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**TITLE: ABILITYONE COMMISSION COMPLIANCE PROGRAM**

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**1. PURPOSE.**

This policy sets forth the compliance approach of the U.S. AbilityOne Commission (Commission) for nonprofit agencies (NPAs) participating in the AbilityOne Program (Program). It identifies the obligations of the Central Nonprofit Agencies (CNAs) to perform oversight of the NPAs and strengthens the control that the Commission will exercise over the CNAs' compliance activities.

**2. APPLICABILITY.**

This policy applies to the Commission, its designated CNAs, and NPAs in the Program.

**3. AUTHORITY.**

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

**REFERENCES.**

- (a) Federal Acquisition Regulation (FAR) Subpart 3.10, Contractor Code of Business Ethics and Conduct
- (b) FAR Subpart 9.102, Policy, Paragraph (b)(3) and FAR Subpart 9.104, Standards

**4. DEFINITIONS AND ACRONYMS.**

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

Term	Definition
Career Advancement Program	A program that is consistent with employees' Employee Career Plans (ECPs) and supports the upward employment and outward employment of participating employees.
Competitive Wages and Benefits	Compensated at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience.



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Compliance Program	A program that includes oversight, review, and evaluations to determine whether an NPA is meeting the Program’s requirements, and provision of technical assistance to support an NPA’s compliance with the Program’s requirements.
Employee Career Plan (ECP)	A career plan that includes the participating employee in the development of the plan and identifies the employee’s strengths, goals, needs for accommodations and/or job supports, and desired outcomes with respect to employment (including compensation) and appropriate benefits counseling.
Integrated Workplace	A workplace in which participating employees interact with employees without disabilities doing the same or similar work.
Job Individualization	A flexible process designed to personalize the employment relationship between a participating employee and the NPA in a way that meets the needs of both. This involves an interactive process that identifies the individual’s capacities, interests, goals, and necessary job supports or reasonable accommodations.
Participating Employee	An employee who is blind and/or has a significant disability and is counted towards the direct labor hour (DLH) ratio mandated by the JWOD Act.
Technical Assistance	The process of providing targeted support and expertise to an NPA to build capability and capacity, or to resolve performance challenges. Technical assistance may include prescribing corrective actions and providing training and consulting to identify, select, or design solutions based on research or recognized best practices.

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**5. RESPONSIBILITIES.**

- (a) The Commission:
  - i. Establishes the Program’s requirements and the framework and standards for an NPA’s compliance with such requirements.
  - ii. Monitors the CNA’s oversight of the NPAs pursuant to the CNA’s required Compliance Program.
  - iii. Conducts quality assurance oversight of the CNA’s required Compliance Program.
  - iv. Promotes the NPA’s contract performance quality and the NPA’s engagement with participating employees on workforce development activities.
  - v. Conducts direct oversight of an NPA as the Commission determines necessary.
- (b) The CNA:
  - i. Establishes and maintains a Compliance Program for the NPAs that each CNA represents in the Program.
  - ii. Establishes a quality assurance system for the CNA’s Compliance Program.
  - iii. Provides information required by the Commission regarding the CNA’s implementation and results of the Compliance Program.
  - iv. Timely completes any corrective actions from the Commission designed to address deficiencies in the CNA’s Compliance Program.
- (c) The NPA:
  - i. Complies with the Program’s requirements.
  - ii. Participates in inspections, technical assistance, and mandatory training offered by the Commission and/or the CNAs.
  - iii. Timely completes any corrective action plans.
  - iv. Establishes a record-keeping system for all documentation necessary to demonstrate qualifications to maintain participation in the Program and provide required data to the CNA and the Commission on a timely basis.

**6. POLICY.**

- (a) In General:
  - i. The Commission’s framework and standards protect the Program’s integrity and ensure that the Program remains a trusted source of products and services for Federal agencies while creating quality employment opportunities across all economic sectors for individuals who are blind and/or have significant disabilities.

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- (b) Compliance is inherently a Governmental Responsibility:
- i. The Commission’s determination that an NPA complies with the Program’s requirements is an inherently governmental responsibility.
  - ii. The Commission carries out its governmental responsibility by:
    - a. Setting the standards for compliance by an NPA with the Program’s requirements;
    - b. Setting the framework and standards for a CNA’s Compliance Program;
    - c. Conducting oversight of the CNA’s Compliance Program to ensure that it meets the Commission’s requirements, including through the use of audits;
    - d. Assigning corrective action plans if necessary to address deficiencies in the CNA’s Compliance Program;
    - e. Determining whether the data collected from the NPAs meet the standards set forth by the Commission, including accessibility standards;
    - f. Reviewing the CNA’s compliance evaluations of the NPAs and any corrective action plans prescribed by the CNA for a particular NPA;
    - g. Making the final determination of whether an NPA is complying with the Program’s requirements, including whether it has successfully completed a corrective action plan prescribed by a CNA and remains qualified to participate in the Program; and
    - h. Conducting oversight visits of an NPA as it determines necessary.
- (c) The CNAs:
- i. A CNA’s Compliance Program is a critical tool in the Commission’s portfolio for ensuring good governance in the Program.
  - ii. A CNA’s Compliance Program shall meet the Commission’s requirements and shall be adequately resourced.
  - iii. A CNA’s Compliance Program shall be applied consistently and equitably across the NPAs it serves.
  - iv. A CNA’s Compliance Program shall, at a minimum, include procedures and processes to monitor, assess, and report how NPAs are:
    - a. Delivering products and services in accordance with the contract requirements while achieving a high level of customer satisfaction;
    - b. Creating employment opportunities that promote and achieve (1) competitive wages and benefits, (2) application of the same legal standards to participating employees as apply to other employees under employment laws, (3) job individualizations, (4) employee career plans (ECPs), (5) career advancement programs, and (6) to the extent possible under JWOD statutory requirements, an integrated workplace; and

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- c. Meeting the DLH ratio requirements under the JWOD Act and other statutory and regulatory requirements.
  - v. A CNA’s Compliance Program shall include an appropriate mix of in-person and virtual inspection visits to oversee and monitor whether an NPA is meeting the Program’s requirements.
  - vi. A CNA shall collect records and report all data, supporting documentation, and reports from oversight of an NPA in an electronic format that enables the Commission to access such data directly and fully.
- (d) The NPAs:
- i. Each NPA has an affirmative responsibility to remain knowledgeable of the Commission’s statutory, regulatory and policy requirements, and should proactively seek information regarding or clarification of such requirements when needed from its designated CNA or the Commission.
  - ii. Each NPA shall meet the Program’s requirements.
  - iii. Each NPA shall act in an ethical and effective manner in carrying out their contractual obligations.
  - iv. When mandated by the Commission, an NPA shall participate in the technical assistance provided by the CNA.

**7. EXCEPTION TO POLICY.**

None.

**8. SUPERSESSION.**

This policy supersedes Commission Policy 51.400 dated August 15, 2020.

**9. EFFECTIVE DATE.**

This policy is effective on January 1, 2024.



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

