



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Legal Counsel

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Martie Cohan Condray, Esq.
Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007

RE: Notice of Proposed Rulemaking on the Prohibition Against Discrimination on the Basis of Disability

Dear Ms Condray,

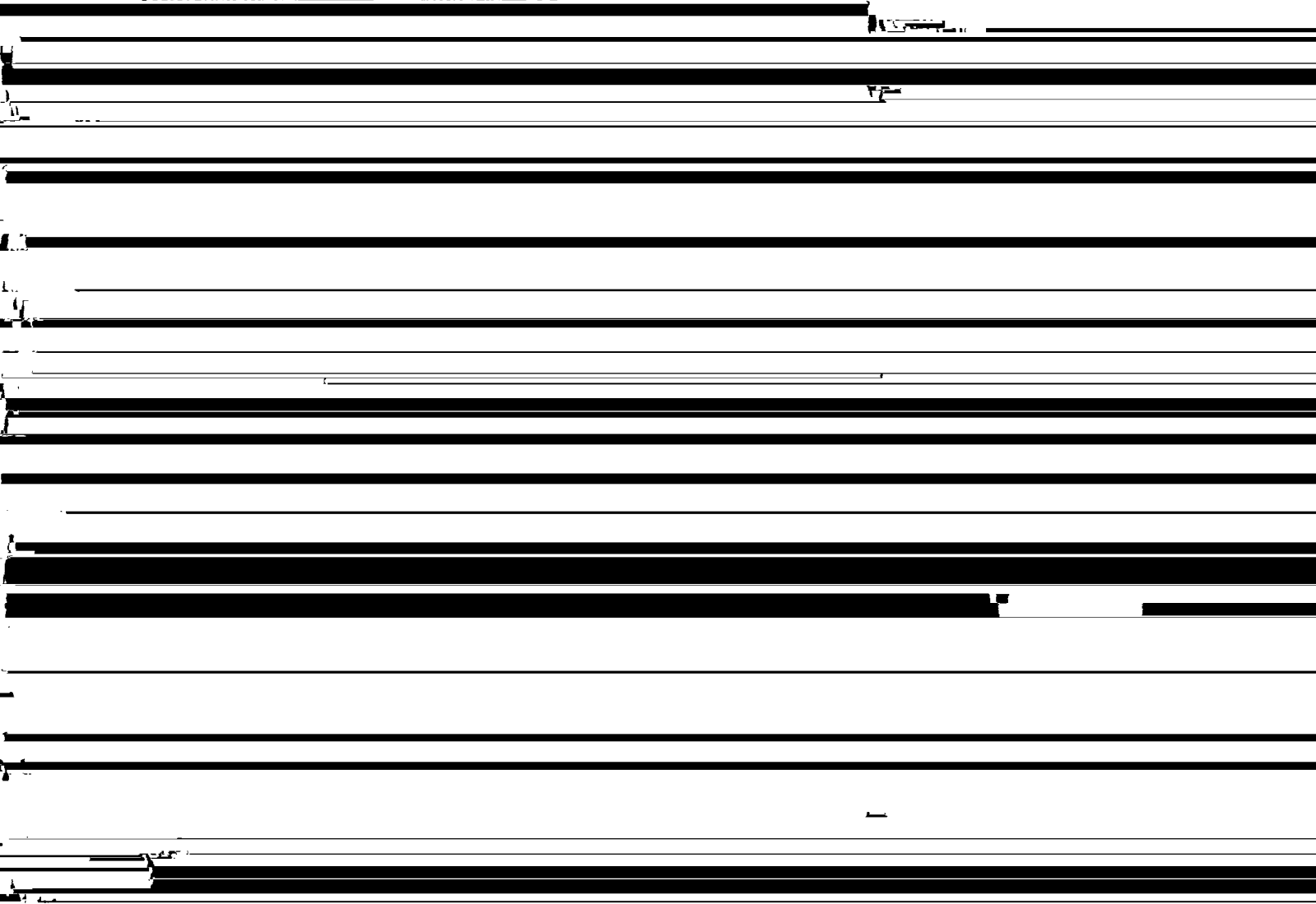
On behalf of the Equal Employment Opportunity Commission (EEOC), we are submitting these comments in response to the Notice of Proposed Rulemaking (NPRM) on the proposal to amend the Legal Services Corporation's (LSC) regulation on prohibitions against discrimination on the basis of disability found at 45 C.F.R. Part 1624. 71 Fed. Reg. 27,654 (proposed May 12, 2006). These regulations implement section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and cover

Background for EEOC Coordination

As you know, the EEOC enforces the federal laws that prohibit employment discrimination on the basis

Mattie Cohan Condray, Esq.
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assistance recipients will be fully informed of the



Section 1624.6 Employment

The substance and structure of proposed section 1624.6 (Employment) appear to be modeled on a 1980 Department of Justice section 504 regulation for federally assisted programs, 28 C.F.R. Part 42. In light of the passage of the ADA in 1990 and the 1992 Amendment of section 504, the EEOC strongly recommends cross-referencing the EEOC's ADA regulation at 29 C.F.R. Part 1630 in this section. Using a cross-reference keeps standards uniform and is simple and straightforward. This section also should embody the language contained in the 1994 joint DOJ/EEOC rule regarding coordination between section 504 and the ADA. See 28 C.F.R. § 37.12 and 29 C.F.R. § 1640.12 (identical rules).

Specifically, we suggest that the newly revised section would replace the current proposed text in the NPRM with the following:

Section 1624.6 – Employment. No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any program or activity receiving Federal financial assistance. In any investigation, compliance review, hearing or other proceeding, the standards used to determine whether section 504