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Contact: Ann Colgrove
Janet V. Elizondo
(202) 663-4900
TTY: (202) 663-4494

EEOC ISSUES FINAL RULE ON APPLICATION OF ADA STANDARDS TO THE FEDERAL WORKFORCE

New language in the EEOC Regulations on the Rehabilitation Act of 1973 applies employment nondiscrimination standards of the ADA to federal government employees

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the publication of a final rule to clarify the application of the employment provisions of the Americans with Disabilities Act of 1990 (ADA) to federal government workers.

"These changes to the Commission's regulations will promote consistent enforcement of the Rehabilitation Act of 1973 and Title I of the Americans With Disabilities Act of 1990," said EEOC Chair Cari M. Dominguez. "They will also promote the goal of increasing the employment of individuals with disabilities in the federal government and ensure that the federal government continues to serve as a model employer of individuals with disabilities."

When Title I of the ADA (employment provisions) was enacted, some of the legal requirements of the ADA differed from the Rehabilitation Act, even though the two laws shared the same purpose: ending employment discrimination based on disability. Congress subsequently amended the Rehabilitation Act, applying the ADA standards to federal employment.

This final rule implements the amendments to section 501 of the Rehabilitation Act and updates the EEOC's Rehabilitation Act regulation in 29 C.F.R. § 1614.203. Final rule highlights include:

- The final rule incorporates by reference the EEOC's ADA regulation, at 29 C.F.R. Part 1630.
- The regulatory limits on reassignment of federal employees with disabilities as a reasonable accommodation, formerly included in 29 C.F.R. § 1614.203(g), have been deleted, and the ADA standard will now be applied.
- The final rule amends the federal sector disability regulation, 29 C.F.R. § 1614.203, and sets forth the obligation of the federal government to be the "model employer of individuals with disabilities."

The application of the ADA's nondiscrimination standards has no impact on federal affirmative action obligations or programs.

EEOC published a Notice of Proposed Rulemaking (NPRM) on the amendments to its old section 501 regulation in the Federal Register on March 1, 2000. The Commission subsequently received 15 comments. They included comments from federal agencies, federal unions, advocacy groups representing persons with disabilities, one from a group representing employment attorneys and one from a state agency. After careful consideration of the comments, EEOC approved the revised final rule in accordance with the federal rulemaking process.

The text of the final rule and other information about the EEOC is available on the agency's web site at www.eeoc.gov. In addition to enforcing the Rehabilitation Act of 1973's prohibitions

against disability discrimination in the federal government, the EEOC enforces the employment provisions of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act; the Equal Pay Act; and sections of the Civil Rights Act of 1991.

Linda B. R. Mills

Associate Command Counsel

Voice: (703)617-8049; DSN 767-8049

FAX: (703)617-5680; DSN 767-5680

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