



CONSORTIUM FOR CITIZENS  
WITH DISABILITIES

## **Rights Task Force Annual Report for 2013**

### 2013 ACTIVITIES

- In December 2013, the Task Force was invited by EEOC Commissioner Feldblum to participate in a brainstorming meeting with relevant EEOC staff to discuss what the agency should address when it promulgates regulations next year to implement Section 501 of the Rehabilitation Act (requiring federal agencies to avoid disability discrimination and take affirmative action to promote employment of people with disabilities).
- In December 2013, members of the Task Force participated in a meeting with Labor Department staff to discuss enforcement of the Department's new regulations implementing Section 503 of the Rehabilitation Act. We offered the support of disability organizations in helping contractors with recruitment of people with disabilities.
- In December 2013, the Rights Task Force submitted, together with the Employment and Training and Veterans and Military Families Task Forces, comments to the House Committee on Education and the Workforce and Subcommittee on Workforce Protections in connection with a subcommittee hearing concerning the Department of Labor's regulations implementing Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA). Our comments defended Labor's authority to promulgate these regulations.
- In November 2013, members of the Task Force wrote to the Department of Labor applauding the issuance of regulations implementing Section 503, expressing concerns about many of the concessions that had been made in those regulations, and urging aggressive enforcement.
- In November 2013, the Task Force sent a letter to Senators Reid and McConnell urging them to bring up for a vote the nomination of Chai Feldblum to a second term at the U.S. Equal Employment Opportunity Commission (EEOC). Having Feldblum on the Commission is an important opportunity for advancing disability rights, and her nomination would have expired if it had not been voted on by the end of the Congressional session. In August, the Task Force had written to the Senate HELP Committee urging Feldblum's swift confirmation. She was confirmed in December and has begun serving her second term.

- In September 2013, the Task Force submitted comments in response to a request for information put out by HHS Office of Civil Rights seeking answers to questions about the scope of the Affordable Care Act's non-discrimination provision.
- In September 2013, the Rights Task Force submitted joint comments with the Housing Task Force on proposed regulations implementing the Fair Housing Act's mandate to "affirmatively further fair housing."
- Responding to the general lack of understanding about the ADA that task force members have encountered on Capitol Hill, the Task Force organized Congressional briefings in the House and Senate to educate staffers about the ADA. Intended to be the first of a series of briefings by CCD Task Forces, these briefings provided a general overview of the ADA-- why it was passed, how it has changed the lives of people with disabilities, and what barriers remain. In addition, the briefing focused on the ADA's integration mandate and the need for real integration. The all-star speakers included Chai Feldblum, Arlene Mayerson, Sam Bagenstos, Eve Hill, and others. A video of the Senate briefing is on the Rights Task Force webpage.
- In June 2013, the Rights and Housing Task Forces wrote to HUD expressing thanks for HUD's issuance of its guidance concerning the application of Olmstead to HUD-assisted housing.
- In June 2013, the Rights Task Force submitted comments on an Advance Notice of Proposed Rulemaking issued by HHS Office of Civil Rights concerning the possibility of creating an exemption to HIPAA's privacy protections that would result in more mental health records being reported to the FBI's gun database.
- In May 2013, a Rights Task Force co-chair served as a CCD witness presenting testimony at an EEOC hearing concerning the ADA's application to employer-based wellness programs. The Task Force also submitted follow-up comments after the hearing.
- In May 2013, the Task Force submitted comments on OPM's proposed changes to the mental health-related inquiries on the questionnaire for applicants for security clearances.
- In April 2013, the Task Force submitted comments in response to proposed changes by the EEOC to a form collecting information about applicants for federal jobs. The agency proposed to add questions that would enable it to collect data for the first time concerning applicants with disabilities. The Task Force co-chairs were invited to attend a follow-up meeting with Commissioner Feldblum and other EEOC staff to discuss this form. Based on that meeting, we circulated a series of questions about the form to all CCD members and collected feedback to provide to the EEOC.
- In March 2013, the Task Force met with the Disability Rights Section of the Justice Department and its new chief to discuss our priorities and to hear the Section's priorities. In April 2013, we also met with DRS and other parts of DOJ, as part of a large meeting with disability organizations to discuss the top priorities of disability rights organizations.
- In January 2013, the Task Force sent a letter to the Justice Department urging that the Department honor its promise to begin enforcing its ADA regulations concerning

swimming pool access at the end of January and that there be no further delays in enforcement.

- In January 2013, members of the Task Force submitted comments on behalf of CCD members on proposed regulations by the Department of Labor, HHS, and the Treasury Department concerning non-discrimination in wellness programs.

### 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 are:

- We will 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 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 2013:

Curt Decker, National Disability Rights Network  
Jennifer Mathis, Bazelon Center for Mental Health Law  
Mark Richert, American Foundation for the Blind  
Sandy Finucane, Epilepsy Foundation