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U.S. Presidential Task Force on the Employment of Adults with Disabilities

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Re-charting the Course: If Not Now, When?

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Comments

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RE-CHARTING THE COURSE:
IF NOT NOW,
WHEN?

**THE SECOND
REPORT OF THE
PRESIDENTIAL
TASK FORCE ON
EMPLOYMENT OF
ADULTS WITH
DISABILITIES**

**PRESENTED TO THE
PRESIDENT OF THE UNITED STATES**

NOVEMBER 15, 1999

**A Report of the
Presidential Task Force on
Employment of Adults with Disabilities.
Produced pursuant
to Executive Order No. 13078.**

Printed November 1999

Copies of this report are available from the Presidential Task Force on Employment of Adults with Disabilities Web site <http://www.dol.gov>. The Task Force is located at 200 Constitution Avenue, NW, Room S2220D, Washington, DC 20210; 202-693-4939 (V); 202-693-4290 (TTY); and 202-693-4929 (Fax). Alternative formats of this report are also available by contacting the Task Force.

Any modifications to the report, or material contained in this report, must be specified clearly, along with a description of the modification(s). Notice of modification(s) must be displayed prominently and must contain, if applicable, a notice that the modification(s) may compromise the validity and reliability of the conclusions or data in this report.

This report is a product of the Presidential Task Force on Employment of Adults with Disabilities. Prepared with the assistance of Health Systems Research, Inc. Report layout and cover design by Leaird Designs.



Re-charting the Course: If Not Now, When?

On March 13, 1998, President William J. Clinton signed an Executive Order which created the Presidential Task Force on Employment of Adults with Disabilities. The President named Secretary of Labor Alexis M. Herman to Chair the Task Force, and appointed Tony Coelho, Chairman of the President's Committee on Employment of People with Disabilities, as Vice Chair.

The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. Task Force members include the Secretary of Education, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the

Commissioner of the Social Security Administration, the Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chair of the National Council on Disability, and the Chair of the Federal Communications Commission.

The President urged Federal agencies to move swiftly in beginning the work outlined in the Order. Several interim reports are called for in the Executive Order, and the final report is due July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

This second report of the Presidential Task Force on Employment of Adults with Disabilities has the unique

opportunity to come at a time when we are closing out a century and beginning the next millennium. *The opportunity is now to substantively redirect the policies of our nation so that people with disabilities can work.* There is tremendous demonstrated support from President Clinton and Vice President Gore, who endorsed and acted on every recommendation made by the Task Force in its first report, *Re-charting the Course*. There is investment and support from 14 Cabinet members and other agency leaders across the Federal Government, who are developing action plans to address policy barriers and creating systemic change government-wide. There is the expressed need of employers across the nation, who are pleading for dedicated workers for their businesses at this time of record-low unemployment. And there is the

demand from people with disabilities across the nation who want to work, who want the benefits and choices that come with economic independence, and who want to fully participate in their communities.

President Clinton and Vice President Gore, the Task Force recognizes that change of the magnitude we are asking is hard. But if we cannot address needed changes now, with expressed support and commitment from so many sectors, when will it be possible? **If Not Now, When?** This second report of the Task Force is intended to push forward the message to all stakeholders, including but not limited to the Administration, Congress, Governors, State and local officials, people with disabilities and other interested parties: **The Time For Action Is Now.**

Staff of the Presidential Task Force on Employment of Adults with Disabilities

Rebecca L. Ogle, Executive Director

William R. McKinnon, Ph.D., Senior Public Health Advisor, Special Assistant to the Executive Director. Detailed from the Public Health Services, U.S. Department of Health and Human Services

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Robert G. Goldstraw, Policy Analyst, Detailed from the Office of Operations, Social Security Administration

Linda D. Kontnier, J.D., Policy Analyst, Detailed from the Employment Training Administration, U.S. Department of Labor

LaToya Plater, Office Automation Assistant

SHORTAGE OF LABOR:

Where have all the workers gone?
—Naples Daily News

Companies Anxious in Tight Labor Markets

—USA Today

According to research, three-quarters of working-aged people with severe disabilities are not in the labor force.

Northern Kentucky Faces Worker Shortage

—The Cincinnati Enquirer

Economy at Risk with Possible IT Worker Shortage!

Report Predicts Major Shortage of Highly Skilled Workers by Year 2005

—National Technical Information Service

Professor says ... worker shortage hurt business.

—Boulder News

Good Economy Means Low Worker Pool for State Business

—Career Times

December 4, 1999

The Honorable Alexis Herman
Chair
The Presidential Task Force on Employment
of Adults with Disabilities
200 Constitution Avenue N.W., Rm. S2220D
Washington, D.C. 20210

Dear Ms. Herman:

I recently received notice of the Town Hall meeting on employment opportunities for adults with disabilities. I have been going the rounds with school districts regarding transition and my daughter's right to be with a peer group of her own age for some time and in several States. I won a few battles, but generally lost that war. Tamara is now 21, no longer in school and we pay a person over \$900 per month to be with her during the day. Tamara has autism and is unable to speak. She communicates in a variety of ways, including typing with facilitation, using pictures, etc. She is a personable and happy person despite her challenges.

I recently took a teaching job at the high school to work with students with moderate to severe disabilities so that I might start a student run business for students that was integrated with typical peers and provide the experiences that I had hoped my own daughter would be able to receive. What I have found is that vocational training for students with moderate to severe disabilities is disjointed and uninspired. Students are placed in stereotypical job training and there is little coordination or collaboration between the high school and the vocational agencies who will be serving the students when they leave the high school. I implore the Task Force to consider the notion of job development along the lines of student strengths and needs, to strengthen VR evaluations so that students with moderate to severe challenges receive appropriate VR services, and to ensure that services are provided to those with the most significant challenges. Despite a lot of theory and discussion of educational best practices, despite talk of inclusion and equal opportunity, there is the reality that many of our young people are sitting at home or in group homes doing close to nothing after they leave high school. I'm sure this is not new information to anyone who has been working with the system. However, what I would like to suggest is that we give real backing to the notion of using technology and encouraging entrepreneurial development.

I recently submitted a grant for my daughter to start her own vending business. We'll see if such a venture can be funded, since it is not typical of most supported employment strategies. Still it is the best one I can think of for my own circumstances. But where is the technological support for our students with special needs in the schools??? I have worked in several districts across several States and in each school there were no computers and little technology offered for special ed. Our own student run business still has an old Macintosh Performa that I brought in because the District has not allocated funds for technology to the special education department to sufficiently serve the needs of those students. We need to make sure that we put our money and our expertise where our mouths are, and then make sure the money goes where it can benefit students the most. I'm sure there must be programs which can serve as good models, but I am also certain that there are a lot of promotion and hype when the reality is that needs are not being met by myriad of agencies whose purpose is to be serving adults with disabilities. There is an untapped potential out here, just waiting for an opportunity ... I hope whatever policy can be assembled recognizes the vast need for action and commitment beyond mere words.

Sincerely,



Gaye Avery-Grubbs, Tamara Earle, and Dream Keepers Staff



**PRESIDENTIAL
TASK FORCE ON
EMPLOYMENT
OF ADULTS
WITH
DISABILITIES**

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December 1, 1999

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

On behalf of the Task Force members, we respectfully and proudly submit to you our report, ***Re-charting the Course: If Not Now, When? The Second Report from the Presidential Task Force on Employment of Adults with Disabilities***, as mandated by Executive Order 13078. The work documented in this report, the second in a series of four reports, is a direct result of cooperation and collaboration among all our Federal partners - as mandated by the Executive Order. It represents a tremendous amount of work by dedicated members of the Task Force and Federal agency representatives.

When you signed Executive Order 13078 on March 13, 1998, you assigned the Task Force an enormous responsibility. With unemployment at a 30-year low, and employers' demands for more workers continuing to rise, fulfilling the objectives of the Executive Order is more critical than ever. As you have often stated in reference to adults with disabilities, "The last group of people in this country who could keep the economy going for all of us, with low-inflation, are Americans with disabilities - - who want to work, who can work, and who are not in the workforce. Every American citizen should have a selfish interest in the pursuit of this goal in the most aggressive possible way."

This report summarizes Task Force accomplishments over the past year, and provides recommendations that will further enhance the employment of adults with disabilities. We believe that the work of Task Force members' departments and agencies, illustrated throughout the pages of this second report, demonstrates that an aggressive national policy is beginning to take shape that will lead to the eventual elimination of barriers to employment for adults with disabilities.

Put Ability to Work!

Individuals with disabilities recognize and demand the right to economic independence. They will no longer tolerate the pervasive systemic barriers that prevent their achieving this goal. Nowhere is this more evident than in their coordination of the campaign, backed by key members of Congress and the Administration, to pass the Work Incentives Improvement Act. Your leadership, and that of Vice President Gore in this effort proved invaluable. It is through this type of demonstrated leadership that we are "re-charting the course," not only in the Federal Government, but throughout the nation.

On behalf of the Task Force members and staff, we applaud your sincere commitment to, and actions on behalf of, persons with disabilities. Because of your vision, as we enter the 21st century, we are advancing a progressive agenda which will ensure a place for those with disabilities as productive members of America's labor force. We thank you for your ongoing support.

Sincerely yours,



Alexis M. Herman
Secretary of Labor and Chair,
Presidential Task Force on
Employment of Adults with
Disabilities



Tony Coelho
Vice-Chair,
Presidential Task Force on
Employment of Adults with
Disabilities

Dedication

Dedicated to all people with disabilities, whose relentless pursuit of equality, justice, and the basic right to work continue to inspire the work of the Presidential Task Force on Employment of Adults with Disabilities.



April 21, 1999

Rally in Washington, D.C. in support of the ADA and against isolation and institutionalization of people with disabilities as the Supreme Court bears oral arguments in Olmstead v. L.C.

