



Testimony

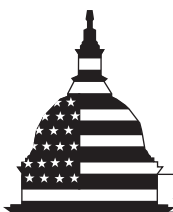
Before the Subcommittee on Oversight of
Government Management, the Federal
Workforce, and the District of Columbia,
Committee on Homeland Security and
Governmental Affairs, United States Senate

For Release on Delivery
Expected at 2:30 p.m. EST
Wednesday, February 16, 2011

FEDERAL WORKFORCE

Practices to Increase the Employment of Individuals with Disabilities

Statement of Yvonne Jones, Director
Strategic Issues



G A O

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United States Government Accountability Office
Washington, DC 20548

February 16, 2011

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss possible strategies for improving the rate of federal employment of individuals with disabilities. My testimony today is based on our October 2010 report that discussed barriers to the employment of people with disabilities in the federal workforce and leading practices that could be used to overcome these barriers.¹ To identify these barriers and leading practices, we solicited the views of a wide range of knowledgeable individuals through a survey and forum held at GAO on July 20, 2010. Participants in the forum concluded

1. Top leadership commitment is key to implementing and sustaining improvements in the employment of individuals with disabilities.
2. Accountability is critical to success.
3. Regularly surveying the workforce on disability issues provides agencies with important information on potential barriers.
4. Better coordination within and across agencies could improve employment outcomes for employees with disabilities.
5. Training for staff at all levels can disseminate leading practices throughout the agency.
6. Career development opportunities inclusive of people with disabilities can facilitate advancement and increase retention.
7. A flexible work environment can increase and enhance employment opportunities for individuals with disabilities.
8. Centralizing funding within an agency can help ensure that reasonable accommodations are provided.

The 20 forum participants represented federal agencies that oversee and provide guidance and assistance on this issue and governmental and

¹GAO, *Highlights of a Forum: Participant-Identified Leading Practices That Could Increase the Employment of Individuals with Disabilities in the Federal Workforce*, [GAO-11-81SP](#) (Washington, D.C.: October 5, 2010).

nongovernmental organizations, and others were individuals with extensive knowledge and experience in this area (for a list of forum participants, see app. I to this testimony and for details on the objectives, scope and methodology of the forum see app. I of the report). We conducted our work for the forum from March 2010 to October 2010 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objectives. The framework requires that we plan and perform the engagement to obtain sufficient, appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for any findings and conclusions.

Summary

In brief, Mr. Chairman, participants at the forum said that the most significant barrier keeping people with disabilities from the workplace is attitudinal. Attitudinal barriers can include bias against and low expectations for people with disabilities—a focus on disabilities rather than abilities. According to participants, there is a fundamental need to change the attitudes of hiring managers, supervisors, coworkers, and prospective employees, and that cultural change within agencies is critical to this effort. Participants also discussed other barriers, including physical barriers and lack of knowledge regarding policies and procedures. For example, some participants said that there could be an erroneous belief that reasonable accommodations cannot be easily provided. Participants acknowledged that there are many existing federal programs and policies to protect the employment rights of people with disabilities, but stated that efforts to protect these rights will only make piecemeal progress until agencies change their workplace cultures.

Participants identified eight leading practices, noted above, generated by the survey that agencies could implement to mitigate these barriers and help the federal government become a model employer for people with disabilities. Participants emphasized that these practices would not work in isolation but instead need to reinforce each other.

Background

Federal employees and applicants for employment with disabilities are protected from discrimination by the Rehabilitation Act of 1973 (Rehabilitation Act).² Under the Rehabilitation Act, as amended, a person

²Pub. L. No. 93-112, § 501, 87 Stat. 355, 390-391 (Sept. 26, 1973), codified at 29 U.S.C. § 791. Section 508 of the Rehabilitation Act, as amended, also requires agencies to provide federal employees with disabilities access to information and data that is comparable to the access provided to federal employees without disabilities. See 29 U.S.C. § 794d.

is considered to be disabled if the individual has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. The Rehabilitation Act also requires that federal agencies take proactive steps to provide equal opportunity to qualified individuals with disabilities in all aspects of federal employment. Federal law also provides special hiring authorities for people with disabilities, including Schedule A excepted service hiring authority.³ However, even with existing federal provisions, concerns have been raised about the low level of employment of people with disabilities in the federal workforce.⁴

On July 26, 2010, in commemoration of the 20th anniversary of the Americans with Disabilities Act (ADA),⁵ the President signed an executive order stating that as the nation's largest employer, the federal government must become a model for the employment of individuals with disabilities.⁶ The executive order directs executive departments and agencies to improve their efforts to employ workers with disabilities through increased recruitment, hiring, and retention of these individuals.

