

COUNCIL OF THE DISTRICT OF COLUMBIA

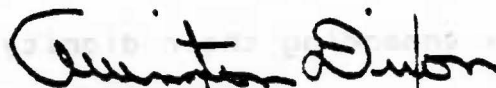
NOTICE

D. C. LAW 2-128

"Employment Opportunities Act of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-151, on first and second readings, July 11, 1978 and July 25, 1978 respectively. Following the signature of the Mayor on August 17, 1978, this legislation was assigned Act 2-263, published in the September 8, 1978, edition of the D.C. Register, (Vol. 25 page 2236) and transmitted to Congress on January 18, 1979 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites the following legislation as D.C. Law 2-128, effective March 3, 1979.


 ARRINGTON DIXON
 Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	18, 19, 22, 23, 24, 25, 26, 29, 30, 31
February	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2

D.C. LAW 2-128

AN ACT

2-263

EFFECTIVE DATE MAR 03 1979

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 17, 1978

To create employment opportunities for blind and other severely handicapped individuals by assuring a market for products and services provided by them, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Employment Opportunities Act of 1978".

Sec. 2. Declaration of Purpose.

The purpose of this act is to further the policy of the District of Columbia to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for blind and other severely handicapped products and services thereby enhancing their dignity and capacity for self-support.

Further, it is the purpose of this act to create employment opportunities for blind and other severely handicapped individuals which enhance training, evaluation, adjustment and open market employment for those persons who become sufficiently capable.

Sec. 3. Definitions.

For the purposes of this act:

(a) The term "blind" refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees.

(b) The term "direct labor" includes all work required for preparation, processing and packing but not supervision, administration, inspection and shipping.

(c) The term "qualified nonprofit agency for the blind and other severely handicapped" means an agency:

(1) organized under the laws of the United States or of the District of Columbia operated in the interest of blind individuals and other severely handicapped and the net income of which does not ensure, in whole or in part, to the benefit of any shareholder or other individual;

(2) which complies with any applicable occupational health and safety standard required by the laws of the United States or of the District of Columbia; and

(3) which in the manufacture of products and in the provision of service (whether or not the products or services are procured under this act) during the fiscal year employs blind and other severely handicapped individuals for not less than seventy-five per centum (75%) of the person-hours of direct labor required for the manufacture or provision of the products or services.

(d) The term "severely handicapped" means any person (other than a blind person as heretofore defined) who is so severely incapacitated by any physical or mental disability that he or she cannot engage in normal competitive employment because of such disability.

Sec. 4. Establishment of a Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

(a) There is hereby created a Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereinafter referred to as the "Committee") to be appointed by the Mayor of the District of Columbia (hereinafter referred to as the "Mayor"). The Committee shall be composed of two (2) private citizens conversant with the problems incident to the employment of the blind and other severely handicapped, two (2) citizens

representing individuals who are handicapped consumers employed in qualified nonprofit agencies for the blind and other severely handicapped, two (2) citizens representing the general public and a representative of each of the following agencies: Directors of the Department of General Services, the Office of Budget and Management Systems and the Department of Human Resources. The members of the Committee shall be appointed by the Mayor for a term of four (4) years and shall not serve beyond the expiration of their term: EXCEPT, That of the six (6) private citizen members, first appointed, two (2) shall be appointed for a term of two (2) years, two (2) shall be appointed for a term of three (3) years, and two (2) shall be appointed for a term of four (4) years, as designated by the Mayor at the time of appointment. The members of the Committee shall designate one (1) of their number to be chairperson.

(b) Any private citizen member, appointed under subsection (a) of this act to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed only for the remainder of such term.

(c) Members of the Committee shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Committee.

(d) Subject to such rules as may be adopted by the Committee, the Mayor may appoint and fix the pay of any personnel which the Committee determines is necessary to assist it in carrying out its duties and powers under this act.

(e) The Committee may secure directly from any agency of the District of Columbia government (hereinafter referred to as "District government") information which the Committee deems necessary to carry out this act. Upon request of the chairperson of the Committee, the head of such agency shall furnish such information to the Committee.

