



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

**STATEMENT OF
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U.S. OFFICE OF PERSONNEL MANAGEMENT**

before the

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE**

on

IMPROVING FEDERAL EMPLOYMENT OF PEOPLE WITH DISABILITIES

FEBRUARY 16, 2011

Chairman Akaka, Ranking Member Johnson, and Members of the Subcommittee:

Thank you for the opportunity to testify today regarding the U.S. Office of Personnel Management's (OPM) role in improving Federal employment of people with disabilities. Improving the number of people with disabilities within the Federal government has been a major priority of this Administration. It has also been my personal goal for the last 5 years; first as a Commissioner at the Equal Employment Opportunity Commission (EEOC) and currently as the Deputy Director of OPM.

Past Trends

Securing a job with the Federal government has been a challenge for people with disabilities regardless of their education level, experience, skills, or abilities. Despite creating the Leadership for the Employment of Americans with Disabilities at the EEOC, which focused on increasing Federal employment opportunities for individuals with disabilities, I have not seen much progress over the past 5 years. In fact, there has not been much progress over the past 38 years even though the Rehabilitation Act of 1973 requires Federal agencies to have an affirmative employment program for the hiring, placement and advancement of people with disabilities. According to data from the EEOC, until Fiscal Year (FY) 2009, the number of individuals with targeted disabilities in the Federal workforce had been steadily decreasing. Targeted disabilities generally are the most severe forms of disabilities and are listed on the Government Standard Form 256 for Self-Identification of Disability. FY 2009 was the first year in which the percentage of Federal employees with targeted disabilities, including individuals within the

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United States Postal Service, remained the same as the previous year. That percentage is currently .88%.

The Department of Labor's (DOL) Bureau of Labor Statistics began reporting the unemployment rate for people with disabilities for the first time in FY 2009. The unemployment rate for people with disabilities in January 2011 was 13.6%. However, this number is deceiving because it refers only to those who are currently seeking employment. Only 27% of working age (16-64) people with disabilities are employed and there are currently 10 million working-age people with disabilities who are not working and are not currently looking for work. A large number of these individuals have attempted to gain employment, but have not been successful because of their disabilities.

Improving Federal Employment for People with Disabilities

Disability hiring is a critical part of the Obama Administration comprehensive personnel policy reform agenda. The leadership by this Administration, including OPM Director John Berry, gives me and many others hope that the tools are being put in place to ensure that applicants and employees with disabilities have the opportunity to add significant contributions to our Government. With your leadership, Mr. Chairman and other members of this Committee, I am convinced that this is the year that we will see a significant increase in employment opportunities for individuals with disabilities.

As you know, President Obama signed Executive Order (EO) 13548 on July 26, 2010, the 20th anniversary of the signing of the Americans with Disabilities Act of 1990. The EO requires Federal agencies to increase hiring opportunities for people with disabilities as well as to make special efforts to retain employees injured on the job. The Federal government has set a goal of hiring 100,000 additional individuals with disabilities over the next 5 years, including those with targeted disabilities.. In addition to these benchmarks, the EO requires OPM to develop model recruitment and hiring strategies to increase the number of individuals with disabilities within the Federal government. These strategies were issued on November 8, 2010; agency plans on increasing hiring opportunities for individuals with disabilities are due to OPM by March 8, 2011. These plans will be reviewed by OPM, OMB, and President Obama's Special Assistant for Disability, Kareem Dale.

In many ways, the EO issued by President Obama strengthens EO 13163, signed by President Clinton on July 26, 2000, by increasing the accountability for Federal agencies in making sure they hire and retain individuals with disabilities within the Federal government. Under EO 13548, each agency head must appoint a senior official who will be accountable for the development and submission of the agency plan as well as the actual implementation of the plan. This allows for centralized leadership and reduces the layers of bureaucracy, and was based on the successful Veterans Employment Initiative, created by EO 13518 (November 9, 2009). Besides reporting agency progress on meeting their plan goals to the President, OPM is also required to publish the agency goals and statistics showing success or failure in meeting their goals on OPM's website. This allows for greater transparency to the American public.

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Agencies are also required, to the extent permitted by law, to increase the usage of the Federal Government's Schedule A excepted service hiring authority for persons with disabilities and increase participation of individuals with disabilities in internships, fellowships, and training and mentoring programs. This Schedule A authority is an expedient way for Federal agencies to hire people with severe physical disabilities, psychiatric disabilities, or intellectual disabilities. OPM has created two very short and creative online training courses on how to use Schedule A authority for Federal agency personnel as well as applicants with disabilities. Both can be found on www.opm.gov/disability. Schedule A also contains an authority to hire individuals for certain positions needed to accommodate employees with disabilities, such as sign-language interpreters for employees who are deaf or personal assistants for employees who need assistance with certain tasks throughout the workday.

Schedule A authority is just one of the many tools available to agencies to assist them in increasing the hiring of individuals with disabilities. Another tool that was recently developed by OPM in collaboration with the Chief Human Capital Officer Council (CHCOC), is a list of applicants with disabilities covered by the Schedule A provision referenced above who are qualified to fill a variety of entry-level positions that the Council identified as ones for which all agencies have a constant demand. These positions include: accountants, acquisition specialists, contract specialists, financial management specialists, information technology specialists, human resources specialist, and administrative specialists (such as clerks, secretaries, and human resources assistants).

Another unique aspect of EO 13548 is the return-to-work provision that requires DOL to work with Federal agencies to assist them in developing strategies to rehire employees with disabilities, who are currently receiving workers' compensation benefits under the Federal Employees' Compensation Act (FECA), through the usage of accommodations and workplace flexibilities.

