

  
Karin Kullman

06/03/99 02:19:37 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Tomorrow's Event

The event tomorrow is:

2:00-2:30pm            Briefing  
                                 Oval

2:40 - 3:15pm        Event  
                                 East Room

----- Forwarded by Karin Kullman/OPD/EOP on 06/03/99 02:19 PM -----

  
Karin Kullman

06/03/99 02:17:38 PM

Record Type: Record

To: Setti D. Warren/WHO/EOP@EOP, Jonathan M. Young/WHO/EOP@EOP

cc: Cynthia A. Rice/OPD/EOP@EOP

Subject: Tomorrow's Event

I think there may be some confusion about tomorrow's announcement at the awards ceremony, and whether OPM staffers should be included in the audience. We are announcing the OPM Executive Order during the event. While the President will not sign the EO at the event, he will sign it prior to the event. He will just be announcing that he has signed the EO. Therefore, OPM should absolutely be included tomorrow.

Setti -- can you let me know if Janice LaChance will be attending. We want the speechwriters to add an acknowledgement for her.

Thanks!



Cynthia A. Rice

05/27/99 07:15:14 PM

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Record Type: Record

To: Lisa M. Brown/OVP  
cc: J. Eric Gould/OPD/EOP  
Subject: Shorter description of the two actions

Here's a shorter description that the one pager I just sent you:

We are nearly ready to announce two executive actions to help increase the employment of people with disabilities in the federal workforce. The first will be a directive to federal agencies to implement an employment plan for people with disabilities prepared by the Office of Personnel Management at the Vice President's request. The directive will ensure agencies 1) recruit widely people with disabilities for positions at all levels; 2) establish agency-wide reasonable accommodation policies and procedures for applicants and employees with disabilities; 3) provide career opportunities for people with disabilities, including equal opportunity to obtain managerial and executive training and compete for promotions; and 4) collect and maintain data to monitor the success in achieving a higher percentage of adults with disabilities in the federal workforce. The second action will be an executive order, to be followed by regulations, which will change the civil service rules to ensure that people with psychiatric disabilities 1) will be covered by the same appointing authority which facilitates hiring of individuals with other disabilities and 2) will be allowed to acquire competitive civil service status after two years of service as individuals with other disabilities now can. These stricter standards for mental disabilities were put in place over 20 years ago, and Mrs. Gore, in a speech at Dartmouth in January, announced that OPM would examine ways to eliminate these disparities.



**United States  
Office of  
Personnel  
Management**

**FAX  
TRANSMITTAL  
SHEET**

Date:

6-1

Number of Pages

5

**OFFICE OF THE DIRECTOR  
1900 E STREET, NW., ROOM 5H09  
WASHINGTON, DC 20415-0001**

Please

Name:

Cynthia Rice

Deliver

Office:

DPC

Room:

To:

Telephone:

From:

Name:

Mary Strand

Office:

OPM

Room:

Telephone:

(202) 606-1000

FAX Number: (202) 606-2183

**Remarks**

Clean + Redlined versions of EO on  
psychiatric disabilities that went to OMB  
ON 5-28-99

## EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different, which led to stricter standards for hiring persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may be converted to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management shall ensure that persons with psychiatric disabilities have the same hiring opportunities as are given to persons with mental retardation or severe physical disabilities.

Section 2. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”

Section 3. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section 4. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE

## EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different, which led to stricter standards for hiring persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may be converted to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit individuals with psychiatric disabilities to obtain civil service competitive status, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management shall ensure that persons with psychiatric disabilities have the same hiring opportunities as are given to persons with mental retardation or severe physical disabilities.

Section 12. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

"(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service."

Section ~~23~~<sup>24</sup>. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section ~~34~~<sup>35</sup>. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE



Cynthia A. Rice

06/01/99 08:55:16 AM

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Record Type: Non-Record

To: MASTRAND @ opm.gov, sbseiden @ opm.gov, Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc: Records Management  
Subject: Re: EO is at OMB 

Thanks, will do.

Can somebody send me the attachment as a Wordperfect document? I can't read the attached.

