



A Joint Resolution or Executive Order to Encourage States to be Model Employers of People with Disabilities

The Employer Assistance and Resource Network on Disability Inclusion (EARN) is a resource for employers seeking to recruit, hire, retain and advance qualified employees with disabilities. It is funded by the U.S. Department of Labor's Office of Disability Employment Policy under a cooperative agreement with The Viscardi Center. For more information, visit AskEARN.org.

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On July 26, 1990, the landmark Americans with Disabilities Act (ADA) was signed into law. The ADA has been described as the “20th Century Emancipation Proclamation for People with Disabilities” and is designed to break down barriers to equal opportunity stemming from discrimination on the basis of disability. Because of the ADA and comparable nondiscrimination laws enacted by states, the public policy dialogue has shifted away from viewing people with disabilities as defective, vulnerable, dependent and in need of our pity and charity to one that views disability as a natural and normal part of the human experience and focuses on how to foster economic self-sufficiency and independence.

It is well documented that since the ADA became the law of the land, significant progress has been made in advancing the rights and opportunities experienced by people with disabilities. Today, people with disabilities participate in mainstream society more than ever before. However, improving the employment rate of people with disabilities is one major area in which progress has been disappointing. Recognizing this shortfall, many states have adopted policy initiatives that are designed to improve employment outcomes for people with disabilities. One initiative of particular importance is the enactment of laws, resolution and executive orders that focus on states becoming or expanding and improving their efforts to be a model employer of people with disabilities.

The Employer Assistance and Resource Network on Disability Inclusion (EARN) has developed a model “Joint Resolution or Executive Order for States as Model Employers of People with Disabilities” designed to serve as a framework to create additional impetus for examination of state policies and to study areas where improvements in employment outcomes for people with disabilities may be possible. In addition, a sample “Dear Colleague” letter for those seeking additional support from colleagues is available.

These documents are designed to be customized to address a particular state’s needs and specific organizational protocols. These documents are 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 people 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:

- ➔ ***Work Matters: A Framework for States on Workforce Development for People with Disabilities***, The Council of State Governments and National Conference of State Legislatures, 2016.
- ➔ ***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

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.

- 1 An estimated 1 in 5 Americans, nearly 57 million, live with a disability. While expressing an ability, desire, and willingness to work in the community and contribute to the economic well-being of the state economy, many youth and adults experience significant barriers to employment.
- 2 On July 26, 1990, the landmark Americans with Disabilities Act (ADA) was signed into law. 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.
- 3 Our state has enacted a similar law prohibiting discrimination on the basis of disability in employment.
- 4 Because of the ADA and comparable nondiscrimination laws enacted by states, the public policy dialogue has shifted away from viewing people with disabilities as defective, vulnerable, dependent and in need of our pity and charity to one that views disability as a natural and normal part of the human experience and focuses on how to foster economic self-sufficiency and independence. The goals of disability policy are now economic self-sufficiency, independence and inclusion rather than dependence, segregation and exclusion.
- 5 It is well documented that since 1990, significant progress has been made in advancing the rights and opportunities experienced by people with disabilities. Today, people with disabilities participate in mainstream society more than ever before.
- 6 However, improving the employment rate of people with disabilities is one major area in which progress has been disappointing. Today, 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 and our state nondiscrimination law.
- 7 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.

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 economic-self-sufficiency and independence.
- 2 People 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 people with disabilities by renewing, expanding, and improving our efforts to make the state and its departments, agencies and universities model employers of people 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 People with Disabilities by State Departments, Agencies and Universities.

SECTION 3. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON THE EMPLOYMENT OF PEOPLE WITH DISABILITIES BY STATE AGENCIES, DEPARTMENTS AND UNIVERSITIES [OR DESIGNATION OF EXISTING INTER-AGENCY ENTITY]

a. 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 people with disabilities.

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

1. 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.
2. The Advisory Committee shall include people with disabilities and their families, and organizations representing people with disabilities, and people with expertise and experience regarding the design and adoption of best, promising and emerging practices for enhancing employment opportunities for people with disabilities.

