
Federal Employment of People with Disabilities



National Council on Disability
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Executive Summary

The purpose of this paper is to examine the status of employment of people with disabilities in the Federal Government and to make recommendations for improving federal hiring and advancement of employees with disabilities. The paper summarizes the legal authorities and policy guidance, the responsibilities of various federal agencies charged with ensuring equal opportunity in federal employment, barriers to hiring and advancement, provisions for reasonable accommodations, and agency initiatives.

The National Council on Disability has determined that despite laws, regulations, policy guidance, and excepted service hiring authorities designed to promote federal employment opportunities for people with disabilities, barriers to federal employment remain, and the number of employees with disabilities in the federal workforce is low.

Summary of the Status of People with Disabilities in the Federal Government

- **Total workforce.** The Federal Government employed 23,969 people with targeted disabilities in Fiscal Year (FY) 2007, which was 0.92 percent of its total workforce of 2,608,172. From FY 1998 to FY 2007, the total workforce increased by 128,973 employees, a net change of 5.20 percent. However, the number of federal employees with targeted disabilities¹ decreased from 28,035 in FY 1998 to 23,993 in FY 2007, a net loss of 14.42 percent.²
- **Agencies employing people with disabilities.** Among agencies with 500 or more employees, those with the highest percentage of people with targeted disabilities are Equal Employment Opportunity Commission (EEOC) (2.65 percent, or 58 employees); Social Security Administration (2.06 percent, or 1,288 employees); Defense Finance and Accounting Service (2.03 percent, or 253 employees); and Defense Logistics Agency (1.89 percent, or 404 employees).³ Among Cabinet-level agencies, five have participation rates greater than 1 percent: Treasury (1.70 percent, or 1,748 employees); Veterans Affairs (1.48 percent, or 3,756 employees); Education (1.36 percent, or 59 employees);

Housing and Urban Development (1.31 percent, or 126 employees); and Labor (1.25 percent, or 193 employees).⁴

- **Separation rate.** Increasing the number of employees with disabilities in the Federal Government is made more difficult by the fact that employees with targeted disabilities leave the Federal Government at nearly twice their rate of hire. In FY 2006, there were 1,298 new hires with targeted disabilities, while 2,096 employees with targeted disabilities left the Federal Government. In other words, employees with targeted disabilities accounted for 0.55 percent of total new hires but 0.92 percent of separations.⁵ Therefore, to increase the overall participation rate, it is necessary to hire at a rate that exceeds the separation rate and to find ways to reduce the separation rate.
- **Supervisors.** In FY 2007, employees with targeted disabilities made up 0.49 percent of the 50,038 first-level managers (GS-12 level or below); 0.49 percent of the 65,792 mid-level managers (GS-13 or GS-14); and 0.43 percent of the 38,837 senior-level managers (GS-15 or Senior Executive Service).⁶
- **Senior Executive Service.** The Senior Executive Service (SES) is a separate personnel system covering a majority of the top managerial, supervisory, and policymaking positions in the executive branch. In FY 2007, the SES had 7,720 members; only 35 (0.45 percent) were people with targeted disabilities.⁷ Government-wide, the representation of career SES members reporting targeted disabilities declined from 0.52 percent in FY 2000 to 0.44 percent in FY 2007.⁸
- **Schedule A** is a hiring authority that allows for noncompetitive appointment of people with targeted disabilities; it is designed to remove barriers and increase employment opportunities. However, the Schedule A hiring authority for people with disabilities is underutilized. In FY 2006, 237,612 new employees were hired by the Federal Government, but only 326 (0.14 percent) of the 1,298 new hires with disabilities were hired under Schedule A.⁹
- **Top management commitment.** Lack of top management commitment to hiring people with disabilities is evident. In FY 2005, only 15.8 percent of the agencies

with 1,000 or more employees established a numerical goal for increasing the employment of people with targeted disabilities, even though these goals are required by EEOC Management Directive 715.¹⁰

- **Harassment.** Since FY 2002, harassment has been the most frequently alleged issue in complaints of discrimination filed by employees on the basis of mental or physical disability. In FY 2006, harassment accounted for 38.1 percent of the 1,130 complaints based on mental disability and 30.5 percent of the 3,843 complaints based on physical disability. Other frequently alleged complaints involved reasonable accommodation or discipline issues.¹¹

Opportunities. Recognition of continuing barriers to federal employment has led to some promising solutions that create opportunities for agencies seeking qualified workers and for persons with disabilities seeking employment with the Federal Government.

- The Office of Personnel Management (OPM) and the Partnership for Public Service estimate that about 550,000 federal employees will leave the government in the next five years, the majority through retirement. OPM has estimated that of the 956,613 employees who are eligible to retire through FY 2016, a predicted 586,339 employees (61.3 percent) will retire during that period.¹² These retirements will create a significant number of job opportunities.
- A survey of senior executive officers conducted in 2008 confirmed OPM projections of high turnover among the senior ranks in the near future: 41.6 percent of career respondents plan to leave in the next three years, and 62 percent plan to do so in the next five years. A majority (66 percent) of those planning to leave in the next year are under age 60.¹³ The need to replenish the senior ranks provides an opportunity for advancement and calls for new approaches to attract employees with the requisite skills to fill these vacancies.
- The Partnership for Public Service issued a report summarizing the Federal Government's most critical hiring needs through September 2009 by agency,

occupation, and skills.¹⁴ This report provides applicants with disabilities information on where job opportunities are, which agencies proactively recruit people with disabilities, and which agencies rate highly as best places to work. By 2009, federal agencies project hiring nearly 193,000 new workers for mission-critical jobs.

- Call to Serve, a joint initiative between the Partnership for Public Service and the OPM, is dedicated to helping students learn more about internships and careers in the Federal Government. Participating agencies facilitate recruitment and retention of younger members of the federal workforce and communicate with the campus coordinators in the network to provide guidance on how students can find information about and pursue jobs in federal service.

Recommendations

On the basis of the current status of people with disabilities in the Federal Government, 10 recommendations were developed. Five recommendations address the need for the Office of Personnel Management to examine personnel practices that continue to be barriers to hiring and advancing qualified people with disabilities. Four recommendations call on Congress to request the Government Accountability Office (GAO) to conduct studies on Schedule A, supervisor practices, and the veterans' preference system; and to expand the authority of the Computer/Electronic Accommodations Program. One recommendation is for job seekers, encouraging people with disabilities to take advantage of the information available on opportunities in the Federal Government. These recommendations will address current barriers and promote opportunities for federal employment.

Recommendations for the Office of Personnel Management

1. **Reduce the two-year probationary period for employees with disabilities under Schedule A to one year.** With the exception of the Federal Career Intern Program (which requires a two-year training period) and the Veterans Recruitment Appointment excepted service authority (which requires a two-year

probationary period), new hires in the Federal Government are subject to a one-year probationary period. Reducing the two-year probationary period required for people with disabilities who are hired under Schedule A to one year will bring Schedule A hires into parity with other new hires.

- 2. Require the Federal Equal Opportunity Recruitment Program to include data on employees with disabilities.** OPM has the responsibility to report annually to Congress on progress under the Federal Equal Opportunity Recruitment Program. The report is prepared in compliance with the law¹⁵ and contains information on the representation of minorities within the Federal Government and best practices of federal agencies; however, it does not include data on employees with disabilities. The reporting requirements for employees with disabilities should be on par with other represented groups.
- 3. Establish mandatory training on targeted disabilities for all supervisors within Federal Government agencies.** The training should be overseen and delivered by the agency's senior training cadre who are full-time federal employees. There are several resources that can help supervisors and hiring managers recruit and hire applicants with disabilities, lessening one of the barriers to employment.
- 4. Conduct a marketing campaign to encourage applicants with disabilities.** The marketing campaign should be aimed at erasing any negative perceptions of being a federal employee with a disability and accentuate the positive aspects of federal employment. This marketing approach is particularly important given the impending retirement of a large percentage of the federal workforce in the near future and the need to fill these vacancies.
- 5. Conduct a study of best practices in the Federal Government and develop a model program for hiring, retaining, and advancing people with disabilities.** A few agencies, with visible commitment from top leadership, have developed innovative practices to encourage hiring, retaining, and advancing people with

disabilities. However, information on these practices is not readily available on agency Web sites and therefore is not widely known. There is a need to identify and promote successful practices for conducting effective outreach, hiring qualified candidates, establishing efficient programs for providing accommodations, and providing opportunities for promotion, including advancement to the Senior Executive Service. A study of best practices would recognize innovative agency practices, use those practices to develop a model program, and encourage other agencies to adopt those practices. This study could be based on the study of best practices in state governments conducted by EEOC.¹⁶