"Strand, Mary" <MASTRAND @ opm.gov>



"Strand, Mary" <MASTRAND @ opm.gov>  
06/01/99 07:42:45 AM

Record Type: Record

To: "'brown\_lm@a1.eop.gov'" <brown\_lm @ a1.eop.gov>, Cynthia A. Rice/OPD/EOP, J. Eric  
Gould/OPD/EOP  
cc: "Seiden, Suzanne" <SBSeiden @ opm.gov>  
Subject: EO is at OMB

---

Here's a copy of of the EO on psychiatric disabilities that went over to OMB  
Friday evening for clearance. I'm giving you both the clean and marked up  
versions. Any help you can give us with the Mac Reed process would be  
greatly appreciated.

Lisa--we ended up not changing the "assure" to "foster" in the first whereas  
clause---turns out our Leg Affairs people picked up that language directly  
from the ADA. Once I explained this to OMB, they were ok with leaving it  
like we had it.



- att1.unk



**United States  
Office of  
Personnel  
Management**

**FAX  
TRANSMITTAL  
SHEET**

Date: <i>5-28</i>
Number of Pages

**OFFICE OF THE DIRECTOR  
1900 E STREET, NW., ROOM 5H09  
WASHINGTON, DC 20415-0001**

**Please  
Deliver  
To:**

Name: <i>Cynthia Rice</i>	
Office: <i>DPC</i>	Room:
Telephone:	

**From:**

Name: <b>Mary Strand</b>	
Office: <b>OPM</b>	Room:
Telephone: <b>(202) 606-1000</b>	FAX Number: <b>(202) 606-2183</b>

**Remarks**

*3 VERSIONS OF E.O.*

New

EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different, which led to stricter standards for hiring persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may be converted to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management shall ensure that persons with psychiatric disabilities have the same opportunities in hiring as are given to persons with mental retardation or severe physical disabilities.

Section 2. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”

Section 3. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section 4. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE

(SHOWING CHANGES FROM VERSION OF 5/27/99 p.m.)

EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different, which led to stricter standards for hiring persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may be converted to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit person with psychiatric disabilities to have the same opportunities given to persons with mental retardation or severe physical disabilities under the Civil Service Rules, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management shall ensure that persons with psychiatric disabilities have the same opportunities in hiring as are given to persons with mental retardation or severe physical disabilities.

Section 2. Civil Service Rule III (5 CFR Part 3) is amended by adding the following

new paragraph to subsection (b) of section 3.1:

“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”

Section 2 3. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section 3 4. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE

(SHOWING CHANGES FROM ORIGINAL DRAFT AS CLEARED)

EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different which led to stricter standards for hiring persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may be converted to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit individuals with psychiatric disabilities to obtain civil service competitive status, it is hereby ordered as follows:

Section 1. The Director of the Office of Personnel Management shall ensure that persons with psychiatric disabilities have the same opportunities in hiring as are given to persons with mental retardation or severe physical disabilities.

Section ~~12~~. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”

Section ~~23~~. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section ~~34~~. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE



Cynthia A. Rice

05/27/99 06:43:17 PM

Record Type: Record

To: Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc: Records Management  
Subject: Re: OPM Revisions to Draft EO

Lisa -- the tweaking looks OK to me, but I think OPM's edits which 1) eliminate what was the 5th whereas and 2) edit out most of section 2 of the order are unacceptable.

They are clearly opposing making the appointment authorities the same.

Lisa M. Brown @ OVP

Lisa M. Brown @ OVP



▲ 05/27/99 06:16:19 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP  
cc:  
Subject: OPM Revisions to Draft EO

fyi -- I haven't had a chance to look at it yet

----- Forwarded by Lisa M. Brown/OVP on 05/27/99 06:15 PM -----



MASTRAND@opm.gov  
05/27/99 06:08:00 PM

Record Type: Record

To: Lisa M. Brown@OVP@EOP  
cc:  
Subject: OPM Revisions to Draft EO

We took the majority of your edits and tweaked them a bit.

We need to catch up with you on Friday morning re edits to the Model plan. Is there a particular time that would be good for you? I'm free any time other than 10:00 a.m.

Mary 606-1704

Lisa M. Brown @ OVP

  
▲ 05/27/99 06:16:19 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP

cc:

Subject: OPM Revisions to Draft EO

fyi -- I haven't had a chance to look at it yet.

----- Forwarded by Lisa M. Brown/OVP on 05/27/99 06:15 PM -----



MASTRAND@opm.gov

05/27/99 06:08:00 PM

Record Type: Record

To: Lisa M. Brown@OVP@EOP

cc:

Subject: OPM Revisions to Draft EO

We took the majority of your edits and tweaked them a bit.

