



National Association of

Councils on Developmental Disabilities

Washington Update

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Fiscal Outlook Remains Challenging

Just in the nick of time, Congress passed a FY 2012 appropriations bill in which the DD Councils were funded for FY 2012 at \$ \$74,774,409 after an across the board cut of just 0.0189% . In this tight fiscal environment, this is a big victory. For more information, visit <http://nacdd.org/documents/Washington%20Update%2012-20-11.pdf>

After Congress returns later this month, the outlook for appropriations for FY 2013 will continue to be challenging. The President's FY 2013 Budget is expected to be issued on or about February 6. NACDD will let you know what it provides for DD Councils and our DD Act partners the UCEDDs, the P&A's and the Administration on Developmental Disabilities.

Late in 2011, Congress extended the payroll tax break for two months and also included an adjustment to Medicare payments to physicians known as the Medicare "Doc Fix." Congress will have to address these issues again by late February 2012.

Save the dates

April 22 (5 pm for NACDD Policy Briefing) thru April 25

Disability Policy Seminar, Washington, DC

www.disabilitypolicyseminar.org

Registration available January 17, 2012

Domestic Non-Defense Appropriations Will Suffer More Cuts than Defense in Wake of Super Committee Failure

As a result of the Super Committee's failure to recommend at least \$1.2 trillion in savings, cuts scheduled over the next decade will hurt domestic spending more than defense spending, according to the Center for Budget & Policy Priorities (CBPP). CBPP states that over the decade, between 2011 and 2021 domestic discretionary funding will shrink by 17.1 percent, after adjusting for inflation, while funding for defense will decline 15.1 percent. Between 2001 and 2021, non-defense discretionary funding will shrink by 0.96 percent of GDP, while defense funding will shrink by a little over half as much — by 0.58 percent of GDP. For more details, see CBPP's report at <http://www.cbpp.org/files/1-3-12bud.pdf>

On the other hand, since sequestration does not go into effect until January 2013, many people expect that both the Democrats and Republicans will be motivated to find common ground to pass legislation to un-do the sequestration provisions of the Budget Control Act.

Payroll Tax Extension May Be Especially Onerous for Unemployed Workers with Disabilities

When Congress reconsiders the payroll tax reduction, House leaders may well insist on a provision in a bill passed by the House in December 2011 that will deny unemployment insurance benefits to any worker without a high school diploma or GED – regardless of whether there are classes available or other means of achieving one or the other and regardless of how many unemployment premiums have been paid. This provision is likely to fall heavily on people with disabilities who become unemployed who do not have an academic high school diploma. Visit Center on Budget & Policy Priorities report at <http://www.cbpp.org/cms/index.cfm?fa=view&id=3652>

EEOC Indicates that Requiring a High School Diploma May Sometimes Be Unlawful Employment Discrimination under the Americans with Disabilities Act

In an informal discussion letter, the EEOC recently indicated that requiring a high school diploma in some instances may well be unlawful employment discrimination under the Americans with Disability Act. For more information visit http://www.eeoc.gov/eeoc/foia/letters/2011/ada_qualification_standards.html

Employment Legislation Introduced in House

Congressman Joe Heck (R-NV-3rd) has introduced the Local Job Opportunities and Business Success Act ("Local Jobs Act") HR 3611. According to Heck, "Washington's one-size-fits-all approach to workforce training has failed our families and our communities. The Local Jobs Act emphasizes workforce training based on local business needs and streamlines the bureaucracy that has hindered progress on this critical issue."

Congresswoman Virginia Foxx (R-NC- 5th) has introduced the Streamlining Workforce Development Programs Act, HR 3610. She describes it as consolidating 33 of the 47 federal job training programs and as providing better accountability and fostering an outcome driven job training system.

These bills are intended to complement Congressman Heck's Workforce Investment Improvement Act, HR 2295, introduced in June 2011. He describes this bill as increasing the flexibility in services offered to job seekers and eliminating arbitrary barriers that prevent workers from accessing training immediately.

NPRM Proposes Requiring Federal Contractors and Subcontractors to Set Hiring Goals that 7% of Workforce Be People with Disabilities. Comments due February 7, 2012.

On December 9, 2011, the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor issued a Notice of Proposed Rule-Making (NPRM) that proposes requiring federal contractors and subcontractors to set a hiring goal of having 7 percent of their workforce be people with disabilities, among other requirements. Comments are due February 7, 2012

For the NPRM and instructions on how to submit comments, visit
<http://www.regulations.gov/#!documentDetail;D=OFCCP-2010-0001-0001>

The OFCCP describes this proposed rule as one that would strengthen the affirmative action requirements established in Section 503 of the Rehabilitation Act of 1973 obligating federal contractors and subcontractors to ensure equal employment opportunities for qualified workers with disabilities. The proposed regulatory would change specific actions contractors must take in the areas of recruitment, training, record keeping and policy dissemination – similar to those that have long been required to promote workplace equality for women and minorities. In addition, the rule would clarify OFCCP’s expectations for contractors by providing specific guidance on how to comply with the law.

According to the NPRM, although Section 503 regulations have been in place for decades, the current unemployment rate for people with disabilities is 13 percent, 1 1/2 times the rate of those without disabilities. Even more discouraging, data published last week by the department’s Bureau of Labor Statistics show stark disparities facing working-age individuals with disabilities, with 79.2 percent outside the labor force altogether, compared to 30.5 percent of those without disabilities.

Establishing a 7 percent hiring goal for the employment of individuals with disabilities would be a tool for contractors to measure the effectiveness of their affirmative action efforts and thereby inform their decision-making. The proposed rule also would enhance data collection and record-keeping requirements – including for documentation and would add processing of requests for reasonable accommodation – in order to improve accountability. Additionally, it would ensure annual self-reviews of employers’ recruitment and outreach efforts and add a requirement for contractors to list job openings to increase their pools of qualified applicants. .

Join White House Disability Call January 18, 2012, 2 pm Eastern time

Here is the information to join the next White House Disability Call. People are encouraged to call in five minutes early due to the large volume of callers.

- Date of Call: 01/18/2012
- Start Time: 2:00 p.m. EST (dial in 5 minutes early)
- This call will probably last one and a half hour.
- Dial in: (800) 762-4758
- Code: “White House Disability Call”

For live captioning, at the start time of the event, please login by clicking on the link below. Please only use this feature if you are deaf or hard of hearing.

<http://www.fedrcc.us//Enter.aspx?EventID=1894630&CustomerID=321>

This White House call is off the record and not for press purposes.

If you received this email as a forward but would like to be added to the White House Disability Group email distribution list, please visit <http://www.whitehouse.gov/disability-issues-contact> and fill out the “contact us” form in the disabilities section or you can email disability@who.eop.gov and provide your full name, city, state, and organization.

For more information, contact Peggy Hathaway, NACDD Public Policy Manager, phathaway@nacdd.org