

**FEDERAL AGENCY EMPLOYMENT STRATEGIES:
A FRAMEWORK FOR
DISABILITY DIVERSITY,
EQUITY, INCLUSION AND
ACCESSIBILITY (DEIA)**

(2022 EDITION)



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Note: The practices in this document do not necessarily track the specific strategies required under [EO 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#), the [Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace](#) (PDF), EEOC’s regulations implementing Section 501 of the Rehabilitation Act of 1973, or those suggested in EEOC Management Directive 715 (MD-715), but rather are strategies that EARN believes have the potential to improve the recruitment, hiring, retention and advancement of people with disabilities in the Federal Government.

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INTRODUCTION

Just like the private sector, federal agencies need talented workers to meet current challenges and address new priorities in the 21st century. Currently, there is an underutilized community of talented individuals who want to work, and specifically want to work for the Federal Government: people with disabilities, including those with targeted (significant) disabilities and disabled veterans.

To better leverage this untapped pool of talent, the [Employer Assistance and Resource Network on Disability Inclusion](#) (EARN), which is funded by the U.S. Department of Labor's [Office of Disability Employment Policy](#) (ODEP), has developed the following guide. This guide identifies existing, promising and emerging employment strategies and practices for recruiting, hiring, advancing and retaining underserved communities, with a particular focus on people with disabilities. It is intended to assist federal agencies in making their workplaces more diverse, equitable and inclusive of and accessible to people with disabilities.

On June 25, 2021, President Biden issued [Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility \(DEIA\) in the Federal Workforce](#). To advance DEIA within the Federal Government, the EO establishes that it is the policy of the Biden Administration to cultivate a workforce that draws from the full diversity of the Nation, including people with disabilities. A growing body of evidence demonstrates that diverse, equitable, inclusive and accessible workplaces yield higher-performing organizations. EO 14035 provides for the development and issuance of a [Government-Wide DEIA Strategic Plan](#) (PDF), the development and submission of an Agency DEIA Strategic Plan (including quarterly goals and actions to advance DEIA), and an annual report to the President on the status of the agency's efforts to advance DEIA.

In addition, on January 3, 2017, the U.S. Equal Employment Opportunity Commission (EEOC) published in the *Federal Register* a [Final Rule](#) (PDF) to amend the regulations implementing [Section 501](#) of the Rehabilitation Act of 1973 (Section 501), which imposes two distinct obligations on federal agencies:

- **Prohibits** agencies from discriminating against individuals with disabilities in accordance with the same standards that are “applied under title I of the Americans with Disabilities Act of 1990...and the provisions of sections 501 through 504, and 510 of the Americans with Disabilities Act of 1990 ...as such section relate to employment.” The ADA standards are codified in [29 CFR part 1630](#).
- **Requires** each federal agency to maintain, update annually and submit to EEOC an “affirmative action plan for the hiring, placement and advancement of individuals with disabilities.”

The Rule amended [29 CFR 1614.203](#) to clarify the affirmative action obligations that Section 501 imposes on federal agencies as employers. The Section 501 Rule codifies a variety of obligations currently placed on federal agencies by management directives and executive orders.

This guide includes information on legal/regulatory requirements and strategies and other practices used by public and private sector employers, including those identified in:

- [EO 14035](#) and the [Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace](#) (PDF).
- The [Section 501 Final Rule](#) (PDF).
- EEOC’s [Management Directive 715 \(MD-715\)](#) and other guidance provided by EEOC.
- A review of plans submitted by federal agencies pursuant to Section 501 of the Rehabilitation Act and [Executive Order 13548](#), and private sector affirmative action plans submitted pursuant to Section 503 of the Rehabilitation Act.

Links to useful resources and research are included in an accompanying Resource and Research Compendium located in the Appendix of this document.

By identifying, adopting and refining these DEIA employment strategies and practices, and making them part of your agency’s DEIA Strategic Plan and Affirmative Action Plan, your agency will benefit from having people with disabilities as part of your vibrant, diverse workforce.

These practices are organized into six action areas to correspond to the components of an Agency DEIA Strategic Plan, as specified in EO 14035, and an Affirmative Action Plan, as specified in the updated Section 501 Rule:

- **Lead the Way:** Model Employer of Individuals with Disabilities
- **Build the Pipeline:** Outreach and Recruitment
- **Hire (Advance and Keep) the Best:** Personnel Processes
- **Support Productivity:** Reasonable Accommodation and Personal Assistance Services Policies and Procedures
- **Ensure Virtual and Physical Accessibility:** Information and Communication Technology and Facilities
- **Grow Success:** Continuous Assessment and Improvement and Accountability





LEAD THE WAY: Model Employer of Individuals with Disabilities

EO 14035 states that “As the Nation’s largest employer, the Federal Government must be a model for diversity, equity, inclusion, and accessibility where all employees are treated with dignity and respect.” [EO 14035, Sec. 1, page 1] In particular, the EO specifies that the Federal Government must become a model for the employment of people with disabilities and provide people with disabilities equal employment opportunities and take affirmative actions within the Federal Government to ensure that agencies fully comply with applicable laws, including sections 501, 504 and 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791, 794, 794d); [EO 14035, Sec. 10; pages 13-14].

The Section 501 Rule [29 CFR 1614.203(c)] and EEOC Management Directive 715 (MD-715) require that the Federal Government be a model employer of individuals with disabilities. This means that agencies must give full consideration to the hiring, advancement and retention of qualified individuals with disabilities in the federal workforce. They must also take affirmative action to promote the recruitment, hiring and advancement of qualified individuals with disabilities, with the goal of eliminating under-representation of this population in the federal workforce.

The Section 501 Rule [29 CFR 1614.203(d)] also requires that each agency adopt and implement an Affirmative Action Plan that provides sufficient assurances, procedures and commitments to provide adequate hiring, placement and advancement opportunities for individuals with disabilities at all levels of federal employment.

MD-715 requires that agency heads issue an Equal Employment Opportunity (EEO) written policy statement annually expressing their commitment to equal employment opportunity and a workplace free of discrimination [29 CFR 1614.203(b)] and harassment [29 CFR 1614.203(d)(2)].

Becoming a model employer includes:



**Leadership and
commitment**



**External and internal
communication**



**Designation of
responsible individuals**



**An anti-harassment
policy**

A. Leadership and Commitment

One key element of being a model employer is the creation and maintenance of a truly diverse, equitable, inclusive and accessible work environment. Establishing a diverse, equitable, inclusive and accessible agency-wide culture begins with leadership at the highest levels, including political appointees, personnel in the Senior Executive Service (SES) and their leadership teams. Mid-level managers and supervisors, and particularly human resources (HR) staff and other personnel involved in hiring decisions, must also understand the role they play in facilitating such an environment. Finally, communicating the agency’s goal of an inclusive, equitable, diverse and accessible workplace to employees at all levels of the organization and indicating what they can do to help is also extremely important.

[EO 14035](#) specifies that the head of each agency shall take steps to implement or increase the availability and use of diversity, equity, inclusion and accessibility training programs for employees, managers and leadership. Such training programs should enable federal employees, managers and leaders to have knowledge of systemic and institutional racism and bias against underserved communities, including people with disabilities; be supported in building skillsets to promote respectful and inclusive workplaces and eliminate workplace harassment; have knowledge of agency accessibility practices; and have increased understanding of implicit and unconscious bias [EO 14035, Sec. 9; page 13].

The [Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce](#) (PDF) recognizes that strengthening the federal workforce by promoting DEIA is a cross-functional priority that must leverage the efforts, capabilities, and resources of the whole agency. DEIA should be reflected in the norms and values of each agency. DEIA is not an add-on or separate program, but rather a priority that must be integrated into and across agency functions and embedded into agency culture. This framework ensures DEIA is further incorporated into organizational planning documents, including an agency's budget, learning agenda and annual evaluation plan, regulatory agenda, performance planning, human capital operating plan, and overall strategic plan. Prioritizing DEIA across functions requires senior leadership involvement and commitment at all levels. [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 2 Principle 3; pages 7-8]

In accordance with the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, integrating a commitment to DEIA across the agency may require leaders to rethink how they do business, including working across traditional siloes, identifying and collaborating with new partners, challenging long-held assumptions and processes, and demonstrating a willingness to try new approaches. Agency DEIA Implementation Teams should work closely with functional teams that oversee the budget process, including the legislative and public affairs process, the regulatory agenda, performance planning, information technology and data, the human capital operating plan, Equal Employment Opportunity (EEO) compliance, and strategic planning to embed DEIA priorities across the enterprise [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 2 Principle 3; pages 7-8].

To advance DEIA, all agencies should provide opportunities for employees to learn, develop and grow, so that employees' talents are supported, utilized and embraced to create an engaged and high-performing workforce. This strategy focuses on ensuring employees feel supported in an inclusive workforce and that agencies strengthen feedback loops for employee input, including through listening sessions and climate surveys. Federal agencies should advance equitable access to employee benefits, including health and retirement benefits, employee services, work-life programs, and pay and compensation policies [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Inclusion Roadmap; pages 12-13].

Examples suggested in the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce include:

- **Investing** in an infrastructure that provides the timely and effective accommodations for people with disabilities.
- **Embedding** accessibility as a core design component of physical and digital spaces.
- **Training** supervisors and management officials on the requirements and processes for providing reasonable accommodations and increasing accessibility.
- **Expanding** the availability of DEIA trainings so that federal employees are supported and encouraged to promote respectful, safe and inclusive workplaces, and have increased understanding of implicit and unconscious bias.

- **Partnering** with work-life programs to encourage culturally competent services that meet the needs of the workforce and destigmatizing participation in mental health, financial wellbeing, trauma-informed care, substance abuse and other employee support services.
- **Reviewing** and updating policies and processes, as necessary, to provide assistance to employees and applicants who may face discrimination based on their status as a parent or caregiver [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Inclusion Roadmap; pages 12-13].

The Section 501 Rule and MD-715 also include examples of practices that facilitate an agency's efforts to become a model employer of individuals with disabilities, such as:

- **Annually issuing** a signed and dated EEO statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees that address all protected bases, including disability.
- **Appointing** Disability Program Managers (DPMs) and Selective Placement Program Coordinators (SPPCs) and providing them with sufficient training to carry out their responsibilities.
- **Providing** all supervisors and employees with training and published materials on the agency's EEO program, including the provision of reasonable accommodations.
- **Effectively administering** a special emphasis program for individuals with disabilities and requiring senior leadership participation at agency events.
- **Ensuring** that disability-related questions from members of the public are answered promptly and correctly.
- **Designating** sufficient qualified staff and providing sufficient funding and other resources to successfully implement its disability program.

Other existing, promising and emerging leadership strategies include the following:

- **Including** disability as part of the agency's larger diversity, equity and inclusion policies and activities. This includes using the words "disability" and "people with disabilities" in statements by leadership defining the agency's diversity policies, inviting disability organizations and people with disabilities to the agency's diversity events, and recognizing that people with disabilities are part of the agency's other diverse communities (including racial and ethnic minority populations, veterans and the LGBTQ+ community).
- **Requiring** quarterly progress reports and briefings regarding disability-related goals and implementation of strategies included in DEIA plan and regularly scheduled feedback/ listening sessions with employees with disabilities and employee resource groups (ERGs) regarding barriers and innovative solutions.
- **Creating** a strong infrastructure to support workplace initiatives by establishing an agency-wide team consisting of executives, managers and employees with disabilities to support and advance the recruiting, hiring, retention and promotion of individuals with disabilities. This team may also function as a disability-focused ERG or affinity group. Responsibilities of the team may include:
 - Establishing an agency-wide Disability Center of Excellence to share best, promising and emerging DEIA policies, practices and procedures.
 - Notifying supervisors and employees of their responsibilities.
 - Providing updates on significant changes to laws, regulations and guidelines.
 - Identifying barriers to employment opportunities.
 - Recommending strategies and actions to remove identified or potential barriers.
 - Monitoring and evaluating progress of initiatives.

