

## IN CELEBRATION OF THE 25TH ANNIVERSARY OF THE ADA: A JOINT RESOLUTION OR EXECUTIVE ORDER TO ENCOURAGE STATES TO BE MODEL EMPLOYERS OF PEOPLE WITH DISABILITIES

As the nation celebrates the 25th Anniversary of the Americans with Disabilities Act (ADA), a review of progress and a look to the future is appropriate. The policy dialogue has shifted over these years to one of creating inclusion and economic self-sufficiency for people with disabilities and away from dependence and segregation. Many recent state policy initiatives are designed to improve employment outcomes for people with disabilities and significant progress has been made.

The following document includes the following resources developed by the National Employer Policy, Research and Technical Assistance Center on the Employment of People with Disabilities (Employer TA Center):

- ➔ A model **“Joint Resolution or Executive Order for States as Model Employers of People with Disabilities”** designed to serve as a possible framework to create additional impetus for examination of state policies and to study areas where improvements may be possible to improve employment outcomes for people with disabilities.
- ➔ A sample **“Dear Colleague”** letter for those seeking additional support from colleagues.

The document is designed to be customized to address a particular state’s needs and specific organizational protocols. It is intended to help guide state legislators, governors’ policy staff, executive agency officials and other interested parties in defining state public policy choices to better convey a long-term commitment to improve employment outcomes for individuals with disabilities.

The policy option section (Section 3d) of the Joint Resolution/Executive Order derives from recommendations in several recent compilations of policy options including:

- ➔ [A Better Bottom Line: Employing People with Disabilities](#), National Governors Association, 2013.
- ➔ [States as Model Employers of People with Disabilities: A Comprehensive Review of Policies, Practices and Strategies](#), John J. Heldrich Center for Workforce Development at Rutgers, the State University of New Jersey, for the National Employer Policy, Research and Technical Assistance Center for Employers on the Employment of People with Disabilities, 2013.
- ➔ A synopsis of many of these policy topics may be found in this LegisBrief by the National Conference of [State Legislatures](#): [State Policy Options for Employing People with Disabilities](#), February 2015.

The 10 areas to be considered in the Joint Resolution/Executive Order may be examined for potential application to a particular state's situation, as some states may have taken such actions previously, and some or all of the options may or may not be applicable. This resource was developed so states can learn from the experience of others and is meant to serve as a menu of options to be chosen based on the needs and wishes of the specific state in crafting an appropriate Joint Resolution/Executive Order.

Areas covered by state agencies for possible inclusion in a Disabilities Employment Task Force include the following:

- ➔ Commerce
- ➔ Commissions addressing particular disabilities such as blindness and deafness
- ➔ Developmental disabilities
- ➔ Economic opportunity
- ➔ Education
- ➔ Employment
- ➔ Family services
- ➔ Health services
- ➔ Human services
- ➔ Medicaid/Medicare
- ➔ Mental health services
- ➔ Rehabilitation services
- ➔ Social services
- ➔ State legislature members
- ➔ University system
- ➔ Veterans affairs and services
- ➔ Vocational education
- ➔ Workforce

The Viscardi Center is the lead entity for the National Employer Policy, Research and Technical Assistance Center on the Employment of People with Disabilities (Employer TA Center) in disseminating state policy information regarding the employment of people with disabilities. Specific questions, suggestions and inquiries may be directed to:

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## **INCREASING INCLUSION AT THE STATE LEVEL—A JOINT RESOLUTION OR EXECUTIVE ORDER FOR STATES AS MODEL EMPLOYERS OF PEOPLE WITH DISABILITIES**

### **SECTION 1. Celebrating ADA's 25th Anniversary**

July 2015 marks 25 years since the enactment of the Americans with Disabilities Act (ADA), which was signed into law on July 26, 1990. Like other pieces of civil rights legislation that came before it, the ADA expanded our nation's ideal of equality of opportunity for all by prohibiting discrimination on the basis of disability in employment, public services, public accommodations, telecommunications, and other aspects of community life.

