

Delivering on the Promise:

**U.S. Office of Personnel
Management**

**Self-Evaluation
to Promote
Community Living for People
with Disabilities**

**Report to the President
On Executive Order 13217**

Office of Personnel Management

Introduction

Pursuant to Executive Order No. 13217, the Office of Personnel Management (OPM) has engaged in a review of human resources practices, policies, procedures, and laws to identify barriers and potential solutions to help promote full participation of individuals with disabilities in community life. The Executive Order does not expressly identify OPM as one of the Federal agencies charged with conducting a review; however, recognizing that opportunities for productive employment are an essential part of carrying out the President's Executive Order and the *New Freedom Initiative*, OPM volunteered to conduct a review. Focusing on the Federal government's role as an employer, OPM has used this opportunity to pro-actively review human resources practices, policies, procedures, and laws and to identify strategies that will open further opportunities for Federal service to the disability community.

Background

When President George W. Bush launched the *New Freedom Initiative* on February 1, 2001, he said, "Americans with disabilities should have every freedom to pursue careers, integrate into the workforce, and participate as full members in the economic marketplace. The New Freedom Initiative will help tear down barriers to the workplace, and help promote full access and integration." The President has made it clear that the Federal government itself must be a model employer—exemplary in its practices, demonstrating through its actions what it expects and trusts state and local governments to do, and illustrating to the private sector what is possible.

With a permanent workforce of 1.8 million, the Federal government is the nation's largest employer and purchaser of goods, services, technology, and health care. As the Federal government's human resources agency, the OPM works with agencies to create tailored systems within current law to recruit, develop, manage, retain, and advance a high-quality and diverse workforce, and to do it in a fair and equitable way. Congress has entrusted OPM with managing these systems, and the President relies on us to continuously improve them. Our vision is a Federal workforce that consistently produces results that meet and often exceed citizens' expectations.

According to a Census Bureau report, there are 54 million Americans with disabilities, almost 20% of the U.S. population. Among the almost 1.8 million permanent Federal workers, however, 120,525 are individuals with disabilities. This represents approximately 7.1% of all civilian employees in the Federal Executive Branch

workforce.¹ In contrast to the increasing representation of women and minorities, the representation of employees with disabilities has remained stable in the last two decades. OPM found that among non-postal Executive Branch departments, the representation of people with disabilities ranges from 3.2% to 11.0%. The representation of employees with disabilities in Federal independent agencies ranges from 2.3% to 32.6%.

The Equal Employment Opportunity Commission (EEOC) defines “Targeted Disabilities,” as deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness, and genetic and physical conditions affecting limbs and/or spine, i.e., those most likely to be included in the Olmstead class. The employment representation of persons with targeted disabilities is very low relative to their proportion in the overall working-age population. In large Federal agencies, the representation ranges from 0.4% to 1.8%, and in independent agencies the range is 0.2% to 27.9%.

Another measure of this low representation is through the use of five special appointing authorities for hiring people with disabilities (Title 5 of the Code of Federal Regulations) available in the Federal government. Over the past five years, only 5,470 employees with disabilities have been hired in the Federal government through these authorities. Agency representation varies considerably from 2 to over 1,000 new hires.

A critical variable in recruitment, retention, and advancement of employees with disabilities in the Federal government is the availability of reasonable accommodations, including assistive technology and other supports that enable employees with disabilities to perform competitively and excel in their jobs. The most frequent discrimination complaint filed by people with disabilities to the EEOC among *private sector employees* is discharge. Interestingly, the most frequent complaint filed by *Federal employees* with disabilities is failure to provide reasonable accommodation.

OPM’s guidance, policies and practices must serve as a catalyst for making the federal government – the nation’s largest employer – an example of leadership and commitment when it comes to ensuring that all Americans enjoy the full opportunity to participate in the workplace. The remainder of this report presents OPM’s leadership strategies for implementing the Executive Order and ensuring the success of the President’s *New Freedom Initiative*.

Future Efforts

In support of the goals of Executive Order 13217, the Office of Personnel Management has identified four areas that hold potential for ensuring that Federal employees with disabilities can fully participate in their communities and can take full advantage of the opportunities in Federal service:

¹ Demographic Profile of the Federal Workforce, September 30, 2000, Office of Personnel Management, Office of Workforce Information.