- **Making** (and publicizing) the “business case” for employing qualified individuals with disabilities by:
 - Framing the issue in communication with managers in terms of return on investment, as well as direct and indirect benefits to the agency and all employees.
 - Stressing that enhancing diversity by employing people with disabilities recognizes changing demographics of the workforce.
 - Highlighting that employing qualified people with disabilities improves employee engagement, productivity, retention and advancement, in addition to reducing costs.
- **Requiring** regularly scheduled mandatory training programs (introductory and advanced) for managers (including hiring managers) and supervisors regarding topics such as goal setting and self-identification, barrier analysis, reasonable accommodations, use of Schedule A and other noncompetitive hiring authorities, compliance with the Architectural Barriers Act (ABA) and Section 508, harassment and hostile work environments, Workforce Recruitment Program (WRP) and disability etiquette.
- **Requiring** regularly scheduled trainings of employees with disabilities regarding their rights and responsibilities.
- **Conducting** monthly meetings for DPMs to share promising and emerging practices.
- **Establishing** a [Diversity and Inclusion Change Agent](#) program by resourcing, training and certifying change agents from all levels of the agency, including SES personnel, who are empowered to educate the workforce about diversity and inclusion. Using OPM’s online training program titled [Roadmap to Success: Hiring, Retaining and Including People with Disabilities](#).

B. External and Internal Communication

Federal agencies must communicate to the public (and the agency’s contractors/subcontractors) their commitment to diversity, equity, inclusion and accessibility that includes individuals with disabilities. Strong external communication strategies will be more effective if they are accompanied by internal support from supervisory and management personnel and understanding by coworkers who may have limited contact with individuals with disabilities.

External Communications

External communication is a critical strategy to maximize an agency’s commitment to being a model employer in accordance with 29 CFR 1614.203(c) and its ability to attract qualified individuals with disabilities in accordance with 29 CFR 1614.203(d)(1). Examples of existing, promising and emerging external communication strategies and practices include:

- **Including** individuals with visible disabilities when employees are pictured in publications and other materials produced by the agency, including job announcements.
- **Sponsoring** and participating in job fairs that target job seekers with disabilities, including veterans with disabilities.
- **Hosting** career days, mentoring programs and related community activities sponsored by the agency.
- **Sending** information about relevant agency policies and priorities to subcontractors, vendors and suppliers and requesting their support.
- **Establishing** and maintaining contacts with disability employment organizations to help build a pipeline of qualified candidates by entering into a Memorandum of Understanding (MOU) with these organizations.

- **Communicating** with union officials and/or employee representatives to inform them of the agency's policies and seek their cooperation.
- **Using** the agency's external/public website to post the agency's:
 - Policy statement regarding diversity and inclusion and reasonable accommodation.
 - Special recruitment and hiring initiatives.
 - Targeted internship, mentoring and job shadowing programs.
 - Hiring goals and progress in achieving them.

Internal Communications

In accordance with the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, agencies must design and deliver services with a constant focus on the lived experiences of the people they serve. The Federal Government must also work to deliver services more equitably and effectively for those who belong to underserved communities, including people with disabilities. Doing so requires understanding the link between the employee experience and the American public's experience.

The "employee experience" is the perception employees have of their collective interactions with their employer. A better understanding of what employees need to do their jobs effectively and the different challenges employees manage outside of the workplace can help improve the employee experience. An improved employee experience ultimately can lead to an improved customer experience [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 2 Principle 5; page 8]. One example to support this is to redesign ERGs as integral partners in supporting agency mission priorities and use them as strategic consultants in order to better understand the needs of the agency's workforce [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Inclusion Roadmap; pages 12-13].

In accordance with the Section 501 Rule that the Federal Government be a model employer [29 CFR 1614.203(c)], and guidance provided in MD-715 relating to demonstrations of commitment by leadership and supervisory personnel discussed previously, an agency's affirmative action efforts will be most effective if managers and employees are involved in their implementation. Internal communication and other strategies targeting managers, supervisors and coworkers can foster awareness, acceptance and support among all levels of staff within the agency.

Examples of existing, promising and emerging internal communication strategies and practices include the following:

- **Establishing** an agency-wide leadership communication network.
- **Establishing** an office that delivers a holistic approach to disability program management by bringing together the operational components of reasonable accommodation, case work, policy, oversight and education.
- **Establishing** and supporting a Disability Employment Advisory Council comprised of both national and regional representatives such as HR professionals, hiring managers, recruitment coordinators and employees with disabilities.
- **Supporting** a Community of Practice consisting of employees with disabilities and hiring managers to increase the network of disability resources, host focus groups, discuss promising practices and share resources.
- **Developing** and implementing an EEO Executive Committee, which includes representation by individuals with expertise related to policies and practices impacting individuals with disabilities, with direct access to the agency head.

- **Establishing** a disability employee resource group (ERG) aligned with the agency's diversity and inclusion program and composed of employees with disabilities and employees with family members or friends with disabilities. The purpose of this group may include helping to identify policies and procedures that support a positive work environment for people with disabilities.
- **Publicizing** the agency's commitment in its internal publications (e.g., intranet, employee newsletters/magazines), including the availability of Schedule A and other special hiring authorities and providing metrics and resources about agency progress on achieving goals. All information posted must be reviewed for compliance with Section 508 of the Rehabilitation Act, and in particular, screen reader compatibility (See the "Ensure Virtual and Physical Accessibility" section below).
- **Developing** a centralized website as a one-stop shop for disability employment and return-to-work/stay-at-work information and resources.
- **Using** intranet and email to facilitate direct communication with employees with disabilities about new and emerging disability-related policies, practices and procedures.
- **Updating** the agency intranet with appropriate links and information on accelerated hiring processes and reasonable accommodation procedures.
- **Conducting** meetings and orientation and training programs with executive, management and supervisory personnel; union officials; and employee representatives for the purpose of communicating the commitment of the agency and its leadership to foster an inclusive corporate culture and work environment.
- **Establishing** a policy that managers and supervisors share responsibility for the successful implementation of the agency's diversity, equity, inclusion and accessibility policy and ensuring that they are held accountable through their performance evaluation plans, including how a manager uses Schedule A and other special hiring authorities.
- **Adopting** disability management and prevention programs (stay-at-work/return-to-work programs as part of the agency's employee assistance program), with the goal that workers who become injured on the job remain part of the workforce.
- **Developing** recognition and awards program acknowledging individuals responsible for achieving progress and positive outcomes related to disability employment.
- **Including** images of employees with disabilities along with employees without disabilities in employee handbooks and other internal publications and ensuring that language used does not perpetuate stereotypes about individuals with disabilities.

C. Designation of Responsible Individuals

In accordance with EO 14035, agencies shall oversee and provide resources and staffing to support the implementation of the agency's DEIA Strategic Plan; enhance DEIA within the agency, in collaboration with the agency's senior officials and consistent with applicable law and merit system principles; and seek opportunities to establish a chief diversity officer or diversity and inclusion officer as distinct from an equal employment opportunity officer, with sufficient seniority to coordinate efforts to promote DEIA in the workplace [Section 4 of EO 14035]. In accordance with MD-715, it is the responsibility of each agency head to take such measures as may be necessary to incorporate the principles of equal opportunity into the agency's organizational structure, including the designation of responsible individuals. MD-715 further states that agencies must maintain a reporting structure that provides the agency's EEO Director with regular access to the agency head and other senior management officials for reporting on the effectiveness, efficiency, and legal compliance of the agency's Civil Rights Act Title VII and

Rehabilitation Act programs. In addition, MD-715 indicates that to emphasize the importance of the position, the agency head should be involved in the selection and performance review of the EEO Director.

Related existing, promising and emerging strategies and practices regarding designation of responsible individuals include:

- **Designating** a Chief Disability Officer who is responsible for ensuring accountability and leadership and driving, coordinating and ensuring that disability is fully integrated into the DEIA Strategic Plan.
- **Designating** a Chief Accessibility Officer to ensure that physical and digital accessibility is addressed at initial design stages and is not an afterthought.
- **Designating** Disability Program Managers (DPMs) who have the same title and grade level as other Special Emphasis Program Managers (SEPMs) (with commensurate credentials and duties) and comparable access to senior management officials and who are fully empowered to implement the agency's EO and disability inclusion programs.
- **Assigning** and defining the scope of responsibility for implementation of agency EO and disability diversity, equity, inclusion and accessibility policies and programs to specific qualified individuals.
- **Identifying** the responsible individual(s) tasked with implementing the agency's internal and external communications efforts related to EO and disability inclusion (see section I, subsection B for specific tasks associated with internal and external communications efforts).
- **Providing** top management support (including budgets) and, if appropriate, staff to manage implementation.
- **Explaining** to managers and supervisors how performance elements included in their performance plans related to the recruitment, hiring, advancement and retention of persons with disabilities will be assessed.

D. Anti-Harassment Policy

Another key element of being a model employer is the adoption of a written anti-harassment policy. Section 3 of EO 14035 specifies that the Government-Wide Strategic Plan must include a comprehensive framework to address workplace harassment, which clearly defines the term "harassment;" outlines policies and practices to prevent, report, respond to and investigate harassment; promotes mechanisms for employees to report misconduct; encourages bystander intervention; and addresses training, education and monitoring to create a culture that does not tolerate harassment or other forms of discrimination or retaliation. Section 6 of the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce describes the comprehensive framework.

In addition, the Section 501 Rule [29 CFR 1614.203(d)(2)] specifies that agencies are required to specifically state in their anti-harassment policy that harassment based on disability is prohibited and must include examples in training materials of the types of conduct that would constitute disability-based harassment.

Examples of anti-harassment policy derived from a review of MD-715 include:

- **Using** complaint data, determine whether a higher percentage of persons with disabilities and persons with targeted disabilities file a formal EEO complaint alleging harassment, as compared to the government-wide average.
- **Using** complaint data, determine whether any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement.

In addition, you may want to consider adopting recommendations presented by the [Select Task Force on the Study of Harassment in the Workplace](#).



BUILD THE PIPELINE: Outreach and Recruitment

“Where can I find qualified applicants with disabilities?” Agencies have expressed concern that one of the greatest barriers they face regarding the hiring of individuals with disabilities, including veterans with disabilities, is the challenge of finding qualified candidates. Agencies must adopt effective outreach and recruitment strategies to ensure that their workforce includes qualified individuals with disabilities, including individuals with targeted disabilities and disabled veterans.

With respect to outreach and recruitment, EO 14035 specifies that agencies must be able to hire and promote the nation’s best talent and build a diverse and representative workforce through an open and fair process consistent with merit systems principles. Building a representative workforce includes appropriately identifying talent, using multiple means to announce vacancies, supporting a pipeline of new members of the workforce, mitigating bias in the promotion process and addressing any potential barriers in accessing job opportunities [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Diversity Roadmap; page 11].

Suggested examples include:



Creating multi-year hiring projections of agency hiring needs and develop an outreach and recruitment plan to seek a diverse applicant pool.



Evaluating post-audit applicant flow data regarding the recruitment process, initial hiring processes and opportunities for current employees who apply for internal opportunities.



Ensuring selection panels and hiring officials complete trainings that promote adherence to merit system principles.



Soliciting and considering feedback from prospective job seekers regarding their interest in federal employment opportunities.



Assessing whether recruitment materials are effective in attracting a broad range of talent, such as individuals from underserved communities, including individuals with disabilities.



Building leadership training programs to help create a pipeline of promotioneligible candidates, including individuals from underserved communities, such as people with disabilities.

[Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Diversity Roadmap; page 11].