Since the ADA, our nation's public policy discourse on disability has undergone a fundamental shift for the better. Today, the goals of disability policy are independence, inclusion, and economic self-sufficiency rather than dependence, segregation, and exclusion. Reflecting this, the ADA is sometimes referred to as the "20th Century Emancipation Proclamation" for people with disabilities. Indeed, today, people with disabilities participate in mainstream society more than ever before.

Much work remains to be done, however. Twenty-five years on, the employment gap between Americans with and without disabilities remains unacceptably large. In many ways, increasing the labor force participation rate of people with disabilities remains the unfinished business of the ADA.

Governors, legislatures, state departments, agencies and other entities have a significant opportunity to help close this employment gap, both directly, as employers, and indirectly, by serving as models for the private sector to emulate. In fact, private sector employers have said they are more likely to hire people with disabilities if their state government is doing so successfully. Thus, in this celebratory year, we as a state are renewing, expanding, and improving our commitment to increasing inclusion and serving as a model employer of people with disabilities.

### **SECTION 2. Legislative Intent**

1. The legislature [Governor] finds that employment is the most direct and cost-effective means to empower individual with disabilities to achieve independence and economic-self-sufficiency.
2. Individuals with disabilities, however, are confronted by unique barriers to employment which inhibit their opportunities to compete fairly in the labor force.
3. It is the intent of the Legislature [Governor] to provide a framework for a long-term commitment by the state to improve employment outcomes for individuals with disabilities by renewing, expanding, and improving our efforts to make the state and its departments, agencies, and universities a model employer of individuals with disabilities.
4. To achieve our goal of making the state a model employer, it is our intent to establish an Interagency Task Force on the Employment of Individuals with Disabilities by State Departments, Agencies, and Universities.

### **SECTION 3. Establishment of Interagency Task Force on the Employment of Individuals With Disabilities By State Agencies, Departments, And Universities [or Designation of Existing Inter-Agency Entity]**

1. Mission. The mission of the Task Force is to make recommendations to the Governor and State legislature regarding the establishment of a statewide infrastructure and the development of a comprehensive statewide strategic plan to facilitate efforts by the state to become a model employer of individuals with disabilities.

2. Composition of Task Force, Establishment of Advisory Committee.

- a. The Task Force shall consist of representatives from the Governor's office, the state legislature, and appropriate state agencies whose responsibilities include equal employment opportunity, affirmative action, and the provision of or support for employment-related services and supports for people with disabilities.
- b. The Advisory Committee shall include people with disabilities and their families, and organizations representing people with disabilities, and individuals with expertise and experience regarding the design and adoption of best, promising, and emerging practices for enhancing employment opportunities for people with disabilities.

3. Responsibilities. The responsibilities of the Task shall include:

- a. Undertaking exploratory and planning activities;
- b. Proposing components of statewide strategic plan, including:
  - i) Establishing goals and measurable objectives,
  - ii) Assigning responsibilities and establishing budgets,
  - iii) Identifying critical initiatives and strategies, and
  - iv) Specifying oversight and accountability and continuous improvement mechanisms.

4. Specific Topic Areas To Consider. The Task Force shall issue findings, conclusions, and recommendations regarding the adoption of strategies to enhance the employment of individuals with disabilities by state agencies, departments, and universities, including consideration of the following strategies:

- a. The issuance of an Executive Order/Joint Resolution regarding the establishment of an infrastructure and the development of a government-wide strategic plan to facilitate efforts by the state to become a model employer of individuals with disabilities.
- b. The development of an affirmative action program plan by each state agency, department, and university regarding the recruitment, hiring, retention, and advancement of individuals with disabilities.
- c. The designation of a senior level official in each agency, department, and university to be accountable for enhancing employment opportunities for individuals with disabilities and developing, implementing, and evaluating its affirmative action plan.
- d. The appointment in each agency, department, and university of qualified individuals to serve as:
  - i) Special Program Placement Coordinators responsible for facilitating the recruitment, hiring, retention, and advancement of individuals with disabilities and
  - ii) Disability Program Managers responsible for training managers and supervisors and implementation of best, promising, and emerging practices regarding the employment of individuals with disabilities and the assignment of coordination responsibility/authority in one office or program operating component.
- e. The creation of fast-track hiring policies and systems for people with disabilities such as:
  - i) Excepted service hiring authority comparable to Schedule A used by federal agencies,
  - ii) Waiver of civil service exam requirements,
  - iii) Creation of special appointment lists to help agencies, departments, and universities locate skilled workers with disabilities,
  - iv) Requiring mandatory interviews of qualified applicants, and
  - v) Establishment of preferences for qualified individuals with disabilities.