Spreading the Word to Federal Agencies

In addition to the Schedule A training, OPM has partnered with the EEOC, the Department of Defense's (DOD's) Computer/Electronic Accommodation Program (CAP), DOL's Office of Disability Employment Policy (ODEP), DOL's Office of Workers' Compensation Programs, and the Department of Education's Rehabilitation Services Administration (RSA) to provide comprehensive training for Federal agencies on: the EO; the model recruitment strategies; guidance on agency plans as well as reasonable accommodation policies and procedures; DOD's CAP's ability to provide free accommodations to all Federal employees with disabilities; and DOL's return to work strategies. We continue to provide these trainings and we have four more planned over the next few weeks.

Leveraging Technology and Existing Programs

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Updated reasonable accommodation policies and procedures are a key requirement necessary for hiring and retaining employees with disabilities. Agencies that don't already partner with DOD's CAP have been advised to establish Memoranda of Understanding with that program in order to obtain free technology-based accommodations for their employees and interns with disabilities. In addition to CAP, agencies are responsible for providing and paying for all reasonable accommodations, including the ones that CAP doesn't provide, such as people-based accommodations. Examples of these types of accommodations are sign-language interpreters, readers, and personal assistants. It is very important for agencies to establish centralized funding for accommodations so that decisions based on Department or program-based budgeting do not result in decisions that discriminatorily affect employees with disabilities.

Retaining Employees with Disabilities

It is not enough to just hire people with disabilities; Federal agencies must work to retain these individuals once hired. The EEOC reports that people with disabilities leave Federal employment at a much higher rate than their non-disabled peers. In order to gain a better understanding of this phenomenon, OPM's model strategies suggest that agencies should conduct exit interviews of all employees with disabilities who are leaving Federal employment. This strategy may make the most sense as a pilot project for agencies that are experiencing significant retention problems. The data gathered would be extremely useful for all Federal agencies in establishing effective retention strategies. At a minimum, Federal agencies should examine whether employees with disabilities have equal access to available training and advancement opportunities to enhance retention.

Changing Attitudinal Barriers from the Top Down

OPM's model strategies recommend that agency leadership actively participate in the recruitment and retention of employees with disabilities. OPM recommends that agency heads should encourage all agency managers, via letter, email, or other effective means of communication, to recruit, hire, and retain people with disabilities. OPM also recommends that agency management describe the importance of doing so in order to fulfill the agency's performance goals as well as the obligations under EO 13548.

As noted in the EO, the Federal Government must make additional improvements in hiring and retaining employees with disabilities before it can regard itself as a model employer. Many studies, including the recent Government Accountability Office report, *Participant-Identified Leading Practices That Could Increase the Employment of Individuals with Disabilities in the Federal Workforce* (GAO-11-81SP) (October 5, 2010), note that attitudinal barriers continue to be the biggest challenge to overcome. This is not unique to the Federal government; however, this is where we can lead the way and become a model for the private sector. The only way to overcome attitudinal barriers is to hire people with disabilities who prove to be good employees. As the number of Federal employees with disabilities increases we should begin to see a decrease in the attitudinal bias that occurs against people with disabilities. This can be accomplished by increasing the understanding of, and use of, Schedule A authority that results in

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increased hiring of individuals with disabilities. Agency hiring managers, human resources personnel, as well as agency leaders, must be held accountable for ensuring that Schedule A and other authorities are being effectively utilized and that agency staff are working diligently to achieve agency goals for hiring people with disabilities and those with targeted disabilities. Goals should be evaluated on a regular basis, either monthly or, at the minimum quarterly, to ensure that the strategies being used are successful. Examining success on an annual basis is not an acceptable evaluation.

Reaching out to the Public

On April 26, 2010, OPM and DOL's ODEP organized a daylong historic hiring event for individuals with disabilities. More than 50 Federal agencies participated in this hiring event, which allowed individuals to apply, in advance, for positions via USAJOBS, be screened and selected for an interview by agencies, and then interviewed and provided with a tentative offer directly at the event. Over the span of a day, agencies conducted approximately 350 on-site interviews, with an additional 104 subsequently conducted telephonically. by phone.

In addition to the training that we have been providing for Federal agencies, OPM is collaborating with DOD's CAP, DOL's ODEP, the EEOC, and RSA, to explore ways in which the Federal government can provide training for service providers and people with disabilities. We recently met with leadership from RSA and vocational rehabilitation agencies to discuss how we can work with them directly to ensure that their staff is familiar with the EO and Schedule A. I have recently participated in three national conference calls for people with disabilities, agencies, and service providers where we gave an overview of the EO, reasonable accommodation policies, Schedule A authority and how to use it from an applicant's perspective. We will continue to explore other outreach opportunities with people with disabilities so that they are aware of the employment opportunities that are available in the Federal workforce.

Conclusion

Mr. Chairman and Ranking Member Johnson, thank you again for inviting me to speak to you on an issue that I feel is crucial to fostering a civil service workforce made up of the best and brightest. It cannot be overstated that our Federal agencies need talented workers to meet new challenges and complete new missions. There is an unacceptably underutilized community of talented individuals who want to work and specifically want to work for the Federal Government. No talent pool should be left untapped when it comes to the hiring process in our Federal workforce. Increasing the number of employees with disabilities in the Federal government, and retaining them, not only benefits those who seek employment and will excel when given the opportunity, but our Government is performing at its best with a skillful and diverse Federal workforce.

I am happy to respond to any questions that you may have.