EO 14035 also directs the Secretary of Defense and the Secretary of Labor to review the use of the Workforce Recruitment Program (WRP) for college students and recent graduates with disabilities and take steps, as appropriate and consistent with applicable law, to expand the WRP. Also, the Secretaries must submit a report describing any steps taken and providing recommendations for any Presidential, administrative or congressional actions to further expand and strengthen the program and expand job opportunities.

[The Workforce Recruitment Program for College Students with Disabilities \(WRP\)](#) is a recruitment and referral program that connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. The U.S. Department of Labor's [Office of Disability Employment Policy \(ODEP\)](#) and the U.S. Department of Defense's Defense Human Resources Activity's (DHRA) [Diversity Management Operations Center \(DMOC\)](#) manage the program, with the participation of many federal agencies and sub-agencies. Since the program's expansion in 1995, thousands of students and recent graduates have received temporary and permanent employment opportunities through the WRP.

The WRP program offers federal employers:

- **Job candidates** pre-screened through face-to-face interviews
- **Information** about each applicant's qualifications
- **Search capabilities** tailored to specific job requirements
- **Access** to candidates across the nation, by state or job category
- **Flexibility** in hiring for summer internships or permanent positions
- **Opportunity** to identify outstanding candidates for permanent staffing needs
- **Freedom** to conduct independent interviews after qualified candidates are identified
- **Ability** to search for candidates who self-identify as Schedule A Eligible and those who are veterans

To utilize the [WRP database](#), federal employers must first create an account at https://www.wrp.gov/wrp?id=employer_landing_page.

For more information, visit:

- [WRP Database for Federal Employers](#)
- [Federal Hiring Authorities Options](#)

For questions about the WRP, contact wrp@dol.gov.

In addition, EO 14035 specifies that applicable federal agencies shall coordinate a government-wide initiative to strengthen partnerships (Partnership Initiative) to facilitate recruitment for federal employment opportunities, including taking steps to increase diversity in the Federal Government pipelines by supporting and guiding agencies in building or strengthening partnerships with, among others, state vocational rehabilitation agencies that serve individuals with disabilities, disability services offices at institutions of higher education, community-based organizations that are dedicated to serving and working with people with disabilities, centers for independent living and disability rights organizations [EO 14035, Sec 7; page 8]

With respect to outreach and recruitment, the Section 501 Rule [1614.203(d)(1)(i)] specifies that the Affirmative Action Plan must require the federal agency to take specific steps to ensure that a broad range of individuals with disabilities, including individuals with targeted disabilities, are aware of and encouraged to apply for job vacancies, when eligible. These steps shall include, at a minimum:

- **Using** programs and resources that identify job applicants with disabilities, including people with targeted disabilities, who are eligible to be appointed under a special hiring authority that takes disability into account, provided that their appointment is consistent with applicable OPM regulations. Examples of such programs and resources include programs that provide the qualifications necessary for particular positions within the agency to individuals with disabilities; databases of individuals with disabilities who previously applied to the agency but were not hired for the positions they applied for; and training and internship programs that lead directly to employment for individuals with disabilities.
- **Establishing** and maintaining contacts with organizations specializing in the placement of individuals with disabilities, including individuals with targeted disabilities, such as American Job Centers, State Vocational Rehabilitation Agencies, the U.S. Department of Veterans Affairs Vocational Rehabilitation and Employment Program, Centers for Independent Living and Ticket to Work program Employment Network service providers.

Such contacts may be formed through formal partnerships (e.g., where agreements are signed that formalize expectations from both parties) or informal interactions (e.g., meetings, exchange of contact information and staffing needs and ongoing communication regarding job openings and candidates).

These outreach and recruitment practices will be well worth the effort; an agency will not only secure access to talent that it otherwise may have overlooked, but also benefit from other supports that can assist in effectively integrating job candidates with disabilities into the workforce.

A. Recruitment Sources

In addition to the recruitment sources identified in EO 14035 and the Section 501 Rule (see above), you may want to consider the following recruitment sources:

- **Public** recruiting sources, including state employment agencies.
- **Educational institutions**, such as community colleges, universities and other institutions of learning and/or training, including those that offer programs for individuals with specific disabilities, such as people who are blind, deaf or have learning disabilities. Most college campuses have designated offices for students with disabilities. For recruitment purposes, agencies may contact these offices in addition to the schools' generic career services offices.
- **Nonprofit entities** and social service agencies, including labor organizations, organizations of and for individuals with disabilities and other such entities that may provide referrals, technical assistance and other advice on proper placement, recruitment and accommodations.
- **Private recruiting sources**, including professional organizations, consulting services and companies with expertise in disability.

B. Outreach and Recruiting Strategies

Existing, promising and emerging strategies and steps that may be taken to attract and recruit qualified individuals with disabilities include the following:

- **Organizing** an agency disability recruitment task force (e.g., "Hiring Tiger Team") made up of HR staff, EEO staff, current employees with disabilities and managers who have hired persons with disabilities to help the agency establish a network of disability recruitment resources. The task force/team tasks would include brainstorming new ideas, conducting research, improving processes, providing training and participating in the outreach and recruitment process.
- **Adopting** special recruitment programs for individuals with targeted disabilities, for example offering a pre-event session focused on addressing the unique concerns of applicants with disabilities.
- **Appointing** an SPPC to recruit individuals with disabilities. The SPPC should be sufficiently senior to advise management and be trained in Schedule A and other special hiring authorities, reasonable accommodations and workforce representation analysis. Responsibilities of the individual may include developing recruitment strategies, establishing contacts with external recruitment sources (including disability-focused websites, colleges and universities, and employment assistance programs serving people with disabilities), facilitating targeted outreach programs, and working directly with applicants with disabilities to help them understand how to navigate the complexities of applying for jobs with federal agencies.
- **Holding** formal and informal briefing sessions, preferably on agency premises, with representatives from recruiting sources. Components of formal briefings may include agency tours, explanations of current and future job openings and position descriptions, explanations of the agency's selection process, recruitment literature and a description of opportunities for formalizing arrangement for referrals of applicants.

- **Establishing** formal arrangements with representatives from recruitment sources for referral of applicants, following up with sources and providing feedback on whether an applicant was interviewed and hired.
- **Implementing** a training program on how and why to hire individuals with disabilities and delivering it to agency employees responsible for recruitment.
- **Using** the Pathways [Internship Program](#) for current students, which provides students in high schools, colleges, trade schools and other qualifying educational institutions with paid opportunities to work in agencies and explore Federal careers while completing their education.
- **Using** the Pathways [Recent Graduates Program](#), which promotes possible careers in the civil service to individuals who, within the previous two years, graduated from qualifying educational institutions with an associates, bachelors, masters, professional, doctorate, vocational or technical degree or certificate from qualifying educational institutions.
- **Using** accessible online applications and recruitment and social networking sites so that job seekers with disabilities can learn about the agency and its hiring initiatives. Such sites can also be used to generate leads on available jobs within disability-focused organizations nationally and within the geographical area from which the company usually recruits.
- **Posting** job announcements on accessible online job boards that specialize in identifying qualified individuals with disabilities (including veterans with disabilities), in disability-related publications and with specific disability service organizations.
- **Participating** in career fairs targeting disabled veterans and other candidates with disabilities.
 - Adopting an awards program for senior management officials who make significant contributions toward the hiring and retention of disabled veterans.
- **Engaging** current employees or an ERG as referral sources and asking if they know individuals with disabilities who would make good job candidates.
- **Including** people with disabilities on agency recruitment teams.
- **Building** a talent pipeline for youth and young adults with disabilities (transitioning high school students and college students) (see section III, subsection A.5. for ideas for specific tactics to implement).
- **Attracting** qualified individuals with disabilities not currently in the workforce.
- **Developing** specific and targeted strategies for recruiting, hiring and integrating veterans with disabilities, including wounded returning service members, and internal training on these strategies. Such strategies may include:
 - Outreach to and collaboration with veterans' organizations.
 - Launching a "Why Hire a Disabled Veteran?" campaign.
 - Establishing a "Hire a Hero" internship program offering veterans opportunities to gain practical employment experience during their transition from the military to post-military careers.
 - Participating in the [Wounded Warrior Program](#), [Operation Warfighters Program](#) and other similar programs.
 - Implementing a Veteran's Integration Program providing new veterans with access to academic courses.
- **Developing** an email distribution list of disability advocacy groups, both nationally and in the local geographic area, and regularly sending email notices to these organizations with all job openings, as well as a description of the Schedule A hiring authority for people with disabilities and basic instructions on how to apply for a federal job using it.
- **Using** social media platforms such as Facebook and Twitter to help recruit individuals with disabilities and raise awareness of the agency as an inclusive employer.



HIRE (ADVANCE AND KEEP) THE BEST: Personnel Processes

Consistent with EO 14035 and the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce and the Section 501 Rule and MD-715, your agency must review and, if necessary, modify personnel policies, practices and procedures to facilitate equal employment opportunity of qualified persons with disabilities, including persons with targeted disabilities and disabled veterans.

Personnel processes include the following:



Hiring



**Advancement, including
career development**



Retention

A. Hiring

With respect to qualifications standards, the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce includes an example of a practice “reviewing policies and procedures (e.g., assessment tests, vacancy announcements, eligibility criteria, suitability requirements, etc.) to identify and address potential barriers to full participation in the workplace [Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, Equity Roadmap, page 12].

With respect to the application process, the Section 501 Rule [29 CFR 1614.203(d)(1)(ii)] and MD-715 specify that an agency’s Affirmative Action Plan must ensure that the agency has designated sufficient staff to handle any disability-related issues that arise during the application and selection processes and provide them with sufficient training, support and other resources to carry out their responsibilities.

These responsibilities shall include, at a minimum:

- Promptly and correctly answering any disability-related questions from members of the public regarding the application and hiring processes.
- Processing requests for and ensuring that the agency provides reasonable accommodations needed by job applicants during the application and selection processes.
- Accepting applications for appointment under hiring authorities that take disability into account, consistent with applicable OPM regulations.
- If an individual has applied for appointment to a particular position under a hiring authority that takes disability into account, determining whether the individual is eligible for appointment under such authority, and if so, forwarding the individual’s application to the relevant hiring officials with an explanation of how and when the individual may be appointed, consistent with all applicable laws.
- Overseeing any other agency programs designed to increase hiring of individuals with disabilities.

Additional existing, promising and emerging strategies related to the process for hiring individuals with disabilities, including qualification standards, job announcements, special hiring authorities and special initiatives for youth are set out below.

1. Qualification Standards

Examples of existing, promising and emerging personnel strategies and practices relating to qualification standards include the following:

- Reviewing the agency's eligibility criteria and any agency-specific qualification standards for positions to identify and revise criteria and standards that are unnecessarily restrictive and potentially exclude people with disabilities.
- Assisting hiring managers in identifying the essential functions of positions to ensure that applicants have the requisite knowledge, skills and abilities to successfully perform them, with or without reasonable accommodations.
- Reviewing personnel processes and their implementation on an annual basis and making necessary modifications or improvements, when appropriate.

2. Job Announcements

Examples of existing, promising and emerging personnel strategies and practices relating to job announcements include drafting clear, understandable job announcements that:

- Explain in plain language the required qualifications and duties of the job.
- Indicate that the agency encourages applications by qualified individuals with disabilities.
- Note the availability of reasonable accommodations for qualified job applicants and employees with disabilities and provide contact information for requesting them.
- Contain information explaining how to apply under Schedule A.
- Include the [universal access symbol](#) for emphasis.
- Include link to USAJOBS description of hiring policies applicable to [individuals with disabilities](#) in addition to specific points of contact at the agency.