We need to catch up with you on Friday morning re edits to the Model plan.  
Is there a particular time that would be good for you? I'm free any time  
other than 10:00 a.m.

Mary 606-1704

<<EO6.WPD>>

EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO  
FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the authorities governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were different, which led to stricter standards for persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities; and

WHEREAS persons with mental retardation or severe physical disabilities may be appointed for more than two years and may convert to competitive status after completion of two years of satisfactory service in their excepted positions, while persons with psychiatric disabilities may not; and

WHEREAS the Office of Personnel Management and the President's Task Force on Employment of Adults with Disabilities believe that the Federal Government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to persons with mental retardation or severe physical disabilities;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit person with psychiatric disabilities to have the same opportunities given to persons with mental retardation or severe physical disabilities under the Civil Service Rules, it is hereby ordered as follows:

Section 1. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

"(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service."

Section 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Section 3. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE



Cynthia A. Rice

05/27/99 10:23:47 AM

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Record Type: Record

To: Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc: Records Management  
Subject: Re: EO

I like it as written and think 'outdated' is a good word. What's the next step -- circulating it back to OPM? We've also got to get it into official clearance fast, but it would help to do so with OPM sign off. I'll also give our health team (Chris Jennings et al) a copy.

Lisa M. Brown @ OVP

Lisa M. Brown @ OVP

  
▲ 05/26/99 08:44:54 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
Subject: EO



pshcyeo.do I'm not at all sure this is going to satisfy them, but what do you think about this approach? Is there a better word to use than "outdated" for the standards?

Lisa

EXECUTIVE ORDER

AMENDING THE CIVIL SERVICE RULES RELATING TO FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS the <sup>authorities</sup> Civil Service Rules governing appointment of persons with psychiatric disabilities were adopted over 20 years ago when attitudes about mental illness were quite different, which led to stricter standards for persons with psychiatric disabilities than for persons with mental retardation or severe physical disabilities and ~~these stricter standards are now outdated~~; and

[hiring] [hiring]

WHEREAS these outdated standards for excepted appointments for people with psychiatric disabilities included requiring them to meet Office of Personnel Management (OPM) qualification standards that persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities were not required to meet; and

now gone

WHEREAS, ~~under these outdated standards~~ <sup>member</sup> persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities may be appointed for more than two years and may convert to competitive status after completion of two years of satisfactory service in their excepted position, while people with psychiatric disabilities may not; and

WHEREAS OPM <sup>spell out</sup> and the President's Task Force on Employment of Adults with Disabilities believe that the Federal government could better benefit from the contributions of persons with psychiatric disabilities if they were given the opportunities currently available to people with mental retardation or severe physical disabilities;

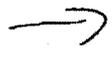
NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of Title 5, United States Code, ~~and in order to permit individuals with~~

psychiatric disabilities to have the <sup>same</sup> opportunities <sup>hiring</sup> given to persons with severe physical disabilities or mental retardation under the Civil Service Rules, it is hereby ordered as follows:

Section 1.

Section 1. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

"(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service."



Section 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order to ensure that persons with psychiatric disabilities are given the opportunities under the Civil Service Rules that are given to persons with mental retardation or severe physical disabilities.

*gone*

Section 3. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE



Cynthia A. Rice

05/26/99 03:17:47 PM

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Record Type: Record

To: Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc: Records Management  
Subject: Re: EO

Sure. Of course I don't think it's too detailed or negative now. Would it help to make it more "positive" to somehow reference that these psychiatric rules were put in place nearly 20 years ago (1980 according to one of the fact sheets they gave us). Then it makes clear it wasn't our fault and also provides an opportunity (not in the EO but rhetorically) to highlight how much we've learned about mental illness in the last two decades, which is reflected in the fact that the ADA did not distinguish between mental and physical disabilities.

Lisa M. Brown @ OVP

Lisa M. Brown @ OVP

  
▲ 05/26/99 03:01:19 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
Subject: Re: EO

OPM is concerned about the EO sounding to negative as to how people with psychiatric disabilities have been treated and feel that the level of detail I added is not standard for an EO b/c it should be addressed in the regs. I pushed back and said I would try to redraft it with a more positive tone -- what we want to do rather than what we have done wrong-- and they agreed to work on the OPM qualification standards language (they wanted to take it out entirely as well as the two-year limit). Does that sound ok to you?