- f. The creation of opportunities for work experiences in state government for youth and others with disabilities, including internships and mentoring programs.
- g. The adoption of policies and practices focusing on retention and advancement, including:
  - i) Establishment of stay-at-work and return-to-work as the first option for older workers and workers who acquire disabilities,
  - ii) Establishment of centralized reasonable accommodation fund and centralized centers of expertise,
  - iii) Creation of education and training programs for managers and supervisors and applicants and employees regarding the process for requesting reasonable accommodations, and
  - iv) Conducting exit interviews to determine why individuals with disabilities exited employment.
- h. The adoption of policies ensuring that state agency websites, online systems (Internet and Intranet) and other information and communication technology designed, procured, or used by state agencies is accessible to and usable by individuals with disabilities through the adoption of:
  - i) Formal policies, practices and procedures,
  - ii) Leadership and team approach,
  - iii) Needs assessment and priorities,
  - iv) Agency-wide infrastructure, and
  - v) Evaluation and accountability.
- i. The formalization of partnerships among human resources and state agencies to enhance the outreach, recruitment, and hiring of qualified individuals with disabilities.
- j. The establishment of mechanisms for accountability and continuous improvement including:
  - i) Accountability measures such as hiring and retention goals,
  - ii) Improvement in the use of data with periodic reporting to the Governor and state legislature,
  - iii) Collecting, maintaining, and analyzing data regarding employment-related activities,
  - iv) Conducting annual self-assessments, including identifying trends and or issues needing more attention,
  - v) Implementing proactive steps to address deficiencies,
  - vi) Undertaking periodic reporting to the Governor and State Legislature, and
  - vii) Designating responsible individuals.

## SAMPLE DEAR COLLEAGUE LETTER

Dear Colleague:

Please join me in supporting the attached suggested joint resolution to establish a state task force to enhance the employment of people with disabilities within the state workforce [or to expand the functionality of our existing task force in a number of ways].

July 2015 marks the 25th anniversary of a landmark event in our national history—the passage of the Americans with Disabilities Act (ADA), which was signed into law on July 26, 1990. The ADA expanded equal opportunity for those with disabilities by heralding a fundamental shift from exclusion and dependency to inclusion and self-determination.

As you know, the ADA prohibits discrimination on the basis of disability in all aspects of community life, including employment, and significant progress has been made over the past 25 years. Indeed, people with disabilities in your state and every state are more integrated into our society than ever before. Despite this, people with disabilities, including veterans who acquired disabilities in service to our nation, still have fewer job opportunities than those without disabilities. Thus, this year is a time to not only celebrate and reflect, but to also reaffirm the commitment and promise of the ADA across all sectors of our society, including the workplace.

As a fellow legislator who has shown interest and leadership on this issue, I need your assistance in continuing to advance the principles of the ADA by ensuring that we renew or expand our commitment to being a model employer of people with disabilities. Doing so will strengthen our state government workforce, and that of the entire state. Research indicates that private sector employers are more likely to hire people with disabilities if they see their state doing so.

This occasion presents an opportune time to take action on this issue. The attached model Joint Resolution/Executive Order is a suggested framework that you may use to do so by establishing an interagency task force on the issue. It was developed by the National Employer Policy, Research and Technical Assistance Center for Employers on the Employment of People with Disabilities (Employer TA Center) in collaboration with the U.S. Department of Labor's Office of Disability Employment Policy (ODEP).

Thank you for your attention to this important matter of state public policy. Let me know of your interest.

Sincerely,

NAME (TBD)

[AskEARN.org](http://AskEARN.org)

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