Photography: Tom Olin, Disability Photo Project

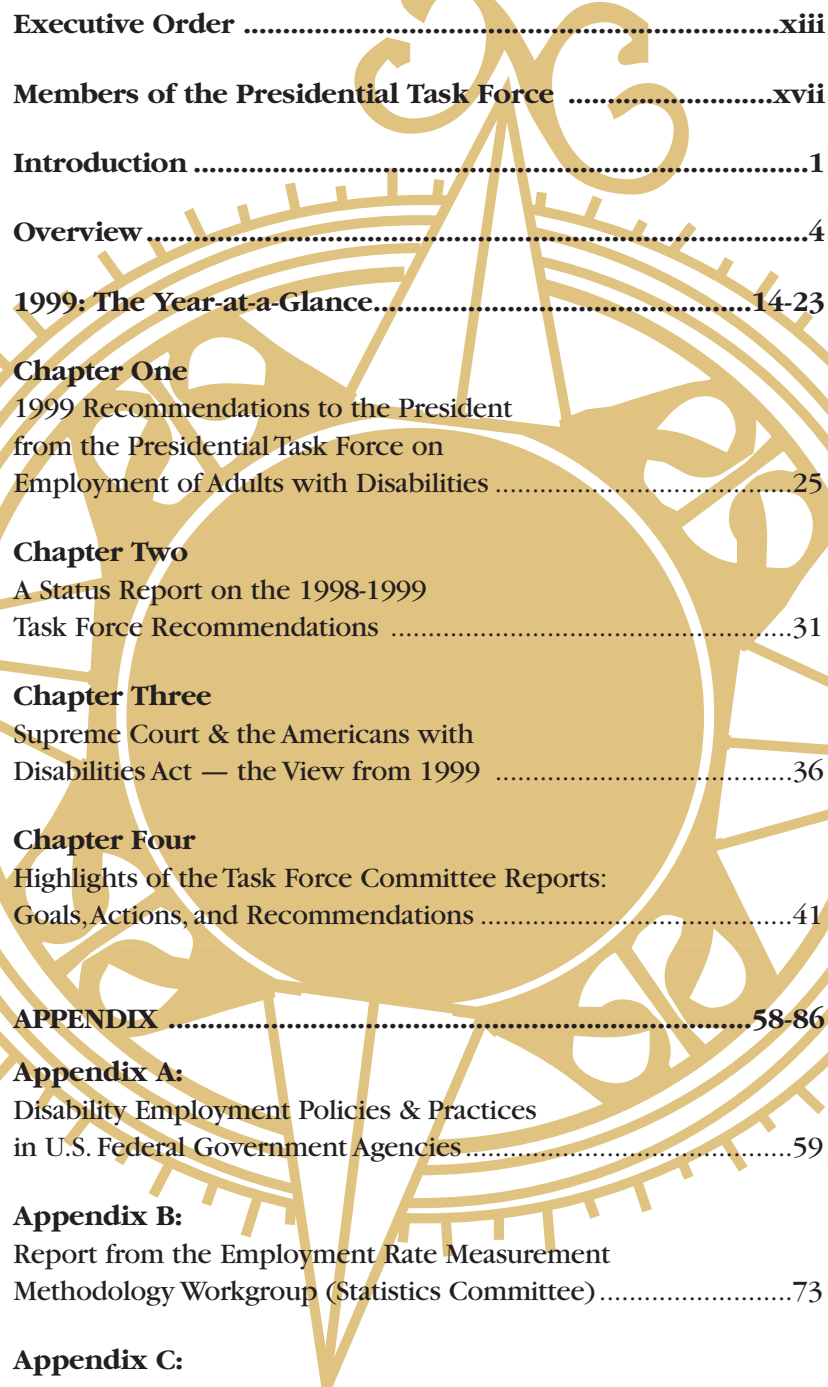
Acknowledgment

The Presidential Task Force members and staff acknowledge the invaluable leadership of each of the Chairs and Co-Chairs of the Committees and Subcommittee, as well as the input from all of the participants on each Committee. The Task Force is also indebted to the numerous participants during the Town Hall meetings conducted across the nation. We appreciate everyone's input, and look forward to building upon the foundation that has been laid toward the development of a coordinated and aggressive national policy strategy to address the persistent barriers to unemployment and underemployment of people with disabilities in the United States.

We are indebted for the time, energy and support from the National Economic Council, the Domestic Policy Council and the Office of Management and Budget in the Executive Office of the President and Office of the Vice President. Your support and guidance is critical to the success of the overall mission of the Task Force.

Finally, there have been others, too numerous to mention, that have contributed to the overall mission, vision and daily work of the Task Force. While it is not possible to list each and every individual and group ... to all — we thank you.

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March 13, 1998

President Clinton signs Executive Order 13078 creating the Presidential Task Force on Employment of Adults with Disabilities

*Back row: **Kenneth Apfel**, Commissioner of the Social Security Administration; **Janice R. Lachance**, Director of the Office of Personnel Management; **Aida Alvarez**, Administrator of the Small Business Administration; United States Senator **Tom Harkin** (D-IA); **Alexis M. Herman**, Secretary of Labor; United States Senator **Jim Jeffords** (R-VT); **Rodney Slater**, Secretary of Transportation; United States Representative **Steny H. Hoyer** (D-MD); **Togo D. West**, Secretary of Veterans Affairs.*

*Front row: United States Senator **Max Cleland** (D-GA); **Judith Heumann**, Assistant Secretary, Office of Special Education and Rehabilitation Services, Department of Education; **Justin Dart**; **Marca Bristo**, Chair of the National Council on Disability; **John Lancaster**, Executive Director of the President's Committee on Employment of People with Disabilities; and **Robert Williams**, Assistant Secretary, Office of Disability, Aging and Long Term Care Policy, DHHS.*



EXECUTIVE ORDER

----- INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report

on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include retention practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

Sec. 3. Cooperation. All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

William Clinton

THE WHITE HOUSE,

March 13, 1998.

Members of the Presidential Task Force on Employment of Adults with Disabilities



ALEXIS M. HERMAN
Chair
Secretary of Labor



TONY COELHO
Vice Chair
Chairman of the President's
Committee on Employment
of People with Disabilities



RICHARD RILEY
Secretary of Education



TOGO D. WEST, JR.
Secretary of Veterans Affairs



DONNA SHALALA
Secretary of Health and
Human Services



KENNETH APFEL
Commissioner of the Social
Security Administration



**LAWRENCE H.
SUMMERS**
Secretary of the Treasury



WILLIAM F. DALEY
Secretary of Commerce



RODNEY SLATER
Secretary of Transportation



JANICE R. LACHANCE
Director of the Office of
Personnel Management



AIDA ALVAREZ
Administrator of the Small
Business Administration



IDA L. CASTRO
Chair of the Equal
Employment Opportunity
Commission



MARCA BRISTO
Chair of the National
Council on Disability



**WILLIAM E.
KENNARD**
Chairman of the Federal
Communications Commission



December 14, 1998

*Secretary of Labor and Task Force Chair Alexis M. Herman presents **Re-charting the Course**, the Task Force's first report, to Vice President Gore at a Task Force meeting in Washington, D.C. (right)*

*At the same meeting, above, Vice President Gore and Secretary Herman talk with panel participants (Seated from left to right: **Vice President Gore, Rosie Esbach, Jenni Mechem, Secretary of Labor Alexis M. Herman, Akia Hood, and Lee Miller**).*



If Not Now, When?

On March 13, 1998, President Clinton signed Executive Order 13078, establishing the Presidential Task Force on Employment of Adults with Disabilities. This Task Force has the mandate to examine programs and policies related to employment of adults with disabilities to “*determine what changes, modifications and innovations may be necessary to remove barriers to work faced by adults with disabilities*” and to recommend options for such changes. The mandate is extremely broad — the examination and proposal of actions that sweep across national policies. Areas for Task Force activity touch the jurisdiction of virtually all governing agencies. *The ultimate mission of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population.* That strategy should be in place by July 26, 2002, the tenth anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990.

Re-charting the Course: The first report of the Task Force issued on November 15, 1998, outlined multiple barriers to employment and economic independence encountered by adults with disabilities. The primary barriers identified include: access to health care; complexity of existing work incentives; lack of choice and control in selection of

providers, services, and supports; inadequate work opportunities; erroneous and prejudicial attitudes about youth and adults with disabilities; and access to technology. The first report called on President Clinton and Vice President Gore to take immediate action to address these barriers and provided multiple initial recommendations toward this goal.

The prompt action of President Clinton and Vice President Gore in response to these first-year recommendations of the Task Force speaks volumes to their support of a progressive disability agenda. This action included provisions in the Administration’s Fiscal Year 2000 budget request for full funding of the Work Incentives Improvement Act; a substantial investment of \$35 million in assistive technology; a \$1,000 tax credit for work-related expenses; and a \$50 million investment in work incentives grants. Their initiatives also included: developing a plan to make the Federal Government a “model employer”; raising the substantial gainful activity level in Social Security programs; eliminating the stricter standard applied in Federal Government hiring practices for individuals with psychiatric disabilities; developing and implementing an intensive outreach campaign by the Small Business Administration to help individuals with disabilities start their own businesses; and making a commitment to the passage of a strong Patients Bill of Rights. Chapter Two includes a full status report on 1998-99 Task Force recommendations.

A progressive disability policy agenda is being elevated to new heights through the work of the Clinton-Gore Administration, bringing about the necessary involvement of multiple stakeholders that is required to reduce the barriers to employment for adults with disabilities. The principles of independence, empowerment, and inclusion have guided the Administration's effort to shape national policy for Americans with disabilities. From the State of the Union Address challenging Congress to pass the Work Incentives Improvement Act, to a Presidential Radio Address announcing the adoption of *Accessing Opportunity: The Plan for Employment for People with Disabilities in the Federal Government*, developed by the Office of Personnel Management, to the White House Conference on Mental Health, this Administration has put disability issues at the forefront of the American public agenda. Its initiatives will permanently change not only Federal Government practices but also the private sector's approach to employment of individuals with disabilities. *1999: Year-at-a-Glance* includes disability-related highlights from Task Force member departments and agencies.

As its second term comes to an end, the Clinton-Gore Administration can rightfully lay claim to a legacy of steadfast commitment to advancing the rights of people with disabilities as full participants in all aspects of society. The Administration's record on cases involving the rights and protections of individuals with disabilities has stayed the course, continually demonstrating strong support for providing equal and meaningful opportunity for all people. Supreme Court decisions have been mixed, but this Administration has stood firmly grounded in preserving the spirit and intent of the ADA. As Tony Coelho, Vice Chair of the Task Force and Chair of the President's Committee on Employment of People with Disabilities noted in remarks made directly after the decisions, "... *As the initial sponsor of the Americans with Disabilities Act in the House of Representatives, I found this spring's Supreme Court decisions very disappointing. We must continue to stick together and fight all efforts to cut back on Congress's original design. We must continue to speak truth to power — even a power as mighty as the Supreme Court.*" Chapter Three provides a more detailed report on Supreme Court decisions.

"There are people in places still not touched by our prosperity. Among them are almost three out of four Americans with severe disabilities who want to work, but aren't working. This is not just a missed opportunity for them, it's a missed opportunity for all of us..."