Cynthia A. Rice

05/26/99 11:36:56 AM

Record Type: Record

To: Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc:  
Subject: Re: EO

Your redraft of the EO looks great, except the issue I know OPM is already working on (a more palatable way of saying that individuals with disabilities are "not subject to OPM qualification standards.")

Regarding OPM's opposition to the Task Force's recommendation on OPM qualification standards, it is far, far too late for them to object now.

- First, last fall we consulted OPM and made their suggested edits to the recommendations in the Task Force report which refers to the standards.
- Second, the paper we released on January 13th, when President and the Vice President unveiled the disability-related budget items, said that with these steps the Administration had acted on all the Task Force recommendations, noting that Mrs. Gore would be making an announcement on this issue the next day.
- And third, on January 14th, Mrs. Gore gave her speech at Dartmouth announcing the Presidential request for OPM to "explore measures to eliminate the stricter standards currently applied to federal hiring practices for adults with psychiatric disabilities." Granted "explore" left some wiggle room, but the standards concept is clearly there. I dug up the paper released that day although I don't have a transcript of the speech.



MEG0199.W

Lisa M. Brown @ OVP

Lisa M. Brown @ OVP

  
▲ 05/26/99 11:14:11 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP  
cc:  
Subject: EO



pshcyeo.do Here is a revised EO. Mary Strand said she will know later this morning the status of the regs -- they are meeting on it right now. She also indicated in her last message to me that OPM had opposed the Task Force's recommendation on OPM qualification standards, so they probably will not like adding that element to the EO. Sounds like another hornet's nest. . . . Thoughts?

Edit freely . . . .

## EXECUTIVE ORDER

### AMENDING THE CIVIL SERVICE RULES RELATING TO FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities; and

WHEREAS the Federal Government as an employer should serve as a model for the employment of persons with disabilities and utilize the full potential of these talented citizens; and

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities are not subject to the Office of Personnel Management's (OPM) qualification standards, while persons with psychiatric disabilities are;

WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities may be appointed for more than two years, while people with psychiatric disabilities may not; and

WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities may convert to competitive status after completion of two years of satisfactory service in their excepted position, while people with psychiatric disabilities may not; and

WHEREAS OPM and the President's Task Force on Employment of Adults with Disabilities believe that the Federal government could better benefit from the contributions of persons with psychiatric disabilities if this disparity were eliminated;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of Title 5, United States Code, and in order to permit individuals with psychiatric disabilities to be treated equally to persons with severe physical disabilities or mental retardation under the Civil Service Rules, including obtaining civil service competitive status, it is hereby ordered as follows:

Section 1. Civil Service Rule III (5 CFR Part 3) is amended by adding

the following new paragraph to subsection (b) of section 3.1:

“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”

Section 2. The Director of the Office of Personnel shall prescribe such regulations as may be necessary to ensure that persons with psychiatric disabilities are not subject to OPM's qualification standards, may be appointed for more than two years, and may convert to competitive status, and any other regulations necessary to implement this order.

Section 3. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE



Cynthia A. Rice

05/24/99 01:30:45 PM

Record Type: Record

To: Lisa M: Brown/OVP  
cc: J. Eric Gould/OPD/EOP  
Subject: Re: EO

On your actual edits to the "whereas" I think it might be easier to understand if we divide them by topic (qualifications, conversion) -- see what you think of what's below.

Also, when you get more info from OPM can you find out if there's another way of saying "basic job qualification standards" -- to the uninitiated (like me and most of the world) this makes it sound like we're hiring people with disabilities who are unqualified for their jobs. I imagine that instead it means they don't have to jump through certain bureaucratic personnel procedures which might arbitrarily disqualify them.

Finally, I understand Presidential scheduling is considering a small disabilities event Friday June 4th, which is the Friday before the Monday mental health conference. The ostensible reason is to fulfill a request from Tony Coehlo to present awards to the President's Committee on Employment of People with Disabilities's 1997 and 1998 nominees for outstanding contributions (one to an activist and one to a business person -- I have some paper I'll get you). The other reason is that it will give us an opportunity to push Congress to pass the Jeffords-Kennedy bill which is a top priority of ours and the Dem leadership in both the House and Senate.

My view is that if we do this June 4th disabilities event, we should do both these OPM announcements at the same time, tying them into the mental health conference. This will I think help the mental health conference get three days of news (these announcements Friday; the radio address Saturday; and the conference itself on Monday) and will tie mental health firmly to our disabilities agenda. Chris Jennings agrees, but we haven't discussed with anyone outside the DPC. What do you think?