³Under its authority to except positions from competitive examination requirements, the Office of Personnel Management has established several categories (or schedules) of excepted service positions. Schedule A authorizes a number of different excepted service appointments for positions that are not of a confidential or policy-determining character for which it is impractical to hold a competitive examination, including the appointment of attorneys and chaplains. 5 C.F.R. § 213.3102(a) and (d). Schedule A also includes the appointment (on a permanent, time-limited, or temporary basis) of individuals with intellectual disabilities, severe physical disabilities, or psychiatric disabilities. 5 C.F.R. § 213.3102(u).

⁴At a GAO forum held in March 2010 on actions that could increase work participation for adults with disabilities, experts in the issue area and officials representing a variety of views on employment of individuals with disabilities discussed the federal government's potential role in becoming a model employer of individuals with disabilities. See GAO, *Highlights of a Forum: Actions That Could Increase Work Participation for Adults with Disabilities*, [GAO-10-812SP](#) (Washington, D.C.: July 29, 2010).

⁵The ADA prohibits discrimination on the basis of disability in a number of other areas beyond employment, including public services, transportation, and accommodations. Title I of the ADA addresses employment discrimination. Pub. L. No. 101-336, 104 Stat. 327 (July 26, 1990). Title I is codified at 42 U.S.C. §§ 12111-12117.

⁶Exec. Order No. 13548, *Increasing Federal Employment of Individuals with Disabilities*, 75 Fed. Reg. 45,039 (July 26, 2010).

Practices to Mitigate Barriers

I will now briefly discuss each of the eight leading practices that agencies could implement to mitigate barriers.

1. *Top leadership commitment is key to implementing and sustaining improvements. Unless top agency officials are committed, improvements will not happen.*

Forum participants emphasized that involvement of top agency leadership is necessary to overcome the resistance to change that agencies could face when mitigating attitudinal barriers. As we have reported, perhaps the single most important element of successful management improvement initiatives is the demonstrated commitment of top leaders to change.⁷

Participants stated that agency leaders should make communicating new policies to enhance the employment of people with disabilities a priority and could demonstrate such commitment on their agency intranet and public Web sites. Participants' suggestions on this practice are consistent with the Equal Employment Opportunity Commission's (EEOC) Management Directive-715 (MD-715), which requires, as one of the six elements of a model equal employment opportunity (EEO) program, that agency officials demonstrate commitment to equality of opportunity for all employees and applicants for employment.⁸

2. *Accountability is critical to success; goals can help guide and sustain efforts and should be reflected in human capital and diversity strategy plans.*

Participants stated that agencies should enact policies and processes to ensure both individual and institutional accountability. To ensure accountability, participants discussed the importance of setting goals, determining measures to assess progress toward goals, and evaluating

⁷GAO, *Diversity Management: Expert-Identified Leading Practices and Agency Examples*, [GAO-05-90](#) (Washington, D.C.: Jan. 14, 2005). In other reports, we have also reported that top leadership must play a critical role in creating and sustaining high-performing organizations, as well as transforming the culture of organizations and ensuring that new visions and ways of doing business take root. See, for example, GAO, *Managing for Results: Federal Managers' Views Show Need for Ensuring Top Leadership Skills*, [GAO-01-127](#) (Washington, D.C.: Oct. 20, 2000); *Management Reform: Using the Results Act and Quality Management to Improve Federal Performance*, [GAO/T-GGD-99-151](#) (Washington, D.C.: July 29, 1999); and *Management Reform: Elements of Successful Improvement Initiatives*, [GAO/T-GGD-00-26](#) (Washington, D.C.: Oct. 15, 1999).

⁸MD-715 elements of a model EEO program are (1) demonstrated commitment from agency leadership, (2) integration of EEO into the agency's strategic mission, (3) management and program accountability, (4) proactive prevention of unlawful discrimination, (5) efficiency, and (6) responsiveness and legal compliance.

staff and agencies to hold them responsible. Well-reasoned goals can help guide and sustain an agency's efforts and resources to improve employment of people with disabilities. As participants stated, agencies should set goals that cover the employment life cycle from recruitment and hiring through retention, return to work, and advancement of individuals with disabilities. These goals should be reflected in agencies' human capital and diversity strategic plans. Further, participants suggested that agencies evaluate their progress toward achieving these goals using both process measures, which assess the extent to which a program is operating as it was intended, and outcome measures, which assess the effectiveness of the program. Participants concluded that what gets measured gets done. To avoid duplication of efforts, participants suggested that agencies should use measures they are already required to collect, where possible. For example, MD-715 requires agencies to collect data by disability status on applicants, new hires, promotions, awards, separations, and grade level. Finally, participants stated that if agencies made their goals and results public, they could be more proactive about increasing employment of individuals with disabilities. For example, participants suggested that agencies could post their MD-715 reports on their external Web sites.

