

**ROUTING AND TRANSMITTAL SLIP**

Date

24 OCT  
1983**TO:** (Name, office symbol, room number,  
building, Agency/Post)

Initials

Date

1. EO/DDA

[Signature]

24 OCT  
1983

2.

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Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

1 - The attached sounds familiar to me but  
registry cannot find anything in the files.  
[redacted] suggests copies be forwarded to  
OLL, OGC, and OIS.

ba

No record of 15 Apr memo.

STAT

DO NOT use this form as a RECORD of approvals, concurrences, disposals,  
clearances, and similar actions**FROM:** (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Phone No.

# **EXECUTIVE SECRETARIAT**

## **Routing Slip**

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
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7	DDO				
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9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
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14	D/Pers				
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16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
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SUSPENSE		Date			

Remarks:

Executive Secretary  
10/28/83  
Date

STAT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20506

Executive Registry  
83-5110

DDA Registry  
83-4622

OCT 19 1983

OFFICE OF  
THE CHAIRMAN

MEMORANDUM

TO : HEADS OF AGENCIES

FROM : Clarence Thomas  
Chairman

*Clarence Thomas*

DDA REGISTRY

FILE: 100-13

SUBJECT: Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended, in Federally Conducted Programs and Activities

On April 15, 1983, the Assistant Attorney General for Civil Rights sent to you a "prototype" regulation to assist your agency in developing regulations implementing Section 504 of the Rehabilitation Act of 1973 in its programs and activities, as required by 1978 Amendments to that Act. The letter transmitting the prototype regulation advised that before your proposed regulation is published in the Federal Register, it must be submitted concurrently to the Department of Justice for review pursuant to Executive Order 12250 and to the Equal Employment Opportunity Commission for review of its employment provisions pursuant to Executive Order 12067.

A number of questions have been raised regarding the relationship of the employment provisions in the prototype Section 504 regulation to requirements for handicap nondiscrimination and affirmative action in Federal employment under Section 501 of the Rehabilitation Act. It was the intent of the prototype regulation to establish that its requirements for employment nondiscrimination should be those under Section 501. However, it appears that the language provided in the regulation and its preamble did not make this sufficiently clear.

Accordingly, the Commission recommends the substitute language below for use by agencies in place of the indicated sections of the prototype regulation and its preamble. We have advised the Department of Justice of these changes.

Section 103. Under the definition of "qualified handicapped person," delete paragraph (4) which applies to employment.

Section 140. Delete "(a)" and "General" before the first sentence. Delete entire paragraph "(b)". Following the first sentence, add:

The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

83-4622

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Section 170. Substitute the following new paragraph (a):

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency;

Substitute the following new paragraph (b) and delete paragraph (d):

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established in 29 CFR 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

Redesignate existing paragraph (a) as (c); existing (b) as (d); existing (c) as (e); existing (e) as (f); existing (f) as (g), and redesignate subsequent paragraphs in this section accordingly.

The following conforming changes should be made in the preamble:

Page 9. Delete last paragraph.

Pages 15-16. Under the heading Section 140 Employment, on the top of page 16, following the words, "Executive agencies", insert the following sentence:

The court also held that in order to give effect to both section 504 and section 501, the administrative procedures of section 501 must be followed in processing section 504 complaints.

Delete the second paragraph on page 16, and substitute the following language after the case citation:

Consistent with that decision, this section provides that the standards, requirements and procedures of section 501 of the Rehabilitation Act, as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613, shall be those applicable to employment in federally conducted programs or activities. In addition to this section, §170(b) of this regulation specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination. Responsibility for coordinating enforcement of Federal laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (3 CFR, 1979 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap.

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Pages 25-26. Under the heading Section 170 Compliance Procedures, on page 25, insert as new first paragraph:

Paragraph (a) specifies that paragraphs (c) through (l) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the agency will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

In the existing first paragraph (now the second paragraph) change (b) to (d), and (c) to (e).

On page 26, delete the first paragraph. In the second paragraph, change reference to paragraph (e) to (f). In the third paragraph, change references to paragraph (f) to (g) and paragraph (h) to (i). On page 27, in the first paragraph, change reference to paragraph (k) to (l).

Should you have questions related to employment, you may contact Suzanne Olive or Evelyn Idelson in the Coordination Division, Office of Legal Counsel, EEOC, at 634-7581.

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