



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**Rights Task Force
2014 Annual Report**

The CCD Rights Task spent the year actively engaged in a variety of issues supporting the civil and human rights of people with disabilities. These activities included writing letters concerning specific issues, meeting with Administration officials on matters of policy, participating in or supporting litigation, and developing positions on pending administrative or legislative matters in line with CCD policy. The specific areas of activity are briefly outlined below.

Nondiscrimination and Affirmative Action in Employment

The Rights Task Force met with EEOC Commissioner Chai Feldblum and her staff as well as staff of several other commissioners and the EEOC's Office of Legal Counsel at the end of 2013, and over the course of the next several months provided information and recommendations on development of new proposed Section 501 regulations. We encouraged the commission to strengthen affirmative action and modeling requirements for federal agencies. In July 2014 the Rights Task Force submitted written comments on the EEOC's Advance Notice of Proposed Rulemaking on Section 501.

The Rights Task Force continued its advocacy with the Department of Labor on Section 503 of the Rehabilitation Act and supported the new regulations' emphasis on data collection on applicants and hiring of people with disabilities as well as the establishment of an employment target. Members of CCD also participated in litigation in which a construction contractor trade association challenged the validity of the new regulations; in *ABC v. Shiu*, several disability organizations filed amicus curiae briefs at the district court and federal appellate court levels supporting the agency's power and discretion to create the federal regulations as well as the need for strengthened direction on hiring and placement of people with disabilities. The DC Court of Appeals in December 2014 rejected the suit by ABC (Association of Building Contractors), finding DOL clearly within its discretion to promulgate the revised regulations.

The Rights Task Force submitted written comments on DOJ's NPRM on Titles II and III of the ADA, supporting the agency's general approach of basing these regulations largely on the EEOC's ADA regulations, but urging the DOJ to make a number of changes to the proposed rule to make it more consistent with the revised law, the EEOC regulations and the principle that limitations should be evaluated done in comparison to most people in the general population. All CCD members were invited to join these comments.

Mental Health Access to Treatment and Civil Rights

The Rights Task Force continued its efforts to prevent the passage of Rep. Murphy's HR 3717 due to its many troubling provisions, submitting testimony and letters, and supported Rep. Barber's HR4574 as an alternative that would accomplish the goal of improved support for individuals and families in mental health crisis without unduly impeding individual rights.

Nominations/Appointments to Civil Rights Positions

Several letters in support of candidates for positions in federal agencies were sent by the Rights Task Force, including a letter urging the President to nominate EEOC Commissioners Feldblum or then current Chair Berrien for the position of Chair once Chair Berrien's term had expired; letters to the Senate HELP Committee and later the full Senate supporting the reappointment of David Lopez as general counsel, and Charlotte Burrows as a new Commissioner; and a letter to the Senate supporting Debo Adegbile for the position of Assistant Attorney General for Civil Rights in DOJ.

Olmstead Enforcement & Other Rights Activities

The Rights Task Force continues to pay close attention to Olmstead enforcement, and this past year sent a letter to Congress expressing strong concern over its language in an appropriations bill committee report implying that the Justice Department, whose appropriations were at issue, should weaken its enforcement of the ADA integration mandate and Olmstead based upon individual and family desires.

The Committee also commented on DOJ's proposed rules expanding reporting of people with mental illness to the the National Instant Criminal Background Check system (NICS) and HHS's proposed modifications to HIPAA privacy regulations to promote reporting of more people with mental illness to the NICS database. We argued that DOJ's proposed rule was inconsistent with the NICS statute and that HHS had no power to create a different privacy rule for people affected by mental illness or a history thereof without a factual basis showing that the problem the agency claimed it was addressing actually existed in any state.

Finally, the Rights Task Force also supported other task forces and disability agencies in comments, such as submitting a letter supporting the comments of the deaf and hard of hearing communities on proposed DOJ captioning rules in movie theatres. The Rights Task Force also developed comments jointly with the Housing Task Force in response to HUD's solicitation of feedback on its Affirmatively Furthering Fair Housing Assessment Tool; we generally supported the tool and offered a number of recommendations for improving it.

Future Activities

We will continue to work on a wide variety of rights advocacy with different agencies and with Congress. Among the things that we know will be on our agenda:

- We will continue to monitor the Labor Department's enforcement of Section 503 of the Rehabilitation Act and provide support to the Department in directing contractors to appropriate resources to help with recruitment of people with disabilities.
- We will continue to work closely with the EEOC to help the agency develop strong regulations implementing Section 501 of the Rehabilitation Act, with the goal of ensuring

effective affirmative action by federal agencies to promote employment of people with disabilities.

- We will advocate with Congress to oppose passage of Congressman Murphy's bill that would eviscerate P&A advocacy on behalf of people with psychiatric disabilities, eliminate privacy rights for people with psychiatric disabilities, and expand forced treatment at the expense of more effective, voluntary community services.

Co-Chairs in 2014

Curt Decker
National Disability Rights Network

Sandy Finucane
Epilepsy Foundation

Jennifer Mathis
Bazelon Center for Mental Health Law

Mark Richert
American Foundation for the Blind