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

1. Undertaking exploratory and planning activities;

2. Proposing components of statewide strategic plan, including:
 - A. Establishing goals and measurable objectives,
 - B. Assigning responsibilities and establishing budgets,
 - C. Identifying critical initiatives and strategies, and
 - D. Specifying oversight and accountability and continuous improvement mechanisms.

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

1. 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 people with disabilities.
2. The development of an affirmative action program plan by each state agency, department, and university regarding the recruitment, hiring, retention, and advancement of people with disabilities, including barrier and workforce utilization analysis, goals, self-identification policies, reporting and surveys.
3. The designation of a senior level official in each agency, department, and university to be accountable for enhancing employment opportunities for people with disabilities and developing, implementing, and evaluating its affirmative action plan.
4. The appointment in each agency, department and university of qualified people to serve as:
 - A. Special Program Placement Coordinators responsible for facilitating the recruitment, hiring, retention and advancement of people with disabilities, and
 - B. Disability Program Managers responsible for training managers and supervisors and implementation of best, promising and emerging practices regarding the employment of people with disabilities and the assignment of coordination responsibility/authority in one office or program operating component.
5. The creation of fast-track hiring policies and systems for people with disabilities such as:
 - A. Excepted service hiring authority comparable to Schedule A Excepted Service Hiring Authority for People with Disabilities used by federal agencies;
 - B. Trial work periods providing training and work opportunities, including internships, job-shadowing and apprenticeships;
 - C. Waiver or modification of civil service exam requirements
 - D. Creation of special appointment lists to help agencies, departments and universities locate skilled workers with disabilities,
 - E. Requiring mandatory interviews of qualified applicants, and
 - F. Establishment of preferences for qualified people with disabilities.

6. The creation of opportunities for work experiences in state government for youth and others with disabilities, including internships and mentoring programs.
7. The adoption of policies and practices focusing on retention and advancement, including:
 - A. Establishment of stay-at-work and return-to-work as the first option for older workers and workers who acquire disabilities,
 - B. Establishment of centralized reasonable accommodation fund and centralized centers of expertise,
 - C. Creation of education and training programs for managers and supervisors and applicants and employees regarding the process for requesting reasonable accommodations, and
 - D. Conducting exit interviews to determine why people with disabilities exited employment.
8. 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 people with disabilities through the adoption of:
 - A. Formal policies, practices and procedures,
 - B. Leadership and team approach,
 - C. Needs assessment and priorities,
 - D. Agency-wide infrastructure, and
 - E. Evaluation and accountability.
9. The formalization of partnerships and collaborations among human resources and state agencies to enhance the outreach, recruitment and hiring of qualified people with disabilities.
10. The establishment of mechanisms for accountability and continuous improvement including:
 - A. Accountability measures such as hiring and retention goals,
 - B. Improvement in the use of data with periodic reporting to the Governor and state legislature,
 - C. Collecting, maintaining and analyzing data regarding employment-related activities,
 - D. Conducting annual self-assessments, including identifying trends and or issues needing more attention,
 - E. Implementing proactive steps to address deficiencies,
 - F. Undertaking periodic reporting to the Governor and State Legislature, and
 - G. Designating responsible individuals.

SAMPLE DEAR COLLEAGUE LETTER

Dear Colleague:

Please join me in supporting the attached suggested joint resolution to create a task force whose mission is to enhance the employment of people with disabilities by making the state a model employer of people with disabilities.

On July 26, 1990, the landmark Americans with Disabilities Act (ADA) was signed into law. The ADA has been described by its sponsors as the “20th Century Emancipation Proclamation for People with Disabilities” that was designed to break down barriers to equal opportunity stemming from discrimination on the basis of disability. Because of the ADA and comparable nondiscrimination laws enacted by states, the public policy dialogue has shifted away from viewing people with disabilities as defective, vulnerable, dependent and in need of our pity and charity to one that views disability as a natural and normal part of the human experience and focuses on how to foster economic self-sufficiency and independence.

It is well documented that since the ADA became the law of the land, significant progress has been made in advancing the rights and opportunities experienced by people with disabilities. However, improving the employment rate of people with disabilities is one major area in which progress has been disappointing.

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 and our state nondiscrimination law by ensuring that we renew or expand our commitment to being a state 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.

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 Employer Assistance and Resource Network on Disability Inclusion (EARN) 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}

{Title}