Recommendations for Congress

- 6. Request that the Government Accountability Office examine Schedule A employment for people with disabilities.** EEOC has determined that the Schedule A hiring authority for people with disabilities is underutilized.¹⁷ A comprehensive study of the Schedule A hiring authority for people with disabilities would determine why agencies are not using this authority so the requisite training and initiatives could be instituted to increase its use.
- 7. Request that the Government Accountability Office conduct a survey of federal supervisors.** It has been eight years since the President's Task Force conducted the study of federal agency supervisors and managers about accommodation and employment of persons with disabilities in the federal sector. Since supervisors have a responsibility to protect the rights of employees with disabilities, it is important to determine whether they have the necessary knowledge to carry out that responsibility and to determine where further training is needed. Conducting the survey again will document progress and identify areas that need improvement.
- 8. Request that the Government Accountability Office study the effectiveness of the preference system for veterans with disabilities.** This study should

investigate the avenues for recourse if the veteran is not awarded the preference. It may be useful to determine whether this system has significantly reduced barriers to employment for veterans with disabilities and to identify best practices that can be translated to Schedule A appointments of employees with disabilities.

9. **Grant the Department of Defense Computer/Electronic Accommodations Program (CAP) the authority to include accommodations such as job structuring, telecommuting, and job-sharing.** While electronic accommodations make federal employment accessible for employees with disabilities, an entire package of accommodations should be available to employees whose agencies have CAP partnerships. CAP has done an excellent job of providing assistive technology to federal employees and would be a logical place to house the expertise needed to provide support to supervisors who may not be familiar with job structuring, telecommuting, and job-sharing arrangements.

Recommendation for Job Seekers

10. **Investigate employment opportunities in agencies with critical hiring needs and agencies that have shown a commitment to hiring people with disabilities.** For example, almost 80 percent of projected new hires will be in five professional fields: security, protection, compliance and enforcement; medical and public health; accounting, budget, and business; engineering and sciences; and program management/analysis and administration. Among agencies with 500 or more employees, those with the highest percentage of people with targeted disabilities in FY 2007 were Equal Employment Opportunity Commission (2.65 percent of a workforce of 2,192); Social Security Administration (2.06 percent of a workforce of 62,407); Defense Finance and Accounting Service (2.03 percent of a workforce of 12,449); Defense Logistics Agency (1.89 percent of a workforce of 21,394); and Department of the Treasury (1.70 percent of a workforce of 102,787).

Introduction

The purpose of this paper is to examine the status of employment of people with disabilities in the Federal Government and to make recommendations for improving federal hiring and advancement of employees with disabilities. The objectives of this paper are to (1) identify the affirmative legal requirements statutory framework under which the Federal Government must encourage employment of people with disabilities; (2) examine the current status of people with disabilities in the federal workplace; and (3) develop recommendations to increase employment opportunities for people with disabilities in the Federal Government. Despite laws, regulations, policy guidance, and excepted service hiring authorities designed to promote federal employment opportunities for people with disabilities, barriers to federal employment remain, and the number of employees with disabilities in the federal workforce is low.

What Do We Know About the Employment of People with Disabilities in the Federal Government?

Affirmative Legal Requirements

Several statutory requirements pertain to affirmative employment for people with disabilities in the executive branch of the Federal Government.

Section 501 of the Rehabilitation Act of 1973 as amended¹⁸ prohibits discrimination on the basis of disability in federal employment and requires the Federal Government to engage in affirmative action for people with disabilities. The law:

- Prohibits federal employers from discriminating against qualified job applicants or employees with disabilities. Persons with disabilities should be employed in all grade levels and occupational series commensurate with their qualifications. Federal employers should ensure that their policies do not unnecessarily exclude or limit persons with disabilities because of a job's structure or because of architectural, transportation, communication, procedural, or attitudinal barriers;
- Requires employers to provide "reasonable accommodations" to applicants and employees with disabilities unless doing so would cause undue hardship to the employer. Such accommodations may involve, for example, restructuring the job, reassignment, modifying work schedules, adjusting or modifying examinations, providing readers or interpreters, and acquiring or modifying equipment or facilities, including the use of adaptive technology;
- Prohibits selection criteria and standards that tend to screen out people with disabilities, unless such procedures have been determined through a job analysis to be job-related and consistent with business necessity, and an appropriate individualized assessment indicates that the job applicant cannot perform the essential functions of the job, with or without reasonable accommodation; and

- Requires federal agencies to develop affirmative action programs for hiring, placement, and advancement of persons with disabilities. Affirmative action must be an integral part of ongoing agency personnel management programs.

Model Employer Mandate

The statutory language of Section 501 mandates that federal agencies submit to the Equal Employment Opportunity Commission (EEOC) for approval an annually updated “affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities.”¹⁹ The Section 501 regulations require that the federal government be a “model employer” with respect to the employment of people with disabilities.²⁰

Equal Employment Opportunity Management Directive 715

To implement the model employer mandate, EEOC Management Directive 715 (MD-715)²¹ directs covered agencies to annually review their EEO and personnel programs, policies, and performance standards in accordance with specified criteria to identify where their EEO programs can become more effective, and to identify and eliminate barriers that hamper the advancement of applicants or employees with disabilities. The results are reported to EEOC, and must specifically address how an agency will make substantial progress in promoting the employment of qualified people with disabilities. Agencies with 1,000 or more employees must maintain a special recruitment program for people with targeted disabilities, and specific goals must be established for the employment and advancement of those employees. As detailed in MD-715, the six elements of a model EEO program are:

- demonstrated commitment from agency leadership,
- integration of EEO into the agency’s strategic mission,
- management and program accountability,
- proactive prevention of unlawful discrimination,
- efficiency, and

- responsiveness and legal compliance.

Other EEOC guidance documents include:

- Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation.²²
- Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (ADA).²³

Stated Goals of the Federal Government

Executive Orders

Executive Orders are official documents through which the President of the United States manages the operations of the Federal Government. Since 1988, several Executive Orders have dealt with increasing the employment opportunities for people with disabilities in the Federal Government.

- **President's Committee on Employment of People with Disabilities**
Executive Order 12640, issued on May 10, 1988, established the President's Committee on Employment of People with Disabilities. (However, this Committee had been in existence under various names since 1947.) The purpose of the Committee was to provide advice and information about developing the maximum employment opportunities for people with physical disabilities, developmental disabilities, or mental illness. On January 10, 2001, Executive Order 13187 revoked this committee and established the President's Disability Employment Partnership Board. However, the Partnership Board was never constituted.
- **National Task Force on Employment of Adults with Disabilities**
Executive Order 13078, issued on March 13, 1998, established the National Task Force on Employment of Adults with Disabilities (subsequently referred to as the Presidential Task Force) to reduce employment barriers for persons with

disabilities. The purpose of the task force was to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate as close as possible to the general adult population and to promote the Federal Government as a model employer of adults with disabilities. In the Consolidated Appropriations Act of 2001, Congress created the Office of Disability Employment Policy (ODEP) in the Department of Labor to succeed the task force, which was terminated in 2002.

- **Increasing the Opportunity for Individuals with Disabilities**

Executive Order 13163, issued July 29, 2000, promoted the hiring of 100,000 people with disabilities over the next five years at all levels and occupations in the Federal Government. It required agencies to use available hiring authorities, expand outreach efforts, and increase their efforts to accommodate people with disabilities. Each agency was required to prepare a plan to increase the employment opportunities for people with disabilities and to submit the plan to the Office of Personnel Management (OPM) within 60 days from the date of the order. OPM was directed to develop guidance for increasing the opportunities for people with disabilities employed in the Federal Government.

- **Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation**

Executive Order 13164, issued July 28, 2000, promotes a model federal workplace that provides reasonable accommodation for (a) people with disabilities in the application process for federal employment; (b) federal employees with disabilities to perform the essential functions of a position; and (c) federal employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. It requires federal agencies to establish written procedures to facilitate the provision of reasonable accommodation. Agencies submit their plans, and any modifications, to EEOC, which has issued guidance on developing plans.²⁴

- **Reinstating Executive Order 13163**

President Obama is committed to increasing executive branch hiring of workers

with disabilities and has pledged to reinstate Executive Order 13163, which failed to achieve its mandate of hiring an additional 100,000 federal employees with disabilities within five years. President Obama plans to issue this Executive Order and designate a senior White House official to ensure that all federal departments and agencies meet the mandate. That official will also be responsible for integrating disability policy into major presidential initiatives.²⁵

New Freedom Initiative

President Bush announced the New Freedom Initiative²⁶ on February 1, 2001. The initiative was a comprehensive plan to integrate Americans with disabilities more fully into community life, including integrating Americans with disabilities into the workforce through expanded telecommuting, implementation of the Ticket to Work program, full enforcement of the Americans with Disabilities Act, and innovative transportation solutions.

