

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 32.
LABOR.

CHAPTER 3.
EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS
WITH DISABILITIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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INDIVIDUALS WITH DISABILITIES.

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CHAPTER 3. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

SUBCHAPTER I. EMPLOYMENT OPPORTUNITIES.

§ 32-301. PURPOSE.

(a) The purpose of this chapter is to further the policy of the District of Columbia to encourage and assist blind individuals and individuals with other severe disabilities to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for products and services for blind individuals and individuals with other severe disabilities thereby enhancing their dignity and capacity for self-support.

(b) Further, it is the purpose of this chapter to create employment opportunities for blind individuals and individuals with other severe disabilities which enhance training, evaluation, adjustment and open market employment for those persons who become sufficiently capable.

(Mar. 3, 1979, D.C. Law 2-128, § 2, 25 DCR 2236; Apr. 24, 2007, D.C. Law 16-305, § 45(a), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-601.

1973 Ed., § 36-801.

Effect of Amendments

D.C. Law 16-305 substituted "individuals and individuals with other severe disabilities" for "and other severely handicapped individuals" and "products and services for blind individuals and individuals for with other severe disabilities" for "blind and other severely handicapped products and services".

Legislative History of Laws

Law 2-128, the "Employment Opportunities Act of 1978," was introduced in Council and assigned Bill No. 2-151, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on July 11, 1978, and July 25, 1978, respectively. Signed by the Mayor on August 17, 1978, it was assigned Act No. 2-263 and transmitted to both Houses of Congress for its review.

For Law 16-305, see notes following § 32-241.

§ 32-302. DEFINITIONS.

For the purposes of this chapter:

(1) The term "blind" refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

(2) The term "direct labor" includes all work required for preparation, processing and packing but not supervision, administration, inspection and shipping.

(3) The term "qualified nonprofit agency for the blind and other individuals with severe disabilities" means an agency:

(A) Organized under the laws of the United States or of the District of Columbia operated in the

interest of blind individuals and other individuals with severe disabilities and the net income of which does not ensure, in whole or in part, to the benefit of any shareholder or other individual;

(B) Which complies with any applicable occupational health and safety standard required by the laws of the United States or of the District of Columbia; and

(C) Which in the manufacture of products and in the provision of service (whether or not the products or services are procured under this chapter) during the fiscal year employs blind and other individuals with severe disabilities for not less than 75% of the person-hours of direct labor required for the manufacture or provision of the products or services.

(4) The term "individual with a severe disability" means any person (other than a blind person as heretofore defined) who is so severely incapacitated by any physical or mental disability that he or she cannot engage in normal competitive employment because of such disability.

(Mar. 3, 1979, D.C. Law 2-128, § 3, 25 DCR 2236; Apr. 24, 2007, D.C. Law 16-305, § 45(b), 53 DCR 6198; Mar. 25, 2009, D.C. Law 17-353, § 172(a), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-602.

1973 Ed., § 36-802.

Effect of Amendments

D.C. Law 16-305, in par. (3), substituted "blind and other individuals with severe disabilities" for "blind and other severely handicapped" and "individuals with severe disabilities" for "severely handicapped individuals"; and in par. (4), substituted "individual with a severe disability" for "severely handicapped".

D.C. Law 17-353 validated a previously made technical correction in subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 2-128, see Historical and Statutory Notes following § 32-301.

For Law 16-305, see notes following § 32-241.

For Law 17-353, see notes following § 32-101.

§ 32-303. COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER PERSONS WITH SEVERE DISABILITIES--ESTABLISHED.

(a) There is hereby created a Committee for Purchase of Products and Services of the Blind and Other Individuals with Severe Disabilities (hereinafter referred to as the "Committee") to be appointed by the Mayor of the District of Columbia (hereinafter referred to as the "Mayor"). The Committee shall be composed of 2 private citizens conversant with the problems incident to the employment of the blind and other individuals with severe disabilities, 2 citizens representing individuals who are consumers with severe disabilities employed in qualified nonprofit agencies for the blind and other individuals with severe disabilities, 2 citizens representing the general public and a representative of each of the following agencies: Directors of the Department of General Services, the Office of Budget and Management Systems and the Department of Human Services. The members of the Committee shall be appointed by the Mayor for a term of 4 years and shall not serve beyond the expiration of their term: Except, that of the 6 private citizen members first appointed, 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 shall be appointed for a term of 4 years, as designated by the Mayor at the time of appointment. The members of the Committee shall designate 1 of their number to be chairperson.

(b) Any private citizen member, appointed under subsection (a) of this section to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed only for the remainder of such term.

(c) Members of the Committee shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Committee.

(d) Subject to such rules as may be adopted by the Committee, the Mayor may appoint and fix the pay of any personnel which the Committee determines is necessary to assist it in carrying out its duties and powers under this chapter.

(e) The Committee may secure directly from any agency of the District of Columbia government (hereinafter referred to as "District government") information which the Committee deems necessary to carry out this chapter. Upon request of the chairperson of the Committee, the head of such agency shall furnish such information to the Committee.

