



RECOMMENDATION
Mayor's Committee for People with Disabilities

Recommendation Number 20220311-002D: 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, and publically as a “civil rights act” for people with disabilities in respect to employment, housing, voting, education, transportation, and public accommodations access; and

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

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; and

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

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; and

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; and

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

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; and

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

WHEREAS, the Civil Rights Office current responsibilities includes enforcement of employment non-discrimination ordinances and HIV/AIDS, all of which is already specifically covered under the ADA; and



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; and

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; this Committee has no binding enforcement power regarding any provision of the Americans with Disabilities Act and the committee itself is not civil rights legislation; and

WHEREAS a May 21st 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; and

WHEREAS, the Committee receives public feedback from individuals with disabilities sincerely believing the Committee has enforcement powers; and

WHEREAS, the Americans with Disabilities Act Program is the only City office which is specifically authorized to provide "reasonable accommodations" to individuals with disabilities and is explicitly responsible for enforcement of the Americans with Disabilities Act within the City of Austin; and

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

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; and

NOW THEREFORE, BE It RESOLVED, the Mayor's Committee for People with Disabilities recommends to the City Council that the Americans with Disabilities Act Program and staff be permanently transferred into the Civil Rights Office to ensure that a centralized location for all civil rights laws and enforcement of 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 City of Austin employees;

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 providing enforcement capabilities will now be permanently housed together in one centralized office.

Date of Approval: March 11, 2022

Record of the vote: 6-0; Commissioner Orlowski motion, Commissioner Gidseg second. Voting in favor were Chair Franks, Commissioner Broadwater, Commissioner Gidseg, Commissioner Kearns-Osterweil, Commissioner Orlowski, and Commissioner Trejo.

Attest: _____ *Jonathan Babiak*
Jonathan Babiak, Staff Liaison