Recruitment, Diversity Programs, Targeted Outreach

Disability Program Managers

To help agencies create an environment that will improve the hiring, advancement, and retention of people with targeted disabilities at all grade levels, EEOC recommends that agencies hire a full-time disability program manager (DPM); improve coordination between the DPM and the selective placement coordinators by including them in strategic planning, succession planning, and recruitment meetings; and require the DPM to issue a monthly report to management showing agency progress in the hiring, advancement, and retention of people with targeted disabilities.²⁷

The DPM is responsible for employment matters affecting people with disabilities and serves as a technical advisor to the workforce on all disability issues. Depending on the agency, responsibilities of the DPM may include providing disability awareness training, coordinating reasonable accommodation requests, and examining personnel data to identify barriers to full employment of people with targeted disabilities.

Most federal agencies also have a selective placement program coordinator, special emphasis manager, or equivalent, who is responsible for recruiting, hiring, and accommodating people with disabilities. OPM maintains an online directory that lists the coordinator by agency.²⁸ Selective placement program coordinators are located at various levels of management. However, to best serve applicants with disabilities, it is important that the coordinators have the requisite skills and authority to conduct effective recruitment and accommodations activities.

National Disability Employment Awareness Month

Public Law 176, enacted by Congress in 1945, designated the first week in October as National Employ the Physically Handicapped Week. The President's Committee on Employment of People with Disabilities was designated to carry out the law. In 1988, Congress changed the name to National Disability Employment Awareness Month. The responsibility for leading the nationwide recognition was transferred to ODEP in 2001. Agencies typically observe the month with special programs, including speakers and awards that recognize the abilities of employees with disabilities.

Agency Mentoring Programs

Disability Mentoring Day, held in conjunction with National Disability Employment Awareness Month, provides young people with disabilities an opportunity to gain insight into career options by spending time in the workplace shadowing an employee through a day on the job. Through 2006, Disability Mentoring Day was held by the American Association of People with Disabilities (AAPD), with ODEP as a lead sponsor. In 2008, ODEP provided a small amount of funding to AAPD to offset the cost of Disability Mentoring Day. In 2006, 13,000 students and job-seekers with disabilities participated in Disability Mentoring Day.²⁹

Several agencies have mentoring programs, although these programs are open to all employees and are not specifically for employees with disabilities.

Current Statistics

How Information Is Collected

EEOC collects and maintains employment statistics only for the nine targeted disabilities. Targeted disabilities are those that the Federal Government, as a matter of policy, has identified for special emphasis. The targeted disabilities are deafness; blindness; missing extremities; partial paralysis; complete paralysis; convulsive disorders; mental retardation; mental illness; and distortion of limb and/or spine.

EEOC states that the purpose of focusing on targeted disabilities is to encourage the hiring, placement, and advancement of selected people with disabilities in affirmative action planning. The criteria EEOC used to select the targeted disabilities included the severity of the disability, the feasibility of recruitment, and the availability of workforce data for people with targeted disabilities.

Agencies are required to report the number of employees with disabilities across the Federal Government (permanent, temporary, by agency, by grade level). For the purpose of statistics, recruitment, and targeted goals, EEOC defines disability as: “the number of employees in the workforce who have indicated having a disability on a Office of Personnel Management Standard Form (SF) 256.”³⁰ Even though the Rehabilitation Act restricts when and how agencies may ask applicants or current employees for disability-related medical information, it is permissible to identify people with disabilities in certain ways, including the following:

Agencies may use information from the voluntary "Self-Identification of Handicap" form (SF-256) issued by the Office of Personnel Management (OPM) or other information that individuals choose to disclose about the existence of disabilities.³¹

When tracking applications from people with disabilities as required under MD-715, or when considering the use of excepted appointing authorities or other special programs, the agencies may invite applicants to indicate if they have the types of disabilities covered by the program.

When an agency surveys applicants or current employees to obtain disability information, it must clearly notify them that (a) response to the invitation is voluntary and refusal to provide the information will not subject the individual to any adverse treatment; (b) the information will be kept confidential and used only for affirmative action purposes; and (c) employees may self-identify at any time during their employment, and failure to complete the SF-256 or to respond to pre-offer invitations will not excuse the agency from Rehabilitation Act requirements. Agencies may comply with this requirement by preparing a form cover letter issued along with the form. Agencies may ask people with disabilities who request or receive accommodations to complete the SF-256, but the agency cannot make completion of the form a condition of providing reasonable accommodation.

Federal agencies submit SF-256 forms to OPM, and these figures form the basis for statistics compiled annually regarding the number of people with targeted disabilities employed by the Federal Government.

These data collection procedures mean that disability data on federal employees are limited to information voluntarily self-reported by employees, which most likely results in these data being underreported.

Number of Employees with Disabilities in the Federal Government

From FY 1998 to FY 2007, the total Federal Government workforce increased by 128,973 employees, a net change of 5.20 percent. However, the number of federal employees with targeted disabilities decreased from 28,035 in FY 1998 to 23,993 in FY 2007, a net loss of 14.42 percent. This represents 0.92 percent of the Federal Government's total workforce of 2,608,172.³²

Among agencies with 500 or more employees, those with the highest percentage of people with targeted disabilities are the Equal Employment Opportunity Commission (2.65 percent, or 58 employees); Social Security Administration (2.06 percent, or 1,288 employees); Defense Finance and Accounting Service (2.03 percent, or 253

employees); and Defense Logistics Agency (1.89 percent, or 404 employees).³³ Among Cabinet-level agencies, five have participation rates greater than 1 percent: Treasury (1.70 percent, or 1,748 employees); Veterans Affairs (1.48 percent, or 3,756 employees); Education (1.36 percent, or 59 employees); Housing and Urban Development (1.31 percent, or 126 employees); and Labor (1.25 percent, or 193 employees).³⁴

Increasing the number of employees with disabilities in the Federal Government is made more difficult by the fact that employees with targeted disabilities leave the Federal Government at nearly twice their rate of hire.³⁵ In FY 2006, there were 1,298 new hires with targeted disabilities, while 2,096 employees with targeted disabilities left the Federal Government. In other words, employees with targeted disabilities accounted for 0.55 percent of total new hires but for 0.92 percent of separations. Reasons for separation include retirement (39.41 percent); voluntary departure (29.68 percent); termination (7.82 percent); death (3.67 percent); reduction in force (1.38 percent), and other (18.03 percent).³⁶ Therefore, to increase the overall participation rate, it is necessary to hire at a rate that exceeds the separation rate and to find ways to reduce the separation rate.

On November 10, 2008, OPM released a report³⁷ showing that the number of veterans and disabled veterans working for the Federal Government continues to grow. The report presents federal employment statistics for FY 2007 and a comparison with FY 2006 data. The Federal Government employed 462,744 veterans during FY 2007. This group included 103,180 veterans who were identified as having service-connected disabilities; of these, 54.3 percent, or 56,077, were 30 percent or more disabled. Full-time permanent (FTP) employment disabled veterans, as a percentage of all FTP employment, increased from 5.8 percent in FY 2006 to 6.1 percent in FY 2007. New hires of FTP disabled veterans increased from 7,561 in FY 2006 to 8,401 in FY 2007. OPM actively assists veterans through the agency's Veterans' Outreach Offices, established to work directly with returning veterans who are interested in federal civilian employment opportunities.