3. Hiring Process, In General

Examples of existing, promising and emerging personnel strategies and practices relating to the hiring process include the following:

- Considering applicants with disclosed disabilities for all available positions for which they may be qualified, when the position(s) applied for is unavailable.
- Implementing an early consideration model in the hiring process requiring hiring managers to review pre-qualified candidates with disabilities for all grade levels and in various job occupations (inclusive of the SES) in a departmental talent bank prior to the posting of job announcements.
- In the case that a hiring manager does not select a pre-qualified candidate with a disability, requiring that the hiring manager document for the record the reason for the non-selection.

- Providing opportunities for practice interviews for qualified job seekers with disabilities referred by community-based organizations as a way of identifying potential candidates for current or future job vacancies.
- Utilizing a Hiring Manager's Feedback Form for applicant interviews.
- Ensuring that job offers are not rescinded for inappropriate reasons.
- Using job fairs as hiring events.
- Creating a resume database or applicant bank and encouraging managers to use the database or bank before announcing the job to the public.

4. Special Hiring Authorities

In accordance with EO 14035, the Secretary of Labor, the Director of OPM, the Chair of the EEOC, the Deputy Director for Management of OMB, and the Executive Director of the Architectural and Transportation Barriers Compliance Board (Access Board), in consultation with the Administrator of General Services, as appropriate, shall coordinate with agencies to assess current practices in using Schedule A hiring authority to employ people with disabilities in the Federal Government, and evaluate opportunities to enhance equity in employment opportunities and financial security for employees with disabilities through different practices or guidance on the use of Schedule A hiring authority [EO 14035, Sec. 10; pages 13-14]. Also, agencies must ensure that applicants and employees with disabilities have access to information about Schedule A hiring authority for individuals with disabilities [EO 14035, Sec. 10; pages 13-14].

The Section 501 rule specifies that agency staff must accept applications for appointment under hiring authorities that take disability into account (e.g., Schedule A, Veterans' Recruitment Hiring Authority and the 30% or More Disabled Veteran authority), consistent with OPM regulations. If an individual has applied for appointment to a particular position under a hiring authority that takes disability into account, determining whether the individual is eligible for appointment under such authority, and, if so, forwarding the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed, consistent with all applicable laws [29 CFR 1614.203(d)(1)(ii)(C) and (D)].

Examples of existing, promising and emerging personnel strategies and practices relating to special hiring authorities include the following:

- Using special hiring authorities, including excepted service hiring authorities for individuals with disabilities under Schedule A and rules related to disabled veterans.
- Developing a marketing campaign for Schedules A and D and other hiring authorities to impact knowledge of human capital officers.
- Developing Schedule A policies and standard operating procedures, which could include:
 - Developing standardized training (including training materials for educating key internal and external stakeholders regarding Schedule A) and training all hiring managers on the use of the hiring authorities that take disability into account.
 - Establishing a talent bank/database to collect resumes and disability certifications from people with disabilities and Schedule A candidates.
 - Creating and using standard language in all job vacancy announcements and making sure they contain information explaining how to apply under Schedule A.
 - Providing timely input and feedback on Schedule A policies and procedures to enhance quality assurance.

- Developing and implementing methods to track the number and processing of Schedule A applications.
- Providing monthly progress reports to the Secretary or other agency head.
- Utilizing Schedule A not only for hiring but also as a promotion and retention strategy.
- Establishing a disability task force for Schedule A hiring and recruiting.

5. Special Initiatives for Youth, Including Youth with Disabilities

Examples of existing, promising and emerging personnel strategies and practices relating to special initiatives for youth with disabilities include the following:

- Developing programs for students and recent graduates with disabilities, including building a talent pipeline for youth and young adults with disabilities (transitioning high school students and college students) through mentoring, internships and work experience programs; summer programs; career days; mock interviews and resume writing (including identifying key words in job descriptions to target for electronic keyword searches); youth motivational programs; and job shadowing activities.
- There are several internship programs designed exclusively for students with disabilities, including:
 - [Workforce Recruitment Program for College Students with Disabilities \(WRP\)](#)
 - [American Association for the Advancement of Science \(AAAS\) Entry Point!](#)
 - [Project SEARCH](#)
- There are several federal internship programs designed for youth, including youth with disabilities, such as:
 - The Pathways [Internship Program](#)
 - The Pathways [Recent Graduates Program](#)
- Establishing a website to encourage mentoring and communication with students and student interns and marketing this website to include recruitment and communication with students with disabilities.
- Tracking interns with disabilities participating in internship programs.
- Establishing an accessible centralized one-stop application process for all interns, inclusive of students with disabilities.
- Establishing a centralized fund to support needed full-time equivalents (FTEs) and funding for payment of student interns with disabilities (a tactic that some agencies are taking under consideration).

B. Advancement, Including Career Development

With respect to advancement and career development, EO 14035 specifies that the head of each agency shall implement guidance issued by the Director of OPM, in consultation with the Deputy Director for Management of OMB, to:

- Track demographic data relating to participation in leadership and professional development programs and development opportunities offered or sponsored by agencies.
- Track the rate of placement of participating employees into senior positions in agencies, in a manner consistent with privacy and confidentiality protections and statistical limitations [EO 14035, Sec 8; page 12-13].

The head of each agency shall use demographic information relating to participation in professional development programs to identify ways to improve outreach and recruitment for professional development programs offered or sponsored by the agency, consistent with merit system principles. The head of each agency shall also address any barriers to access to or participation in such programs faced by members of underserved communities, including people with disabilities [EO 14035, Sec 8; page 12-13].

The Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce specifies that agencies should create opportunities to expand the use of individual development plans, including skills assessments, mentoring and coaching [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Inclusion Roadmap; pages 12-13].

In addition, the head of each agency shall make employment, internship, fellowship and apprenticeship opportunities available through the Partnership Initiative, and shall take steps to enhance recruitment efforts through the Partnership Initiative, as part of the agency's overall recruitment efforts [EO 14035, Sec 7; page 8]. The head of each agency shall follow guidance issued by the Director of OPM and the Deputy Director for Management at OMB on how to increase the availability of paid internships, fellowships and apprenticeships; improve outreach to and recruitment of individuals from underserved communities, including people with disabilities, for internship, fellowship and apprenticeship programs; and ensure all interns, fellows and apprentices with disabilities, including applicants and candidates, have a process of requesting and obtaining reasonable accommodations to support their work in the Federal Government, without regard to whether such individuals are covered by the Rehabilitation Act of 1973, Public Law 93-112 [EO 14035, Sec. 6; page 7].

With respect to advancement, the Section 501 Rule [29 CFR 1614.203(d)(1)(iii)] specifies that the Affirmative Action Plan shall require the agency to take specific steps to ensure that current employees with disabilities have sufficient opportunities for advancement. Such steps may include efforts to inform and provide opportunities to enroll in relevant training programs, including management training when eligible; development or maintenance of mentoring programs for individuals with disabilities; and administration of exit interviews that include questions on how the agency could improve the recruitment, hiring, inclusion and advancement of people with disabilities.

Additional examples derived from a review of MD-715 include:

- Adopting career development programs, including:
 - Leadership development programs (e.g., pre-supervisory training)
 - Formal mentoring programs for employees with disabilities
 - Apprenticeship programs
 - On-the-job training opportunities
 - SES candidate development programs
 - Schedule A usage for internal promotions
- Adopting a plan to ensure people with disabilities, including persons with targeted disabilities, have sufficient opportunities for advancement, including career development opportunities through:
 - Internship programs
 - Fellowship programs
 - Mentoring programs
 - Coaching programs
 - Training programs
- Identifying [triggers](#) (i.e., trends, disparities or anomalies that suggest the need for further inquiry into a particular practice, procedure or condition) for people with disabilities and people with targeted disabilities among the applicants and/or selectees for any of the career development programs (the appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees).

- Using the [inclusion rate](#) as the benchmark, identifying triggers involving people with disabilities and people with targeted disabilities for any level of the time-off awards, bonuses or other incentives.
- Using the inclusion rate at the benchmark, identifying triggers involving people with disabilities and people with targeted disabilities for quality step increases or performance-based pay increases.
- If the agency has other types of employee recognition programs, determining whether people with disabilities and people with targeted disabilities are recognized disproportionately less than employees without disabilities (the appropriate benchmark is the inclusion rate).
- Identifying triggers involving people with disabilities and people with targeted disabilities among the qualified internal applicants and/or selectees for promotions to the senior grade levels (the appropriate benchmarks are the relevant applicant pool of qualified internal applicants and the qualified applicant pool of selectees).

Additional examples of existing, promising and emerging personnel strategies and practices relating to advancement, including career development include the following:

- Adopting a promotion policy that includes disability among the positive selection factors or provides priority consideration to qualified employees with disabilities.
- Adopting an internal targeted recruitment initiative to fill vacancies with individuals with disabilities. This may involve reviewing employment records of qualified employees with known disabilities available for promotions or desirable transfers to ensure that their present and potential skills are being fully used and developed.
- Providing training to leadership, managers and line staff on new strategies such as workforce flexibility, which includes customized employment around job tasks (including job restructuring, job sharing and job creation).
- Ensuring that advertisements for training/workshops in career development include language specifying the provisions of reasonable accommodations.
- Tracking the number of employees with disabilities who complete Individual Development Plans and enroll in mentoring programs.
- Monitoring the composition of participants in training and mentoring programs and tracking and reporting participation rates of individuals with disabilities.

C. Retention

With respect to retention, the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce provides examples of practices, including:

- Conducting and assessing the results of exit and stay interviews and analyzing demographic trends in survey response data.
- Designing a “Voice of the Employee” program with a sophisticated, mixed-method approach to collecting employee feedback (e.g., 360 reviews, focus groups) [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Inclusion Roadmap; pages 12-13].

With respect to retention, the Section 501 Rule [29 CFR 1614.203(d)(1)(iii)] specifies that the plan shall require the agency to take specific steps to ensure that current employees with disabilities have sufficient opportunities for advancement. Such steps may include the administration of exit interviews that include questions on how the agency could improve the recruitment, hiring, inclusion and advancement of individuals with disabilities.

Examples related to retention derived from a review of MD-715 include:

- Documenting whether all eligible Schedule A employees with a disability are converted into the competitive service after two years of satisfactory service.
- Using the inclusion rate as the benchmark, determining whether the percentage of individuals with disabilities and individuals with targeted disabilities among voluntary and involuntary separations exceed that of individuals without disabilities.
- Identifying triggers involving the separation rate of individuals with disabilities and individuals with targeted disabilities.
- Using exit interview results and other data sources to document why employees with disabilities leave the agency.

Additional examples of existing, promising and emerging personnel strategies and practices related to retention include the following:

- Adopting disability management and prevention programs (e.g., stay-at-work and return-to-work programs).
- Identifying and implementing methods of collecting feedback on the needs and interests of employees with disabilities (e.g., hosting regular focus groups and allowing for the submission of anonymous surveys).
- Working with the agency organization for employees with disabilities to identify specific strategies for improving retention numbers.
- Adopting retention plans and strategies based on information obtained from surveys and exit interviews.
- Developing and disseminating a procedures manual related to the retention of employees with disabilities and targeted disabilities.
- Developing and implementing a plan to review proposed terminations to ensure that disability accommodations were considered, where appropriate.
- Conducting exit interviews with individuals with disabilities leaving federal employment; including specific questions seeking to determine if any reason related to the person's disability led to the decision to leave.
- Analyzing and monitoring terminations of permanent employees with disabilities and reporting the agency's findings to the Secretary or other agency head on a quarterly basis.



SUPPORT PRODUCTIVITY: Reasonable Accommodation and Personal Assistance Services Policies and Procedures

Some people with disabilities may require “reasonable accommodations” to perform the essential functions of a job. The failure to provide reasonable accommodations is a form of discrimination unless it would result in undue hardship. According to the U.S. Department of Labor’s [Job Accommodation Network \(JAN\)](#), data collected suggest that more than half of all accommodations **cost nothing**. Furthermore, JAN’s [statistics](#) show that most employers report financial benefits in the form of reduced insurance and training costs and increased productivity.

