

Chapter 3. Integrating Americans with Disabilities into the Workplace

Expanding Telecommuting

Telework is continuing to gain in popularity in both the private and public sectors. President Bush believes that the ability to telework increases available employment options for individuals with disabilities, and his New Freedom Initiative directs that activities be undertaken to promote the expansion of telework options.

Accomplishments

- The President established the Access to Telework Fund program to allow individuals with disabilities to work from home or from other remote sites away from the office. Under this program, individuals with disabilities, their families, guardians, advocates, and other authorized representatives will have increased access to computers and other equipment, including adaptive equipment, through state programs that offer alternative financing mechanisms. The Department of Education's Rehabilitation Services Administration has funded 20 projects under this program.
- The Departments of Labor, Health and Human Services, and Veterans Affairs are conducting a two-year study to evaluate the extent and manner in which various home-based telework/telecommuting arrangements, including call center and medical transcription services, can enhance the employment of people with disabilities. The three pilots required by this research project were launched during 2003, and an interim report to Congress will be sent in early 2004.
- In February 2003, the Equal Employment Opportunity Commission released a fact sheet to help employers and employees determine whether working at home is an appropriate form of reasonable accommodation under the Americans with Disabilities Act. See <http://www.eeoc.gov/facts/telework.html>.
- The Office of Personnel Management has recently produced a videotape to promote the use of telework and is currently developing two e-Training modules to be posted on www.golearn.gov (the website for the Federal government online learning center) on the telework program.

Next Steps

- The President continues to support in his FY 2005 budget a proposal allowing individuals to exclude from taxable income the value of computers, software, and other equipment provided by their employers for telecommuting.
- The Department of Labor will conduct post-pilot follow-up from its telework project to prepare a final report to Congress on the feasibility of various home-based telework arrangements for promoting employment opportunities for people with disabilities.

Implementation of "Ticket to Work"

The Bush Administration vigorously promoted implementation of the landmark Ticket to Work and Work Incentives Improvement Act (Ticket Act). Under the Ticket to Work program, eligible individuals receiving Social Security and/or Supplemental Security Income benefits due

to disability or blindness receive a ticket that they may use to obtain vocational rehabilitation services, employment services, or other support services from an employment network or a State vocational rehabilitation agency of their choice. The Social Security Administration administers the Ticket to Work program.

Accomplishments

- The Ticket to Work program is being rolled out in three phases, the first two of which have already been completed. During the first two phases, approximately 4.9 million tickets were issued in 33 states and the District of Columbia. As of December 2003, the Social Security Administration had awarded 1,067 contracts to public and private entities wishing to serve as employment networks for ticket holders.
- In 2001, the Social Security Administration and the Department of Labor established Ticket to Hire, a free national employer referral service to help beneficiaries participating in the Ticket to Work program find work. Ticket to Hire links employment networks and state vocational rehabilitation agencies servicing job-ready Ticket beneficiaries to employers who are seeking qualified candidates for positions. To date, Ticket to Hire has enrolled over 800 employers and referred over 900 candidates. *See* <http://www.ssa.gov/work/Ticket/TicketHire.html>.

Next Steps

- The Social Security Administration will complete the third and final phase of the roll out of Ticket to Work. During this phase, 3.5 million tickets will be sent out in the remaining 17 states and the U.S. territories.

Full Enforcement of the Americans with Disabilities Act

The President supports full enforcement of the Americans with Disabilities Act (ADA), but recognizes that more work needs to be done. Federal agencies, including the Department of Justice and the Equal Employment Opportunity Commission, enforce the ADA through complaint investigations and litigation. The New Freedom Initiative also calls upon agencies to develop new, innovative strategies to educate covered employers about the ADA and about the benefits of hiring qualified individuals with disabilities.

Accomplishments

- The Department of Justice created the “ADA Business Connection,” a project to bring about increased compliance with the ADA by fostering a better understanding of ADA requirements among the business community and by increasing dialogue and cooperation between the business community and the disability community. Continuing work has resulted in productive discussions and promising collaborations between the business and disability communities.
- The Department of Justice created a new ADA Business Connection destination on its ADA website, www.ada.gov, that provides easy access to information of interest to businesses including a new series of ADA Business Briefs on specific compliance issues, such as assistance at gas stations, accommodation of individuals who use service animals, and restriping parking lots. These one-sheet flyers are designed to be easily printed for direct distribution to a business's employees or contractors.