Number of Accommodation Requests

The only source of data on accommodations is the Computer/Electronic Accommodations Program (CAP) under the direction of the Assistant Secretary of Defense for Health Affairs. In FY 2007, CAP filled 8,775 requests for accommodations: 3,202 accommodations for Department of Defense (DoD) employees; 2,575 for non-DoD employees; and 2,998 for wounded service members. The CAP Technology Evaluation Center (CAPTEC) is an evaluation and demonstration center for assistive technology. In FY 2007, CAPTEC served 942 DoD employees and 800 federal agency employees.³⁸

Number of Supervisors and Senior Executive Service Members with Disabilities in the Federal Government

Supervisors. In FY 2007, employees with targeted disabilities made up 0.49 percent of the 50,038 first-level managers (GS-12 level or below); 0.49 percent of the 65,792 mid-level managers (GS-13 or GS-14); and 0.43 percent of the 38,837 senior-level managers (GS-15 or Senior Executive Service).³⁹

Senior Executive Service. The Civil Service Reform Act of 1978 established the Senior Executive Service (SES) as a separate personnel system covering a majority of the top managerial, supervisory, and policymaking positions in the executive branch. In FY 2007, the SES had 7,720 members; only 35 (0.45 percent) were people with targeted disabilities.⁴⁰

On November 26, 2008, the Government Accountability Office issued a report on diversity in the SES⁴¹ that included a review of the representation of career SES members who reported having targeted disabilities. Government-wide, the representation of career SES members reporting targeted disabilities declined from 0.52 percent in FY 2000 to 0.44 percent in FY 2007. Government-wide includes civilian employees of all Cabinet-level departments, independent agencies, commissions, councils, and boards in the executive branch except the intelligence agencies, the Postal Service, and the Foreign Service. In both 2000 and 2007, 12 of the 24 Chief

Financial Officer Act agencies⁴² did not employ any SES members with targeted disabilities.

What Do We Know About the Process: Applications, Hiring, Accommodations, Advancement?

There are two classes of jobs with the Federal Government: competitive civil service and excepted service.

Competitive civil service jobs are under the jurisdiction of OPM and subject to the civil service laws enacted to ensure that jobs are filled based on a merit system for selecting the best qualified candidates according to job-related criteria. These laws, however, give individual managers flexibility to appoint the person they believe is the best qualified for the job. Agencies may fill jobs from outside the civil service or from among candidates with civil service status. In filling jobs, some selections must be made competitively; others may be made without open competition.

Excepted service jobs are exempt from most or all of the civil service laws and are not generally subject to OPM jurisdiction. Some federal agencies, such as the Federal Bureau of Investigation and the Central Intelligence Agency, have only excepted service positions. Other agencies may have some divisions or specific jobs that are excepted. Positions are excepted by law, by Executive Order, or by OPM placing a position in the excepted service Schedules A, B, or C.

Schedule A is used for special jobs for which it is impractical to use standard qualification requirements or to rate applicants using traditional competitive procedures. Attorney positions are in Schedule A because, by law, OPM cannot develop qualification standards or examinations for attorney jobs. Schedule B is used primarily for student positions. Schedule C is for positions that are subject to change at the discretion of a new Administration.

Hiring Authorities for People with Disabilities

Schedule A

Schedule A allows for noncompetitive appointment of people with targeted disabilities; it is designed to remove barriers and increase employment opportunities. New regulations for Schedule A became effective July 26, 2006.⁴³

Agencies may self-determine what type of placement to make, based on the needs of the position and the qualification level of the candidate. A hiring agency may make a temporary appointment, a time-limited appointment if the duties of the position do not require it to be filled on a permanent basis, or a permanent appointment.

Eligibility for appointment under Schedule A for an applicant with a disability consists of two parts:

1. *Proof of disability.* This proof may be in the form of documentation obtained from licensed medical professionals, state or private vocational rehabilitation specialists, or any government agency that issues or provides disability benefits.
2. *Certification of job readiness.* This certification is a statement that the person is likely to succeed in the performance of the duties of the position for which he or she is applying. This certification of job readiness may be obtained from the same sources that provided the proof of disability. If a person has proof of disability documentation but not the certification of job readiness, hiring agencies have the discretion to place him or her on a temporary appointment under Schedule A to determine his or her job readiness.

To hire people with disabilities under excepted service an agency must:

- Identify an agency coordinator to help managers recruit, hire, and accommodate people with disabilities.

- Develop and disseminate information about the requirements associated with provisions for hiring people with disabilities.
- Determine the essential duties of positions that could be filled by people with disabilities.
- Work with public and private organizations to identify and place people with disabilities.
- Evaluate the effectiveness of the placements and make changes to improve effectiveness.

EEOC has determined that the Schedule A hiring authority for people with disabilities is underutilized. In FY 2006, 237,612 new employees were hired by the Federal Government, but only 326 (0.14 percent) of the 1,298 new hires with disabilities were hired under Schedule A.⁴⁴

Schedule A's Application to Promotions

Depending on the type of appointment, the probationary period typically lasts up to two years instead of the one-year probationary period for competitive new hires. Schedule A candidates are held to the same performance standards as all other employees. Once the probationary period has been successfully completed, employees should be converted to permanent competitive status. If the applicant was placed in a temporary appointment, the agency may credit time spent on a temporary appointment toward the two-year requirement.⁴⁵

Schedule B

The Schedule B hiring authority includes three programs: the Student Temporary Employment Program, the Student Career Experience Program, and the Federal Career Intern Program. In FY 2006, of the 1,298 new hires with targeted disabilities, 145 (0.06 percent) entered under Schedule B programs.⁴⁶

The **Student Educational Employment Program** was established in 1994 to provide federal employment opportunities to students who are enrolled or accepted for enrollment as degree-seeking students taking at least a half-time academic, technical, or vocational course load in an accredited high school, technical or vocational institution, college, university, or professional school. It includes two components: the Student Temporary Employment Program and the Student Career Experience Program.

- The **Student Temporary Employment Program**⁴⁷ provides maximum flexibility to both students and managers, because the nature of the work does not have to be related to the student's academic or career goals. Students are appointed to a position not to exceed one year, but appointments may be extended in one-year increments as long as the individual meets the definition of a student. Students are not eligible for noncompetitive conversion to a career or career-conditional appointment. Students may be noncompetitively converted to the Student Career Experience Program if they meet the requirements of that program and the agency has an appropriate position available.
- The **Student Career Experience Program**⁴⁸ provides work experience directly related to the student's academic program and career goals. Students may be noncompetitively converted to term, career, or career-conditional appointments at any time within 120 days following completion of their academic and work experience requirements.

The **Federal Career Intern Program** (FCIP) was created by Executive Order 13162 in 2000; it is intended for positions at grade levels GS-5, -7, and -9. In general, interns are appointed for two years.⁴⁹ Upon successful completion of the internship, the person may be eligible for permanent placement within an agency. The two years employees spend on the excepted appointment serve as their probationary period. The number of FCIP hires increased from 423 in FY 2001 to nearly 10,000 in FY 2005.⁵⁰ In the professional and administrative occupations, at entry grades GS-5 and GS-7, more than half of all new hires in FY 2005 entered service through this authority.⁵¹

Special Appointing Authorities for Veterans

The 30 percent or more disabled veteran appointment authority and the Veterans Recruitment Appointment (VRA) authority are available for veterans.

The disabled veteran appointment authority allows an agency to give a temporary or term appointment to a 30 percent or more disabled veteran with a service-connected disability, as rated by the Department of Veterans Affairs or DoD, to any position for which he or she is qualified.⁵² After demonstrating satisfactory performance, the disabled veteran may be converted to a career-conditional appointment at any time as determined by the agency.

VRA⁵³ is an excepted service appointment to a position that is otherwise in the competitive service. Agencies can use the VRA authority to fill white-collar positions up through GS-11 and equivalent jobs under other pay systems. After two years of satisfactory service, the veteran is converted from the excepted service appointment to a career-conditional appointment in the competitive service.

Veterans who believe they have not been accorded the preference to which they are entitled may file a complaint with the Veterans Employment and Training Service (VETS), Department of Labor.

Barriers to Hiring and Promotion

Despite laws, regulations, guidance, and excepted service hiring authorities, barriers to federal employment remain for people with disabilities. EEOC defines barriers as “policies, procedures, practices, or conditions that limit or tend to limit employment opportunities for members of a particular race, ethnic or religious background, or gender, or for individuals with disabilities. While some barriers are readily discernable, most are embedded in the agency’s day-to-day employment policies, practices, and programs, including: recruitment, hiring, career development, competitive and

noncompetitive promotions, training, awards and incentive programs, disciplinary actions, and separations.”⁵⁴

Job Announcements and the Application Process

Agencies are required to post their competitive service positions on OPM's USAJOBS Web site, with information on the duties, qualifications, and benefits of the position and instructions on how to apply. Although agencies are not required to post their excepted service positions on USAJOBS, many do so to attract additional applicants. Because agencies do their own hiring, procedures and required information often differ from agency to agency.