Some people with targeted (significant) disabilities may require personal assistance services (PAS) while at work. PAS are services that help individuals with targeted disabilities perform activities of daily living, such as removing and putting on clothing, eating and using the restroom. The provision of PAS that are needed on the job is not generally considered a reasonable accommodation under the Americans with Disabilities Act (ADA), or as a matter of nondiscrimination under Section 501. Based on this policy alone, many agencies did not authorize the provision of PAS. This lack of PAS in the workplace posed a major barrier to employment for some people with targeted disabilities. To address this, the Section 501 Rule was updated to require the provision of PAS as an affirmative action requirement.

This section describes policies and practices relating to the nondiscrimination reasonable accommodation requirement as well as the affirmative action PAS requirement.

A. Reasonable Accommodation Policies and Procedures

According to EO 14035, in order for federal employees and applicants with disabilities to be assessed on their merits, accessible information technologies must be provided and, where needed, reasonable accommodations must be available that will allow qualified individuals with disabilities to perform the essential functions of their positions and access advancement opportunities [EO 14035, Sec. 10; pages 13-14].

In addition, an agency must ensure that:

- Applicants and employees with disabilities have access to information about, understand their rights to and may easily request reasonable accommodations, workplace personal assistance services, and accessible information and communication technology [EO 14035, Sec. 10; pages 13-14].
- The process of responding to reasonable accommodation requests is timely and efficient [EO 14035, Sec. 10; pages 13-14].
- The processes and procedures for appealing the denial of a reasonable accommodation request are timely and efficient. [EO 14035, Sec. 10; pages 13-14].

Further, the head of each agency shall follow guidance issued by the Director of OPM and the Deputy Director for Management at OMB on how to ensure all interns, fellows and apprentices with disabilities, including applicants and candidates, have a process of requesting and obtaining reasonable accommodations to support their work in the Federal Government, without regard to whether such individuals are covered by the Rehabilitation Act of 1973, Public Law 93-112 [EO 14035, Sec. 6; page 7].

Examples in the Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace include:

- Assessing the average time for resolution of accommodation requests for individuals with disabilities accommodations requests and implementing practices to improve efficiencies.

- Evaluating the need to establish a centralized fund to improve accessibility and provide accommodations [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].

[Executive Order 13164](#) (PDF) required agencies to have written reasonable accommodations procedures; MD-715, as updated in 2003, included this requirement as well. In addition, EEOC has now made this requirement part of the Section 501 Rule, which states that the Affirmative Action Plan shall require the agency to adopt, post on its public website and make available to all job applicants and employees in written and accessible formats, reasonable accommodations procedures that are easy to understand [1614.203(d)(3)]. Accessible formats include American Sign Language, documents in Braille or large print, documents in an electronic format that can be read by screen reading software, an individual to read the document aloud and other types of accessible formats [82 FR 661 (January 3, 2017)].

The Section 501 Rule also includes in the written procedures many components of reasonable accommodation procedures. The Section 501 Rule now requires the procedures to address 20 specific topics, including expedited processing, interim accommodations, reasonable accommodation requests, confidentiality, processing deadlines, the process for filing complaints and notice of denied requests [82 FR 661 (January 3, 2017)].

Examples of reasonable accommodation processes and procedures derived from a review of the MD-715 include:

- Designating an official or other mechanism to coordinate or assist with processing requests for reasonable accommodations throughout the agency.
- Establishing a firewall between the Reasonable Accommodation Program Manager and the EEO Director to ensure employees' confidentiality.
- Ensuring that job applicants can request and receive reasonable accommodations during the application and placement process.
- Using EEO complaint data for the last fiscal year, determining whether a higher percentage of persons with disabilities and persons with targeted disabilities file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average.
- Using EEO complaint data during the last fiscal year, determining whether complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement.
- Assessing the effectiveness of the reasonable accommodation policies, practices and procedures using criteria such as:
 - Timely processing of requests
 - Timely approval of accommodations
 - Conducting training for managers and supervisors
 - Monitoring accommodation requests for trends

The Section 501 Rule also includes a provision stating that the agency Affirmative Action Plan shall require the agency to take specific steps to ensure that requests for reasonable accommodation are not denied for reason of cost, and that individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation, if the resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, would enable it to provide an effective reasonable accommodation, without undue hardship. Such steps shall be reasonably designed to, at a minimum:

- Ensure that anyone who is authorized to grant or deny requests for reasonable accommodation or make hiring decisions is aware that, in accordance with the undue hardship regulations, all resources available to the agency as a whole (excluding those designated by statute for a specific purpose that does not include reasonable accommodation) are considered when determining whether a denial based on cost is lawful.
- Ensure that anyone authorized to grant or deny requests for reasonable accommodation or to make hiring decisions is aware of, and knows how to arrange for the use of, agency resources available to provide the accommodation, including any centralized fund the agency may have for that purpose [1614.203(d)(3)(ii); 82 FR 663 (January 3, 2017)].

In response to the proposed Rule, some commenters stated that the final rule should require agencies to establish a “[centralized fund](#) (PDF)” to pay for required reasonable accommodations.

In its analysis of the Section 501 Rule, the EEOC affirms, “a centralized fund is one of the best and easiest ways to ensure that requests for reasonable accommodation are not denied for reason of cost, and that individuals with disabilities are not excluded from employment due to the anticipated cost of a reasonable accommodation, if the resources available to the agency as a whole would enable it to provide one without undue hardship” [82 FR 663 (January 3, 2017)].

However, the final Section 501 Rule does not require agencies to establish centralized funds. Instead, it requires that agencies take “specific steps” toward meeting the goals outlined above, either through a centralized fund or through other means. This wording allows agencies to adopt systems that perform the same valuable functions of centralized funds, while providing them with flexibility to work within existing budgetary schemes.

Under MD-715, agencies are asked to report whether they use a centralized fund for purposes of providing reasonable accommodations across the agency.

Additional examples of existing, promising and emerging strategies and practices relating to reasonable accommodations include the following:

- **Establishing** an administrative mechanism or centralized source of expertise (appointing a specific individual and/or establishing an office or team for complex issues) for assessing, evaluating and providing reasonable accommodations (including assistive technology) to ensure the effectiveness and efficiency of the reasonable accommodation process.
- **Creating** a centralized web page focused on reasonable accommodations with links to best, promising and emerging practices.
- **Establishing** Assistive Technology Center with examples of potential solutions.
- **Consulting** with the [Job Accommodation Network \(JAN\)](#) for free, expert and confidential guidance on workplace accommodations and disability employment issues.
- **Providing** centralized training opportunities (including online and video) to learn about new strategies and devices, such as telework and new assistive technology devices.
- **Creating** an online/electronic centralized system for tracking accommodations to document timely processing of requests and their successful use.
- **Assigning** a full-time director of disability services or workplace supports to coordinate accommodations strategies.
- **Establishing** a centralized budget for captioning, interpreter and reader services and relay services separate from the centralized fund for reasonable accommodations.

- **Making** bulk purchase of ergonomic furniture for all employees to avoid need for purchase on a case-by-case basis for persons with disabilities.
- **Providing** temporary reasonable accommodations during the interactive process unless there is a need to procure the services or supports.
- **Ongoing** coordination between Section 508 coordinator and reasonable accommodation experts regarding assistive technology devices and services.
- **Updating** general telework policy to make it disability-inclusive and reasonable accommodation policy to include telework examples.

B. Personal Assistance Services Policies and Procedures

Under the Section 501 Rule, each agency is required to prepare annually, and submit to EEOC for approval, an Affirmative Action Plan that includes a copy of its personal assistance services (PAS) procedures and information on its efforts to implement them [1614.203(d)(5)]. This is an affirmative action requirement. EEOC has issued guidance regarding the PAS requirement in its [“Questions and Answers: Federal Agencies’ Obligation to Provide Personal Assistance Services \(PAS\) under Section 501 of the Rehabilitation Act.”](#) This document helps to clarify the requirement and includes examples of promising practices.

The term “personal assistance services” means assistance with performing activities of daily living that an individual would typically perform if he or she did not have a disability, and that is not otherwise required as a reasonable accommodation, including, for example, assistance in removing and putting on clothing, eating and using the restroom [29 CFR 1614.203(a)(5)] [Preamble to Section 501 Rule, 82 FR 654, 665].

Under the Section 501 Rule, the Affirmative Action Plan requires the agency to provide an employee with, in addition to professional services required as a reasonable accommodation under the standards set forth in 29 CFR part 1630 (Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act), PAS during work hours and job-related travel if all of the following conditions are met:

- The employee requires such services because of a targeted disability.
- Provision of such services would, together with any reasonable accommodations required under the standards set forth in part 1630 of Title 29 of the Code of Federal Regulations, enable the employee to perform the essential functions of their position.
- Provision of such services would not impose undue hardship on the agency [29 CFR 1614.203(d)(5)(i)] [Preamble to Section 501 Rule, 82 FR 666].

The Section 501 Rule requires agencies to provide PAS to employees who, because of targeted disability, require such assistance in order to be at work, or participate in work-related travel [Preamble to Section 501 Rule, 82 FR 654]. This includes providing PAS for employees to participate in employer-sponsored events to the same extent as they must provide reasonable accommodations [FAQ 17].

Under the Section 501 Rule, the affirmative action plan shall state that PAS must be performed by a personal assistance service provider. The term “personal assistance service provider” means an employee or independent contractor whose primary job functions include provision of personal assistance services [29 CFR 1614.203(a)(5)]. The plan may permit the agency to require PAS providers to provide PAS services to more than one individual. The plan may also permit the agency to require PAS service providers to perform tasks unrelated to PAS services, but only to the extent that doing so does not result in failure to provide required PAS in a timely manner [29 CFR 1614.203(d)(5)(ii)].

Agencies may structure their own budgets as they see fit. However, the resources available to the agency as a whole are considered when determining whether an agency can provide PAS without undue hardship. Agencies are entitled to consider all available resources when arranging for PAS, including outside sources that are already providing PAS or are willing to provide PAS at their own expense, such as a state or veterans' rehabilitation agency. However, agencies are ultimately responsible for ensuring that the services are provided in a timely manner and cannot rely on the fact that an outside source has promised or is otherwise obligated to provide PAS as a reason for denying an employee's request [FAQ 38].

Examples of practices related to PAS included in MD-715 or specified in EEOC's PAS "Questions and Answers" document include:

- Prescribing in its reasonable accommodation procedures that requests for PAS will be processed in the same manner and shall be subject to the same standards as requests for reasonable accommodations.
- In the agency's written PAS policies and procedures, describing/explaining/delineating the:
 - Relationship between reasonable accommodations and PAS, including work-related travel as a reasonable accommodation and teleworking
 - Roles of various staff, including human resources, EEO staff and DPM
 - Qualifications of PAS service providers
 - Process for selecting PAS providers (e.g., through use of federal employees or contractors)
 - Use of pools of PAS providers or individual assignments of PAS providers
 - Use of family members as PAS providers
 - Security clearance process for PAS service provider
 - Use of volunteers/coworkers
 - Unavailability of PAS service provider
 - Assignment of non-PAS job functions to PAS service providers
- Funding PAS through a centralized fund and using a centralized office to administer PAS and use of PAS service providers.
- Assessing the effectiveness of the PAS policies, practices and procedures using criteria such as:
 - Timely processing of requests
 - Timely providing approved PAS
 - Conducting training for managers and supervisors
 - Monitoring PAS requests for trends



ENSURE VIRTUAL AND PHYSICAL ACCESSIBILITY: Information and Communication Technology and Facilities

A. Accessible and Usable Information and Communication Technology

The development, procurement, lease, maintenance and use of information and communication technology (ICT) are central to the operation of federal agencies in the 21st century. The internet has dramatically changed the way that agencies conduct work and communicate with the public, including the manner in which individuals apply for jobs. Further, agency use of the internet, email and social media is dramatically changing the way agencies communicate, both internally and externally. Title V of the Rehabilitation Act requires agencies to adapt to these changes in the following ways:

- Section 508 requires agencies to provide federal employees with disabilities and members of the public access to information and data that is comparable to the access provided to federal employees without disabilities. Regulations implementing Section 508 are codified at [36 CFR part 1194](#).
- Section 501 prohibits discrimination on the basis of disability including the failure to provide reasonable accommodation (incorporating by reference 29 CFR 1630.9), including the failure to acquire or modify equipment or devices (e.g., assistive technology devices and services).
- Section 504 prohibits discrimination on the basis of disability in federally conducted activities. Examples of this kind of discrimination include failing to make reasonable modifications to policies, practices and procedures, as well as failing to provide auxiliary aids and services.