—President Clinton
Saturday, October 16, 1999

Equally important, Task Force members joined President Clinton and Vice President Gore in using the power and visibility of their positions to show the nation and the world that people with disabilities are valued contributors at all levels of our government and in every part of our society, in this way responding to the call for action outlined in ***Re-charting the Course***. Speaking at the National Conference of State Legislatures about the Supreme Court *Olmstead* decision in July, Secretary of Health and Human Services Donna Shalala stated that "... *no individual should have to live in a nursing home or State institution if that individual can live in a community ...*" Secretary Rodney Slater, announcing multiple transportation access action items for the Department of Transportation, stated on July 26th that "... *transportation is about more than concrete, asphalt and steel. It is the means by which people get to where they need to go: to jobs, to schools, to markets.*"

Secretary of Labor Alexis M. Herman, Chair of the Presidential Task Force, joined by Commissioner of Social Security Administration Kenneth Apfel, spoke at a joint meeting of the National Council on Independent Living and the National Association of Protection and Advocacy Systems in June. Representing Task Force members, Secretary Herman said, that "... *the time for excuses is over ... we are taking on the challenge of a coordinated national employment agenda for people with*

disabilities. It is time for action.” The Task Force Committees are ensuring that policies are coordinated and that agencies keep working together to knock down obstacles to employment — whether the barriers relate to job training, transportation, health care, technology, or any other challenge. Chapter Four provides highlights of Task Force Committee work to date.

Over the course of the last eight years, more than 19 million new jobs have been created in the Clinton-Gore era. Unemployment is at the lowest it has been in 29 years. Still, almost 75 percent of the 30 million working-age adults with significant disabilities remain unemployed or underemployed. Employers across the country are struggling daily to find workers. According to the *Wall Street Journal*, November 22, 1999, the nation’s pool of skilled, educated workers is “running dry” and no quick end to the labor shortage is in sight. Employers are being “forced to find less-traditional methods of staffing” to keep their businesses and enterprises

afloat. The Task Force is ideally positioned to make recommendations that will eliminate the barriers to employment for adults with disabilities and thus respond to employers’ demands for qualified workers. Chapter One includes the Task Force’s recommendations to President Clinton and Vice President Gore.

As our country prepares to enter the next millennium, our shared goal, as the world’s leading democracy with the strongest economy, must be to dramatically increase employment opportunities for people with disabilities. The Task Force is uniquely empowered to ensure that the Federal Government is leading the way in eliminating program and policy barriers that have prevented adults with disabilities from achieving economic self-sufficiency. Consistent with the mandate of the Executive Order, we proudly submit this report to the President and the public about the progress made by the Task Force to date.

If Not Now, When?

The Courage to Question

Prejudicial treatment, individual and societal avoidance, segregation, isolation, poverty. Relationships built on obligation and pity. How do we change this history of treatment of people with disabilities? How do we create a different future?

The foundation for our nation's policy related to people with disabilities was solidified through enactment of the Americans with Disabilities Act (ADA). But do public policies, in and of themselves, create equal and meaningful opportunity for participation in all the benefits of citizenship in the United States of America?

Questions prompt discussion. They lead to examination of the status quo, which leads to more questions, deeper examination, and identification of strategies for change. When questions result in controversy, the ensuing debate is ultimately healthy for our nation if we are serious about change.

Legislation such as the Americans with Disabilities Act, or the Rehabilitation Act, or the Individuals with Disabilities Education Act (IDEA) cannot change history and does not automatically produce needed change. Instead, public policy lays a framework for action. As we look back over twenty-five years of the implementation of IDEA, and ten years after enactment of the ADA, we must recognize that the responsibility for change does not rest solely with

the Federal Government. Nor does it rest solely with the Presidential Task Force, although the Task Force is charged with creating strategies and mobilizing action for change. It does not rest solely with Congress or with the Courts, although each has a critical role. It does not rest solely with Governors and other State and local leaders, although their role in implementing change is crucial. It does not rest solely on the shoulders of the media, although their power to shape, change and influence national dialogue should not be underestimated. And the responsibility does not fall solely on people with disabilities or their families. It will take all of us, working together, to create a more just and equal society for all people. All are responsible.

This year, through the exemplary leadership of President Clinton, Vice President Gore and senior members of their Administration, the beginnings of a revolutionary strategy for eliminating barriers to employment for adults with disabilities is emerging. This strategy is based on the belief that inclusion, economic independence, choice, and opportunities for meaningful participation — and careers — must be afforded to all people in our nation. It is based on the recognition that this has been denied to people with disabilities. To change this fact requires that we examine the depths of our own beliefs about people with disabilities as workers, as colleagues, as business owners. It requires that we ask the difficult questions, have the difficult debates, recognize and act on the needed change.

If Not Now, When? documents that difficult questions are being raised, debates are ensuing and strategies for change are emerging. Task Force members are proud of what has been accomplished in a short time, as reflected in this second report. Each member recognizes that eliminating barriers will require profound, systemic change, and is thinking strategically *and acting* to bring about that change.

It is clear that only a massive and sustained effort, continuing into the next century and involving all of us, will accomplish the task at hand. It requires our willingness to raise difficult and controversial questions about our priorities as a nation. It requires the courage to question, confront, challenge and change policies and practices, actions and beliefs. It requires the elimination of enormous disparities born of decades of erroneous societal thinking about, and stereotypes of, people with disabilities. It requires profound, top to bottom and side to side change. It requires thinking “outside the box” but not in isolation. And it requires working together and collaborating on a cross-disability, cross-agency, and cross-cultural basis.

President Clinton and Vice President Gore, the Task Force applauds your unquestionable and unwavering dedication to this mission, your willingness to lead this debate, and your determination to lead our nation into the next millennium with this critical charge.

The Urgency of Time

We must not lose the opportunity that faces us as we enter the 21st Century. Our nation is undergoing a sweeping transformation that is impacting all parts of society. The increasing diversity of our population, the impact of technology on our lives, the globalization of our economy — these and other changes are dramatically shifting the organization of our systems and how we participate as workers in our world.

This transformation is resulting in monumental change in how our Government operates. Gone are the days that Congress or the Federal Government mandates a far-reaching change without State and local cooperation and, most of all, financial

resources attached. Much of public policy and its implementation is devolving to States, providing an increase in control and power to State and local government over its design and implementation. This is not bad, but it is a change — and one that must be lived with and within as we continue to fulfill the mandate of the Executive Order to bring employment of adults with disabilities as close as possible to that of the general population.

As part of this transformation our nation is experiencing the strongest economy in a generation. There are new and expanded opportunities for employment and economic prosperity as scientific and technological advances result in industries and occupations unheard of only a few decades ago. Unemployment is at an all time low. Employers across the nation are struggling daily to find qualified workers. Yet, people with disabilities remain unemployed at stunning levels.

Opportunity is on our side. We must leverage this transformation to open the door to economic independence and employment for people with disabilities. For example, The Workforce Investment Act (WIA), passed by Congress in 1998, is a salient example of fundamentally changing how we view workforce development policy in a way that is good for workers and good for business. This law codifies many of the reforms that States and local communities had already begun to enact. WIA is meant to streamline, to cut red tape, and to provide services that are truly customized. The foundation of WIA workforce reform rests on four cornerstones: choice; integration; accountability; and a local focus. The intent is that all people, including people with disabilities, are customers of this new system. The bottom line? An outcome-driven system, responsive both to employers and people seeking jobs, empowering people with information and control, and resulting in employment.

The implementation of WIA is currently underway, and all States must have their workforce system in place by July 1, 2000. It is critically important that the One-Stop Career Center system have the capacity to serve *all* of its customers. This system will be the foundation for workforce services during the early decades of the 21st Century, and

“Freedom is hammered out on the anvil of discussion, dissent, and debate.”

—Hubert H. Humphrey

there is dramatic potential for increasing employment for people with disabilities as the system is put into place. But there is also great danger that patterns and practices of the past will be repeated — and that the needs of people with disabilities will be an afterthought.

The Department of Labor in consultation with other Federal partners, particularly the Rehabilitation Services Administration, has been working intensively to promulgate regulations and other policy guidance regarding workforce development and people with disabilities. President Clinton and Vice President Gore, the Task Force values your leadership in securing \$20 million of the \$27 million requested in the Administration’s FY 2000 budget for Work Incentives Grants to foster interdisciplinary consortia and service integration at the State and local level — and thus promote coordination and integration of employment related services for people with disabilities through One-Stop Career Center Systems. The Task Force agencies and department members are eager to begin work on this critical project, and look forward to providing updates on our progress.

The foundation of choice, integration, accountability, and local focus is equally relevant to the recently passed legislation, the Ticket-To-Work and Work Incentives Improvement Act (WIIA) of 1999. WIIA is intended to provide increased choice and control for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries through the newly created Ticket-to-Work and Self-Sufficiency program. One-Stop Career Center Systems are identified as potential members of the eligible provider networks for SSDI and SSI beneficiaries seeking or returning to work under this program.

WIIA also allows States to offer a Medicaid “buy-in” for people receiving SSDI and SSI benefits who are starting or returning to work and, by working, would lose their health care eligibility. In addition, WIIA extends premium-free Medicare coverage for

SSDI recipients who return to work for an additional four-and-a-half years beyond the three years provided under current law.

President Clinton and Vice President Gore, these are critical health care options for people with disabilities that will assist significantly in expanding employment possibilities, and your invaluable leadership to champion this legislation to passage goes without question. However, these provisions do not, in and of themselves, solve the enormous barrier to securing health care for people with disabilities seeking work. *States must elect to implement these provisions, and we must ensure that they do so.* We have a decisive and timely opportunity, *right now*, to ensure that they do so through the continued efforts of the Department of Health and Human Services to provide technical assistance and advice to States in implementing the WIIA. Equally important are the provisions within WIIA that include \$150 million infrastructure grants for States, as well as the five-year, \$250 million demonstration program that allows participating States to provide Medicaid-equivalent services to workers with disabilities that, without health care access, would become significant enough to qualify them for SSDI or SSI. It is imperative that these funds be made available as soon as possible to maximize implementation of WIIA across the country.

The Social Security Administration has taken the lead in coordinating with the Departments of Health and Human Services, Education and Labor and the Task Force to host a series of public forums to provide information and opportunity for discussion on the following topics: SSA customer service and work incentives initiatives; State health care systems and models; employment initiatives of the Departments of Education, Labor and Health and Human Services; and an update on the Administration’s plans for implementation of WIIA. These forums are yet another example of government operating with a new focus — the customers. They are also indicative of the

recognition by Task Force members that individuals with disabilities are essential partners in ensuring successful implementation of the Ticket-to-Work and Work Incentives Improvement Act and the Workforce Investment Act.

These policy shifts and other opportunities are *forcing* us to re-organize how we do business across the nation. *The mainstream infrastructure of our communities are where the future of services and supports must rest.* People with disabilities across the nation are asking for inclusion in these mainstream services and systems, which lay the foundation for their community participation. The program and service structures of the past which categorized and separated children, young people and adults with disabilities, although with good intention, must partner with these mainstream services, and in that process refashion a new way of working for themselves.