3. *Regular surveying of the workforce on disability issues provides agencies with important information on potential barriers. Participants suggested that surveying be implemented at all stages of the employment life cycle.*

According to participants, having more information about employees with disabilities is part of a comprehensive solution to increasing the number of people with disabilities in the federal workforce. To collect this information, participants suggested that agencies survey their workforces on disability issues at least annually and at all stages of the employment life cycle. Questions related to disability status should be included on employee feedback surveys and in exit interviews, including for employees with disabilities who are leaving the agency. Participants agreed that there is a need to ensure confidentiality of survey responses to help ensure that people with disabilities are comfortable expressing their opinions regarding their agencies' policies, practices, and procedures. Participants suggested that agencies should encourage employees to update their disability status, which would allow the agency to be aware of any employees who acquire a disability after they have been hired, as well as those who originally chose not to report a disability they may have, but were willing to update their status at a later date. Focus groups could be used as an alternative method for agencies to obtain relevant information,

such as employees' perceptions of the work environment or the reasonable accommodations process.⁹

4. *Better coordination could help improve employment outcomes, as coordination within and across agencies is critical.*

Participants stated that better coordination of roles and responsibilities related to the employment of people with disabilities within and across agencies is critical to improving federal workforce outcomes. Within an agency, participants stated, responsibilities related to employment of individuals with disabilities are often dispersed among departments, such as the civil rights/EEO office, the human capital office, the office of workers' compensation, the IT department, and others. Without careful coordination, this arrangement can create barriers to hiring, providing reasonable accommodations, evaluating results of agency efforts, and other processes.

Forum participants also emphasized that better coordination across agencies can help to more effectively address barriers. While there are many agencies and programs that provide assistance to individuals with disabilities, they often have different missions, goals, funding streams, eligibility criteria, and policies that sometimes work at cross-purposes with other federal programs. The Department of Defense's Computer/Electronic Accommodations Program (CAP)¹⁰ and the Department of Labor's Jobs Accommodation Network (JAN)¹¹ were specifically mentioned as resources that federal agencies could draw on to potentially reduce duplication and take advantage of economies of scale.

5. *Training for staff at all levels can disseminate leading practices throughout the agency. This provides agencies the opportunity to communicate expectations regarding the implementation of policies and procedures related to improving employment of people with disabilities.*

⁹Participants noted that agencies must ensure that responses are appropriately protected so that employees feel safe in disclosing their status.

¹⁰CAP provides assistive technology and services to people with disabilities, federal managers, supervisors, and IT professionals across executive branch agencies.

¹¹JAN provides free consulting services for federal employers, including one-on-one consultation about workplace accommodations.

Participants stated that training for all personnel can provide agencies the opportunity to communicate expectations regarding the implementation of policies and procedures related to improving employment of people with disabilities. Participants stated that agencies must involve people with disabilities in designing training programs and, as much as possible, in conducting the training. Participants suggested that agencies implement training on the following areas:

- **Hiring:** All individuals involved in and affected by the hiring process should be provided training on Schedule A, student employment programs, disabled veterans' hiring authorities, and the competitive process, as well as the legal rights and responsibilities related to hiring individuals with disabilities.
- **Reasonable accommodations:** All staff should receive training on reasonable accommodations rights and processes. Training should be tailored for the audience; training for human capital staff, supervisors, and IT staff should be different than training for all staff. This training would help ensure compliance with reasonable accommodations processes and policies, correct myths or misconceptions, and increase sensitivity to disability issues.
- **Diversity awareness:** Disability issues must be included in diversity awareness training. Such training should include a rights and responsibilities component, since inclusion of employees with disabilities is a matter of law, not choice, and should be a component of core training that all employees receive at the beginning of their tenure and throughout their careers at the agency.

6. *Career development opportunities inclusive of people with disabilities could facilitate advancement and increase retention.*

Participants discussed a range of career development opportunities that agencies could offer to help improve the workforce outcomes of employees with disabilities, including details, rotational assignments, and mentoring programs at all stages of the employment life cycle. Participants noted that career development opportunities could lead to increased retention and improved employee satisfaction, and that these opportunities must be fully accessible to all employees. Participants also suggested that agencies publicize career development opportunities on their intranet and external Web sites.

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7. *A flexible work environment can increase and enhance employment opportunities for people with disabilities. Participants emphasized telework as a key component, as well as flexible work times and job sharing.*

Participants suggested that the benefits of flexible work hours, telework—where an employee performs assigned duties at home or an alternative location—and other types of reasonable accommodations could result in cost savings for an agency. Participants noted that flexible work times and job sharing are also important. To effectively implement telework and other flexibilities for employees with disabilities, participants stated that it is critical to provide assistive technology for employees at their homes.

