

NDRN to Conduct Study on Federal Enforcement of Disability Rights for the National Council on Disability

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The [National Disability Rights Network](#) (NDRN) is conducting a study and will write a report for the [National Council on Disability](#) (NCD) to critically examine the civil rights enforcement activities of the U.S. Access Board, the U.S. Equal Employment Opportunity Commission, and the U.S. Department of Labor as related to people with disabilities. NCD “is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities.” NDRN is the membership association, and training and technical assistance provider, for the federally mandated Protection and Advocacy Systems and the Client Assistance Program for people with disabilities.

The three agencies being considered in the study are “charged to ensure equal opportunity for people with disabilities.” The report, tentatively titled “Has the Promise Been Kept?” will evaluate the progress and results of the current compliance enforcement efforts of the three federal agencies considered, and assess how these agencies addressed the recommendations in NCD’s 2000 Report [*Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act*](#). NDRN will take an “in-depth look” at how these agencies enforce disability civil rights laws, and evaluate their monitoring and enforcement activities and offer recommendations for improvement. The report is expected to be submitted by NCD to Congress and the President in the fall of 2018.

The specific federal entities to be considered in the report will be the following:

[U.S. Architectural and Transportation Barriers Compliance Board \(Access Board\)](#)

The Access Board is responsible for enforcing the accessibility requirements of the Architectural Barriers Act (ABA) by federal agencies as the federal government pursues the goal of being a model of disability employment and inclusion. The Access Board also develops the accessibility guidelines that often become the basis for enforceable standards under the Americans with Disabilities Act, Section 508 of the Rehabilitation Act of 1973, as amended, and other federal disability rights laws. The Access Board provides important accessibility expertise for other agencies as they seek to develop regulations, policies, and enforcement efforts.

[U.S. Equal Employment Opportunity Commission \(EEOC\)](#)

Since the enactment of the Americans with Disabilities Act (ADA) in 1990, the EEOC has been the primary federal agency to combat employment discrimination of people with disabilities across the country. After the passage of the Americans with Disabilities Act Amendments Act in 2008, the EEOC was responsible for re-writing ADA regulations and issuing a number of guidance documents based on the revised law. The EEOC also enforces the Genetic Information Nondiscrimination Act (GINA). The EEOC was considered at length in 2000 NCD report *Promises to Keep*.

[U.S. Department of Labor](#)

The assessment of the Dept. of Labor will include an evaluation of six entities whose efforts can impact people with disabilities.

[Civil Rights Center \(CRC\)](#)

As described on the Dept. of Labor's website, the CRC develops, administers, and enforces Departmental policies, practices, and procedures pursuant to Title VI and Title VII of the Civil Rights Act of 1964, as amended; Section 188 of the Workforce Investment Act (WIA), as amended; the Rehabilitation Act of 1973, as amended; Title II of the ADA of 1990, as amended; the Notification and Federal Employee

Antidiscrimination and Retaliation (No FEAR) Act; and a number of other federal anti-discrimination statutes and Executive Orders.

[Employment and Training Administration \(ETA\)](#)

As explained on the Dept. of Labor's website, the ETA provides funds and administers grant programs that offer training and employment assistance to people with disabilities. ETA is also responsible for enforcing parts of the Ticket to Work and Self-Sufficiency Program, which aims to provide greater access for people with disabilities to training services, vocational rehabilitation services, and other support services they need to obtain, regain, or maintain employment.

[Office of Disability and Employment Policy \(ODEP\)](#)

ODEP seeks to "develop and influence policies and practices that increase the number and quality of employment opportunities for people with disabilities." ODEP funds the Job Accommodation Network (JAN) which provides technical assistance to employees, potential employees, and employers on workplace accommodations, as well as the Employer Assistance and Resources Network on Disability Inclusion (EARN), which seeks to assist employers with, among other things, laws and regulations and federal contractor requirements related to the employment of people with disabilities. ODEP also produces reports, recommendations, and other materials which address the employment of people with disabilities.

[Office of Federal Contract Compliance Programs \(OFCCP\)](#)

OFCCP is charged with the enforcement of Section 503 of the Rehabilitation Act of 1973, as amended, as applied to federal contractors and sub-contractors, among other statutes and Executive Orders. In this role, OFCCP works with the EEOC in the enforcement of the anti-discrimination provisions in the Americans with Disabilities Act, while it enforces the anti-discrimination and affirmative action provisions of section 503 as applied to federal contractors and sub-contractors.

[Office of the Solicitor \(SOL\)](#)

As the legal arm of the Dept. of Labor, the Office of the Solicitor works with other agencies within the Department to enforce federal employment laws. For example, the Solicitor works closely with the Wage and Hour Division on enforcement matters involving Section 14(c) of the Fair Labor Standards Act.

[Wage and Hour Division \(WHD\)](#)

Relevant to people with disabilities, the Wage and Hour Division (WHD) is responsible for the enforcement of the Fair Labor Standards Act (FLSA), including Section 14(c) which allows for the payment of sub-minimum wages to people with disabilities under special wage certificates. The WHD is also responsible for the enforcement of the Family and Medical Leave Act (FMLA), and other legislation and executive orders which set labor standards for wages and hours under Federal Government contracts.

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