The Opportunity to Lead

As previously outlined, our nation is undergoing dramatic shifts in how it operates as we enter the next millennium. The sweeping legislative agendas of the past *are* the past. Gone are the days that the Congress or the Federal Government mandates a far-reaching change without State and local cooperation and, most of all, financial resources attached. Big government spending days are over and fiscal responsibility and accountability are primary themes driving development and delivery of policy and services. This is not bad, but it is a change. It is a change that must be lived with and within as we continue to fulfill the mandate of the Executive Order to bring employment of adults with disabilities as close as possible to that of the general population.

Recognizing this, the Federal Government can lead the way by modeling exemplary practice in recruitment and hiring, accommodating and promoting people with the full range of disabilities. President Clinton and Vice President Gore, the Task Force commends the recent release of *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government* by the Office of Personnel Management in October. This action plan will ensure that more people with disabilities are recruited for positions at all levels of government; provide opportunities for students with disabilities; collect and maintain data to monitor the success of people with disabilities in the Federal workforce; and provide reasonable accommodations for applicants and employees with disabilities. The successful implementation and enforcement of *Accessing Opportunity* will provide the private sector an example to follow.

We must recognize that our existing laws prohibiting discrimination, such as the ADA and Sections 503 and 504 of the Rehabilitation Act, will be our foundation for creating change in both the public and private sector. We must leverage the existence of these laws, combined with the leadership of our Federal Government, to create change. For example, Federal contractors employ approximately 26 million people, or nearly 22 percent of the total civilian workforce. This is a critical area for leveraging the influence of the Federal Government for increasing employment and changing practices about employment of people with disabilities. More information on Section 503 compliance and best practices is needed to inform Federal contractors about effective hiring strategies.

“The last group of people in this country who could keep the economy going for all of us, with low inflation, are Americans with disabilities — who want to work, who can work, and who are not in the workforce. Every American citizen should have a selfish interest in the pursuit of this goal in the most aggressive possible way.”

—President Clinton, June 4, 1999

The enforcement agencies also should explore methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs (OFCCP), should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission (EEOC), in coordination with the Department of Justice and the Department of Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, the EEOC and OFCCP should explore joint enforcement strategies.

President Clinton and Vice President Gore, the Task Force recommends that *the Department of Justice, Department of Labor and the Equal Employment Opportunity Commission be provided increased resources to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.*

There are multiple additional ways that we can reach our desired goal for increasing employment. The February 2000 release of standards governing

Section 508 of the Rehabilitation Act provides a critical opportunity that can be leveraged both for procuring accessible technology and equipment, and for increasing employment of adults with disabilities through the availability of such equipment. As the largest purchaser of technology and equipment, the Federal Government's procurement practices must be leveraged to promote development of technology that is accessible to and usable by people with disabilities. In addition, the recently promulgated regulations governing Section 255 of the Telecommunications Act include provisions to influence development of communication technologies for the future that are accessible to people with disabilities. These regulations, providing for an information highway infrastructure that is accessible, create opportunities for expanded employment for people with disabilities.

President Clinton and Vice President Gore, as a nation we must make a significant investment of our resources targeted specifically to ensuring access to accessible and affordable information, communication and assistive technology for people with disabilities. As we enter a new century, we must ensure through our actions today that the workers of tomorrow are prepared with skills and training, and equipped with the tools necessary to succeed.

The year 2000 marks the Tenth Anniversary of enactment of the ADA. As we prepare to celebrate the anniversary of this landmark civil rights law, we must leverage the leadership of the Federal Government through vigorous enforcement of civil rights laws and oversight of critical regulatory requirements. The Federal Government can also demonstrate, through its own exemplary practice, effective strategies as a model employer.

“... Improving opportunities for people with disabilities is a win-win situation for everyone. For people with disabilities, it means inclusion, freedom, and empowerment. For business, it means more customers, higher profits, and additional qualified workers. For taxpayers, it means millions more people contributing to the system, and fewer people dependent on it. We know it won't be easy ... ”

—Vice President Al Gore, 1999

The Power and Responsibility to Participate

Ours is a government *of* the people, *for* the people, *by* the people — individual voices shaping our collective future as a nation. Each person has the power — and the responsibility — to participate. Our democracy affords each person a voice. More and more people with disabilities are using their personal power in this participatory democracy — making their voices heard — thereby influencing the ways that programs and policies are designed and delivered.

Every day in communities across the nation there are new opportunities to take part in the democratic process, to create change that will open the door to employment and full participation for people with disabilities. The Clinton-Gore administration has taken the lead in reinventing government and much of the impetus for this change came from the voices of the people. One example of reinventing government services is “Access America for Seniors,” an Internet site providing information on a wide range of government services. Vice President Gore described this as ... “an excellent example of our efforts to reinvent government to provide services that American people need and care about.”

President Clinton and Vice President Gore, the Task Force commends the steadfast commitment of the Administration to ensure that opportunities of the Information Age are available to all Americans, and especially to children who are our future. *The Task Force respectfully requests consideration of additional resources to establish a new Web site specifically addressing Federal Government programs and policies for people with disabilities. Access America for People with Disabilities will link persons with disabilities and other interested individuals with comprehensive information so that they can effectively navigate their worlds and ultimately more effectively participate in their communities and the workforce.*

The Task Force, led by Secretary of Labor and Chair Alexis M. Herman and Vice Chair Tony Coelho, is taking the lead in reshaping Federal employment policies for people with disabilities by actively

reaching out to key stakeholders across the nation to involve them in the debate about change. During this year, numerous Town Hall meetings were held to provide a forum for interested persons to discuss their thoughts, concerns and experiences about employment for people with disabilities. The first Town Hall meeting, held in Los Angeles on June 3, 1999, focused on two key areas — expanding employment opportunities for young people with disabilities and expanding self-employment and entrepreneurial opportunities.

At this first Town Hall meeting individuals with disabilities, parents, educators and other interested people provided in-depth testimony about issues, specifically relating to young people, such as transition from school to work. The overwhelming majority of voices implored Task Force members to make young people with disabilities a priority when developing future projects and examining public policy. Task Force members heard firsthand accounts from young people about the lack of options available for employment and economic independence. These young people with disabilities very eloquently outlined multiple barriers that they face while in school and as they attempt to transition into the workplace. Some of these barriers included the following: lack of adequate educational accomplishment; low expectation by their family, the education system, service providers and societal expectation in general; their own low self-esteem; and confusing governmental programs with baffling eligibility criteria and goals.

Each year, about 40,000 eighteen-year-olds are subject to an eligibility review for SSI benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults determined eligible will remain on SSI for 27 years, while those not determined eligible are likely to live in poverty. As we prepare to celebrate the twenty-fifth anniversary of one of the most comprehensive civil rights laws for young people with disabilities, the Individuals with Disabilities Education Act, it is imperative that aggressive efforts be taken to examine the disconnect that seems to be occurring in the lives of young people with disabilities. *President Clinton and Vice President Gore, the Task Force recommends that the Departments of*

“In many ways, the workplace of tomorrow will be determined by the work we do today — the policies we pursue, the partnerships we forge, the challenges we meet... And if we continue to meet that challenge, we won’t just mark the end of the American century, we will embrace with all its potential and possibilities the beginning of a new one.”

—Alexis M. Herman, Labor Day 1999

Labor, Education, Health and Human Services, the Social Security Administration and other appropriate Task Force member agencies construct, coordinate and implement a Youth-to-Work Initiative to address this critical area of need.

At this first Town Hall meeting Task Force members also learned from participants about their growing interest in and concerns about entrepreneurial opportunities and provision of personal assistance services. People with disabilities at the meeting said they often call for, but seldom receive, consumer-driven personal assistance — that is, the ability to manage, direct and, in many cases, hire their own personal assistants through some sort of voucher payment. Providing personal assistance to an estimated seven to ten million Americans with disabilities with a variety of everyday living tasks is fast becoming a multibillion dollar “growth” industry. Moreover, it is one financed primarily through Federal Medicaid and Medicare payments. Between three and six billion dollars in Federal and State dollars are estimated to be spent on such services annually.

Additionally, the Task Force learned that recent research indicates that, on average, agency personal assistance providers cost nearly twice as much as individual providers (\$10.20 versus \$5.25 per hour). More than half of this difference is not the result of paying individual providers less, but the administrative costs built into the home health care business. The Federal Government, therefore, has a strong human and economic interest in helping to generate competition in this field. The resounding message from this Town Hall meeting was the need to explore initiatives to spur the development of small businesses and micro enterprises owned and controlled by individuals with disabilities in the delivery of personal assistance services.

The second Town Hall meeting, held in Birmingham, Alabama, on October 25, 1999, focused on civil rights laws such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The testimony from women and minority participants at this meeting was of particular interest to Task Force members, and proved to be an invaluable resource for further development of initiatives to eliminate barriers to employment for adults with disabilities. The major themes garnered from the many individuals who provided eloquent testimony concerned the barriers that lack of transportation and housing create for people with disabilities, especially those living in rural areas.

Task Force members heard over and over again that lack of available public transportation is a major employment barrier for persons with disabilities. According to the Department of Transportation’s report to the Task Force in November 1998, “Persons with disabilities tend to be more dependent on transit service than the general public, and the prevailing transportation patterns in the U.S. — dominated by sprawling development patterns and highly dependent on highways and private automobiles — put *all* dependent populations at a disadvantage.”

Individuals testifying at the Town Hall meeting expressed frustration with the lack of planning and coordination of public and human service transportation providers. Many living in rural areas said that lack of adequate transportation has been a long standing problem, and they did not hold much hope for a brighter future. *President Clinton and Vice President Gore, the Task Force recommends that immediate steps be taken to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities, especially those living in rural areas.*

The Task Force would be remiss if this report failed to document the need for immediate action in the area of housing for individuals with disabilities. Many participants at the Town Hall meeting shared with Task Force members the direct relationship of restrictive housing eligibility criteria and the ability to find and keep meaningful work. In addition to concerns about maintaining health care, people with disabilities are increasingly worried that if they go to work they will lose their eligibility for housing subsidies. The need to explore avenues for increasing home ownership by people with disabilities is also paramount.