If applicants and employees with disabilities are to fully participate in the workforce, they must have access to and use of information and data that is comparable to the access and use by applicants and employees without disabilities. For example, if an online application system is not accessible to and usable by individuals with disabilities, applicants with disabilities may never “get through the front door” to apply for a job.

Once an individual with a disability is on board, if they are not provided with accessible ICT and training, they are limited in their ability to develop skills needed to be productive team members and advance in your agency. A specific commitment by the agency (and all program operating components) to ensure accessible and usable ICT is as essential to facilitating meaningful and effective employment opportunities for individuals with disabilities as structural elements are to ensuring access to buildings and offices.

EO 14035 includes extensive policies applicable to ICT. The EO defines “accessibility” to mean the design, construction, development and maintenance of facilities, information and communication technology, programs and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

In order for federal employees and applicants with disabilities to be assessed on their merits, accessible information technologies must be provided and, where needed, reasonable accommodations must be available that will allow qualified individuals with disabilities to perform the essential functions of their positions and access advancement opportunities [EO 14035, Sec. 10; pages 13-14].

According to EO 14035, the Secretary of Labor, the Director of OPM, the Chair of the EEOC, the Deputy Director for Management of OMB, and the Executive Director of the Architectural and Transportation Barriers Compliance Board (Access Board), in consultation with the Administrator of General Services, as appropriate, shall coordinate with agencies to:

- Support the Federal Government’s effort to provide people with disabilities equal employment opportunities and take affirmative actions within the Federal Government to ensure that agencies fully comply with applicable laws, including sections 501, 504 and 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 791, 794, 794d); [EO 14035, Sec. 10; pages 13-14].
- Ensure that applicants and employees with disabilities have access to information about, understand their rights to and may easily request reasonable accommodations, workplace personal assistance services, and accessible information and communication technology; [EO 14035, Sec. 10; pages 13-14] and all information and communication technology and products developed, procured, maintained or used by federal agencies are accessible and usable by employees with disabilities consistent with all standards and technical requirements of the Rehabilitation Act of 1973 [EO 14035, Sec. 10; pages 13-14].

According to the Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, the Federal Government must consistently design, construct, develop and maintain technology, programs and services so that all people, including people with disabilities, can fully and independently use them. The Federal Government’s commitment to accessibility should include proactive engagement with users and efforts to modernize infrastructures to support the rapid adoption of technological innovations.

To support this work, the Office of Management and Budget (OMB), in consultation with the General Services Administration (GSA), U.S. Access Board and the Chief Information Officer (CIO) Council, will review existing accessibility guidance and best practice resources and make updates as necessary to help agencies build and sustain an accessible federal technology environment. In addition, agencies should seek to bring together DEIA Implementation Teams, including CIOs and Chief Procurement Officers (CPOs), in decisions affecting accessibility [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].

Examples include:

- Providing training and guidance on processes to make virtual environments, including common and individual environments, equitable spaces.
- Training users and operators of virtual environments on conducting accessible meetings, creating accessible documents, and addressing potential physical and attitudinal barriers to equitable opportunities.
- Regularly assessing information technology and facilities against benchmarks and industry standards to support equitable access and to remove potential barriers.
- Ensure all technology, whether developed in-house or externally, is compliant with Section 508 of the Rehabilitation Act before deployment [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].

GSA has developed the guide [Integrating Accessibility into Agency Diversity, Equity, Inclusion and Accessibility \(DEIA\) Implementation Plans](#) to support federal agencies with implementation of EO 14035 and the Government-Wide DEIA Strategic Plan. More specifically, this guidance can help agencies implement elements of the Accessibility Roadmap outlined in the DEIA Strategic Plan. The guidance focuses solely on information and communication technology accessibility.

Resources for agency leaders include:

- Executive Guide to Federal IT Accessibility
- Quick Guide to IT Accessibility for Program Managers
- Technology Accessibility Playbook
- Buying and Selling Accessible Products and Services
- Creating Accessible Digital Products (e.g., electronic documents and presentations)
- Creating and hosting Accessible Meetings

The resources are aligned with the DEIA Strategic Plan by role, for example, Section 508 Program Managers; Acquisition and Requirements Professionals; Product Owners, Business Analysts, Designers, Project Managers, Developers and Testers; Content Creators; and Meeting Hosts and Presenters.

The Section 501 Rule [29 CFR 1614.203(d)(4)] specifies that the Affirmative Action Plan shall require the agency to adopt, post on its public website and make available to all employees in written and accessible formats, a notice that:

- Explains their rights under Section 508 of the Rehabilitation Act concerning accessibility of agency technology, and the Architectural Barriers Act concerning accessibility of agency buildings and facilities.
- Provides contact information for an agency employee who is responsible for ensuring accessibility of electronic and information technology, as well as the individual responsible for ensuring accessibility of buildings and facilities.
- Provides instructions on how to file complaints alleging violations of Section 508 and the Architectural Barriers Act.

If an agency's investigation of a complaint shows that a different entity is responsible for the alleged violation, the Affirmative Action Plan shall require the agency to inform the individual who filed the complaint where they may file a complaint against the other entity, if possible.

Existing, promising and emerging agency practices regarding accessible ICT include the development of comprehensive strategic action plans that address the following areas:

- Leadership and Team Approach
- Needs Assessment and Priorities
- Formal Policies, Practices and Procedures
- Agency-Wide Infrastructure
- Evaluation and Accountability

1. Leadership and Team Approach

- Securing the support of leadership at the highest levels of agency leadership in order to facilitate “buy-in” and establish and sustain organizational commitment.
- Establishing a network of individuals responsible for implementing a plan to improve accessibility. This “accessibility team” may be comprised of managers across divisions, including HR, ICT, procurement, education and training, financial and marketing and Section 504 and 508 compliances.

- Making sure leadership understands and communicates the “business case” for ensuring that technology used by the agency is accessible to the largest possible number of applicants, employees and customers

2. Needs Assessments and Priorities

- Considering all of the ICT used or offered and making a list of those platforms, devices and applications.
- Evaluating accessibility by testing ICT applications with automated accessibility testing tools and by considering the user experience of applicants, employees and customers.
- Establishing a process and adopting criteria that can be used for setting priorities.

3. Formal Policies, Practices and Procedures

- Adopting specific technical ICT accessibility standards and functional performance criteria regarding software applications and operating systems, intranet and internet applications, telecommunication products, video and multimedia products, self-contained closed products (e.g., copiers and printers) and computers.
- Adopting accessible online application systems that cover website integration, job posting and distribution tools, application and resume submission, communication between applicants and employer, resume extraction and management, candidate search and selection processes and communication regarding a job offer or rejection.

4. Agency-Wide Infrastructure

- Providing outsourcing guidelines, including copies of the ICT accessibility guidelines, to suppliers and partners, and ensuring that contracts stipulate suppliers will apply ICT accessibility standards where relevant.
- Establishing clear procurement policies, including a solicitation policy that states that ICT should be accessible, indicates which accessibility standards apply and communicates plans to inspect deliverables based on those standards.
- Delineating the respective roles and responsibilities of key personnel, including the Chief Acquisition Officer, Chief Information Officer and Chief Accessibility Technology Officer.
- Conducting training for in-house staff, including program managers, contracting and procurement officers, software developers, web developers and video-multimedia developers, including IT help desk staff.
- Deploying accessible ICT throughout the agency (e.g., establishing a mechanism for centralized expertise and/or payment).

5. Evaluation and Accountability

- Appointing a Chief Accessibility Technology Officer.
- Notifying managers and employees about the agency's ICT accessibility policy.

- Involving individuals with disabilities and experts in the development, implementation and evaluation of policy.
- Establishing measurable objectives and benchmarks for accessibility, including checklists, scorecards and grid-based tracking documents.
- Designing and implementing data collection and continuous improvement strategies, including tracking and reporting systems and regularly scheduled reporting.

B. Accessible Facilities

According to EO 14035, the Secretary of Labor, the Director of OPM, the Chair of the EEOC, the Deputy Director for Management of OMB, and the Executive Director of the Architectural and Transportation Barriers Compliance Board (Access Board), in consultation with the Administrator of General Services, as appropriate, shall coordinate with agencies to:

- To ensure that all federal office buildings and workplaces are accessible to employees with disabilities, the Administrator of General Services, the Director of OPM, the Deputy Director for Management of OMB and the Executive Director of the Access Board shall work with federal agencies to ensure that federal buildings and leased facilities comply with the accessibility standards of the Architectural Barriers Act of 1968, Public Law 90-480, and related standards [EO 14035, Sec. 10 (c); pages 13-14].
- Beyond existing duties to comply with the Architectural Barriers Act of 1968 and related standards, the head of each agency shall maximize the accessibility of the physical environment of the agency's workplaces, consistent with applicable law and the availability of appropriations, so as to reduce the need for reasonable accommodations, and provide periodic notice to all employees that complaints concerning accessibility barriers in federal buildings can be filed with the Access Board [EO 14035, Sec. 10(d); pages 13-14].

According to the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, the Federal Government must consistently design, construct, develop and maintain facilities, technology, programs and services so that all people, including people with disabilities, can fully and independently use them. The Federal Government's commitment to accessibility should include proactive engagement with users and efforts to modernize infrastructures to support the rapid adoption of technological innovations [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].

To support this work, OMB, in consultation with the General Services Administration (GSA), U.S. Access Board and the Chief Information Officer (CIO) Council, will review existing accessibility guidance and best practice resources and make updates as necessary to help agencies build and sustain an accessible federal technology environment. In addition, agencies should seek to bring together DEIA Implementation Teams, including CIOs and Chief Procurement Officers (CPOs), in decisions affecting accessibility [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].

Examples include:

- Providing training and guidance on processes to make physical and virtual environments, including common and individual environments, equitable spaces.
- Regularly assessing facilities against benchmarks and industry standards to support equitable access and to remove potential barriers [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 4 Accessibility Roadmap; pages 13-14].



GROW SUCCESS: Continuous Assessment and Improvement and Accountability

While the adoption of written policies, practices and procedures are necessary to enhance employment opportunities for qualified individuals with disabilities, the ultimate objective is ensuring their implementation through continuous assessment and improvement and accountability (recordkeeping and reporting).

In accordance with the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, continuous improvement practices can be used by agencies as they work to embed DEIA in their strategic planning and long-term processes. A focus on continuous improvement within an existing process may include:

Personnel processes include the following:



Identifying an opportunity and plan for change.



Implementing the change on a small scale.



Using feedback and data to analyze the results of the change and determine whether it made a difference.

If the change was successful, implementing it on a wider scale and continuously assessing results. If the change did not work, begin the cycle again [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 2 Principle 2; page 7].