(f) The Committee shall, not later than 90 days following the close of each fiscal year, transmit to the Mayor

and to the Council of the District of Columbia (hereinafter referred to as the "Council") a report which shall include:

- (1) The names of the Committee members serving in the preceding fiscal year;
- (2) The dates of Committee meetings in that year;
- (3) A description of its activities under this chapter in that year;
- (4) A list of contracts awarded under this chapter and the recipients thereof; and
- (5) Any recommendations for changes in this chapter which it determines are necessary.

(Mar. 3, 1979, D.C. Law 2-128, § 4, 25 DCR 2236; Apr. 24, 2007, D.C. Law 16-305, § 45(c), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-603.

1973 Ed., § 36-803.

Effect of Amendments

D.C. Law 16-305, in the section heading, substituted "Other Persons with Severe Disabilities" for "Other Severely Handicapped"; and in subsec. (a), substituted "Individuals with Severe Disabilities" for "Severely Handicapped", "individuals with severe disabilities" for "severely handicapped", and "consumers with severe disabilities" for "handicapped consumers".

Legislative History of Laws

For legislative history of D.C. Law 2-128, see Historical and Statutory Notes following § 32-301.

For Law 16-305, see notes following § 32-241.

Transfer of Functions

The Department of Human Resources was replaced by the Department of Human Services, pursuant to Reorganization Plan No. 2 of 1979, dated February 21, 1980.

The functions of the Department of General Services were transferred, in part, to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and transferred, in part, to the Department of Administrative Services by Reorganization Plan No. 5 of 1983, effective March 1, 1984.

§ 32-304. COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER INDIVIDUALS WITH SEVERE DISABILITIES--DUTIES.

(a) The duties of the Committee shall be as follows:

- (1) To determine the price of all products manufactured and services provided by the blind and other individuals with severe disabilities and offered for sale to the various agencies of the District government by any qualified nonprofit agency for the blind and other individuals with severe disabilities. The price shall be set to recover the cost of raw materials for the workshops, labor, overhead and delivery costs, but shall not include profit;
- (2) To revise such prices from time to time in accordance with changing cost factors; and
- (3) To make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency to facilitate the distribution of orders among agencies for the blind and other individuals with severe disabilities and other relevant matters of procedure as shall be necessary to carry out the purposes of this chapter.

(b) The Committee shall establish and publish a list of products produced by any qualified nonprofit agency for the blind and other individuals with severe disabilities and the services provided by any such agency which the Committee determines are suitable for procurement by agencies of the District government pursuant to this chapter. This procurement list and revisions thereof shall be distributed to all purchasing officers of the District government.

(Mar. 3, 1979, D.C. Law 2-128, § 5, 25 DCR 2236; Apr. 24, 2007, D.C. Law 16-305, § 45(d), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-604.

1973 Ed., § 36-804.

Effect of Amendments

D.C. Law 16-305 substituted "individuals with severe disabilities" for "severely handicapped" wherever it appeared in the section.

Legislative History of Laws

For legislative history of D.C. Law 2-128, see Historical and Statutory Notes following § 32-301.

For Law 16-305, see notes following § 32-241.

§ 32-305. PROCUREMENT REQUIREMENTS FOR DISTRICT GOVERNMENT.

(a) If any agency of the District government intends to procure any product or service on the procurement list, that agency shall, in accordance with rules and regulations not contrary to the procurement laws and rules and regulations of the District of Columbia and of the Committee, procure such product or service, at the price established by the Committee, from a qualified nonprofit agency for the blind and other individuals with severe disabilities if the product or service is available within the period required by that agency and if the product meets the minimum quality standards required by the agency; provided, that this chapter shall not apply in any cases where products or services are available for procurement from any agency of the District government and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this chapter. These procurement actions shall not abrogate any existing contractual agreements for goods or services but shall only apply after the termination of existing contractual agreements.

(b) In furthering the purposes of this chapter and in contributing to the economy of the District government, it is the intent of the Council that there be close cooperation between the Committee and any agency of the District government from which procurement of products or services is required under the provisions of any law in effect on the date of enactment of this chapter. The Committee and any such agency of the District government are authorized to enter into such contractual agreements, cooperative working relationships or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this chapter and any other law requiring procurement of products or services from any agency of the District government.

(Mar. 3, 1979, D.C. Law 2-128, § 6, 25 DCR 2236; Apr. 24, 2007, D.C. Law 16-305, § 45(e), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 36-605.

1973 Ed., § 36-805.

Effect of Amendments

D.C. Law 16-305, in subsec. (a), substituted "individuals with severe disabilities" for "severely handicapped".

Legislative History of Laws

For legislative history of D.C. Law 2-128, see Historical and Statutory Notes following § 32-301.

For Law 16-305, see notes following § 32-241.

SUBCHAPTER II. REHABILITATION SERVICES PROGRAM.

§ 32-331. ESTABLISHMENT OF THE REHABILITATION SERVICES PROGRAM.