Participants expressed concern that people who become unable to perform job duties because of health conditions that developed during the course of their employment are often overlooked. As we have previously reported, while some health conditions may be too severe to allow for continued employment, research shows that with appropriate and tailored supports—such as a wheelchair, a flexible work schedule, or text-reading software—some individuals with disabilities can successfully function in the work environment.¹²

8. *Centralizing funding at the agency level can help ensure that reasonable accommodations are provided. Participants stated that effective centralized funds should include accountability, flexibility, and universal availability.*

Participants stated that a perceived “lack of funding should never be the reason why reasonable accommodation does not occur” and noted that managers may incorrectly perceive how much reasonable accommodations cost and be reluctant to provide the accommodations out of their departmental or operational budgets. Participants suggested that agencies should centralize the budget for reasonable accommodations at the highest level of the agency to ensure that employees with disabilities have access to the reasonable accommodations to which they are legally entitled.¹³ The fund should be flexible enough to cover a broad range of

¹² [GAO-10-812SP](#).

¹³ These suggestions were consistent with the executive order issued in July 2010 that directs the Office of Personnel Management, in consultation with the Department of Labor and EEOC, to assist agencies in implementing the use of centralized funds to provide reasonable accommodations.

reasonable accommodations, such as personal assistants during work or training, and universally available to accommodate staff regardless of staff level, position, or location. Although the fund would be centralized, first-line managers and supervisors must still be held accountable for their part in ensuring that their staff members receive reasonable accommodations.

Finally, in addition to identifying these practices, participants agreed that participation of individuals with disabilities in the federal workforce requires comprehensive and coordinated action from agency leadership, which is best facilitated by clear and consistent governmentwide guidance. For example, participants agreed that guidance from the Office of Personnel Management and EEOC could help clarify implementing instructions for Schedule A and other hiring authority guidance. Participants recognized the technical assistance that the Office of Personnel Management and EEOC provide, but suggested that they develop additional model policies, procedures, and programs for agencies to follow.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you or other members of the subcommittee may have.

Contacts and Acknowledgments

For questions about this statement, please contact Yvonne Jones at (202) 512-2717 or jonesy@gao.gov. Individuals who made key contributions to this testimony include Daniel Bertoni, Director; Patricia Owens, Director; Neil Pinney, Assistant Director; Charlesetta Bailey; Crystal Bernard; Benjamin Crawford; Karin Fangman; Rachel Fichtenbaum; Robert Gebhart; Amanda Harris; Terry Richardson; Cynthia Saunders; Andrew Stavisky; Tamara Stenzel; and Greg Wilmoth.

Appendix I: List of Forum Participants

Forum participants' titles and organizations were as of the date of the forum and may have changed since.

John Benison
Senior Advisor to the Deputy Director;
Office of Personnel Management

Susanne M. Bruyère, Ph.D.
Associate Dean of Outreach and Director of
Employment and Disability Institute;
Cornell University ILR School

Dinah Cohen
Director, Computer/Electronic Accommodations
Program; U.S. Department of Defense

Janet Fiore
Chief Executive Officer; The Sierra Group

Douglas Fitzgerald
Director, Division of Federal Employees' Compensation, Office of
Workers' Compensation Programs; U.S. Department of Labor

Gary Goosman
Director, Tools on Work and Employment Readiness Initiative; U.S.
Business Leadership Network

Shelby Hallmark
Director, Office of Workers' Compensation Programs; U.S. Department of
Labor

Charma Haskins
Acting Supervisor of Rehabilitation Services, Vocational Rehabilitation
and Employment Service; U.S. Department of Veterans Affairs

Gerrie Drake Hawkins, Ph.D.
Senior Program Analyst; National Council on Disability

Anne Hirsh

Co-Director, Job Accommodation Network; U.S. Department of Labor

Jo Linda Johnson

Director, Federal Training & Outreach Division; U.S. Equal Employment Opportunity Commission

Reginald E. Jones

Managing Director, Office of Opportunity and Inclusiveness; U.S. Government Accountability Office

Alison Levy

Program Manager, Selective Placement Program; U.S. Department of Transportation

Dylan Orr

Special Assistant, Office of Disability Employment Policy; U.S. Department of Labor

Jorge E. Ponce

Director, Policy and Evaluation Division; U.S. Department of Commerce

Robin Shaffert

Senior Director of Corporate Social Responsibility; American Association of People with Disabilities

Jennifer Sheehy

Director of Policy, Office of Special Education and Rehabilitative Services; U.S. Department of Education

Derek Shields

Project Director, Social Security Administration Ticket to Work Recruitment & Outreach; Cherry Engineering Support Services Incorporated, Division of Axiom

Marie Strahan

Chief of Staff, Office of Disability Employment Policy; U.S. Department of Labor

Carolyn Taylor
Special Assistant to the Acting Comptroller General for Diversity Issues;
U.S. Government Accountability Office

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