- The Department of Justice released a new small business video, *Ten Small Business Excuses: Information on the Americans with Disabilities Act*, to educate small businesses about their ADA obligations. It provides practical information and dispels common misunderstandings that small businesses have about the ADA. The tape can be used for ADA training and for presentation to local civic associations.
- In October 2002, the Department of Education announced a partnership with the U.S. Chamber of Commerce to acquaint businesses with programs and resources available at the Department of Education and at the Chamber to help employers tap into the disability community for qualified workers. The two organizations held a Webcast entitled *Disability Employment 101: Learn to Tap Your HIRE Potential*, which featured government and private officials discussing current research, successful strategies, and initiatives of the Department of Education related to employing people with disabilities. In October 2003, the Department of Education and the Chamber of Commerce released a guidebook with the same title to acquaint business leaders with programs and resources available to assist them in hiring people with disabilities.
- In December 2003, the Department of Labor and the Small Business Administration entered into a Strategic Alliance Memorandum creating the New Freedom Small Business Initiative. The agencies will work together to assist adult workers with disabilities in acquiring skills and resources necessary to become small business owners and educate small business owners about the benefits of hiring people with disabilities. The memorandum also calls for creation of a new interagency working group to develop and implement a coordinated plan for the New Freedom Small Business Initiative.
- In October 2003, the Equal Employment Opportunity Commission released the first in a series of fact sheets on how the ADA applies to particular disabilities in the workplace. These fact sheets convey information about the ADA in a user-friendly format. The first fact sheet answers a series of frequently asked questions about diabetes. See <http://www.eeoc.gov/facts/diabetes.html>.
- In August 2002, the Equal Employment Opportunity Commission released *The Americans with Disabilities Act: A Primer for Small Business*. See <http://www.eeoc.gov/ada/adahandbook.html>. In addition to widespread Internet dissemination, 15,000 hard copies of the *Primer* have been distributed throughout the country, including through targeted distribution to local Chambers of Commerce in traditionally under-served areas.
- In April 2002, the Equal Employment Opportunity Commission initiated its New Freedom Initiative Small Business Workshop project, and thus far has delivered more than 50 free workshops for businesses with between 15 and 100 employees or businesses that expect to expand in the near future. The workshops include practical information about the ADA, as well as information about tax incentives for hiring and retaining qualified individuals with disabilities, resources that small employers can consult to find appropriate reasonable accommodations, and information about how to find qualified individuals with disabilities to fill jobs. A number of these workshops have been co-sponsored with local Chambers of Commerce, minority business associations, and workforce development centers in geographically under-served areas. Many of these workshops are presented in partnership with the Department of Justice, which provides information on the ADA's public accommodations provisions.

- During FY 2002, the Equal Employment Opportunity Commission successfully resolved over 4,000 complaints of disability discrimination and recovered almost \$50 million in monetary benefits for ADA claimants. Most of these complaints were resolved administratively or with the help of the agency's highly successful mediation program.

Next Steps

- The Department of Justice will expand the ADA Business Connection by reaching out to small businesses nationwide, together with the Chamber of Commerce and the Small Business Administration, to help small businesses focus on persons with disabilities as customers and potential employees.
- The Department of Justice will establish a strategic partnership that takes advantage of the Small Business Administration's broad distribution network for the purpose of outreach to the business community on disability issues.
- The Department of Justice will develop new publications addressing important concerns of small businesses.
- The Department of Justice will focus more attention in litigation on cases that protect access to education, child care, and testing and licensing, all of which are gateways to employment and self-sufficiency for people with disabilities.
- The Equal Employment Opportunity Commission will release user-friendly fact sheets on how the ADA applies to other disabilities in the workplace.

Promoting Understanding and Use of Tax Incentives

Various tax incentives, including the Work Opportunity Tax Credit, seek to promote the hiring and advancement of qualified individuals with disabilities. Unfortunately, many businesses are not fully aware of them. The New Freedom Initiative calls for increased outreach to business about these tax incentives.

Accomplishments

- In 2002 and 2003, the Department of Justice sent newsletters to over seven million businesses containing articles about ADA-related tax incentives and other advantages of complying with the ADA. Readers were directed to the Department's ADA Information Line and the ADA Website for compliance assistance and a free ADA Tax Incentives packet.
- The Department of Labor's Office of Disability Employment Policy developed and disseminated a fact sheet, *Tax Incentives for Business*.
- The Department of Labor joined the Department of Housing and Urban Development in Community Renewal Workshops to educate participants in disability related tax matters and to disseminate the *Tax Incentives for Business* fact sheet. Participants of the workshops included economic development organizations and managers and operators of One-Stop Career Centers.
- The Equal Employment Opportunity Commission regularly includes information about tax incentives as part of its New Freedom Initiative Small Business Workshops.