Despite the Department of Housing and Urban Development's support for increasing services available to low income and special needs populations and passage of the "Quality Housing and Work Responsibility Act of 1998," testimony provided at this meeting showed that much more needs to be done. Participants pointed out to Task Force members that many benefits of the 1998 Act are not available to them because they are not part of a public housing authority program. As of October 1, 1999, a provision within the new Act establishes a mandatory disregard of 100 percent of earned income for a period of 12 months. This is followed by a rent increase of only 50 percent of the amount it otherwise would have been increased without the disregard. *President Clinton and Vice President Gore, the Task Force recommends that the Department of Housing and Urban Development explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-PHA housing who return to work; and a provision which exempts any disability related expenses incurred when a tenant goes to work from the countable income used to determine rents.*

As previously stated, ours is a government of the people, for the people, by the people — individual voices shaping our collective future as a nation. Each person has the power — and the responsibility — to participate. People with disabilities, parents of individuals with disabilities and other interested persons embraced these principles and provided the Task Force with invaluable input into the overall mission to

eliminate the barriers to employment for adults with disabilities. The Task Force appreciates the willingness of each participant to share their opinions and expertise and hopes that each will see that it was not in vain. More Town Hall meetings are planned throughout the year 2000.

The Task Force also convened numerous meetings throughout the year, including summits on welfare-to-work, youth leadership, and ongoing State and local systems change initiatives, as well as outreach to groups who experience particularly high unemployment, such as Native Americans. A Research Roundtable brought together Federal agencies conducting research to begin to identify gaps and needed areas for future focus of Federal discretionary dollars. The goal of these meetings was to identify specific policy-related actions for Task Force consideration.

These meetings began what will be an ongoing process for ensuring access to cutting-edge, real-world, policy-related information and recommendations by the Task Force and its staff. They reflect our determination to ensure that the debate about change is open to all. Combined with communication through technology established through the Task Force Web site, no one is left out of the dialogue.

Despite the efforts from the Task Force to reach out to all stakeholders across the nation to involve them in the debate about change needed to eliminate the barriers to employment, one voice has remained less than front and center where it is desperately needed. President Clinton and Vice President Gore, the Task Force requests your assistance in forging an alliance with business leaders in the public and private sectors. *The Task Force recommends that there be a White House conference on employment of adults with disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other related entities regarding employment of people with disabilities.*

“A revolution of values will soon call us to question the fairness of many of our past and present policies. True compassion is more than flinging coins to a beggar... an edifice that produces beggars needs restructuring...”

—Dr. Martin Luther King, Jr.

**THE NEXT MILLENNIUM:
Equity, Responsibility, Freedom,
Justice and Employment for All**

The Task Force is looking into the next millennium recognizing the crucial and timely nature of its charge to develop a coordinated and aggressive national strategy. This year it became clear that additional Task Force members are needed in order to ensure that all policies and practices are viewed from a disability perspective. The Task Force requested the addition of the Federal Communications Commission, Chaired by William E. Kennard, to the Task Force. This was accomplished in April 1999. The Task Force will request that the Attorney General of the Department of Justice, and the Secretaries of the Departments of Housing and Urban Development, Agriculture and the Interior be added for Fiscal Year 2000, so that their important jurisdictions can become a part of the overall mission and actions undertaken through Task Force activities.

Meanwhile, the Task Force has identified the need for a major realignment of resources and programs to ensure that a strategy for eliminating barriers to employment for adults with disabilities is a theme of the next millennium. The structures and practices of our public systems have taken decades to evolve, have become cemented in their way of doing business, and have become very familiar and comfortable to many people both inside the Federal Government and outside. Altering these structures in a deep, substantive way will be difficult, and long-term success will require a continuing mandate for change in order to prevent the patterns and practices of the past from persisting.

President Clinton and Vice President Gore, the Task Force respectfully recommends the establishment of an Office for disability employment policy to be headed by an Assistant Secretary at the Department of Labor. The purpose of the

proposed new office will not be to replicate service delivery systems currently provided through other parts of the department or Federal Government, but to provide the programmatic infrastructure for needed employment policy direction, best practice leadership, information dissemination and technical assistance. The Office will ensure the ongoing efforts to integrate people with disabilities into the mainstream employment and training programs of the Department of Labor as they are implemented across the nation. It is a critical next step to implement the strategy being developed by the Task Force.

As the Task Force continues its work toward the goals set forth in Executive Order 13078, the foundation of our redesign must be based on increased choice and control for *all* people in getting the services and supports they need to participate in a meaningful and effective way in their communities and the workforce. Federal dollars must be used as investments in the lives of people with disabilities so that they can get the supports they need to live, meaningfully participate in and contribute to their community. This redesign will require examining how the resources of existing Federal funding streams are used. It will most likely necessitate modifying those policies that promote dependence and segregation so that people with even significant disabilities have not only the opportunity to get a job, but to achieve economic independence and control over their lives.

Recognizing the urgency of attacking this critical issue, the Task Force will convene a Summit in January 2000 called “Beyond Theory and Discussion: Supported Employment Strategies for the 21st Century.” This venue will provide an opportunity to probe multiple issues, including those relating to increasing wages, community-based employment, choice and control, among others. “Despite a lot of theory and discussion about educational best

practices, despite talk of inclusion and equal opportunity, there is the reality that many of our young people are sitting at home or in group homes doing close to nothing after they leave high school ... There is an untapped potential out here, just waiting for the opportunity," said Mrs. Gaye Avery-Grubbs, parent of Tamara who has significant disabilities. The Task Force is committed to tapping into the potential of every person with a disability.

Finally, it is alarming that, as we move toward the 21st Century, the persistence of negative and erroneous stereotypes and attitudes remain one of the most difficult barriers to address. Decades of erroneous societal thinking about disability have demonstrated that they will not be eliminated overnight. An understanding that disability is a natural part of life, an appreciation of the benefits of people with disabilities as employers, employees, neighbors and friends, and the awareness that presence of a disability does not define the person must be created in the American public. Only through such awareness can we hope to make eliminating barriers to employment for people with disabilities the mainstream policy interest that it deserves.

The need for immediate leadership in this area is essential to the success of any strategy to increase employment and economic independence for people with disabilities. *President Clinton and Vice President Gore, there is an immediate need to launch a massive public awareness campaign, in partnership with the disability community, businesses and other influential*

entities, to eliminate the erroneous beliefs, the stigma that permeates all parts of American society regarding disability.

The Task Force is committed to the challenges outlined in this second report, and knows that as challenges are confronted there will naturally be conflict and controversy —

born of fear, of lack of information, of lack of understanding. *President Clinton and Vice President Gore, the Task Force believes this debate is past due, and must occur.* Task Force members recognize that there will be doubters; there will be cynics. But it is an established fact that with the continued support of the Clinton-Gore administration and members of Congress, this debate can result in systemic redesign of our policies so that no one is left behind in the next millennium.

The Task Force acknowledges that there has never before been such a mandate — or opportunity — for change as the one created through Executive Order 13078.

The Task Force will constantly push for bold, courageous strategies for change that reach to the roots of our policies. The choices are ours as a nation. We must not be afraid of new ideas. The debate that has begun must continue, and it must be elevated. As we close the 20th century and look to the future, the challenges that remain require our willingness to raise difficult and sometimes controversial questions about existing social policies, practices and attitudes. They require a raging debate that results in deep, substantive change. The time for action is now. *If Not Now, When?*



October 13, 1999

*Department of Health and Human Services Secretary **Donna Shalala** addresses participants at IDEAS '99 (Interagency Disability Educational Awareness Showcase), held at DHHS in Washington, D.C.*

*Also pictured from left to right: **John J. Callaban**, Assistant Secretary for Management and Budget, DHHS; **Michael V. Dunn**, Under Secretary for Marketing and Regulatory Programs, USDA; and **Rebecca L. Ogle**, Executive Director of the Presidential Task Force on Employment of Adults with Disabilities*

the Year at



White House, Executive Agencies and Task Force Disability-Related Activities in 1999

JANUARY

January 4 President Clinton and Vice President Gore unveil the Administration's long-term health care initiative: a \$1,000 tax credit for caregivers and individuals with long-term care needs; a National Family Caregivers Support Program offering services such as respite and home care; a national campaign to educate Medicare beneficiaries about coverage and care options; and a proposal to offer private long-term care insurance to Federal employees.

January 12 Vice President Gore convenes the Lifelong Learning Summit, 21st Century Skills for 21st Century Jobs, in Washington, D.C., and announces the following initiatives: tax incentives to encourage more employers to provide worker scholarships; \$60 million to train workers for high-skill jobs in industries that face serious skill shortages; the "21st Century High-Skills Community Award," celebrating communities that build the economy by investing in people; and the Department of Labor's new online resource for training and education opportunities in their communities, *America's Learning Exchange*.

January 13 President Clinton and Vice President Gore, speaking at a disability event in the East Room of the White House, endorse all remaining ***Re-Charting the Course*** recommendations in the Administration's FY 2000 budget initiative with a proposed investment of approxi-

January

JANUARY 4 President Clinton and Vice President Gore unveil the Administration's long-term health care initiative.

JANUARY 12 Vice President Gore convenes the Lifelong Learning Summit, 21st Century Skills for 21st Century Jobs.

JANUARY 13 President Clinton and Vice President Gore, speaking at a disability event in the East Room of the White House,

endorse all remaining ***Re-Charting the Course*** recommendations in the Administration's FY 2000 budget initiative.

JANUARY 19 President Clinton delivers the State of the Union Address.

JANUARY 28 The Work Incentives Improvement Act of 1999 (S. 331) is introduced in the Senate.

February

FEBRUARY 1 The Department of Labor begins regional meetings on implementation of the Workforce Investment Act of 1998.

FEBRUARY 12 Vice President Gore, joined by Secretary of Labor and Task Force Chair Alexis M. Herman and Secretary of Housing and Urban Development Andrew Cuomo, hosts an event in Albany, New York with disability leaders.

a Glance

mately \$2 billion over five years. The initiative includes full funding of the Work Incentives Improvement Act, a \$1,000 tax credit to cover work-related costs, \$35 million to expand information and communication technologies, and \$50 million for Work Incentives Grants.

January 14 Tipper Gore announces the Administration's endorsement of the Task Force recommendation to direct the Office of Personnel Management to explore ways of eliminating the stricter standards applied to Federal job applicants with psychiatric disabilities. Additionally, Mrs. Gore announces increased mental health funding for States, and White House plans to hold a conference on mental health later this year.

January 19 President Clinton delivers the State of the Union Address, urging Congress to pass and fully fund the Work Incentives Improvement Act to remove barriers to work for people with disabilities, and announces that the White House will hold a conference on mental health issues later this year headed by Tipper Gore.

January 27 The White House holds a [Roundtable on the Future of Social Security and Medicare](#).

January 28 The Work Incentives Improvement Act of 1999, (S. 331) is introduced in the Senate by Senators James Jeffords (R-VT), Edward Kennedy (D-MA), William Roth (R-DE), and D. Patrick Moynihan (D-NY).

FEBRUARY

February 1 The Department of Labor begins a series of regional meetings on implementation of the Workforce Investment Act of 1998.

February 10-13 The Health and Human Services Administration on Developmental Disabilities convenes its Annual Commissioner's Forum.