Consistent with EO 14035 and the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce and the Section 501 Rule and MD-715, existing, promising and emerging agency strategies and practices related to continuous assessment and improvement and accountability include:

- Adopting adequate data systems for effective workforce analyses of applicant flow, on-board workforce and personnel transaction data.
- Establishing agency-wide goals.
- Conducting barrier analysis.
- Taking specific steps to facilitate progression toward goals and continuous improvement.
- Maintaining records and preparing reports.
- Investigating and resolving complaints.

A. Data Systems, Including Self-Identification [1614.203(d)(6)]

In accordance with EO 14035, the head of each agency shall implement any revised guidance regarding the collection of demographic data to expand the collection of voluntarily self-reported demographic data. The head of each agency shall also take steps to ensure that data collection and analysis practices allow for the capture or presence of multiple attributes and identities to ensure an intersectional analysis [EO 14035, Sec. 5; page 7].

In accordance with the Government-Wide Strategic Plan on DEIA in the Federal Workforce, agencies must maintain a data-driven culture where evidence informs decision-making and policy development.

Agencies must be able to:

- Readily gather workforce data, such as that provided under the Management Directive 715 (MD-715), Federal Employee Viewpoint Survey (FEVS) and post-audit Applicant Flow Data.
- Analyze data to assess progress, evaluate root causes, and build evidence on key questions regarding DEIA initiatives.
- Integrate insights into policymaking and operations.
- Engage the workforce in regular listening sessions to obtain qualitative data for implementation and feedback [Government-Wide Strategic Plan to Advance DEIA in the Federal Workplace, Sec 2 Principle 1; page 6].

In addition, in accordance with EO 14035, the head of each agency shall collect and analyze voluntarily self-reported demographic data regarding the membership of advisory committees, commissions and boards in a manner consistent with applicable law, including privacy and confidentiality protections, and with statistical standards where applicable. For agencies that have external advisory committees, commissions or boards to which agencies appoint members, agency heads shall pursue opportunities to increase diversity equity, inclusion and accessibility on such committees, commissions or boards [EO 14035, Sec. 5; page 7].

The Section 501 Rule specifies that the Affirmative Action Plan shall require the agency to perform an annual workforce analysis to determine what percentage of its employees at each grade level and salary level have disabilities, and what percentage of its employees at each grade level and salary level have targeted disabilities. For purposes of performing the workforce analysis, an employee may be classified as an individual with a disability or an individual with a targeted disability on the basis of:

- The individual's self-identification as an individual with a disability or an individual with a targeted disability on a form, including but not limited to OPM's Standard Form (SF) -256, Self-Identification of Disability, which states that the information collected will be kept confidential and used only for statistical purposes, and that completion of the form is voluntary.
- Records relating to the individual's appointment under a hiring authority that takes disability into account (such as Schedule A), if applicable.
- Records relating to the individual's request for reasonable accommodation, if any.

In other words, the Section 501 Rule permits agencies to design their own forms or use existing forms as appropriate. For example, agencies are permitted to use the approach taken in EEOC's Applicant Flow Form. This form asks, among other things, whether the individual has a non-targeted disability. It does not, however, require the individual to identify which non-targeted they have [82 FR 667 (January 3, 2017)].

Footnote 93 in the section-by-section analysis of the Section 501 Rule reaffirms that the anti-discrimination regulations permit agencies (and employers generally) to ask disability-related questions for purposes of engaging in affirmative action for individuals with disabilities [82 FR 668 (January 3, 2017)].

Examples of practices relating to workforce analysis set out in MD-715 include:

- **Establishing** a process to integrate supplemental data into the demographic data. (Agencies that do not report their demographic data to OPM may adopt a process to integrate the supplemental data into their demographic data).
- **Ensuring** that workforce utilization process does not double count employees with disabilities in their demographic data.

Examples of practices relating to **self-identification** include:

- **Adopting** written policies and procedures to increase education and awareness of SF-256 and explain the benefits of and concerns with self-identification.
- **Including** a description and explanation of the SF-256 at new employee orientation/on-boarding.
- **Communicating** the definition of “disability” and including examples. (One of the reasons employees with disabilities do not self-identify is that they may not realize they meet the definition of disability).
- **Providing** employees the option to self-identify within a secure/confidential online system where they maintain changes to tax deductions, paycheck allocations, etc. (i.e., separate from the electronic personnel documents that include the SF-50, performance evaluations, etc.).
- **Assigning** the disability ERG a key role in communicating the importance of self-identification.
- **Launching** an enterprise communication plan encouraging employees to update their personal information. This can be done by using events throughout the year, such as the annual benefits enrollment and the employee engagement survey, to remind employees to check that their personal information is still current; or by distributing a memorandum to all employees allowing them to self-identify and explaining benefits and protections.
- **Re-surveying** employees on an annual/periodic basis.

B. Adoption of Goals [1614.203(d)(7)(i)]

It is said that “what gets measured and reported gets done.” The Section 501 Rule specifies that the Affirmative Action Plan shall commit the agency to the goal of ensuring that no less than 12% of employees at the GS-11 level and above, together with employees who are not paid under the General Schedule but who have salaries equal to or greater than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with disabilities; and that no less than 12% of employees at the GS-10 level and below, together with employees who are not paid under the General Schedule but who have salaries less than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with disabilities.

In addition, the Section 501 Rule specifies that the Affirmative Action Plan shall commit the agency to the goal of ensuring that no less than 2% of employees at the GS-11 level and above, together with employees who are not paid under the General Schedule but who have salaries equal to or greater than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with targeted disabilities; and that no less than 2% of employees at the GS-10 level and below, together with employees who are not paid under the General Schedule but who have salaries less than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with targeted disabilities.

EEOC recognizes in the section-by-section analysis accompanying the Section 501 Rule and the preamble accompanying the proposed rule that there are many reasons why it may take some agencies more time than others to meet the utilization goals, such as budgetary constraints (including hiring freezes), the number of additional individuals with targeted disabilities that would have to be hired to achieve the goals, and the nature of

certain jobs within an agency's workforce that may include valid physical standards that individuals with certain disabilities may not be able to meet [82 FR 669 (January 3, 2017)].

Examples of practices related to goals set out in MD-715 include:

- Using the goal of 12% as the benchmark, identifying triggers (i.e., trends, disparities or anomalies that suggests the need for further inquiry into a particular practice, procedure or condition) involving persons with disabilities by grade level cluster in the permanent workforce (cluster GS-1 to GS-10; Cluster GS-11 to SES).
- Using the goal of 2% as the benchmark, identifying triggers involving individuals with targeted disabilities by grade level cluster in the permanent workforce (cluster GS-1 to GS-10; Cluster GS-11 to SES).
- Using the qualified applicant pool as the benchmark, identifying triggers for people with disabilities and people with targeted disabilities among the new hires for any of the mission-critical occupations.
- Using the relevant applicant pool as the benchmark, identifying triggers for persons with disabilities and persons with targeted disabilities among the qualified internal applicants for any of the mission-critical occupations.
- Adopting a process for communicating the numerical goals to the hiring managers and/or recruiters.

C. Barrier Analysis

Consistent with EO 14035 and the Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, the Section 501 Rule and MD-715, in addition to collecting, maintaining and analyzing applicant flow and workforce utilization data and establishing agency-wide equal employment goals, each agency must examine existing recruitment programs and hiring practices to identify and eliminate any barriers to recruiting, hiring, advancement and retention of individuals with disabilities and, in particular, individuals with targeted disabilities.

The first step in this process is identifying triggers. MD-715 defines a trigger as "a trend, disparity or anomaly that suggests the need for further inquiry into a particular policy, practice or procedure, or condition (a red flag)." Triggers can be gleaned from various sources of information. For example, agency data may show that while the participation rate of individuals with targeted disabilities in the agency's total workforce is consistent with the agency's goals, these individuals are separating from the agency at a higher-than-expected rate.

The sources used to identify triggers may also be used later in the barrier analysis process. According to MD-715, sources of data relevant to barrier analysis include:

- Workforce data tables
- Complaint data
- Grievance data
- Findings from decisions
- Exit interview data
- Focus groups
- Interviews
- Reports
- Other

Once a trigger is identified, agencies must conduct effective barrier analysis to identify its root cause (i.e., the barrier). MD-715 defines a barrier as, “an agency policy, practice or procedure that limits or tends to limit employment opportunities.” It continues, “Many employment barriers are built into the organizational and operational structures of the agency and embedded in the day-to-day procedures and practices of the agency.” According to MD-715 barriers generally fall within one of the three following categories:

- Institutional/structural
- Attitudinal
- Physical/Information and Communication Technology (ICT)

Once the barrier is identified, the agency then needs to develop a comprehensive action plan to eliminate it. The plan should be disseminated to agency managers, who should work in collaboration with the EEO office to implement the plan. The plan should be regularly reviewed and updated to report on progress toward eliminating the root cause found, or address modifications that may be needed to the plan if new barriers are found. MD-715 recommends that for the planned activities that were completed, the agency describe the actual impact of those activities toward eliminating the barriers; if the planned activities did not eliminate the barriers, the agency may describe how it intends to improve the plan for the next fiscal year.

Some agencies may choose to create a Barrier Analysis Working Group. The Working Group would be responsible for spearheading the process of barrier analysis and building strategic partnerships with all stakeholders. The Working Group may be led by high level decision makers within the agency. Responsibilities of the Working Group may include:

- **Carrying** out holistic and in-depth analysis of workforce profiles.
- **Conducting** pre-decisional analyses of policies, actions and decisions that could have a potential impact on applicants and employees, including a review of personnel and management procedures.
- **Developing** initiatives and strategic plans to increase and maintain a diverse and inclusive workforce.
- **Providing** policy guidance on effective affirmative action programs.
- **Ensuring** compliance with agency policies and legal provisions.
- **Aligning** workforce requirements directly with the agency’s strategic and business plans.
- **Identifying** where gaps exist between current workforce competencies and future competencies requirements.
- **Identifying** and implementing gap reduction strategies.
- **Making** decisions about how best to structure and deploy the workforce.
- **Identifying** and overcoming internal and external barriers to accomplishing workforce goals.

Agencies may also choose to organize Working Group subcommittees comprised of members of the Working Group and/or other employees within the agency. While the Working Group may meet on a quarterly basis, these subcommittees may convene more regularly (for example, monthly) to discuss:

- Training and award data for the agency as well as each program office.
- Groups with lower-than-expected population rates and potential barriers for those groups.
- Action plans to address barriers.

Agencies may also consider hiring/contracting with an industrial/organizational psychologist to increase the scientific rigor of barriers analysis research.

D. Progression Toward Goals [1614.203(d)(7)(ii)]

In accordance with the Section 501 Rule, the Affirmative Action Plan must require the agency to take specific steps that are reasonably designed to gradually increase the number of persons with disabilities and targeted (significant) disabilities employed at the agency until they meet the adopted goals (outlined above in Section B).

Examples of specific steps in the Section 501 Rule include, but are not limited to:

- **Increasing** use of hiring authorities that take disability into account to hire or promote individuals with disabilities or targeted disabilities, as applicable.
- **Considering** disability or targeted disability status as a positive factor in hiring, promotion or assignment decisions to the extent permitted by applicable laws.
- **Developing** disability-related training and education campaigns for all employees in the agency.
- **Increasing** efforts to hire and retain individuals who require supported employment because of a disability; who have retained the services of a job coach at their own expense or at the expense of a third party; and who may be given permission to use the job coach during work hours as a reasonable accommodation without imposing undue hardship on the agency.
- **Adopting** training, mentoring or internship programs for individuals with disabilities.
- **Additional outreach** and recruitment efforts.