Despite efforts to post job announcements on a central Web site, the lengthy and complicated federal hiring process can be a barrier to employment. Applicants regularly report confusion about the differences in application procedures among agencies, complex application requirements, and lack of communication from the agencies about the status of the hiring decision.

Studies by the Merit Systems Protection Board have found that federal vacancy announcements are often poorly written, difficult to understand, and filled with jargon; candidates frequently wait five months or more to receive job offers; the hiring process is complex; and the Federal Government often fails to market itself effectively as an employer of choice.⁵⁵

Obligations of the Applicant with a Disability

People with disabilities who hold a certification eligibility letter from a State Vocational Rehabilitation Office or the Department of Veterans Affairs may apply for employment opportunities through one of several special hiring authorities. Applicants with certification eligibility letters may apply directly to a selective placement coordinator to be considered for a job.

An applicant may apply competitively, then inform the agency's selective placement program coordinator that the applicant has applied for a position with the agency and would like to be considered for a Schedule A appointment. The applicant should be prepared to provide the coordinator with the information about the job of interest. Applicants must also be knowledgeable about probation periods and pursue getting their positions converted to permanent appointments at the appropriate time.

Resources Available to the Hiring Manager

Several resources can help hiring managers recruit and hire applicants with disabilities, lessening one of the barriers to employment:

- Federal Hiring Flexibilities Resource Center⁵⁶ is an OPM Web site that helps users better understand how to hire and retain persons with disabilities using excepted service hiring authorities.
- EEOC has issued a question-and-answer guide⁵⁷ aimed at promoting the hiring and advancement of people with disabilities in Federal Government employment.
- EEOC has developed a series of booklets called *The ABCs of Schedule A* for hiring managers,⁵⁸ human resource professionals,⁵⁹ and disability program managers or selective placement coordinators.⁶⁰
- The Department of Homeland Security (DHS) has developed a new training program, "Employment of People with Disabilities: A Roadmap to Success." This 45-minute training describes the department's initiative, identifies the tools that make hiring people with disabilities a convenient option, and contains personal testimonials from four DHS employees with disabilities.⁶¹
- Veterans employment information is available on the OPM Web site. The site contains information for job-seeking veterans, veterans currently employed by the Federal Government, and federal human resources specialists. VetsInfo Guide⁶² provides general information about how the system works and how veteran's preference and the special appointing authorities for veterans operate within the system. VetGuide⁶³ gives detailed information about the special rights

and privileges that veterans enjoy in federal civil service employment. The guide summarizes in one place the many laws and regulations that affect the employment of veterans.

Top Management Commitment

Respondents to a survey of federal supervisors indicated that visible top management commitment is one of the most effective means of reducing barriers to hiring and advancing employees with disabilities.⁶⁴ However, lack of top management commitment is still evident. In FY 2005, only 15.8 percent of the agencies with 1,000 or more employees established a numerical goal for increasing the employment of people with targeted disabilities, even though these goals are required by EEOC MD-715.⁶⁵ Unless agency leadership makes clear through agency directives that employing people with disabilities is an important goal, barriers will remain.

Opportunities for Promotion and Advancement

Although barriers to employment persist, there are promising paths to employment for persons with disabilities to pursue.

Vacancies Due to Retirement

OPM and the Partnership for Public Service estimate that about 550,000 federal employees will leave the government in the next five years, the majority through retirement. OPM has estimated that of the 956,613 employees who are eligible to retire through FY 2016, a predicted 586,339 employees (61.3 percent) will retire during that period.⁶⁶ Turnover will affect some agencies and occupations more than others. For example, in OPM projections through 2010, three agencies will have a disproportionate number of workers eligible for retirement: the Department of Housing and Urban Development (48.3 percent), the Federal Aviation Administration (47.1 percent), and the Social Security Administration (40 percent).⁶⁷ These retirements will create a significant number of job opportunities.

Senior Executive Service

A survey of senior executive officers conducted in early 2008 confirmed OPM's projections of high turnover among the senior ranks in the near future: 41.6 percent of career respondents plan to leave in the next three years, and 62 percent plan to leave in the next five years. A majority (66 percent) of those planning to leave in the next year are under age 60.⁶⁸ The need to replenish the senior ranks provides an opportunity for advancement and emphasizes the need for new approaches to attract new employees with the requisite skills to fill these vacancies.

To remedy the lack of diversity in the SES, Rep. Danny K. Davis (D-IL) and Senator Daniel K. Akaka (D-HI) introduced the Senior Executive Service Diversity Assurance Act in the House and Senate, respectively, in October 2007. On April 3, 2008, the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing on H.R. 3774. Testimony was presented on behalf of women and minorities, but there was no representation from the disability community. The amended bill was passed by the House on June 3, 2008. No action was taken by the Senate, but both sponsors plan to reintroduce the legislation in the 111th Congress.⁶⁹

As passed by the House, H.R. 3774 requires OPM to reestablish the Senior Executive Service Resource Office (SESRO) at OPM. SESRO will serve as a central resource for agencies and will provide oversight of agency recruitment and candidate development efforts. OPM previously had such an office but dissolved it when the agency was reorganized in 2003. Concerns have been raised that OPM's management of the SES is less effective without a central office to handle SES-related policy development and implementation. The bill includes the following requirements:

- SESRO must develop and monitor programs for the advancement and training of senior executives, including the Senior Executive Service Federal Candidate Development Program;

- Each agency must submit a plan to OPM on how the agency is identifying and eliminating barriers to minorities, women, and people with disabilities to obtain appointments to the SES;
- Agencies, to the extent possible, must include minorities, women, and people with disabilities on their executive resources boards as well as any other panels that evaluate SES candidates and should consider diversity in selecting members to serve on OPM's Qualifications Review Boards. This language replaces a controversial clause in the original bill that required each agency to create an SES evaluation panel staffed by three employees that included at least one woman and one minority. The Justice Department objected to that provision, arguing that it created illegal quotas;
- SESRO must compile and maintain annual statistics related to the composition of the SES, including the makeup of the SES with regard to race, ethnicity, sex, age, and disability, and OPM must make those statistics available on its Web site;
- SESRO must establish mentoring programs for potential SES candidates; conduct a continuing program to recruit women, minorities, and people with disabilities for SES positions; advise agencies on how their equal employment or diversity office could be helpful in the SES appointments process; and evaluate and implement strategies to ensure that agencies conduct outreach to identify SES candidates in other agencies.
- Each agency, in consultation with OPM, must submit to OPM a plan to improve opportunities for the advancement and appointment of minorities, women, and people with disabilities to the SES. Each agency plan must address how the agency will identify and eliminate barriers that impair the ability of minorities, women, and people with disabilities to obtain SES appointments and must address any actions the agency is taking to provide opportunities for advancement.⁷⁰

Although these provisions would go a long way toward increasing diversity, OPM could increase accountability by requiring that each agency have a senior executive responsible for aligning and coordinating agency priorities with SESRO priorities. This agency coordinator's annual performance management plan should include specific activities to support the promotion of people with disabilities into the SES and the SES Federal Candidate Development Program.

The SES Federal Candidate Development Program (Fed CDP), developed by OPM, trains leaders and prepares them for entry into the SES. The Fed CDP is an intensive program of classroom training, interagency experiences, rotational assignments, mentoring, coaching, field experiences, and Web-based learning. People who complete the program and are certified by an SES Qualifications Review Board may be selected for an SES position anywhere in the Federal Government without further competition.

Survey of the Federal Government on Supervisor Practices in Employment of People with Disabilities

Under a grant funded by the Presidential Task Force on Employment of Adults with Disabilities under Executive Order 13078, Cornell University conducted a survey of 1,001 Federal Government supervisors in 2001 concerning the hiring and advancement of people with disabilities.⁷¹ The supervisors were employed by the 17 federal agencies that served as members of the task force. The task force agencies accounted for 948,867 (54 percent) of the total employees in the Federal Government and 63,424 people with disabilities, of which 11,790 were people with targeted disabilities.

When asked about continuing barriers to employment or advancement of people with disabilities, supervisors most often identified lack of experience, job skills, and training on the part of the applicant with disabilities. On the employer side, supervisors cited lack of supervisor knowledge of which accommodation to make, not providing a needed accommodation, and attitudes and stereotypes toward people with disabilities as preventing employees with disabilities from advancing in their careers. Supervisors with experience supervising employees with disabilities and supervisors without employees

with disabilities did not differ significantly in identifying these barriers. These survey results show that employees with disabilities could increase their advancement potential by gaining the necessary job skills and training; and workplaces could open opportunities for advancement by seeking out expert assistance in providing accommodations and conducting training to dispel stereotypes.