Enhancing the Workforce Investment System

The Workforce Investment Act (WIA) of 1998 requires the establishment of One-Stop Employment Centers throughout the country. Governed by Local Workforce Investment Boards comprised of business and community leaders, the One-Stop Centers provide a single source of information about a variety of Federal programs that provide employment and training services. The One-Stop Centers must be accessible and offer their services in a non-discriminatory way to individuals with disabilities.

Accomplishments

- The Department of Labor and the Social Security Administration collaborated to provide \$18 million over two years for a pilot and evaluation of a new position within the One-Stop Centers, the Disability Program Navigator. The Disability Program Navigator provides expertise on the many programs and services that impact the successful employment of people with disabilities. A primary objective of the Navigator is to increase employment and self-sufficiency for persons with disabilities by linking them to employers and by facilitating access to programs and services that will enable their entry or re-entry into the workforce.
- The Department of Labor developed a comprehensive checklist for use by One-Stop Career Centers to aid in their compliance with WIA's disability non-discrimination requirements, and conducted a series of training sessions and on-site evaluation reviews for specific One-Stop Centers.
- The Department of Labor's Office of Disability Employment Policy's eighteen Customized Employment grants served 1,292 persons with significant disabilities with customized employment strategies through the One-Stop Career Center programs. Of that group, 595 have secured employment, earning an average hourly wage of \$8.99.
- The Department of Labor's Office of Disability Employment Policy awarded thirteen additional Customized Employment grants at the end of FY 2003, including five new grants extending customized employment services to persons with disabilities who are chronically homeless. These five collaborative grants are part of an unprecedented partnership between the Departments of Labor and Housing and Urban Development, with the assistance of the United States Interagency Council on Homelessness. They are designed to demonstrate the effectiveness of a coordinated effort to eradicate chronic homelessness by combining the efforts of local workforce development systems with their community's permanent housing service providers.
- The Department of Labor's Employment and Training Administration awarded 42 Work Incentive Grants totaling \$17 million during FY 2003. The Work Incentive Grant program addresses infrastructure inadequacies and programmatic access of the One-Stop system for people with disabilities.

Removing Disincentives to Work

Last year, approximately 5.85 million disabled workers received Social Security Disability Insurance (SSDI) benefits, and nearly four million working-age persons with disabilities received Supplemental Security Income (SSI) benefits. Fewer than one half of one percent of these individuals ever join or re-enter the workforce. While SSDI and SSI benefits are essential for

some individuals who, because of their disabilities, are unable to obtain gainful employment, the President is committed to removing disincentives to work that have long existed in the Social Security system and providing adequate supports for those wishing to move from the benefit rolls to work.

Accomplishments

- The President has supported increases to the Social Security Administration's budget to fund several demonstration projects aimed at removing disincentives and providing appropriate employment supports for those who want to work.
 - The President has committed \$7 million in FY 2004 and has requested \$25.5 million for FY 2005 for a project that would allow individuals to face a gradual reduction in benefits when they earn more than a certain amount, rather than a complete loss of benefits. Certain employment supports would also be provided, and individuals would be allowed to remain eligible for other benefits available under Title II of the Social Security Act, including health coverage.
 - The President has committed \$8.6 million in FY 2004 and has requested \$18.7 million in FY 2005 for another project that would provide a number of interventions to enable applicants for SSDI benefits to find and maintain gainful employment. Interventions would include access to a wide range of necessary employment services, a one-year cash stipend equal to the applicant's estimated SSDI benefit, and Medicare for three years to locate and maintain gainful employment.
 - The President committed \$5.4 million for FY 2004 and has requested \$12.6 million in FY 2005 for a demonstration project that studies the effects of the availability of treatment funding on the health care and job seeking of individuals with mental disabilities. Social Security would pay the costs of outpatient treatment and vocational rehabilitation services not covered by other insurance for individuals with mental disabilities participating in the study.

Promoting Best Practices

Promoting public and private sector best practices that work to enhance employment opportunities for people with disabilities works hand-in-hand with technical assistance efforts to foster integration of people with disabilities into the workplace.

Accomplishments

- In October 2002, Secretary of Labor Elaine L. Chao established the New Freedom Initiative Awards to recognize organizations and individuals that demonstrated exemplary and innovative efforts in furthering the New Freedom Initiative's employment objectives. For information about the program and the 2003 recipients, see <http://www.dol.gov/odep/newfreedom/nfi03.htm>. For information about the 2002 recipients, see <http://www.dol.gov/odep/newfreedom/recipients.htm>.
- The Equal Employment Opportunity Commission has initiated a project in which the agency, in partnership with the governors from several states, will conduct a study of state best practices for promoting the hiring, retention, and advancement of individuals

with disabilities. Thus far, the governors of Maryland, Vermont, Washington, and Florida have agreed to participate in the project.