February 12 Vice President Gore, joined by Secretary of Labor and Task Force Chair Alexis M. Herman and Secretary of Housing and Urban Development Andrew Cuomo, host an event in Albany, New York with disability leaders. Vice President Gore announces new regulations proposing an increase in the Substantial Gainful Activity (SGA) amount, from \$500 to \$700 per month, affecting Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) recipients who want to work and still receive critical cash and medical benefits.

February 17 The National Council on Disability publishes *National Disability Policy: A Progress Report*, evaluating progress made in the previous year in public policy for people with disabilities and making recommendations to Congress and President Clinton.

February 17 The Department of Transportation issues a notice of proposed rulemaking, *Nondiscrimination on the Basis of Disability in Air Travel: Compensation for Damage*

March

FEBRUARY 17 The Department of Transportation issues a notice of proposed rulemaking, *Nondiscrimination on the Basis of Disability in Air Travel: Compensation for Damage to Wheelchairs and Other Assistive Devices*, amending the Air Carrier Access Act.

MARCH 1 The Equal Employment Opportunity Commission releases policy guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*.

MARCH 1 The President's Committee on Employment of People with Disabilities and Department of Defense announce the 1999 Workforce Recruitment Program for College Students with Disabilities, a new resource to help businesses recruit employees with disabilities.

MARCH 3 The United States Supreme Court rules, in *Cedar Rapids Community School District v. Garret F.*, that school districts must pay for professional nurses to accompany some students with disabilities under the Individuals with Disabilities Education Act and that school districts must fund such related services to help guarantee that students like Garret are integrated into the public schools.

MARCH 12 The Department of Education issues final regulations implementing the Individuals with Disabilities Education Act of 1997.

to *Wheelchairs and Other Assistive Devices*, amending the Air Carrier Access Act by lifting the existing cap on the amount of compensation airlines must pay to passengers for loss or damage to wheelchairs and other assistive devices.

February 23 The National Council on Disability hosts a dialogue on disability media and communications strategies in Louisville, Kentucky, bringing together local leaders to discuss the 10th anniversary of the Americans with Disabilities Act and 25th anniversary of the Individuals with Disabilities Education Act in the year 2000.

MARCH

March 1 The Equal Employment Opportunity Commission releases policy guidance, *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, addressing the duty of employers, including Federal agencies, to provide "reasonable accommodations" to applicants and employees with disabilities under Title I of the Americans with Disabilities Act, and Section 501 of the Rehabilitation Act.

March 1 The President's Committee on Employment of People with Disabilities announces the 1999 Workforce Recruitment Program for College Students with Disabilities, a new resource to help businesses recruit employees with disabilities. The program is cosponsored the Department of Defense.

March 2 The President's Committee on Employment of People with Disabilities, with funding from the Department of Education's Office of Special Education and Rehabilitative Services, host a leadership conference for minorities with disabilities.

March 3 The United States Supreme Court rules, in *Cedar Rapids Community School District v. Garret F.*, that school districts must pay for professional nurses to accompany some students with disabilities under the Individuals with Disabilities Education Act and that school districts must fund

such related services to help guarantee that students like Garret are integrated into the public schools. Judith E. Heumann, Assistant Secretary for the Office of Special Education and Rehabilitative Services, issues a statement: "[W]e believe students like Garret should receive the services necessary to ensure access to an appropriate education. That's what the law guarantees, and now the courts have made that clear."

March 11-12 The Department of Health and Human Service Center for Mental Health Services cosponsors [Developing a State Vision for Employment Services for Persons with Psychiatric Disabilities](#).

March 12 The Department of Education issues final regulations implementing the Individuals with Disabilities Education Act of 1997.

March 15 The Federal Communications Commission establishes a "one-stop shopping" e-mail address for the disability community (access@fcc.gov).

March 18 The National Council on Disability releases a report on the Air Carrier Access Act, *Enforcing the Civil Rights of Air Travelers with Disabilities*, and makes recommendations on improving enforcement of the Act, including statutory changes and other Department of Transportation policy improvements.

March 18 The Work Incentives Improvement Act of 1999 (H.R. 1180) is introduced in the U.S. House of Representatives by Representatives Rick Lazio (R-NY), Tom Bliley (R-VA), Henry Waxman (D-CA), and John Dingell (D-MI).

March 22 The Equal Employment Opportunity Commission, in response to a Presidential directive issued at the July 29, 1998, Task Force event, announces a small business initiative expanding public education about Americans with Disabilities Act requirements.

March 23 The Task Force, Rehabilitation Services Administration, National Institute on Disability and Rehabilitation Research, Substance Abuse and Mental Health Services

April

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APRIL 28 William Kennard, Chairman of the Federal Communications Commission, is appointed to the Task Force.

APRIL The Department of Justice Civil Rights Division and the Small Business Administration release the first 15,000 copies of the pamphlet *ADA Guide for Small Businesses*.

May

MAY 2 The Department of Labor Women's Bureau participates in [Global Strategies to Increase Employment of Women with Disabilities](#), a joint initiative of the Social Security Administration and the Department of Education.

MAY 2 The National Institute on Disability and Rehabilitation Research project directors meet in Washington, D.C. and announce six new employment-focused rehabilitation research and training centers.

Administration, Department of Labor, and Department of Housing and Urban Development, hold an interagency meeting on research related to disability and employment to discuss activities that are underway in the Federal government, identify gaps and emerging issues that may require new research efforts, and identify areas and strategies for further interagency collaboration and coordination.

March 23 The President's Committee on Employment of People with Disabilities announces *Project Employ*, an initiative to expand employment for persons with mental retardation, to encourage employers nationwide to hire people with cognitive disabilities for positions in office settings, and to use job training resources provided by local disability agencies and organizations.

APRIL

April 22-23 The Administration on Developmental Disabilities convenes a National Policy Forum on Improving the Education and Employment of TANF (Temporary and Needy Family) Mothers and the Low Wage Labor Market with Special Learning Needs.

April 24 The President's Committee on Employment of People with Disabilities' National Business Leadership Network holds an employment fair at the Washington, D.C. Convention Center with recruiters from a range of companies and government agencies who are seeking job candidates.

April 28 William Kennard, Chairman of the Federal Communications Commission, is appointed to the Task Force.

April The Department of Justice Civil Rights Division and the Small Business Administration release the first 15,000 copies of the pamphlet *ADA Guide for Small Businesses*, covering the Americans with Disabilities Act and accommodations, architectural barriers, tax credits, policies and procedures, and information sources. In addition, they make plans to do a second printing in Spanish.

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May 2 The National Institute on Disability and Rehabilitation Research project directors meet in Washington, D.C., and announce six new employment-focused rehabilitation research and training centers.

May 10-12 The Welfare-to-Work Forum brings together people with a wide range of views and experiences to discuss disability and welfare issues, implementation of the Workforce Investment Act, and ways that Federal and State agencies can address disability-related issues and concerns. Sponsors include: the Task Force; the Department of Labor Welfare-to-Work Office; the Department of Education Office of Special Education and Rehabilitative Services, and The Office of Vocational and Adult Education; the Department of Health and Human Services Administration for Children and Families, and the Substance Abuse and Mental Health Services Administration; the President's Committee on Mental Retardation; the Social Security Administration; the National Council on Disability; and the National Institute on Literacy.

May 17 The Department of Health and Human Services awards "nursing home transition" grants to Wisconsin, Vermont, New Hampshire, and New Jersey, to promote home and community-based options for people living in nursing homes.

May 20 The Federal Communications Commission establishes an electronic listserv for the disability community so that individuals can receive updates on FCC's disability-related actions and events (difinfo@info.fcc.gov).

MAY 24 The United States Supreme Court upholds the Administration's position by unanimously ruling in *Cleveland v. Policy Management Systems Corporation* that individuals who apply for and receive Social Security Disability Insurance benefits are not precluded from pursuing a claim of employment discrimination under the Americans with Disabilities Act.

MAY 27 The Justice Department announces an agreement with Avis Rent-a-Car, the nation's second largest rental car company, to improve access to airport shuttle systems for people with disabilities at all of its airport locations in the United States.

MAY 28 The Task Force cosponsors the VSA Art Careers 2000 and Art and Soul events, an international celebration of arts, disability, culture, and careers.

June

JUNE 3 Task Force hold a Town Hall Meeting in Los Angeles, California, focusing on expanding opportunities for young people with disabilities and expanding entrepreneurial and self-employment opportunities for adults with disabilities.

JUNE 4 President Clinton signs *Executive Order 13124* amending civil service rules relating to Federal employees with psychiatric disabilities.

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JUNE

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June 4 President Clinton and the President's Committee on Employment of People with Disabilities present *The President's Award* — America's highest honor for achievement in furthering the employment and empowerment of people with disabilities — to Laura Hershey, Joyce Bender, and James Click, Jr. at a White House ceremony.

June 7 Tipper Gore chairs the [White House Conference on Mental Health](#) that brings together people with mental illness and their families, members of Congress and the Administration, mental health providers, advocates, com-

munity and State representatives, private sector entities, and foundations from around the nation. President Clinton and Mrs. Clinton, and Vice President Gore and Mrs. Gore, announce new proposals to provide parity, improve treatment, bolster research, and expand community responses to help those with mental illnesses. Breakout sessions are led by Secretary of Labor and Task Force Chair Alexis M. Herman and Task Force Members: Secretary of Health and Human Services Donna Shalala; Secretary of Education Richard Riley; Secretary of Veterans Affairs Togo D. West, Jr.; Office of Personnel Management Director Janice Lachance; and Social Security Administration Commissioner Kenneth Apfel.

June 14 The Department of Education Office of Special Education Programs holds its annual project directors meeting of the secondary education, transition, postsecondary, and school-to-work projects, discussing effective transition strategies and determining research directions.

June 22 The United States Supreme Court rules on four important Americans with Disabilities Act cases that profoundly affect people with disabilities: *Olmstead v. L.C.*; *Sutton v. United Air Lines, Inc.*; *Albertsons, Inc. v. Kirkingburg*; and *Murphy v. United Parcel Service, Inc.*

June 22 Task Force staff join the Mental Health Association of New York in leading a discussion on the way people with mental illness are portrayed by the media. Participants are major news media, including: the *Wall Street Journal*; *Time Magazine*; the *New York Times*; the *New York Daily News*; *Psychiatric News*; *Employee Benefit News*; and *Business Week*.

June 23-25 The National Council on Disability, with Task Force support, hosts the [Youth Leadership Conference](#). Chair of the President's Committee on Employment of People with Disabilities and Vice Chair of the Task Force Tony Coelho delivers keynote address.