-----  
CR's revised:

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

[WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities are not subject to basic job qualification standards but persons with psychiatric disabilities are]; and

WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities may convert to competitive status after completion of two years of satisfactory service in their excepted position, while people with psychiatric disabilities may not; and

WHEREAS OPM and the President's Task Force on Employment of Adults with

Disabilities believe that the Federal government could better benefit from the contributions of persons with psychiatric disabilities if this disparity were eliminated;

[DELETE ORIGINAL THIRD WHEREAS CLAUSE]

----- Forwarded by Cynthia A. Rice/OPD/EOP on 05/24/99 01:33 PM -----



Cynthia A. Rice

05/21/99 05:18:16 PM

Record Type: Non-Record

To: Lisa M. Brown/OVP @ OVP  
cc: J. Eric Gould/OPD/EOP  
bcc: Records Management  
Subject: Re: EO

Lisa -- thank you for checking this out so carefully. My experience here has been that it is always wise -- as the new information you've uncovered shows. Let us know what we can do.  
Lisa M. Brown @ OVP

Lisa M. Brown @ OVP



▲ 05/21/99 04:48:42 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP  
cc:  
Subject: EO



pshcyeo.do I haven't been delinquent, I just can't get a straight answer out of OPM/EEOC on the technical issue of what we are amending. I found the regs, but they don't match up with the section referenced in the EO. Plus we only seem to be addressing one of the two issues raised by the Task Force (the second was that fact that people with psych disabilities are also required to meet basic job requirements, unlike people with physical disabilities or mental retardation.) OPM has promised to get back to me on both. In the meantime, here are suggested whereas clauses -- let me know if you still want more.

Lisa M. Brown @ OVP

05/21/99 04:48:42 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP

cc:

Subject: EO



pshcyeo.do | haven't been delinquent, I just can't get a straight answer out of OPM/EEOC on the technical issue of what we are amending. I found the regs, but they don't match up with teh section referenced in the EO. Plus we only seem to be addressing one of the two issues raised by the Task Force (the second was that fact that people with psych disabilities are also required to meet basic job requirements, unlike people with physical disabilities or mental retardation.) OPM has promised to get back to me on both. In the meantime, here are suggested whereas clauses -- let me know if you still want more.

Insert after second WHEREAS clause:

WHEREAS the Civil Service Rules provide that persons with mental retardation, severe physical disabilities or psychiatric disabilities may be hired under excepted appointing authorities; and

WHEREAS persons with mental retardation or severe physical disabilities appointed under these excepted appointing authorities [are not subject to basic job qualification standards] and may convert to competitive status after completion of two years of satisfactory service in their excepted position; and

WHEREAS persons with psychiatric disabilities appointed under these excepted appointing authorities [are subject to basic job qualification standards,] may not be appointed for more than two years, and may not convert to competitive status; and

WHEREAS OPM and the President's Task Force on Employment of Adults with Disabilities believe that the Federal government could better benefit from the contributions of persons with psychiatric disabilities if this disparity were eliminated;

[DELETE ORIGINAL THIRD WHEREAS CLAUSE]



Cynthia A. Rice

05/11/99 06:48:23 PM

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Record Type: Record

To: MASTRAND @ opm.gov @ INET @ LNGTWY  
cc: Lisa M. Brown/OVP @ OVP  
Subject: Your fax re: mental health EO

What you sent is helpful, but we also need a description -- essentially a draft one pager -- that describes what the EO does and explains how that is different from the current rules. This will require some explanation of how the excepted positions work.



United States  
Office of  
Personnel  
Management

# FAX TRANSMITTAL SHEET

OFFICE OF THE DIRECTOR  
1900 E STREET, NW., ROOM 5305  
WASHINGTON, DC 20415-0001

Number of Pages  
(including this one)

3

Please  
Deliver  
To:

Name:	<del>Cynthia Rice</del> Lisa Brown OVP
Office:	DPC Room: 66429
Telephone:	

From:

Name:	JANICE R. LACHANCE	
Office:	DIRECTOR	Room: 5305
Telephone:	(202) 606-1000	FAX Number: (202) 606-2183

Remarks

Here's our proposed preamble for  
the E.O. on employment of people with  
psychiatric disabilities.