Next Steps

- The Equal Employment Opportunity Commission expects that additional states will participate in its review of best practices. EEOC will release a report on state best practices, disseminate it to all states, and post it on the agency's website, www.eeoc.gov.

Promoting the Federal Government as a Model Employer

The Administration takes seriously the Rehabilitation Act's call for the Federal government to be a model employer of individuals with disabilities. In addition to efforts to promote compliance with Section 508 of the Rehabilitation Act, agencies have done or will do the following to further the hiring, retention, and advancement of qualified individuals with disabilities:

Accomplishments

- Seeking to substantially increase the number of individuals with disabilities employed by Federal agencies, the Office of Personnel Management is currently analyzing the excepted service Schedule A appointment authority for possible restructuring. This appointing authority is used when competitive examining is not practicable. After a period of satisfactory performance, individuals hired under Schedule A can be converted to competitive service appointments.
- The Department of Labor's Office of Disability Employment Policy hosted *Emergency Preparedness for People with Disabilities: An Interagency Seminar of Exchange for Federal Managers*. The seminar provided an opportunity for Federal managers in the fields of emergency preparedness, office safety, and disability programs to exchange effective practices that involve employees with disabilities in agency planning activities.
- In October 2002, the Office of Personnel Management provided a briefing for more than sixty agencies' Selective Placement Program Coordinators and other Federal human resources professionals regarding hiring flexibilities and the appointing authorities that permit agencies to hire persons with disabilities.
- The Department of Education's Office of Special Education and Rehabilitative Services is providing technical assistance to the Department of Homeland Security's Office of Civil Rights and Civil Liberties to assist in the recruitment and hiring of people with disabilities. Working with state vocational rehabilitation agencies and Centers for Independent Living, DHS hopes to attract qualified candidates with disabilities for opportunities at headquarters and in field offices.

Reaching out to Individuals with Disabilities

Efforts to educate individuals with disabilities complement outreach efforts to businesses. A number of initiatives aimed at individuals who have either never worked before or who are seeking to return to work, help to inform potential employees of their rights and responsibilities as they seek employment with better informed employers.

Accomplishments

- In FY 2003, through the Workforce Recruitment Program, the Department of Labor's Office of Disability Employment Policy helped 329 college students with disabilities obtain summer work experience in nineteen Federal agencies.
- In October 2003, the Equal Employment Opportunity Commission released a fact sheet for individuals with disabilities seeking employment entitled *Job Applicants and the Americans with Disabilities Act*. See <http://www.eeoc.gov/facts/jobapplicant.html>.
- The Equal Employment Opportunity Commission has begun providing free ADA workshops for individuals with disabilities seeking to enter the workforce. These workshops will be cosponsored by Centers for Independent Living and other organizations that provide employment-related services to people with disabilities.
- The Office of Personnel Management has launched a nationwide recruitment initiative at high schools that have a high concentration of people with disabilities.

Other Employment Related Activities

There are a number of other Administration activities that are expected to contribute to reducing the unacceptably high unemployment rate among individuals with disabilities.

Accomplishments

- On September 3, 2003, the Federal Motor Carrier Safety Administration (FMCSA) announced that it will exempt certain insulin-treated diabetic truck and bus drivers from the diabetes prohibitions in the Federal Motor Carrier Safety Regulations. The new program for these exemptions will apply to drivers of commercial motor vehicles in interstate commerce. The FMCSA is not amending its diabetes standard.
- As the result of a January 2003 meeting with individuals with psychiatric disabilities and professionals who serve this population, the Rehabilitation Services Administration is developing a publication containing the most innovative practices currently used by vocational rehabilitation professionals in assisting individuals with psychiatric disabilities to become employed. RSA is consulting with representatives from the state vocational rehabilitation agencies, consumers, mental health advocates, community-based rehabilitation providers, and university personnel. A draft of the report will be available in May 2004. The final publication will be used in training rehabilitation professionals and as a technical assistance resource for other individuals interested in this topic.
- In March 2003, the Rehabilitation Services Administration held the first in a series of meetings to highlight the vocational rehabilitation needs of individuals with traumatic brain injury. The one-day meeting facilitated discussion with advocates, researchers, partner program administrators, consumers, and providers of services and resulted in a list of recommendations designed to improve the services provided to this population.
- In November 2003, the Department of Labor joined the Department of Education, university personnel, and representatives from the state vocational rehabilitation agencies in forming a new study group on the topic of "Developing a New Paradigm for Vocational Evaluation." This group, which will release its draft report in May 2004, will make recommendations on how vocational evaluations can be provided more efficiently and effectively to improve the employment of individuals with disabilities.