



## COMMISSION RECOMMENDATION

### Mayor's Committee for People With Disabilities

#### Recommendation Number 20210827-2A: Moving the Americans with Disabilities Act Program Into the Civil Rights Office

WHEREAS, the Americans with Disabilities Act has already been passed and signed into law by the United States explicitly publically, and explicitly as a “civil rights act” for people with disabilities in respect to employment, housing, voting, education transportation and public accommodations access;

WHEREAS, the City of Austin is a local government covered under Section II of the Americans with Disabilities Act;

WHEREAS, the Americans with Disabilities Act fully and explicitly covers all people with disabilities inside the City of Austin including those who were never employed, cannot work, and/or do not wish to be employed by the City of Austin;

WHEREAS, the Americans with Disabilities Act deliberately refers to a specific federal civil rights act with specific local responsibilities;

WHEREAS, Americans with Disabilities Act coverage is not something which somebody must first earn or accrue in order to receive civil rights coverage from municipalities;

WHEREAS the Americans with Disabilities Act Program is the only entity in the City of Austin authorized to evaluate and provide reasonable accommodation requests from all requesting people with disabilities under the Americans with Disabilities Act;

WHEREAS, all people with disabilities needing “reasonable accommodations” to successfully access and receive City of Austin programs, services, and events other than employment are still instructed to contact the Americans with Disabilities Act Program;

WHEREAS, the accommodation process for Austin Texas residents with disabilities is already publically described on official City of Austin publications including City website and social media;

WHEREAS, the Civil Rights Office was established in January 2021 specifically to provide a centralized location for all civil rights acts and this centralized location should also include a civil rights act which explicitly covers and protects the civil rights of people with disabilities;

WHEREAS, the Mayor's Committee for People with Disabilities was proactively and explicitly transferred to the Civil Rights Office April 2021 while the ADA Program remained behind in Human Resources;

WHEREAS, the Mayor's Committee for People with Disabilities commissioners are not permitted to grant reasonable accommodations requests from individuals with disabilities seeking access to City services or resources and this Committee has no binding enforcement power regarding any provision of the Americans with Disabilities Act;

WHEREAS a May 21<sup>st</sup> 2021 City of Austin town hall explicitly about the first person experiences of people with disabilities and policing had required that "reasonable accommodations" be specifically requested from the City of Austin Americans with Disabilities Act Program in order to ensure that all people attending that City event have full access to and could use civil rights specifically because of disability;

WHEREAS, the Americans with Disabilities Act Program was the only City office specifically authorized to provide reasonable accommodations for this and other City events and explicitly responsible for enforcement of the Americans with Disabilities Act;

WHEREAS, the Mayor's Committee for People with Disabilities can and should act in an advisory capacity to City of Austin entities including City Council, department heads, and City Management to make policy recommendations which helps the City best provide appropriate services and resources to people with disabilities;

WHEREAS, the Americans with Disabilities Act Program previously served as staff liaison to the Mayor's Committee for People with Disabilities prior to the Committee's April 2021 transfer to the Civil Rights Office;

NOW THEREFORE, the Mayor's Committee for People with Disabilities recommends that the Americans with Disabilities Act Program and staff be permanently transferred into the Civil Rights Office to finally ensure that a centralized location for all civil rights laws and individuals in the City of Austin with the authority and training to fully enforce civil rights laws does exist;

AND THEREFORE, that the City of Austin Civil Rights Office explicitly and publicly includes the Americans with Disabilities Act which was already passed by the United States Government specifically to function as a "civil rights act";

AND THEREFORE that the Americans with Disabilities Program Manager becomes the Assistant Director of Civil Rights-Americans with Disabilities Act Division and the ADA/504 Act Coordinator becomes the Associate Director of Civil Rights-Americans With Disabilities Act Division,

AND THEREFORE, that the City of Austin acknowledge the Americans with Disabilities Act is a civil right available to all residents of the City of Austin as opposed to an earned employee benefit accrued for performance only to paid employees of the City of Austin;

AND THEREFORE, that the Americans with Disabilities Act program staff also immediately resumes all staff liaison duties for the Mayor's Committee for People with Disabilities except when Americans with Disabilities Act Program Staff are temporarily absent from the Civil Rights Office;

AND THEREFORE, that only when Americans with Disabilities Act Program staff are temporarily absent from the Civil Rights Office, and a scheduled meeting or other activity of the Mayor's Committee for People with Disabilities still must still occur, the Civil Rights Office Director will then assign other Civil Rights Office staff to temporarily attend the scheduled meeting/activity before finally sending out a cancellation notice if substitute Civil Rights Office staff were unavailable.;

AND THEREFORE, both this transfer and merger works in the best interests of all Austin residents with disabilities and the City because all City of Austin civil rights programs will now be permanently housed together in one centralized civil rights office.

Date of Approval: August 27, 2021

Record of the vote:

Attest: Jonathan Babiak

Jonathan Babiak, Staff Liaison

DRAFT