

REHABILITATION ACT OF 1973

OFFICE OF
MANAGEMENT
AND BUDGET



Brief introduction of the act.

The Rehabilitation Act of 1973 (Rehab Act) aims to protect the rights of individuals with disabilities by ensuring their access to opportunities is not frowned upon based on their disability. The Act prohibits **discrimination on the basis of disability in programs receiving federal funds, in federal employment, and in federal contracting.**

Yet, and perhaps more importantly, the Rehab Act does not merely prohibit discrimination, but it also requires the development of **affirmative steps** (also known as “Affirmative Action”) for hiring, retaining, and promoting persons with disabilities.

WHO is the act applicable to?

This Act applies to:

- Federal Agencies
- Entities that manage programs or activities that receive federal financial assistance (Ex. Grantees, Recipients, Subrecipients)
- Employers of federal personnel
- Federal contractors and subcontractors.



How is the bill relevant for Governmental entities in Puerto Rico receiving federal funding?

Since Hurricanes Irma and Maria, the Government of Puerto Rico has received an unprecedented amount of federal funds. As a result, numerous governmental entities now serve as Grantees, Recipient, or Subrecipients of federal grants. All these governmental entities, and their respective contractors, are obliged to comply with the provisions of the Rehab Act.

Thus, and primarily, any entity that designs and implements a program or activity financed through federal assistance must:

- 1 Develop and implement affirmative action plans to recruit, hire, and retain employees with disabilities.
- 2 Provide reasonable accommodation to employees with disabilities unless it causes undue hardship.
- 3 Ensure that their electronic and information technology is accessible to people with disabilities.

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WHEN is the act applicable?

The Rehab Act applies whenever an entity covered by the act interacts with an individual with a disability.

Specifically, when an individual seeking either an employment opportunity in a federal agency (or during his/her employment in a federal agency), a benefit from a program or activity financed through federal assistance, or is seeking employment with a federal contractor, those entities need to ensure compliance with the Rehab Act.

HOW is the act implemented?

Government agencies that oversee Rehab Act compliance:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The EEOC serves as the Rehab Act watchdog regarding Affirmative Action requirements, which require federal agencies to establish affirmative action programs for the hiring, placement, and advancement of individuals with disabilities. A key obligation of federal agencies under the Affirmative Action requirement is to **submit annual reports** to the EEOC detailing their efforts and progress in hiring individuals with disabilities.



OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) US Department of Labor

The OFCCP assures, through compliance evaluations and investigations, that federal contractors and subcontractors with contracts over \$10,000 also take affirmative action to employ and advance qualified individuals with disabilities.



DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) DEPARTMENT OF EDUCATION (ED)

Lastly, HHS and ED, through guidance, compliance reviews, and the processing of complaints, enforce the prohibition of discrimination based on disability in programs and activities receiving federal financial assistance.

