



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

July 21, 2014

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington DC 20500

Dear President Obama:

We write on behalf of the Consortium for Citizens with Disabilities (CCD) Rights Task Force to urge you to renominate Jacqueline Berrien as Chair of the EEOC or to appoint Commissioner Chai Feldblum as Chair. CCD is a coalition of national disability organizations working for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

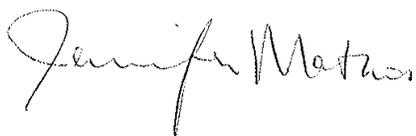
We note that Chair Berrien's term expired on July 1, 2014. As only two years remain in this Administration, it is critical that you ensure the agency has a chair in place promptly if Chair Berrien does not serve a second term. Nominating a new commissioner as chair of the agency would guarantee a protracted confirmation process that would severely hamper the agency's ability to implement Administration priorities. Most concerning, the agency has just begun a major rulemaking process to develop regulations implementing Section 501 of the Rehabilitation Act—concerning non-discrimination and affirmative action obligations of the federal government with respect to its employment of people with disabilities. Effective implementation of your Executive Order requiring the federal government to hire 100,000 people with disabilities over five years requires that these regulations be promulgated as soon as possible. Comments on an Advance Notice of Proposed Rulemaking to implement Section 501 were submitted only a week ago. A gap in agency leadership could well mean that regulations would not be finalized during this Administration. Other civil rights priorities of this Administration would be similarly affected.

For a number of reasons, Commissioner Feldblum would be a particularly appropriate choice for chair if Chair Berrien does not serve another term. First, as you have pointed out many times, the Administration should reflect the diversity of the American public. To this end, it is important for the Administration to have more people with disabilities in high-ranking positions; currently the

number of such individuals is exceedingly small. Second, Commissioner Feldblum played a leading role in developing the agency's current Strategic Enforcement Plan. Based on the history of the Commission's implementation of strategic plans, we are concerned that having a chair who was not involved in the development of this plan could mean starting over with the development of a new plan—something that the agency cannot afford to do at this juncture. Third, Commissioner Feldblum has demonstrated a strong ability to work successfully across party lines, and to work with both employees and employers, to achieve meaningful results; this is a critical quality for a chair of the agency. Finally, Commissioner Feldblum's extensive knowledge and experience in the area of disability rights would prove invaluable to ensure the completion of much of the Commission's unfinished business, including promulgation of Section 501 regulations, implementation of the Curb Cuts to the Middle Class interagency initiative to promote employment of people with disabilities, and issuance of updated guidance concerning reasonable accommodations, including accommodations relating to workplace leave.¹

Chai Feldblum would be a stellar choice for EEOC chair in the event that Chair Berrien does not serve a second term. We urge you to consider these comments as you make your decision.

Sincerely,



Jennifer Mathis
Bazelon Center for Mental Health Law



Mark Richert
American Foundation for the Blind



Curt Decker
National Disability Rights Network



Sandy Finucane
Epilepsy Foundation of America

Co-Chairs, CCD Rights Task Force

cc: David Noble

Taryn Williams

¹ This topic was placed on the agenda for the Commission's April 25, 2012 public meeting as the Commission was developing updated reasonable accommodation guidance, but was removed from the agenda just before the meeting. Guidance on this important topic has yet to be issued, despite significant developments in the law since the Commission's last guidance was issued twelve years ago.