, the IRS Taxpayer Education Staff, in the district offices, are responsible for the recruitment and training of the volunteers; assisting in volunteer site establishment; and ensuring all needed materials are provided to the sites.

Name and Position of Contact Person:

Lorraine Gates, National VITA Program Manager-Program Analyst,
(202) 283-0195.

1.A) CAP (Computer/Telecommunications Accessibility Program)

B) N/A

2) Agency: Treasury
Bureau: Internal Revenue Service
Program Title: Information Systems CAP
(Computer/Telecommunications Accessibility Program)

Description of Program:

The Computer/Telecommunications Accessibility Program (CAP) was established in March 1992 to implement, manage, and oversee a Servicewide program to ensure that IRS makes electronic information accessible to users with disabilities in accordance with the Rehabilitation Act, public law 99-506, section 509 - an Act to extend and improve the Rehabilitation Act of 1973.

DESAC (Disabled Employee Support Acquisition Contract) was awarded to Integration Technologies Group, Inc., (ITG) on November 7, 1994. The Treasury Directive TDP 83-01, Guidelines for Acquiring Federal Information Processing Resources states: "This contract, DESAC, will be available for use by all Treasury bureaus and priority consideration should be given by bureaus to its use... If other means of obtaining accommodating equipment are to be used, the bureau must justify this action by describing the advantages and benefits to be gained by an alternative approach."

Type of Service or Benefit Provided:

Through DESAC, CAP will provide adaptive hardware and software to make electronic information (i.e., computers and telecommunications) accessible to employees with disabilities.

Number and Demographics:

An estimated 2,142 individuals nationwide with various disabilities will utilize this contract from the 13 separate organizations under the Department of Treasury.

Budget Authority and Outlays:

For FY 1994, approximately \$290,000 was spent by IRS on IDESAC (Interim Disabled Employee Support Acquisition Contract) in the Washington, D.C. area. Outlays for field offices are unknown.

For FY 1995, \$5.5 million budgeted for IRS use nationwide on DESAC.

Funding Provided by Non-Federal Sources:

N/A

Nature and Periodicity of Data Collected:

No data was collected on IDESAC. IRS will have the ability to access data on DESAC usage from GENSTAR, IRS's computer based multiuser contract administration program.

Roles of Federal and Non-Federal Entities:

The CAP Office is available to do assessments throughout the Department of the Treasury for employees with disabilities requiring computer or telecommunications adaptive equipment. Often, the employee's State or Local Rehabilitation Office has already performed a needs assessment for the employee. After the needs assessment has been completed, the identified adaptive equipment can be ordered from the DESAC contract. IRS administers this Treasurywide contract.

Major administrative and/or programmatic issues currently confronting the program:

None

Other Information:

None

Name and Position of Contact Person:

T.J. Cannady, COTR for DESAC and CAP Manager, (202) 927-2834.

1.A) Reasonable Accommodation Program

2) Agency: Treasury
 Bureau: Internal Revenue Service
 Program Title: Reasonable Accommodation Program

Description of Program:

The Reasonable Accommodation Program was established in April 1992. Policy Statement P-1-47 was developed, an accessibility study was conducted and a transition plan developed. Actions are ongoing to establish costs to ensure reasonable accommodations are made; to accomplish all mandatory corrections to bring IRS into compliance with regulatory requirements; to ensure that employees with disabilities are not adversely impacted by the business vision; to ensure that information about disabilities, the employment of persons with disabilities and the nature of reasonable accommodation are included in policies, guidelines, Internal Revenue Manuals and other appropriate publications; and to establish procedures to ensure that programs administered by the Service are accessible to persons with disabilities.

Type of Service or Benefit Provided:

Training, education, and equipment which will ensure full and equitable participation of persons with disabilities in activities, services, employment and upward mobility.

Number and Demographics:

Approximately 6,500 employees with disabilities Servicewide.

Budget Authority and Outlays:

Reasonable accommodation budget initiative has been recommended for FY 97.

Funding Provided by Non-Federal Sources:

N/A

Nature and Periodicity of Data Collected:

Accomplishment of reasonable accommodation action items are assessed on an annual basis.

Roles of Federal and Non-Federal Entities:

Close coordination with General Services Administration (GSA) to affect regulatory requirements.

Name and Location of Contact Person:

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