\* Also sent to Lisa Brown

*DRAFT*

EXECUTIVE ORDER

-----

**AMENDING THE CIVIL SERVICE RULES RELATING TO COMPETITIVE STATUS FOR FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES**

*New*

WHEREAS it is the goal of the United States to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities;

WHEREAS the representation of persons with disabilities in the Federal workforce has yet to reach the level at which such persons are represented in the available civilian labor force;

WHEREAS the Presidential Task Force on Employment of Adults with Disabilities has found persons with psychiatric disabilities to be at a disadvantage in Federal employment under the Civil Service Rules;

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit individuals with psychiatric disabilities to obtain civil service competitive status, it is hereby ordered as follows:

Section 1. Civil Service Rule III (5 CFR Part 3) is amended by adding the following new paragraph to subsection (b) of section 3.1:

"(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service."

Sec. 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Sec. 3. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE,



Cynthia A. Rice

04/20/99 11:43:31 AM

---

Record Type: Record

To: MASTRAND @ opm.gov @ INET @ LNGTWY  
cc: Lisa M. Brown/OVP @ OVP, J. Eric Gould/OPD/EOP  
Subject: Psychiatric disabilities EO

A couple quick questions on the psychiatric disabilities EO:

- 1) Would you provide for us the relevant language that currently exists for other individuals with disabilities (so I can explain to folks why this gives them the same status).
- 2) Would you also prepare some preamble language that explains what this does and why it's important? We'll need that too.

Lisa M. Brown @ OVP

  
▲ 04/20/99 11:33:17 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
bcc:  
Subject: Re: Psychiatric disabilities 

me again -- I looked back and it has apparently gone through OMB clearance -- is that distinct from Mac/OLC review or part of it?  
Cynthia A. Rice@EOP



Cynthia A. Rice@EOP

04/20/99 11:25:41 AM

---

Record Type: Record

To: Lisa M. Brown/OVP@OVP, J. Eric Gould/OPD/EOP@EOP  
cc: Sarah A. Bianchi/OVP@OVP  
Subject: Psychiatric disabilities

Reading for today's OPM meeting reminded me that we should get Mac Reed from OMB and others to start vetting the proposed OPM EO relating to competitive status of federal employees with psychiatric disabilities to make sure it's ready in time for the mental health conference. Lisa have you already called Mack?



Cynthia A. Rice

04/20/99 11:25:41 AM

---

Record Type: Record

To: Lisa M. Brown/OVP @ OVP, J. Eric Gould/OPD/EOP  
cc: Sarah A. Bianchi/OVP @ OVP  
Subject: Psychiatric disabilities

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---

Add preamble  
to make clear that  
this treats  
psychiatric  
disabilities like  
other disabilities

---

Check to make  
sure both types  
of disabilities are treated  
exactly the same



United States  
**Office of  
Personnel Management**

Washington, D.C. 20415

FEB 17 1999

In Reply Refer To:

Your Reference:

Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Washington, DC 20503

Attention: General Counsel

Dear Mr. Lew:

At the President's request, the Office of Personnel Management (OPM) has prepared the enclosed Executive order, which we are proposing to permit the noncompetitive conversion of excepted service employees with psychiatric disabilities to the competitive service. This Executive order would implement a recommendation of the Presidential Task Force on Employment of Adults with Disabilities to provide the same opportunities for noncompetitive conversion of employees with psychiatric disabilities as exist for employees with mental retardation and severe physical disabilities. The proposed Executive order does just that by amending the Civil Service Rules to add employees with psychiatric disabilities to the classes of people who may noncompetitively acquire status.

It would be particularly appropriate to time the issuance of this with the model plan for employment of persons with disabilities that is due March 1, 1999. We would appreciate your expeditious review of the proposed Executive order and submission to the President for his consideration.

Sincerely,

A handwritten signature in cursive script that reads "Janice R. Lachance".

Janice R. Lachance  
Director

Enclosure

EXECUTIVE ORDER

-----

AMENDING THE CIVIL SERVICE RULES RELATING TO COMPETITIVE STATUS FOR FEDERAL EMPLOYEES WITH PSYCHIATRIC DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, and in order to permit individuals with psychiatric disabilities to obtain civil service competitive status, it is hereby ordered as follows:

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“(3) An employee with psychiatric disabilities who completes at least two years of satisfactory service in a position excepted from the competitive service.”.

Sec. 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

Sec. 3. This order is effective upon publication in the Federal Register.

THE WHITE HOUSE,