I. INCREASE INNOVATIVE AND STRATEGIC PARTNERSHIPS ACROSS FEDERAL AGENCIES TO PROMOTE THE EMPLOYMENT AND RETENTION OF PEOPLE WITH DISABILITIES IN THE FEDERAL GOVERNMENT.

Recommendations and Actions:

- **Strengthen relationships with the Social Security Administration (SSA) to promote the implementation of the Ticket to Work Program.**

Background: SSA is beginning to implement the Ticket to Work program, which is designed to return Social Security disability recipients to employment. The Office of Personnel Management provides Federal human resources policy and leadership on the employment of people with disabilities in the Federal government. OPM and SSA would benefit from a partnership in which the agencies can work together to promote the program as a good source of qualified applicants for Federal employment.

Action:

OPM and SSA will develop a memorandum of understanding, which will define the role each will play in promoting the Ticket to Work Program.

- **Strengthen relationships with the Department of Education's Rehabilitation Services Administration to promote Federal employment of state Vocational Rehabilitation clients.**

Background: The Rehabilitation Services Administration (RSA) provides funding to state Vocational Rehabilitation Offices which in turn provide vocational rehabilitation services for people with disabilities. Vocational Rehabilitation agencies are a good source of qualified applicants with disabilities for Federal employment. OPM has begun to work with RSA, developing materials for Vocational Rehabilitation agencies to streamline the disability certification process. OPM and RSA would benefit from a strengthened partnership in which the agencies can work together to ensure that state Vocational Rehabilitation Offices are aware of Federal human resources guidelines and Federal employment opportunities.

Action:

OPM and RSA will develop a memorandum of understanding to define the role each will play in providing information on Federal employment and communicating with state Vocational Rehabilitation offices.

- **Strengthen relationships with the Department of Labor (DOL) to promote Federal employment of people with disabilities.**

Background: The One-Stop Career Center System, led by DOL, is an integrated service delivery system for job seekers throughout the country. This system

coordinates at the local level the delivery of multiple employment and training programs funded by a variety of Federal agencies. OPM provides Federal human resources policy and leadership on the employment of people with disabilities in the Federal government. One-Stop Career Centers can be a good source of qualified applicants with disabilities for Federal employment.

Additionally, DOL and the Department of Defense (DOD) manage the Workforce Recruitment Program (WRP) for college students with disabilities. The WRP is a good source for placement of students with disabilities in both summer and permanent jobs. In 2001, OPM requested and obtained from the Office of Management and Budget an exemption to governmentwide Federal hiring controls to allow WRP candidates to be hired for summer jobs.

DOL has implemented the Employer Assistance Referral Network (EARN) which provides employers interested in filling jobs with candidates who are disabled. OPM should promote EARN to Federal agencies as a good source for hiring people with disabilities.

OPM and DOL would benefit from a partnership to ensure that One-Stop Career Centers are aware of Federal human resources guidelines and Federal employment opportunities, to promote the WRP for hiring people with disabilities, and to ensure that Federal agencies are aware of EARN as a resource.

Actions:

1. OPM and DOL will develop a memorandum of understanding which will define the role each will play in providing information on Federal employment to One-Stop Career Centers, and promoting use of the EARN and WRP for Federal employment of people with disabilities.
2. OPM will work with DOL to ensure EARN is aware of Federal requirements in hiring people with disabilities.

II. *INCREASE THE USE OF TECHNOLOGY TO DISSEMINATE INFORMATION ABOUT EMPLOYING PEOPLE WITH DISABILITIES IN THE FEDERAL GOVERNMENT.*

Recommendations and Actions:

- **Widely disseminate information to employees, managers and supervisors about the employment of people with disabilities in the Federal government, including hiring authorities, certification, reasonable accommodation, job opportunities, resources, and working with people who have disabilities.**

Background: An important strategy for increasing the employment of people with disabilities in Federal service is to provide them with accurate and comprehensive information about the laws, regulations, and policies that apply. Several sources of this information have been available from Federal agencies, including electronic information. However, unless an individual knows where to

seek the information, it could be a frustrating process. In an effort to make the information more easily accessible and more comprehensive, OPM convened an interagency working group to address this need.