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JUNE 4 President Clinton and the President's Committee on Employment of People with Disabilities present *The President's Award* — America's highest honor for achievement in furthering the employment and empowerment of people with disabilities — to Laura Hershey, Joyce Bender, and James Click, Jr. at a White House ceremony.

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JUNE 23 Secretary of Labor and Task Force Chair Alexis M. Herman, joined by Social Security Administration Commissioner Kenneth Apfel, deliver keynote addresses to a joint meeting of the [Youth Leadership Conference](#), the National Association of Protection and Advocacy Programs, and the National Council on Independent Living held in Washington, D.C.

June 23 Secretary of Labor and Task Force Chair Alexis M. Herman, joined by Social Security Administration Commissioner Kenneth Apfel, deliver keynote addresses to a joint meeting of the Youth Leadership Conference, the National Association of Protection and Advocacy Programs, and the National Council on Independent Living in Washington, D.C.

JULY

July 1 The Social Security Administration officially increases the Substantial Gainful Activity (SGA) monthly amount from \$500 to \$700 for people receiving Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits.

July 1 The Federal Communications Commission asks for *White Papers on Technology Issues on Access for Persons with Disabilities* to be submitted to the Technology Advisory Council.

July 8-9 The Department of Health and Human Services Administration on Developmental Disabilities convenes a second [National Policy Forum on Improving Education and Employment of TANF Mothers and the Low Wage Labor Market with Special Learning Needs](#).

July 14 The Federal Communications Commission meets and (1) adopts a study on making Internet telephony and future technology accessible to people with disabilities; (2) proposes standards for closed captioning on digital television so that people will be able to have more choices regarding captioning (*e.g.*, font, size, language); and (3) holds a telecommunications accessibility fair and demonstration on captioning capabilities in digital television.

July 19 The National Council on Disability announces the establishment of the National Disability Fellowship Program — to be administered by the President's Committee on Employment of People with Disabilities — to help identify and develop new leaders with disabilities

through a paid one-year policy fellowship in Washington, D.C., beginning in January 2000.

July 21 The Task Force, Department of Education, National Council on Disability and the Social Security Administration convene a policy roundtable discussion on transitioning youth with disabilities to employment and post-secondary education and formulate policy recommendations for President Clinton and Congress.

July 22 The Social Security Administration and the National Institute for Disability and Rehabilitation Research, with Task Force support, hold their annual meeting [Youth with Disabilities and Employment](#).

July 26 The Ninth Anniversary of the Americans with Disabilities Act (ADA):

■ The White House, the National Council on Disability, and the Leadership Conference on Civil Rights convene a forum on disability and cultural diversity to celebrate the anniversary of the ADA, focusing on improving outcomes in education, employment, and civil rights enforcement for people with disabilities from diverse cultural backgrounds.

■ The National Council on Disability releases its new report, *Lift Every Voice: Modernizing Disability Policies and Programs to Serve a Diverse Nation*.

■ Vice President Gore commemorates the anniversary of the Americans with Disabilities Act by speaking at Technology Access Appreciation Day in Nashville, Tennessee.

■ Secretary of Transportation Rodney Slater holds an ADA Celebration, announcing new departmental policy on accessibility as well as departmental actions to help ensure access to transportation for people with disabilities.

July 29 Secretary of Health and Human Services Donna Shalala addresses the National Council on State Legislatures regarding the Supreme Court's *Olmstead* decision, stating that "no individual should have to live in a nursing home or State institution if that individual can live in a community."

July

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AUGUST

August The Social Security Administration establishes a new executive Office of Employment Support Programs to improve service to people with disabilities who want to work (www.ssa.gov/work).

August The Social Security Administration holds a training seminar, Entrepreneurs with Disabilities: Challenges and Solutions, on ways they can assist beneficiaries who want to enter or re-enter the workforce through self-employment or small business start-ups.

August The Small Business Administration and Department of Education produce a program featuring a successful, self-employed entrepreneur with a disability for the Public Broadcasting System's *Small Business 2000* series. The show airs on more than 200 public television stations and copies are distributed to every SBA district office.

August 4-7 The Department of Health and Human Services Center for Disease Control and Prevention sponsors a conference in Houston, Texas, Promoting the Health and Wellness of Women With Disabilities.

August 8 The Federal Communications Commission presents Congress with its *Draft Strategic Plan for the FCC for the 21st Century*, highlighting access for people with disabilities.

August 11 The Department of Health and Human Services Office of the Inspector General publishes a report, *Employment Programs for People with Developmental Disabilities*, describing promising approaches and barriers to employment programs for people with developmental disabilities.

August 12 The Department of Labor and the Rehabilitation Services Administration hold a meeting on implementing the Workforce Investment Act of 1998 and disability issues in Philadelphia, Pennsylvania.

SEPTEMBER

September The Task Force, Small Business Administration, and the President's Committee on Employment of People with Disabilities, enter into a *Memorandum of Understanding* to increase entrepreneurial opportunities for people with disabilities by developing local networks of Federal, State, and local agencies and private sector entities involved in promoting and financing small businesses and those serving people with disabilities.

September 1 The Department of Health and Human Services Administration on Developmental Disabilities awards (1) over \$4 million to 22 States for *Family Support Systems Change Grants* to develop comprehensive systems of family support for families of children with disabilities; and (2) over \$5 million in grants to increase the independence, productivity, inclusion, and integration of people with disabilities into the community.

September 2 The Department of Labor releases a new report, *Futurework: Trends and Challenges for Work in the 21st Century*, citing people with disabilities throughout.

September 8 President Clinton holds a health care event at the White House, and urges Congress to work with him to pass critical health care initiatives, including the Work Incentives Improvement Act, a strong Patients' Bill of Rights, and Medicare reforms that strengthen and modernize the program.

September 12-14 The Department of Education and the Department of Labor's School to Work Offices, with the Task Force, cosponsor the National Forum on Youth with Disabilities in School-to-Work Systems.

September 15 The Equal Employment Opportunity Commission begins work on developing an interim method for measuring the employment rate of adults with disabilities.

August

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September 16 The Department of Justice announces an agreement with the MGM Grand Hotel, Casino, and Theme Park in Las Vegas — the world’s largest hotel and casino complex — to make their facility fully accessible.

September 16-17 The Department of Health and Human Services Center for Mental Health Services cosponsors a meeting in Washington, D.C., [Employment and Vocational Rehabilitation for Homeless Persons with Serious Mental Illnesses](#).

September 17 The Task Force cosponsors the Family Forum, an annual event of the American Academy of Cerebral Palsy and Developmental Medicine to address the challenges and opportunities facing young people with disabilities and their families.

September 18 The Social Security Administration and the Department of Health and Human Services Substance Abuse and Mental Health Services Administration sign an interagency agreement for continued support of the State Partnership Initiative to decrease barriers to employment for people with disabilities.

September 21-25 The [International Independent Living Summit](#) begins in Washington, D.C., sponsored by the Task Force, the Department of Education, the Department of Transportation, the Social Security Administration, and the United States Agency for International Development.

September 22 The Task Force sponsors the [State Partnership Systems Change Initiatives Symposium: Overcoming Barriers to Employment of People with Disabilities — Implications for Federal Policies and Programs](#), inviting individuals working on State systems change initiatives, funded by the Social Security Administration, the Department of Labor, the Rehabilitation Services Administration, and the Substance Abuse and Mental Health Services Administration. Participants develop recommendations on changes to Federal policies for consideration by Task Force Members and Task Force Committees.

September 22 The National Council on Disability hosts a Town Meeting on enforcement of the Individuals with Disabilities Education Act with 100 participants from around the country.

September 22 The Federal Communications Commission holds its second meeting of the Technology Advisory Committee, with presentations on access to technology by persons with disabilities.

September 27 The Task Force holds a roundtable discussion on Native Americans with disabilities and related employment issues at the [Health, Wellness, and Disability for Native Americans Conference](#) in Albuquerque, New Mexico.

September 29 The Department of Housing and Urban Development host the first meeting of the Interagency Group on Mental Health and Housing, with the Task Force as a member.

September 29 The Department of Labor awards a *Women in Apprenticeship and Nontraditional Occupations (WANTO) Grant* to the Women’s Resource Center and Abilities of Florida in Largo, Florida to promote the mainstream employment of women with disabilities in nontraditional occupations.

September 29 The Federal Communications Commission releases the final rule requiring that telecommunications services and equipment (e.g., telephones, cell phones, pagers, call-waiting, and operator services) are accessible to and usable by persons with disabilities when “readily achievable.”

September 30 The Department of Justice announces an out-of-court agreement with Greyhound Lines, Inc. to improve the availability and quality of accessible bus service for persons with disabilities.

September 30 President Clinton proclaims October 1999, as *National Disability Employment Awareness Month*, calling upon government officials, educators, labor leaders,

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employers, and American citizens to “observe this month with appropriate programs and activities that reaffirm our determination to fulfill both the letter and spirit of the Americans with Disabilities Act.”

OCTOBER

October The Center for Mental Health Services awards funding to the Employment Intervention Demonstration Program, a five-year multi-site research initiative, and the Consumer-Operated Services Program, a four-year, multi-site research initiative.

October 1 The National Council on Disability releases a new report entitled *Implementation of the National Voter Registration Act by State Vocational Rehabilitation Agencies*.

October 3 Secretary of Health and Human Services Donna Shalala, in honor of Mental Health Awareness Week, announces the new anti-stigma campaign by the Substance Abuse and Mental Health Services Administration.

October 8 The National Institute on Disability and Rehabilitation Research holds the [Disability Statistics and Policy Forum](#), in Washington, D.C.

October 16 President Clinton, in his weekly radio address to the nation, announces the release of the Office of Personnel Management’s *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*. President Clinton directs all Federal agencies to implement the plan immediately.

October 19 The White House, the President’s Committee on Employment of People with Disabilities, and National Council on Disability host [Experience the Power: Art and Disability in America](#), commemorating National Disability Employment Awareness Month.

October 20 Vice President Gore hosts a gathering of disability leaders at the White House commemorating National Disability Employment Awareness Month and announces a *Memorandum of Understanding* between the Social Security Administration and Small Business Administration coordinating the efforts of SBA’s “Welfare-to-Work” initiative and SSA’s programs to help adults with disabilities find employment and/or become entrepreneurs.

October 21 The Administration on Developmental Disabilities holds a meeting on Projects of National Significance, highlighting its new project with the Urban League addressing the needs of African-Americans with disabilities.

October 21-23 The Task Force cosponsors the [National Leadership Summit on Self-Determination, Consumer-Direction, and Control](#), bringing together key consumer, research, policy, and government leaders of self-determination and consumer-directed initiatives in areas of independent living, aging, developmental disabilities, mental health, and youth leadership.

October 25 The Presidential Task Force holds a Town Hall Meeting in Birmingham, Alabama, focusing on civil rights.