Protecting the Rights of Employees with Disabilities

Reasonable Accommodations

The Rehabilitation Act of 1973 requires employers to provide "reasonable accommodations" to applicants and employees with disabilities unless doing so would cause undue hardship to the employer. A reasonable accommodation is an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy equal benefits and privileges of employment. Such accommodations may involve restructuring the job, reassignment, modifying work schedules, adjusting or modifying examinations, providing readers or interpreters, and acquiring or modifying equipment.

The concept of reasonable accommodation applies to all aspects of employment, including recruitment, training, promotion, reassignment, and developmental assignments. It begins with recruitment activities. In accordance with the March 2000 OPM memorandum to agencies,⁷² agency vacancy announcements must state that accommodations will be made for qualified applicants with disabilities.

Executive Order 13164 requires each agency to track information that will enable the agency to evaluate its performance in considering and granting requests for reasonable accommodation. However, the Order does not impose any specific recordkeeping requirements.

Employees who need reasonable accommodation are responsible for making their needs known to their supervisors. An employee can request reasonable accommodation either orally or in writing. The supervisor and the employee should

clarify the employee's needs, and identify the appropriate reasonable accommodation required to meet those needs.

In addition to the Computer/Electronic Accommodation Program, some agencies have their own programs that offer expertise and support in providing assistive technology and reasonable accommodations.

For example, the **Department of Transportation (DOT) Disability Resource Center (DRC)** provides job accommodations and related services to DOT employees and job applicants. The DOT Office of Human Resource Management operates the DRC with guidance from the Departmental Office of Civil Rights. Services are provided to all DOT operating administrations nationwide. DRC also has a service agreement with the U.S. Coast Guard.

The **Technology Accessible Resources Gives Employment Today (TARGET) Center** was established in December 1992 to support Department of Agriculture (USDA) efforts to enforce federal disability legislation and support integration of assistive technology and ergonomic solutions. TARGET has eight workstations equipped with hardware and software to accommodate people with mobility, speech, visual, hearing, and cognitive impairments. TARGET has an expert staff available to provide demonstrations, assessments, information and referral, equipment loans, alternative formatting, Web accessibility training, and disability legislation education. The Center has an Interagency Agreement with the Department of Defense Computer/Electronic Accommodations Program (CAP) so that assistive technology can be provided for use by USDA employees with disabilities at no cost to USDA agencies.

The **Department of the Interior Accessible Technology Program** determines appropriate assistive technology and ergonomic solutions.

The **U.S. Geological Survey Disability Resource Center**, which is available to the entire Department of the Interior, features workstations with specialized communications

and technology solutions for a range of disabilities and an accessible science demonstration lab.

The **Department of Homeland Security** has instituted an Accessibility Help Desk staffed by specialists who understand unique disability-related information technology and assistive technologies.⁷³

The **Department of Education** has an assistive technology team that helps managers and supervisors identify and implement accommodation solutions.

The **Department of Energy** Disability Accommodation Program/Assistive Technologies Support Team provides computer and related telecommunications accommodations.

The **Department of Labor (DOL)** Central Office for Assistive Services and Technology provides guidance on reasonable accommodations and related issues to DOL managers and employees, and applicants with disabilities. The department is also considering a centralized program to provide service-based reasonable accommodations such as sign language interpreters and personal assistance services that are beyond the scope of the DoD Computer/Electronic Accommodations Program (CAP).

The **Department of Veterans Affairs** Microcomputer Training Program for Persons with Disabilities offers computer-based adaptive equipment training and technical support to veterans and government employees with disabilities.

The **General Services Administration** Center for Information Technology Accommodation/Assistive Technology Showcase displays state-of-the-art assistive technologies and ergonomic solutions.

The **Centers for Disease Control and Prevention** created a central fund for accommodations. The Office of Dispute Resolution and Equal Employment Opportunity, and the Management Information Systems Office implemented the Automated Tracking

System, which electronically processes, evaluates, and takes action on requests for reasonable accommodations for employees with disabilities.

Discrimination and Harassment

Discrimination occurs when an employer intentionally treats one employee differently from another when the two are similarly situated and the treatment is based on race, color, age, national origin, religion, sex, disability, or EEO activity.

Harassment is physical or verbal conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The harassment must be based on a protected basis and be so severe or pervasive as to alter the conditions of employment.

Since FY 2002, harassment has been the most frequently alleged issue in complaints of discrimination filed by employees on the basis of mental or physical disability. In FY 2006, harassment accounted for 38.1 percent of the 1,130 complaints based on mental disability and 30.5 percent of the 3,843 complaints based on physical disability. Other frequently alleged complaints involved reasonable accommodation and discipline issues.⁷⁴

Supervisor Training

Protecting the rights of employees with disabilities requires that supervisors be familiar with civil rights laws. In the survey of federal supervisors,⁷⁵ 90 percent of respondents reported having had some formal disability civil rights training as a federal supervisor. Training was usually provided during general employment discrimination or diversity training, or during general supervisory or management training. Two out of five supervisors surveyed reported being aware of EEOC guidelines for federal agencies to establish written procedures to facilitate the provision of reasonable accommodation under Executive Order 13164. Nearly half of those who were aware of this provision indicated that it had influenced their supervisory practice either “a great deal” or

“somewhat.” The level of awareness and influence was higher for those who had experience supervising employees with disabilities.

Over half of the supervisors involved in recruitment reported being very familiar or somewhat familiar with the special hiring authorities for the Federal Government that promote hiring disabled veterans; approximately one-third were familiar with the special hiring authorities for hiring people with cognitive disabilities or significant physical disabilities, or people who have recovered from mental illness.

However, there is room for improvement in supervisor training. Supervisors cited a need for more information on accommodations for mental illness and the accommodation process generally. Respondents also stated that disability nondiscrimination training should be a mandatory element of management training.

What Do We Know About Current Federal Government Initiatives?

Agency Initiatives

While affirmative legal requirements form the basis for required actions, agencies have also developed initiatives to supplement these legal requirements. These initiatives target specific barriers to employing people with disabilities.

Leadership for the Employment of Americans with Disabilities (LEAD)

In June 2006, EEOC launched the Leadership for the Employment of Americans with Disabilities (LEAD) Initiative to address the declining number of employees with targeted disabilities in the federal workforce. LEAD is not an employment program. Rather, LEAD staff are working to encourage federal agencies to hire and advance more people with severe disabilities through a national outreach and education campaign that seeks to:

- reverse the trend of decreasing participation in federal employment;
- increase the awareness of hiring officials about the declining numbers of people with disabilities in federal employment;
- educate federal hiring officials about how to use special hiring authorities to bring people with disabilities on board, particularly those with severe disabilities;
- educate applicants with severe disabilities about how to apply using the special hiring authorities available; and
- supply information and resources (see <http://www.eeoc.gov/initiatives/lead/resources.html>) on recruitment, hiring, and providing reasonable accommodations.

EEOC has outlined four basic steps all agencies can take to immediately improve the employment picture at their agencies:⁷⁶

- Set a goal, make a plan, and implement the plan.
- Hire or appoint a disability program manager or a selective placement coordinator; ideally, both.
- Make sure human resources personnel understand how to handle Schedule A applications.
- Deal head on with the attitudinal biases of hiring managers.

As part of this initiative, a July 2008 conference entitled “Two Percent by 2010” was held to encourage agencies to increase the representation of people with disabilities in the Federal Government to 2 percent by 2010.

“Perspectives on Employment of People with Disabilities” Conference

This annual training conference, chaired by ODEP, brings together federal EEO officials and personnel representatives who deal with issues that affect the employment of people with disabilities within the Federal Government. It covers personnel policies and practices, developments in technology, legal updates, and resources. Workshops, keynote speakers, and general sessions are presented by experts knowledgeable in disability employment issues in the federal sector. The conference is jointly sponsored by the Census Bureau, Department of Agriculture, Department of Defense, Department of Homeland Security, Department of Labor, Department of Veterans Affairs, Environmental Protection Agency, Equal Employment Opportunity Commission, National Institutes of Health, and National Oceanic and Atmospheric Administration.

Workforce Recruitment Program

The Workforce Recruitment Program for College Students with Disabilities (WRP) is a recruitment and referral program that connects federal sector employers with highly motivated postsecondary students and recent graduates with disabilities through summer or permanent jobs. The WRP is cosponsored by the Department of Labor and the Department of Defense, with the participation of about 20 other federal agencies.

