



## U.S. ABILITYONE COMMISSION

Policy 51.406  
Effective Date: January 1, 2025

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### TITLE: RIGHTS OF PARTICIPATING EMPLOYEES

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#### 1. PURPOSE.

This policy affirms that participating employees in the AbilityOne Program are entitled to the same legal protections as other employees performing the same or similar work, are subject to the same legal standards, and shall enjoy equal access to employment benefits.

The policy sets forth a mechanism for responding to and monitoring complaints conveyed directly to a Central Nonprofit Agency (CNA) or the U.S. AbilityOne Commission regarding a violation of this policy. The policy does not create a process under which the CNA or the Commission will investigate a complaint and arrive at a conclusion regarding the validity of a complaint.

#### 2. APPLICABILITY.

This policy applies to all participating Nonprofit Agencies (NPAs), CNAs, and the Commission.

#### 3. AUTHORITY.

- (a) 41 U.S.C. §§ 8501-8506, Javits-Wagner-O'Day (JWOD) Act
- (b) 41 CFR Chapter 51, Committee for Purchase From People Who Are Blind or Severely Disabled

#### 4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in Commission Policy 51.102, Definitions of Terms. Terms unique to a specific subject matter are defined below.



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<b>Term</b>	<b>Definition</b>
Complaint	A written or verbal communication of an alleged violation of labor or employment laws or other rights set forth in this policy.
Participating Employee	An individual who is blind and/or has a significant disability who is counted toward the direct labor hour ratio and works on a Federal contract requirement on the Procurement List established by the Commission in accordance with 41 U.S.C. §§ 8501-8506.

**5. RESPONSIBILITIES.**

(a) The Commission:

- i. Sets forth the rights of participating employees consistent with all applicable laws and regulations.
- ii. Clarifies and enhances the framework for the Commission staff and CNAs to respond to complaints from participating employees.
- iii. Determines follow-up actions required in response to complaints from participating employees.
- iv. Monitors and enforces NPA compliance with CNA and/or Commission-assigned actions in response to complaints submitted to the CNA and/or the Commission.

(b) The CNA:

- i. Ensures that NPAs have effective systems in place to receive and respond to complaints from participating employees.
- ii. Informs the Commission of complaints from participating employees in a timely manner.
- iii. Undertakes follow-up actions as set forth in this policy.

(c) The NPA:

- i. Ensures that participating employees know their rights under this policy.
- ii. Establishes and maintains an effective system for receiving and investigating complaints from participating employees.
- iii. Cooperates in any action taken by the CNA and/or Commission in follow-up to any complaint received from a participating employee.

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**6. POLICY.**

(a) Legal Protections and Rights of Participating Employees

- i. All participating employees are entitled to the same legal protections and subject to the same legal standards, and shall enjoy equal access to employment benefits, as non-disabled employees performing the same or similar work.
- ii. The legal protections contemplated under this policy include, but are not limited to, the following Federal, state, and local protections:
  - a. Labor and employment law (including participation in a bargaining unit).
  - b. Anti-discrimination protections.
  - c. Health and safety protections.
  - d. Participation in applicable workers compensation, unemployment, and similar insurance plans.
- iii. The employment benefits contemplated under this policy include, but are not limited to:
  - a. Health insurance coverage.
  - b. Retirement plans.
  - c. Paid time off.
- iv. An NPA must ensure that its participating employees are aware of the legal protections and employment benefits available to them.
- v. An NPA may not prevent or discourage a participating employee from submitting a complaint to the CNA, Commission, or appropriate Federal, state, or local agency.
- vi. When a CNA receives credible information alleging fraud, waste, or abuse it must notify the Commission's Inspector General within five (5) business days at (844) 496-1536 or [hotline@oig.abilityone.gov](mailto:hotline@oig.abilityone.gov).

**7. PROCEDURES.**

(a) Responding to Complaints

- i. If the CNA or a Commission staff member receives a complaint by or regarding a participating employee, the CNA or Commission staff member shall collect the following information:
  - a. The name of the NPA;
  - b. The name of the complainant (if the complainant agrees to be identified);
  - c. The name of the individual about whom the complaint is being made;
  - d. A description of the event(s) leading to the complaint, including when and where the event(s) occurred; and

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- e. A description of any action that has been taken to date about the matter covered by the complaint, if any.
  - ii. The CNA and/or the Commission, where relevant, will provide the complainant with information regarding how to file a complaint with the appropriate external enforcement agency (or agencies).
- (b) Initial Actions by the CNA
- i. Initial Assessment. When the CNA receives a complaint, the CNA shall determine:
    - a. Whether the conduct at issue pertains to a participating employee; and/or
    - b. Whether the complaint is within the scope of this policy.
  - ii. CNA Reporting to the Commission. The CNA shall transmit the complaint to the Commission within five (5) business days, along with an initial assessment, as described in Section 7(b)(i), and an initial recommended response as to follow-up actions.
  - iii. Commission Response to the CNA’s Communication of Initial Actions. Upon notification by a CNA regarding a complaint, the Commission may take any of the following actions, at any point in the process:
    - a. Concur with the CNA’s initial assessment that the conduct does not pertain to a participating employee or does not fall within the scope of the policy;
    - b. Instruct the CNA to follow up with the complainant as needed to obtain additional information;
    - c. Determine whether the substance of the complaint should be communicated to the NPA, and if so, whether the CNA or the Commission should make that communication;
    - d. Instruct the CNA to monitor the NPA with respect to the subject of the complaint and provide the Commission with periodic progress reports;
    - e. Instruct the CNA to obtain additional information or documentation relevant to the complaint, and to transmit that information to the Commission along with further recommendations as needed;
    - f. Forward the matter to the relevant government agency for investigation; or
    - g. Refer the complainant to a government agency with the authority to consider the matter.
  - iv. Upon receipt by the Commission of a complaint, the Commission will determine whether the alleged conduct pertains to a participating employee, and if so, will follow the steps described in 7(b)(iii)(b)-(g).
  - v. As a general matter, neither the CNA nor the Commission will undertake an independent investigation of the complaint.

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**8. EXCEPTIONS.**

The Executive Director or designee may grant extensions of the time limitations in this policy for extenuating circumstances.

**9. SUPERSESSION.**

This policy supersedes Commission Policies 51.406 and 51.410, dated August 15, 2020, and November 12, 2020, respectively.



APPROVED: \_\_\_\_\_ Date: \_\_\_\_\_  
Kimberly M. Zeich  
Executive Director