(f) The Committee shall, not later than ninety (90) days following the close of each fiscal year, transmit to the Mayor and to the Council of the District of Columbia (hereinafter referred to as the "Council") a report which shall include: (1) the names of the Committee members serving in the preceding fiscal year; (2) the dates of Committee meetings in that year; (3) a description of its activities under this act in that year; (4) a list of contracts awarded under this act and the recipients thereof; and (5) any recommendations for changes in this act which it determines are necessary.

Sec. 5. Duties and Powers of the Committee.

(a) The duties of the Committee shall be as follows:

(1) to determine the price of all products manufactured and services provided by the blind and other severely handicapped and offered for sale to the various agencies of the District government by any qualified nonprofit agency for the blind and other severely handicapped. The price shall be set to recover the cost of raw materials for the workshops, labor, overhead and delivery costs, but shall not include profit;

(2) to revise such prices from time to time in accordance with changing cost factors; and

(3) to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency to facilitate the distribution of orders among agencies for the blind and other severely handicapped and other relevant matters of procedure as shall be necessary to carry out the purposes of this act.

(b) The Committee shall establish and publish a list of products produced by any qualified nonprofit agency for the blind and other severely handicapped and the services provided by any such agency which the Committee determines are suitable for procurement by agencies of the District government pursuant to this act. This procurement list and revisions thereof shall be distributed to all purchasing officers of the District government.

Sec. 6. Procurement Requirements for District Government.

(a) If any agency of the District government intends to procure any product or service on the procurement list, that agency shall, in accordance with rules and regulations not contrary to the procurement laws and rules and regulations of the District of Columbia and of the Committee, procure such product or service, at the price established by the Committee, from a qualified nonprofit agency for the blind and other severely handicapped if the product or service is available within the period required by that agency and if the product meets the minimum quality standards required by the agency: PROVIDED, That this act shall not apply in any cases where products or services are available for procurement from any agency of the District government and procurement therefrom is required under the provisions of any law in effect on the date of enactment of this act. These procurement actions shall not abrogate any existing contractual agreements for goods or services but shall only apply after the termination of existing contractual agreements.

(b) In furthering the purposes of this act and in contributing to the economy of the District government, it is the intent of the Council that there be close cooperation

between the Committee and any agency of the District government from which procurement of products or services is required under the provisions of any law in effect on the date of enactment of this act. The Committee and any such agency of the District government are authorized to enter into such contractual agreements, cooperative working relationships or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this act and any other law requiring procurement of products or services from any agency of the District government.

Sec. 7. Effective Date.

This act shall take effect as provided for acts of the Council of the District of Columbia in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: BILL 2-151

First Reading Action: JULY 11, 1978

VOICE VOTE: BY MAJORITY (2abs) BARRY, HARDY

Robert Williams
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEKON					SACKETT									

X indicates Vote A. B. Absent N. Y. Not Voting

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEKON					SACKETT									

X indicates Vote A. B. Absent N. Y. Not Voting

Secretary to the Council

Final Reading or Emergency Action: JULY 25, 1978

VOICE VOTE: ADOPTED UNANIMOUSLY (ALL PRES.)

Robert Williams
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEKON					SACKETT									

X indicates Vote A. B. Absent N. Y. Not Voting

Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: BILL 2-151

Presented to the Mayor: AUG 14 1978

Robert Williams
Secretary to the Council

Action of the Mayor: 17 AUG 1978

Approved: Disapproved;
 Disapproved in part --*Reference Document:
*Budget Actions.

Acton Washington 17 AUG
Mayor of the District of Columbia

Returned Without Action _____
Executive Secretary, D. C.

Enacted without Mayor's Signature _____
Secretary to the Council

Council Reenactment: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLARK									
DEKON					SICKLETON									
Y-Indicates Vote A- Absent N. V-Not Voting														

Secretary to the Council

Presented to the President: _____

Secretary to the Council

Action of the President: _____

Reenactment Approved

Mayor's Veto Sustained

President of the U. S.-

Submitted to the Congress: SEP 5 1978

Patricia E. Miller
Secretary to the Council

Senate Action: _____
Resolution Number: _____

House Action: _____
Resolution Number: _____

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action: _____

D. C. Law No. _____ Effective Date _____

Secretary to the Council