Each year, WRP recruiters from federal agencies conduct interviews with interested students on college campuses across the country. Information from these interviews is compiled in a searchable database that is available through the WRP Web site to hiring officials in federal agencies.

The WRP has provided employment opportunities for nearly 4,500 students since 1995. In 2008, 74 recruiters from 17 federal agencies visited about 250 college campuses, resulting in a database containing application information on nearly 1,800 students with disabilities. During the 2008 season, federal managers hired more than 450 students to work at various federal agencies, mostly in summer jobs.⁷⁷

Federal Equal Opportunity Recruitment Program

OPM has the responsibility to report annually to Congress on progress under the Federal Equal Opportunity Recruitment Program. The report is prepared in compliance with the law⁷⁸ and contains information on the representation of minorities in the Federal Government and best practices of federal agencies. However, it does not include information on disability.

Computer/Electronic Accommodation Program

CAP was established as the centrally funded Department of Defense (DoD) program that provides assistive technology to DoD employees with disabilities. CAP received authorization in FY 2001 to serve as the centrally funded program to accommodate federal employees with disabilities; since then, it has partnered with 65 federal agencies.

Employer Assistance & Recruiting Network

The Employer Assistance & Recruiting Network (EARN),⁷⁹ funded by ODEP, is a free service that connects employers with skilled job candidates. EARN also offers assistance to employment service providers and job-seekers with disabilities by providing them with job leads from employers interested in including people with

disabilities in their recruiting efforts. Currently, 162 federal agencies are using EARN services to identify qualified candidates with disabilities.

AbilityOne

Formerly known as the Javits-Wagner-O'Day (JWOD) Program, AbilityOne is a federal initiative to help people who are blind or severely disabled find employment working for nonprofit agencies that sell products or services to the U.S. Government. Originally created in 1938 to enable agencies serving people who were blind to sell products to the Federal Government, the program was changed in 1971 to permit people with other severe disabilities to also benefit. The amended JWOD Act of 1971 also created the Committee for Purchase From People Who Are Blind or Severely Disabled, the independent federal agency that administers the AbilityOne Program. The Committee is composed of 15 members appointed by the President. Eleven of the members represent government agencies (Departments of Agriculture, Air Force, Army, Commerce, Defense, Education, Justice, Labor, Navy and Veterans Affairs, and the General Services Administration). Four members are private citizens knowledgeable about the employment problems of people who are blind or have other severe disabilities, including those employed by nonprofit agencies affiliated with the AbilityOne Program. Among its responsibilities, the Committee:

- determines which products and services purchased by the Federal Government must be procured from AbilityOne-participating nonprofit agencies;
- establishes the fair market prices for these products and services, and revises the prices when appropriate;
- ensures that nonprofit agencies comply with Committee rules and regulations (through onsite reviews of agency operations, annual certifications, and other means);
- assists entities of the Federal Government in expanding their AbilityOne procurement; and
- designates one or more distributors for AbilityOne products and services.

The Committee has designated two central nonprofit agencies (NPAs)—National Industries for the Blind and NISH—to assist with program implementation. More than 600 NPAs produce products and services under the program. The core criterion for NPA eligibility is that 75 percent of total direct labor hours must be performed by people who are blind or have other severe disabilities. In 2006, nearly 47,000 people were employed through the program.⁸⁰

Federal Disability Workforce Consortium

The mission of the Federal Disability Workforce Consortium is to improve employment for people with targeted disabilities in the federal workforce. The Consortium seeks to expand the current pool of talent in the federal workforce through improving recruiting, hiring, retention, and advancement of employees with disabilities, especially those with targeted or more severe disabilities. Since 2005, the Consortium has sponsored learning sessions and working meetings on disability-employment-related topics.

Disabled Veterans Affirmative Action Program (DVAAP)

Most departments and agencies in the Federal Government are required to have an affirmative action program for the recruitment, employment, and advancement of disabled veterans. The law requires agencies to develop annual Disabled Veterans Affirmative Action Program (DVAAP) Plans.⁸¹

Each year, agencies must submit DVAAP accomplishment reports to OPM. The accomplishment reports must describe agency efforts to promote the maximum employment and job advancement opportunities for disabled veterans, as well as certain other veterans of the Vietnam and post-Vietnam era who are qualified for such employment and advancement. As part of the submission package, each agency must include a signed statement certifying that the agency has an up-to-date DVAAP plan.

OPM provides guidance and assistance to federal agencies in developing DVAAP plans, and submits an Annual Report to Congress on the employment of veterans in the Federal Government.

The Future: Making It Work

Opportunities

Recognition of continuing barriers to federal employment has led to some promising solutions that create opportunities for agencies seeking qualified workers and for persons with disabilities seeking employment with the Federal Government. The following opportunities were chosen for their relevance to addressing the barriers discussed in this paper.

Where the Jobs Are

The Partnership for Public Service issued a report summarizing the Federal Government's most critical hiring needs through September 2009 by agency, occupation, and skills.⁸² By 2009, federal agencies project hiring nearly 193,000 new workers for mission-critical jobs. Findings include the following:

- Almost 80 percent of the projected new mission-critical hires will be in five professional fields: security, protection, compliance and enforcement (62,863 new hires); medical and public health (35,350 new hires); accounting, budget and business (21,248 new hires); engineering and sciences (17,477 new hires); and program management/analysis and administration (14,305 new hires).
- The 2007 projections include large increases in compliance and enforcement hires (27,243, up from 6,760 in 2005). The increase is linked primarily to expanded customs, border security, and immigration activities by the Department of Homeland Security.
- Agencies report dramatically increased demand for information technology (IT) specialists. In 2007, two out of every three agencies list IT as a mission-critical occupation, and these agencies plan to hire 11,562 IT professionals through 2009.

- Demand for health care workers is up. Agencies project more than 35,000 hires in health care fields through 2009.
- The number of accounting, budget, and business jobs is expected to increase significantly likely due to increased demand for contracting specialists.

This information provides applicants with disabilities the ability to discern where job opportunities are, which agencies proactively recruit people with disabilities, and which agencies rate highly as best places to work. For example, the report recognizes that the Department of Agriculture has been a lead federal employer in the hiring of college students with disabilities and that the Department of Transportation encourages the hiring of veterans and people with disabilities.

Incoming Administration

The new Administration and the accompanying turnover of senior officials offers an opportunity for people with disabilities. The *United States Government Policy and Supporting Positions*, commonly known as the *Plum Book*,⁸³ contains information on more than 7,000 federal civil service leadership and support positions in the legislative and executive branches of the Federal Government that may be subject to noncompetitive appointment (e.g., positions such as agency heads and their immediate subordinates, policy executives and advisors, and aides who report to these officials).

Call to Serve

Call to Serve, a joint initiative between the Partnership for Public Service and OPM, is dedicated to helping students learn more about internships and careers in the Federal Government. To date, more than 615 campuses and 75 federal agencies have joined the Call to Serve network. Participating agencies facilitate recruitment and retention of younger members of the federal workforce and communicate with the campus coordinators in the network to provide guidance on how students can find information about and pursue jobs in federal service. Its Web site⁸⁴ provides information on how to find and apply for federal jobs.

New OPM Initiative to Shorten the Federal Hiring Process

The lengthy and complicated federal hiring process can be a barrier to applicants seeking employment. To remedy this situation, on September 10, 2008, OPM announced a new initiative designed to streamline the federal hiring process. The End-to-End Hiring Roadmap⁸⁵ was designed to provide an easy-to-understand application, timely updates regarding application status, and a window of no more than 2.5 months within which the applicant starts the job. The Roadmap integrates five key components of the hiring process: workforce planning, recruitment, hiring, security and suitability, and orientation.

To ease the process for job applicants, the Roadmap calls for shorter job announcements, written in plain language, and the elimination of the knowledge, skills, and abilities narratives typically required along with a resume. When the Roadmap is fully implemented, the hiring process is expected to take no more than 25 business days from the date a job announcement closes to the date a tentative job offer is made—a 20-day improvement over previous OPM goals. The Roadmap will help agencies plan for mission requirements, post jobs quickly, ensure that recruitment initiatives are targeting the right people, increase the timeliness of security background investigations, and orient new employees.

Promising Practices from State Government

Final Report on Best Practices for the Employment of People with Disabilities in State Government

EEOC conducted a study of nine states (Florida, Kansas, Maryland, Missouri, New Hampshire, New Mexico, Utah, Vermont, and Washington) to determine best practices that promote the hiring, retention, and advancement of people with disabilities in state government jobs.⁸⁶ Overall, the study found that many of the best practices identified in the report resulted from legislative or executive actions. The following are among the findings.