Specific examples related to training and educational campaigns that will help agencies progress toward the hiring goals outlined in Part VII, Section B of this document include:

- **Providing** training on disability-related issues (e.g., understanding legal requirements, disability etiquette and disability awareness, retention and return-to-work strategies, overcoming stereotypes and other attitudinal barriers, reasonable accommodation procedures, targeted hiring programs); incorporating that training as a regular and ongoing component of the agency's diversity and inclusion initiatives.
- **Training** managers and other employees on Schedule A and other special hiring authorities.
- **Creating** a budget line item to fund assessment process for all managers and supervisors allowing staff to provide candid feedback.
- **Explaining** to managers and supervisors how performance elements included in their performance plans related to the recruitment, hiring, advancement and retention of persons with disabilities will be assessed, including their use of Schedule A and other special hiring authorities.
- **Providing** individualized coaching for supervisors who are rated "in need of improvement."
- **Establishing** an EEO program on an agency-operated radio station to serve as a tool for EEO staff to train managers and EEO practitioners.
- **Establishing** an online, one-stop training repository consisting of documents, links, videos and policies with sections for employees, managers and EEO practitioners.
- **Developing** a central dashboard to track data on disability inclusion.
- **Briefing** senior leadership and managers and supervisors, including demographic snapshots, on quarterly and annual basis regarding progress toward achieving goals.
- **Actively** participating in the [FEED](#), an interagency working group focused on information sharing, promising practices and collaborative partnerships designed to make the Federal Government a model employer of people with disabilities.

E. Establishing Accountability Measures, Including Recordkeeping and Reporting and Complaint Resolution

Accountability, including recordkeeping and reporting mechanisms, is necessary to ascertain whether the agency is complying with the nondiscrimination and affirmative action requirements; whether current policies, practices and procedures are effective; and whether the agency is making progress in improving employment opportunities for persons with disabilities.

1. Recordkeeping [1614.203(d)(8)]

The Section 501 Rule specifies that the Affirmative Action Plan shall require the agency to keep records that it may use to determine whether it is complying with the nondiscrimination and affirmative action requirements imposed under Section 501 and make these required records available to the EEOC upon request. The required records are necessary for an agency to determine whether it is providing “adequate hiring, placement and advancement opportunities for individuals with disabilities,” as required under Section 501.

Specifically, the Rule requires that each agency keep a record of:

- The number of job applications received from individuals with disabilities, and the number of individuals with disabilities who were hired by the agency.
- The number of job applications received from individuals with targeted disabilities, and the number of individuals with targeted disabilities who were hired by the agency.
- All rescissions of conditional job offers, demotions and terminations taken against applicants or employees as a result of medical examinations or inquiries.
- All employees hired under Schedule A hiring authority for persons with certain disabilities, and each such employee’s date of hire, entering grade level, probationary status and current grade level.
- The number of employees appointed under Schedule A hiring authority for persons with certain disabilities who have been converted to career or career-conditional appointments in the competitive service, and the number of such employees who were terminated prior to being converted to a career or career-conditional appointment in the competitive service.
- Details about each request for reasonable accommodation.

2. Reporting [1614.203(d)(9)]

The Section 501 Rule includes specific reporting requirements, including the annual submission of:

- A copy of its current plan to the Commission.
- The results of the two most recent workforce analyses showing the percentage of employees with disabilities and employees with targeted disabilities in each of the designated pay groups.
- The number of individuals appointed to positions within the agency under the Schedule A hiring authority for persons with certain disabilities during the previous year, and the total number of employees whose employment at the agency began by appointment under Schedule A hiring authority for persons with certain disabilities.
- A list of changes made to the plan since the prior submission, if any, and an explanation of why those changes were made.

In accordance with the Section 501 Rule, each agency shall make the information submitted to the EEOC available to the public by, at a minimum, posting a copy of the submission on its public website and providing a means by which members of the public may request copies of the submission in accessible formats.

3. *Complaint Resolution*

In accordance with Federal Sector Equal Opportunity Rule [1614.104], each agency shall adopt procedures for processing individual and class complaints of discrimination. Examples of existing, promising and emerging practices include:

- **Conducting** a periodic study to improve the quality and efficiency of EEO complaint processing.
- **Forming** a Compliance Team to achieve efficiency in complaint processing, including discussing due dates, status of complaints and challenges in processing complaints.
- **Launching** EEO E-file, which automates parts of the EEO process and allows complainants to file and track complaints online in real time.
- **Developing** a Reports of Investigation Feedback Tool to assess the quality of reports of investigation, enabling EEO office to use that tool to provide feedback reports to sub-components on a regular basis.

APPENDIX: RESOURCE AND RESEARCH COMPENDIUM

This Resource and Research Compendium includes a selective list of federal and state agency regulatory and policy materials, research studies and reports and other reports/guidance identifying existing, promising and emerging practices regarding the recruitment, hiring, retention and advancement of people with disabilities.

Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce Guidance

- [EO 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#)
- [Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF)
- [MAX.gov EO 14035 Resources and Deliverable Guidance](#) (sign in required)
- [Integrating Accessibility Into Agency Diversity, Equity, Inclusion and Accessibility \(DEIA\) Plans](#) (GSA/Section 508.gov)
- [Agency Opportunities to Establish Chief Diversity Officer or Diversity and Inclusion Officer Pursuant to Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#)
- [OPM Overview of EO 14035](#) (PDF)
- EARN Fact Sheet: [Disability-Related Provisions of Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF)
- EARN Fact Sheet: [Disability-Related Themes Embedded in Executive Order 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF)

Section 501 Statute, Regulations and EEOC Guidance

- [Section 501 of the Rehabilitation Act](#) and implementing [regulations](#)
- Management Directive 715 (MD-715): Affirmative Action Plan for the Recruitment, Hiring, Advancement and Retention of Persons with Disabilities (2018):
 - [Instructions](#)
 - [Parts A-E](#)
 - [Part J](#) (Special Programs Plan for Recruitment, Hiring, Advancement and Retention of Persons with Disabilities)
- [Questions and Answers: The EEOC's Final Rule on Affirmative Action for People with Disabilities in Federal Employment](#)
- [Questions and Answers: Federal Agencies' Obligation to Provide Personal Assistance Services \(PAS\) Under Section 501 of the Rehabilitation Act](#)
- [Questions and Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce](#)
- [The ABCs of Schedule A](#)
- [Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164](#)

Section 508 Statute, Regulations and Guidance

- [Section 508 of the Rehabilitation Act](#)
 - [Regulations](#)
 - [Section 508 Tools](#)
- [Section508.gov](#)
- [Integrating Accessibility into Agency Diversity, Equity, Inclusion and Accessibility \(DEIA\) Implementation Plans](#)

Additional Executive Orders Related to Federal Disability Employment

- [Executive Order No. 13583 Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce](#) (August 18, 2011)
- [Executive Order No. 13548 Increasing Federal Employment of Individuals with Disabilities](#) (PDF) (July 26, 2010)
- [Executive Order No. 13163 Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government](#) (PDF) (July 26, 2000)
- [Executive Order No. 13164 Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation](#) (PDF) (July 26, 2000)
- [Executive Order No. 13078 Increasing Employment of Adults with Disabilities](#) (PDF) (March 13, 1998)

Federal Agency Toolkits and Model Strategies

- [Federal Employers Webpage](#), Office of Disability Employment Policy, U.S. Department of Labor
- [Federal Workforce—Practices to Increase the Employment of Individuals with Disabilities](#) (PDF), Statement of Yvonne Jones, Director Strategic Issues, U.S. General Accountability Office (February 16, 2011)
- [Participant-Identified Leading Practices that Could Increase the Employment of Individuals with Disabilities in the Federal Workforce, Highlights of a Forum](#), U.S. General Accountability Office (October 2010)
- [Improving the Participation Rate of People with Targeted Disabilities in the Federal Work Force](#), U.S. Equal Employment Opportunity Commission (January 2008)
- [Increasing the Federal Employment of People with Disabilities—Resources for Implementing Executive Order 13548](#) (PDF), Memorandum for Heads of Executive Departments and Agencies
- [2021 Guide to Telework and Remote Work in the Federal Government](#) (PDF), U.S. Office of Personnel Management

Research Papers and Reports

- [Report on the Employment of Individuals with Disabilities in the Federal Executive Branch, Fiscal Year 2015](#), U.S. Office of Personnel Management

Federal Resource Centers

- [U.S. Department of Agriculture TARGET Center](#)
- [U.S. Department of Labor Civil Rights Center](#)
- [U.S. Department of Transportation Disability Resource Center](#)

U.S. Department of Labor Federal Disability Employment Resources

- [Office of Disability Employment Policy \(ODEP\) Website](#)
- [Federal Employers Webpage](#)
- [Building an Inclusive Workforce: A Four-Step Reference Guide to Recruiting, Hiring, and Retaining Employees with Disabilities](#) (PDF)
- [Customized Employment Webpage](#)
- [Accessible Technology Resources](#)
- [Emergency Preparedness for People with Disabilities](#)
- [Disability Employment Statistics](#)
- [Apprenticeship.gov](#)

U.S. Department of Veterans Affairs Disability Employment Resources

- [VA State and Local Resources Directory](#)
- [National Resource Directory](#)

Technical Assistance Resources

- [Americans with Disabilities Act \(ADA\) National Network](#): A network of 10 regional ADA centers that provide information, referrals, resources and training on the ADA to businesses, employers, government entities and individuals with disabilities.
- [Employer Assistance and Resource Network on Disability Inclusion](#) (EARN): Offers information and resources to help public and private sector employers recruit, hire, retain and advance people with disabilities; build inclusive workplace cultures; and meet DEIA goals.
 - [Federal Exchange on Employment & Disability](#) (FEED)
 - [Finding Job Candidates with Disabilities](#)
 - [Inclusion@Work: A Framework for Building a Disability-Inclusive Organization](#)
 - [Section 501 Information Center](#)
 - [EO 14035 Information Center](#)
 - [Federal Agency Promising and Emerging Practices Facilitating Self-Identification of Disability](#) (PDF)
 - [A Roadmap for Developing Effective Collaborations & Partnerships to Advance the Employment of Individuals with Disabilities in the Federal Sector](#) (PDF)
 - [Advancing & Retaining Federal Employees with Disabilities—The Case for Centralized Accommodation Programs & Funding](#) (PDF)
- [Job Accommodation Network](#) (JAN): 1-800-526-7234 (TTY: 1-877-781-9403). Source of expert guidance on workplace accommodations, the ADA and related legislation and disability employment issues.
- [Partnership on Employment & Accessible Technology](#) (PEAT): promotes the employment, retention and career advancement of people with disabilities through the development, adoption and promotion of accessible technology.
- [Disability:IN](#): A national organization that represents employers using a “business to business” strategy to promote the business imperative of including people with disabilities in the workforce.

State and Local Resources for Recruiting and Hiring People with Disabilities

- [American Job Centers](#)
- [Centers for Independent Living](#)
- [Council of State Administrators of Vocational Rehabilitation National Employment Team \(NET\)](#)
- [Department of Labor Office of Federal Contract Compliance Programs \(OFCCP\) Employment Resource Referral Directory](#)
- [State Vocational Rehabilitation Agencies](#)
- [Ticket to Work Program Employment Networks \(ENs\)](#)

Internship Programs for Students with Disabilities

- [American Association for the Advancement of Science \(AAAS\) Entry Point!](#)
- [Project SEARCH](#)
- [Workforce Recruitment Program for College Students with Disabilities \(WRP\)](#)

Resources for State Employers and Policymakers

- [Work Matters: A Framework for States on Workforce Development for People with Disabilities](#) (PDF)
- [A Joint Resolution or Executive Order to Encourage States to Be Model Employers of People with Disabilities](#) (PDF)
- [National Conference of State Legislatures \(NCSL\) Employment of People with Disabilities Webpage](#)