Actions:

1. OPM will take the lead on developing a special comprehensive and user-friendly website on Federal employment of people with disabilities for use by potential employees, current employees, managers, human resource professionals and supervisors. The website will contain the pertinent laws, regulations, policies, and guidance. It will also contain technical information about certification, selective placement coordinators, and other aspects of employment of people with disabilities. The website will be useful to managers who need to know how to interview people with disabilities, what the hiring authorities are, and what the procedures are for providing reasonable accommodation. The information on the website will be accessible to individuals with disabilities. The website will meet section 508 requirements.
2. OPM will aggressively market the new website at its conferences and events, on its home page, and through other communications.

III. UTILIZE REVISED POLICIES AND GUIDANCE ON THE FEDERAL EMPLOYMENT OF ADULTS WITH DISABILITIES TO IMPROVE AGENCIES' CAPACITIES TO RECRUIT AND RETAIN PEOPLE WITH DISABILITIES IN THE FEDERAL WORKFORCE.

Recommendations and Actions:

- **Revise guidance and explore the revision of regulations that impact agencies' ability to hire and retain people with disabilities.**

Background: OPM reviewed regulations, policy and guidance on the Federal employment of adults with disabilities and will revise requirements to enhance the ability of agencies to hire people with disabilities. OPM developed and disseminated a Model Employment Plan showcasing best practices of Federal agencies in the employment of adults with disabilities. It serves as a valuable reference for actions Federal agencies can take to increase the employment of adults with disabilities. OPM is revising its Employment Guide for People with Disabilities in the Federal government to incorporate regulatory changes allowing people with psychiatric disabilities to become permanent employees. OPM is also changing guidance to make it easier for people with disabilities to apply for Federal employment.

OPM regulations limit which entities can certify that an applicant has a disability. They are the state Vocational Rehabilitation agencies and the Department of Veterans Affairs. OPM will explore a change in regulation to add SSA as a certifying agency. This could streamline the process in allowing Ticket to Work candidates to apply for Federal jobs.

Telework has proven ties to recruitment and retention. Among other benefits, it allows agencies to hire individuals whose disabilities would make commuting difficult or impossible since they can work from home. The ability to telework encourages applications from disabled employees who might otherwise not consider applying for a federal job. Employees are likely to stay with an employer who offers telework as work option. Allowing current disabled employees, and those who become disabled, to continue with their current job by allowing them to telework will aid in agencies' ability to retain federal employees.

Actions:

1. OPM will revise the Employment Guide for People with Disabilities in the Federal government.
2. OPM will explore revising regulations on certification with the intent to add SSA as a certifying agency. This could help streamline the process allowing Ticket to Work candidates to apply for Federal jobs.
3. OPM will provide guidance to agencies to advertise telework opportunities as part of their recruiting package which includes vacancy announcements, job fairs, and the like. In addition, OPM will provide agencies with guidance on placement of telework opportunities on the first page of their web sites, as well under the category of "employment" to increase awareness of telework opportunities particularly to disabled employees.
4. OPM will expand its current efforts to encourage agencies to identify more positions suitable for telework arrangements, and to provide more flexible telework policies to aid in the retention of disabled employees

IV. *EXPAND EFFORTS TO EMPLOY PEOPLE WITH DISABILITIES IN THE FEDERAL GOVERNMENT THROUGH DISSEMINATION OF INFORMATION AT MEETINGS AND CONFERENCES AND THROUGH OTHER MEANS.*

Recommendations and Actions:

- **Use a variety of strategies for disseminating information about the recruitment and retention of people with disabilities in the Federal workforce.**

Background: OPM has developed guidance to Federal agencies on the employment of adults with disabilities. OPM co-chaired the Human Resources Management Council (HRMC) Disability Committee that developed materials to help agencies increase their hiring of people with disabilities. OPM is developing a website that will be a rich resource of material for applicants, employees, managers and human resources professionals on the employment and reasonable accommodation of people with disabilities. OPM has Employment Fact Sheets specifically addressed to hiring persons with disabilities on its USAJOBS system. OPM makes presentations at a number of conferences where it can promote information about the employment of people with disabilities.

Action:

OPM will conduct a campaign to disseminate information on the Federal employment of adults with disabilities directed to the HRMC and other stakeholders. The campaign will include presentations at national conferences, memoranda to agency heads, meetings, printed materials, and other tactics for informing the HRMC and other stakeholders about the employment of people with disabilities in the Federal government.