(a) There is established a Rehabilitation Services Program that shall provide comprehensive, coordinated, efficient, and accountable federally subsidized services to individuals with disabilities, including individuals with significant disabilities, to assist those individuals in achieving gainful employment in accordance with the requirements of the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1116; 29 U.S.C. § 720 *et seq.*).

(b) The Mayor shall establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to the payment of the costs of the vocational rehabilitation services.

(Apr. 12, 2005, D.C. Law 15-332, § 2, 52 DCR 1989.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) amendment of section, see § 2 of Rehabilitation Services Program Establishment Temporary Act of 2002 (D.C. Law 14-138, May 21, 2002, law notification 49 DCR 5055).

For temporary (225 day) amendment of section, see § 2 of Rehabilitation Services Program Establishment Temporary Act of 2003 (D.C. Law 14-290, April 4, 2003, law notification 50 DCR 5848).

For temporary (225 day) amendment of section, see § 2 of Rehabilitation Services Program Establishment Temporary Act of 2003 (D.C. Law 15-99, March 10, 2004, law notification 51 DCR 3619).

For temporary (225 day) amendment of section, see § 2 of Rehabilitation Services Program Establishment Temporary Act of 2004 (D.C. Law 15-250, March 17, 2003, law notification 52 DCR 4126).

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Emergency Act of 2002 (D.C. Act 14-284, February 25, 2002, 49 DCR 2311).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Second Emergency Act of 2002 (D.C. Act 14-596, January 7, 2003, 50 DCR 650).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2003 (D.C. Act 15-72, April 16, 2003, 50 DCR 3612).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Emergency Act of 2003 (D.C. Act 15-235, November 25, 2003, 50 DCR 10737).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2004 (D.C. Act 15-358, February 19, 2004, 51 DCR 2576).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Emergency Act of 2004 (D.C. Act 15-559, October 26, 2004, 51 DCR 10378).

For temporary (90 day) addition, see § 2 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2005 (D.C. Act 16-9, January 19, 2005, 52 DCR 2694).

Legislative History of Laws

Law 2-128, the "Employment Opportunities Act of 1978," was introduced in Council and assigned Bill No. 2-151, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on July 11, 1978, and July 25, 1978, respectively. Signed by the Mayor on August 17, 1978, it was assigned Act No. 2-263 and transmitted to both Houses of Congress for its review.

Law 15-332, the "Rehabilitation Services Program Establishment Act of 2004", was introduced in Council and assigned Bill No. 15-287 which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-741 and transmitted to both Houses of Congress for its review. D.C. Law 15-332 became effective on April 12, 2005.

§ 32-331.01. GRANT AND CONTRACT AUTHORITY.

The Rehabilitation Services Program may:

- (1) Receive and administer grants, as necessary, to provide services to assist individuals with disabilities in achieving or maintaining gainful employment; and
- (2) Enter into contracts or other agreements, as necessary, to provide services or support to assist individuals with disabilities in achieving or maintaining gainful employment.

(Apr. 12, 2005, D.C. Law 15-332, § 2a, as added Sept. 18, 2007, D.C. Law 17-20, § 5002, 54 DCR 7052.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 5002 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

Legislative History of Laws

For Law 17-20, see notes following § 32-242.

Miscellaneous Notes

Short title: Section 5001 of D.C. Law 17-20 provided that subtitle A of title V of the act may be cited as the "Rehabilitation Services Program Amendment Act of 2007".

§ 32-332. RULES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this subchapter.

(Apr. 12, 2005, D.C. Law 15-332, § 3, 52 DCR 1989.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendment of Section

For temporary (225 day) amendment of section, see § 3 of Rehabilitation Services Program Establishment Temporary Act of 2002 (D.C. Law 14-138, May 21, 2002, law notification 49 DCR 5055).

For temporary (225 day) amendment of section, see § 3 of Rehabilitation Services Program Establishment Temporary Act of 2003 (D.C. Law 14-290, April 4, 2003, law notification 50 DCR 5848).

For temporary (225 day) amendment of section, see § 3 of Rehabilitation Services Program Establishment Temporary Act of 2003 (D.C. Law 15-99, March 10, 2004, law notification 51 DCR 3619).

For temporary (225 day) amendment of section, see § 3 of Rehabilitation Services Program Establishment Temporary Act of 2004 (D.C. Law 15-250, March 17, 2003, law notification 52 DCR 4126).

Emergency Act Amendments

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Emergency Act of 2002 (D.C. Act 14-284, February 25, 2002, 49 DCR 2311).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Second Emergency Act of 2002 (D.C. Act 14-596, January 7, 2003, 50 DCR 650).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2003 (D.C. Act 15-72, April 16, 2003, 50 DCR 3612).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Emergency Act of 2003 (D.C. Act 15-235, November 25, 2003, 50 DCR 10737).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2004 (D.C. Act 15-358, February 19, 2004, 51 DCR 2576).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Emergency Act of 2004 (D.C. Act 15-559, October 26, 2004, 51 DCR 10378).

For temporary (90 day) addition, see § 3 of Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2005 (D.C. Act 16-9, January 19, 2005, 52 DCR 2694).

Legislative History of Laws

For Law 15-332, see notes following § 32-331.