Recruiting and Hiring

- New Mexico created an Executive Task Force on Disability Employment to develop strategies to increase the recruitment and hiring of qualified people with disabilities for state government jobs.
- Vermont and Washington work with organizations of and for people 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 or hire people with disabilities for state jobs. Vermont also provides a "must interview" status 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.

Reasonable Accommodation

- Vermont has statewide 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 ADA coordinators to submit any proposed denials to the Division of Risk Management so they can be reviewed for legal sufficiency; Vermont created a Reasonable Accommodation Committee to which an employee may submit a denial 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 reasonable accommodations that could be used to assess the effectiveness of reasonable accommodation procedures.
- While all 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 that a particular accommodation would be too costly for the agency to obtain on its own.
- Agencies in Kansas and Missouri provide accommodations for some employees who do not necessarily meet the ADA's definition of disability, such as those with limitations resulting from short-term, temporary conditions.

Issues for Further Evaluation by States

- Some states' equal employment opportunity and affirmative action policies do not include disability. Some affirmative action policies specify disability, but there are no accompanying efforts to increase the representation of people with disabilities in the workforce.
- Some states' 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.

Since the EEOC study was completed, other states have instituted coordinated efforts to increase employment opportunities in state government for people with disabilities. Although a comprehensive review of states is beyond the scope of this paper, recent activities undertaken by Virginia and Maine are described below. Both states have executive directives that show top-level commitment; make training resources available so that agencies can fulfill their responsibilities; and promote agency accountability through mandated reporting.

Virginia

In 2007, the Governor of Virginia issued an Executive Directive⁸⁷ requiring all state agencies to actively recruit qualified applicants with disabilities. The directive requires all executive branch agencies, boards, commissions, and institutions to examine existing practices related to people with disabilities, including a review of recruitment efforts, interviewing criteria, testing procedures, and resources for reasonable accommodations. Hiring managers are encouraged to participate in training including interviewing techniques, accommodations and assistive technology. Agencies are required to submit an annual report of their activities.

Virginia also funded a two-year initiative, Promoting Partnerships and Employment for Virginians with Disabilities, to promote public-private partnerships to increase the employment of people with disabilities in state government agencies.⁸⁸ The initiative included training for rehabilitation professionals to develop more effective partnerships with private sector staffing organizations that will increase employment opportunities for people with disabilities. Training was also provided in working with qualified onsite employment coaches, creating disability awareness, addressing communications issues, and providing job accommodations. The project ended in December 2008, but its Web site contains resources and archived Webcasts.⁸⁹

Maine

Maine has been taking coordinated steps to improve state employment opportunities for people with disabilities. In February 2006, the Governor of Maine issued an Executive Order⁹⁰ calling for the state to better promote state jobs to people with disabilities, identify difficult-to-fill jobs, and survey state workers about their disabilities and experiences with state employment. The survey has been completed.⁹¹ A law effective August 23, 2006,⁹² requires the state to review its hiring and advancement practices, increase accommodation efforts, and create a centralized staff position to coordinate the state's efforts to expand employment opportunities. A new brochure entitled *Are You a Person with a Disability Looking for a Good Job? Have You Considered Work with the Maine State Government?*⁹³ contains information for job seekers who have a disability.

Recommendations

Based on the current status of people with disabilities in the Federal Government, the National Council on Disability has developed 10 recommendations. Five recommendations address the need for the Office of Personnel Management to examine personnel practices that continue to be barriers to hiring and advancing qualified people with disabilities. Four recommendations call on Congress to request the Government Accountability Office to conduct studies on Schedule A, supervisor practices, and the Veterans' Preference system; and to expand the authority of the Computer/Electronic Accommodations Program. One recommendation is for job seekers, encouraging people with disabilities to take advantage of the information available on opportunities in the Federal Government. These recommendations address current barriers and promote opportunities for federal employment.

Recommendations for the Office of Personnel Management

- 1. Reduce the two-year probationary period for employees with disabilities under Schedule A to one year.** With the exception of the Federal Career Intern Program (which requires a two-year training period) and the Veterans Recruitment Appointment excepted service authority (which requires a two-year probationary period), new hires in the Federal Government are subject to a one-year probationary period. Reducing the two-year probationary period required for people with disabilities who are hired under Schedule A to one year will bring Schedule A hires into parity with other new hires.
- 2. Require the Federal Equal Opportunity Recruitment Program to include data on employees with disabilities.** The Office of Personnel Management has the responsibility to report annually to Congress on progress under the Federal Equal Opportunity Recruitment Program. The report is prepared in compliance with the law⁹⁴ and contains information on the representation of minorities within the Federal Government and best practices of federal agencies; however, it does not include data on employees with disabilities.

3. **Establish mandatory training on targeted disabilities for all supervisors in Federal Government agencies.** The training should be overseen and delivered by the agency's senior training cadre who are full-time federal employees.
4. **Conduct a marketing campaign to encourage applicants with disabilities.** The marketing campaign should be aimed at erasing any negative perceptions of being a federal employee with a disability and accentuate the positive aspects of federal employment. This marketing approach is particularly important given the impending retirement of a large percentage of the federal workforce in the near future and the need to fill these vacancies.
5. **Conduct a study of best practices in the Federal Government and develop a model program for hiring, retaining, and advancing people with disabilities.** A few agencies, with visible commitment from top leadership, have developed innovative practices to encourage hiring, retaining, and advancing people with disabilities. However, information on these practices is not readily available on agency Web sites and therefore is not widely known. There is a need to identify and promote successful practices for conducting effective outreach, hiring qualified candidates, establishing efficient programs for providing accommodations, and providing opportunities for promotion, including advancement to the Senior Executive Service. A study of best practices would recognize innovative agency practices, use those practices to develop a model program, and encourage other agencies to adopt those practices. This study could be based on the study of best practices in state governments conducted by EEOC.⁹⁵

Recommendations for Congress

6. **Request that the Government Accountability Office examine Schedule A employment for people with disabilities.** EEOC has determined that the Schedule A hiring authority for people with disabilities is underutilized.⁹⁶ A comprehensive study of the Schedule A hiring authority for people with

disabilities would determine why agencies are not using this authority so the requisite training and initiatives could be instituted to increase its use.

7. **Request that the Government Accountability Office conduct a survey of federal supervisors.** It has been eight years since the President's Task Force conducted the study of federal agency supervisors and managers about accommodation and employment of persons with disabilities in the federal sector. Since supervisors have a responsibility to protect the rights of employees with disabilities, it is important to determine whether they have the necessary knowledge to carry out that responsibility and to determine where further training is needed. Conducting the survey again will document progress and identify areas that need improvement.
8. **Request that the Government Accountability Office study the effectiveness of the preference system for veterans with disabilities.** This study should investigate the avenues for recourse if the veteran is not awarded the preference.
9. **Grant the Department of Defense Computer/Electronic Accommodations Program (CAP) the authority to include accommodations such as job structuring, telecommuting, and job-sharing.** While electronic accommodations make federal employment accessible for employees with disabilities, an entire package of accommodations should be available to employees whose agencies have CAP partnerships. CAP has done an excellent job of providing assistive technology to federal employees and would be a logical place to have the expertise needed to provide support to supervisors who may not be familiar with job structuring, telecommuting, and job-sharing arrangements.

Recommendation for Job Seekers

10. **Investigate employment opportunities in agencies with critical hiring needs and agencies that have shown a commitment to hiring people with**

disabilities. For example, almost 80 percent of projected new hires will be in five professional fields: security, protection, compliance and enforcement; medical and public health; accounting, budget, and business; engineering and sciences; and program management/analysis and administration. Among agencies with 500 or more employees, those with the highest percentage of people with targeted disabilities in FY 2007 were Equal Employment Opportunity Commission (2.65 percent of a workforce of 2,192); Social Security Administration (2.06 percent of a workforce of 62,407); Defense Finance and Accounting Service (2.03 percent of a workforce of 12,449); Defense Logistics Agency (1.89 percent of a workforce of 21,394); and Department of the Treasury (1.70 percent of a workforce of 102,787).

Endnotes

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- ¹ Targeted disabilities are disabilities that the Federal Government, as a matter of policy, has identified for special emphasis. The targeted disabilities are deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and distortion of limb and/or spine. U.S. Equal Employment Opportunity Commission (2008), *Annual Report on the Federal Workforce, FY 2007*.
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