

## **Final Report on Best Practices For the Employment of People with Disabilities In State Government**

### **Executive Summary**

This report highlights best practices of nine states that promote the hiring, retention, and advancement of individuals with disabilities in state government jobs. The United States Equal Employment Opportunity Commission (EEOC) is issuing this report as part of the agency's efforts in support of the New Freedom Initiative, President George W. Bush's comprehensive strategy for the full integration of people with disabilities into all aspects of America's social and economic life.

Despite progress made since the passage of the Americans with Disabilities Act (ADA) in 1990, people with disabilities still experience unemployment at a rate far above the national average. With more than five million workers nation-wide and with the unique opportunities they have to serve as model employers, state governments can play a significant role in enhancing employment opportunities for people with disabilities.

The governors of the nine participating states voluntarily allowed EEOC to review a wide range of best practices affecting individuals with disabilities who are state government employees or applicants for state employment. We examined state government practices related to the following:

- the recruitment and hiring of people with disabilities for state jobs;
- the provision of reasonable accommodations for applicants and employees with disabilities;
- the retention and advancement of individuals with disabilities within state government; and
- the employment of people with disabilities more generally - that is, in both public and private sector jobs.

This report also lists a number of what may be inadvertent barriers to the employment, retention, and advancement of qualified individuals with disabilities. We suggest that all states evaluate their practices to determine whether they include these or other barriers. This report has two purposes. First, all employers, including the participating states, can learn from the best practices outlined in this report. Second, we are offering states free, informal technical assistance to promote voluntary compliance with the ADA.

Parts I through IV of the report discuss best practices, and Part V lists potential barriers.

Following are some of EEOC's most significant findings:

### **Part I: Recruiting and Hiring**

Governor Bill Richardson of New Mexico created an Executive Task Force on Disability Employment to develop strategies to increase the recruitment and hiring of qualified individuals with disabilities for state government jobs.

Vermont and Washington work with organizations of and for individuals with disabilities as part of their targeted outreach and recruitment efforts. Maryland has a Coordinator of Special Outreach and Employment Programs to assist state agencies in targeting diverse applicant pools for state positions that include persons with disabilities.

Vermont and Washington have programs that specifically train and/or hire individuals with disabilities for state jobs. Vermont also provides a "must interview" to anyone with a disability who meets the minimum qualifications for any state job.

Most of the states surveyed provide clear statements to job applicants about reasonable accommodations for the application process and provide supervisors and managers with training on their ADA obligations related to the application and interview process.

### **Part II: Reasonable Accommodation**

Vermont has state-wide written reasonable accommodation policies and procedures; Washington requires state agencies with 50 or more employees to develop reasonable accommodation procedures that are reviewed by the state's Affirmative Action Committee; and Florida and Kansas reported that a number of state agencies have adopted their own written procedures.

Several states provide procedural safeguards to ensure that reasonable accommodations are not inappropriately denied. Utah trains all of its ADA Coordinators to submit any proposed denials to the Division of Risk Management so that they can be reviewed for legal sufficiency; Vermont created a Reasonable Accommodation Committee to which an employee may have a denial submitted for review; and Washington requires that all denials of accommodation be signed by the head of the employing agency.

Maryland and Vermont have tracked information related to the provision of reasonable accommodations that could be used to assess the effectiveness of their reasonable accommodation procedures.

While all of the states surveyed generally require individual state agencies to pay for reasonable accommodations, Utah and Washington have some centralized funds available for any agency that can demonstrate a particular accommodation would be too costly for the agency to obtain on its own.

Agencies in Kansas and Missouri provide accommodations for some individuals who do not necessarily meet the ADA's definition of "disability," such as those with limitations resulting from short-term, temporary conditions.

### Part III: Protecting the Rights of Individuals With Disabilities on the Job

The Maryland Aviation Administration's bi-annual supervisory ADA training addresses the issue of how to promote career development for individuals with disabilities.

Most of the states we surveyed indicated that training on the ADA is provided for managers and supervisors either on a statewide or agency-wide basis.

### Part IV: Other Best Practices That Promote the Employment of People with Disabilities

In 2004, Florida established the Agency for Persons with Disabilities and Maryland elevated its former Office on Individuals with Disabilities to cabinet-level status.

Florida, Kansas, and New Hampshire have taken steps to ensure a level of accessibility of state websites that meets or exceeds the standards applicable to the federal government under Section 508 of the Rehabilitation Act.

The Florida Freedom Initiative is a demonstration project that allows certain individuals who received Medicaid and Supplemental Security Income to earn and save more than current law generally permits without losing vital benefits.

Maryland and Vermont have participated in a pilot project to have some employees serve as "disability program navigators" at state One Stop Career Centers created under the Workforce Investment Act to help people with disabilities access these services more easily.

Youth Leadership Forums in Florida, Kansas, Maryland, Missouri, Vermont, and Washington annually bring together thirty to forty high school juniors and seniors to participate in several days of activities that help them develop vocational goals, strengthen leadership skills, and learn from the experiences of other youth and adults with disabilities.

### **Part V: Issues for Further Evaluation by States**

Some equal employment opportunity and affirmative action policies fail to include disability. In other instances, affirmative action policies mention disability, but no specific efforts are being made to increase the representation of individuals with disabilities in the workforce.

Some procedures inappropriately limit the obligation to provide reasonable accommodations such as telework and reassignment, or limit the availability of reasonable accommodation to those with "permanent" conditions.

Some training materials for managers, supervisors, and ADA Coordinators include legal inaccuracies.

## **Conclusion**

The report's conclusion notes several positive trends. Applicants for state employment are frequently given information about the availability of reasonable accommodations for the application process, and job announcements and position descriptions do not appear to be drafted in ways that would discourage people with disabilities from applying for state jobs. Some states have undertaken targeted outreach to and recruitment of individuals with disabilities. At this time there is insufficient data to assess the effectiveness of these efforts.

Supervisors, managers, and other state personnel responsible for the hiring, retention, and advancement of people with disabilities have access to sufficient information about their ADA obligations. The use of written procedures for providing reasonable accommodations, methods of documenting and tracking the disposition of requests, and the provision of appeal processes following denials of reasonable accommodations are also positive trends in some states. We were unable to determine the extent to which individuals with disabilities have been able to advance within state government once hired, since we saw little evidence that the states undertake any measures to determine the distribution of employees with disabilities among the various levels of the state government workforce.

Finally, we note that many of the best practices identified in the report resulted from legislative or executive actions. This sends a clear message "from the top" that the employment of people with disabilities is a priority for the states.