October 27 The White House sponsors [Disability Mentoring Day: Career Development for the 21st Century](#) to promote employment opportunities in the Federal government for high school and college students with disabilities.

NOVEMBER

November 5 The Equal Employment Opportunity Commission receives the verdict in a disability discrimination case against the Chuck E. Cheese pizza chain. The jury awards \$13 million in compensatory and punitive damages to an individual with cognitive disabilities, the largest monetary relief awarded by a jury in a case brought under the Americans with Disabilities Act.

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OCTOBER 25 The Presidential Task Force holds a Town Hall Meeting in Birmingham, Alabama, focusing on civil rights.

November 8 The Federal Communications Commission establishes a new Enforcement Bureau, Consumer Information Bureau, and Disabilities Rights Office to: protect consumers with disabilities; provide technical assistance to consumers and entities on their rights and responsibilities for disability accessibility provisions; and provide comprehensive policy analyses on ensuring access to persons with disabilities.

November 8 The Department of Health and Human Services announces that the State of New Jersey will begin enrolling elderly and young people with disabilities in a “cash and counseling” demonstration program as an alternative method of providing long term services and supports to Medicaid recipients with disabilities. The Department also announces that the State of Florida will begin enrolling individuals with disabilities in a similar program in January 2000, and current HHS grantee, the State of Arkansas, celebrates its one-year anniversary of enrollment of individuals with disabilities in their cash and counseling program.

November 16 Senator Tom Harkin (D-IA) and Senator Arlen Specter (R-PA) introduce the Medicaid Community Attendant Services and Supports Act (MiCASSA), which would create a national program of home and community-based services and encourage States to move away from the institutional bias that now exists.

November 18 The Federal Communications Commission proposes that commercial television broadcasters in the top 25 television markets, and the largest national video programming distributors, introduce video descriptions in their transmissions to allow Americans with visual disabilities to better follow the visual action in television programs.

November 22 The Federal Communications Commission posts a video clip of the movie *Casablanca* on the Internet, demonstrating video description and captioning.

DECEMBER

December 1 The Social Security Administration hosts the first in a series of regional public awareness forums, entitled Federal Policy — State Opportunities: Building an Inclusive Workforce, with co-sponsorship by the Task Force, Maryland Governor’s Committee on the Employment of People with Disabilities, and the Department of Education, Department of Labor, and Department of Health and Human Services.

December 7 The Social Security Administration, Department of Education, Department of Health and Human Services, the Task Force, and the National Endowment for the Arts hold a policy education meeting entitled Supplemental Security Income Issues for People with Disabilities who have Careers in the Arts.

December 8-9 The Department of Health and Human Services Center for Mental Health Services cosponsors meeting with the National Institute of Mental Health, Mental Illness and the Workplace.

December 8 The Presidential Task Force holds a Town Hall Meeting in Chicago, Illinois, focusing on individuals with significant disabilities.

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January 13, 1999

President Clinton and Vice President Gore with Karen Moore at a White House East Room event.

Ms. Moore, from Ft. Pierre, South Dakota, spoke about the barriers she confronted in achieving economic independence. The President, joined by members of the Task Force, announced his FY 2000 budget proposals and his support for all Task Force recommendations, including full funding of the Work Incentives Improvement Act.

Also pictured from left to right: Rodney Slater, Secretary of Transportation; Donna Shalala, Secretary of Health and Human Services; Alexis M. Herman, Secretary of Labor and Chair of the Task Force; and Janice R. Lachance, Director of the Office of Personnel Management.

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

1 *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*

- *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
- *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
- *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
- *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

2 *The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.*

Effective enforcement of employment-related nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

3 *The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.*

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to a continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

4 *The President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are under the age of 16.*

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth 16 years and older. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities at an earlier age.

The Task Force recommends that:

5 *The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the “countable” income used to determine rents.*

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals

in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

The Task Force recommends that:

6 *The President continue to work with Congress to secure adequate funding, proposed in the Administration’s FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.*

The President should continue to push for this initiative that would: (1) help make the Federal Government a “model user” of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as “text to speech,” speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

7 *The President continue to work with Congress to pass the tax credit proposed in the Administration’s FY 2000 budget, in order to assist adults with disabilities with expenses related to work.*

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 *The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.*

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 *The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.*

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 *The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.*

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 *The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.*

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

The Task Force recommends that:

12 *The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.*

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

13 *The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.*

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

14 *The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.*

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.



June 7, 1999

President Clinton and Mrs. Gore at the White House Conference on Mental Health held in Washington, D.C.

The Vice President, along with Mrs. Gore who chaired the conference, listen to concerns of mental health professionals and advocates.



A Status Report on the 1998-1999 Task Force Recommendations

Since the creation of the Task Force, both President Clinton and Vice President Gore have consistently accepted and supported the recommendations of the Task Force. This chapter highlights the progress and current status of those action items recommended by the Task Force which the President and the Vice President of the United States have fully accepted and acted upon.

WORK INCENTIVES

1. The President announced that his FY 2000 budget would fully fund the *Work Incentives Improvement Act* (WIIA) introduced by Senators Jeffords, Kennedy, Roth, and Moynihan.

STATUS: On January 28, 1999, S.331 was introduced in the Senate, and on March 18, H.R. 1180 was introduced by Representatives Lazio, Bliley, Waxman, and Dingell. On June 16, S.331 was passed unanimously by the Senate, and on October 19, the House of Representatives passed H.R. 1180. On November 18, the House of Representatives passed the conference report accompanying H.R. 1180, the *Ticket to Work and Work Incentives Improvement Act of 1999*, by a vote of 418-2. The Senate passed the conference report, by a vote of 95-1, on November 19, 1999. The President has indicated that he will sign the legislation. The bill contains the following provisions:

- **Access to health care coverage/Medicaid “buy-in”** — two new State options to extend Medicaid coverage to persons with disabilities who earn more than the limit of 250 percent of the Federal poverty level — or approximately \$21,000 — and meet the SSI definition of disability, and to persons with disabilities who would otherwise lose their SSDI/SSI eligibility because of medical improvement, but who still have a medically-severe impairment and are working.
FINAL LEGISLATION: Both options enacted allow States to set higher income, unearned income, and resource limits.
- **Building infrastructure to support Medicaid “buy-in”** — \$150 million in grants to encourage States to take advantage of the above two Medicaid “buy-in” options.
FINAL LEGISLATION: Fully funded.
- **Health care coverage demonstration** — creation of a \$300 million demonstration program allowing States to extend Medicaid equivalent coverage to workers who have a disability that, without health care access, would become severe enough to qualify them for SSDI or SSI.
FINAL LEGISLATION: Enacted as a \$250 million demonstration.

- **Continuing access to Medicare coverage** — creation of a ten-year trial period allowing SSDI beneficiaries who return to work to continue receiving subsidized Medicare coverage.

FINAL LEGISLATION: *Enacted as a four-and-a-half year extension of Medicare coverage for people in the disability insurance system who return to work.*

- **“Ticket to Work Program”** — establishment of a new program to increase choice in employment services by allowing SSI and SSDI beneficiaries to deposit a “ticket” with the public or private provider of their choice.

FINAL LEGISLATION: *Enacted as a voucher-like system that permits recipients to purchase job training and rehabilitation services to help them return to work. Final legislation also changed the title of the bill to “Ticket to Work and Work Incentives Improvement Act of 1999.”*

2. **The President announced that his FY 2000 budget provided for a new \$1,000 tax credit to cover work-related expenses for people with disabilities.**

STATUS: There was no Congressional action on this initiative.

3. **The President, in his FY 2000 budget, announced a \$50 million “work incentives” grant program in the Department of Labor. Competitive grants would provide outreach to individuals with disabilities and would foster systems change through, and service integration at, the State and local levels within the One-Stop Career Center Systems mandated by the Workforce Investment Act of 1998.**

STATUS: The *Ticket to Work and Work Incentives Improvement Act of 1999* authorized outreach grants in the Social Security Administration, rather than the Department of Labor. The appropriations bill for the Departments of Labor, Health and Human Services, Education, and related agencies provided \$20 million of the \$27 million requested for systems change grants in the Department of Labor.

HEALTH CARE

1. **The President announced that he would continue to work with Congress to pass a “strong, enforceable patients’ bill of rights.”**

STATUS: The House passed a bill that includes enforceable protection for all Americans, while the Senate passed a much more limited version. The legislation is currently in conference.

2. **The Vice President announced that the Commissioner of the Social Security Administration would issue a new regulation increasing the Substantial Gainful Activity amount, i.e., the amount of income that recipients of Supplemental Security Income and Social Security Disability Insurance can earn without losing critical cash and medical benefits under Social Security.**

STATUS: On April 15, 1999, the Social Security Administration published final rules that raise, from \$500 to \$700, the monthly earnings guidelines used to determine whether work done by persons with disabilities (other than blindness) is “substantial gainful activity.” The rule became effective on July 1, 1999.

3. **The President announced the release of a letter from the Health Care Financing Administration to all State Medicaid directors clarifying the *Americans with Disabilities Act* (ADA) with respect to States offering appropriate community-based services.**

STATUS: The Administration’s position on the ADA’s “integration mandate” was confirmed by subsequent court rulings and upheld by the Supreme Court in its June 22, 1999, decision in *Olmstead v. L.C.*, holding that States must provide services to people with disabilities “in the most integrated setting appropriate” when it would not result in a “fundamental alteration” to the program or in excessive new costs.

Upon learning of the Supreme Court’s decision, the President issued a statement reaffirming his Administration’s commitment to “finding affordable ways to enable people who need long-term services and support to remain in the

community if they choose and are able to do so.” He added that the best way to continue progress toward this goal is for State governments, the Federal Government, and the affected communities to work together to develop cost-effective ways to provide these services. “We must ensure that the quality of these services is excellent and that they are available to persons with disabilities of all ages,” the President stated, “[therefore] I am asking Secretary Shalala and Attorney General Reno to work with all interested parties to carry out today’s decision in a fair and effective manner.”

4. The President released an Executive Memorandum which directed the Secretary of the Department of Health and Human Services to ensure that Governors, State legislators, and State Medicaid directors work with consumer organizations to increase public information about the State “Medicaid buy-in,” a new option that became available as a result of the *Balanced Budget Act of 1997*. Under Section 4733 of the *Balanced Budget Act*, States now have the option to allow individuals with disabilities who start or return to work the ability to purchase Medicaid coverage as their earnings increase, up to 250 percent of the poverty level.

STATUS: The Secretary of Health and Human Services wrote a letter to each Governor and each State Medicaid director, informing them of the new option, and urging their serious consideration of this “critical opportunity to provide real assistance to many people living with disabilities who want to work.” The Secretary also reaffirmed that staff of the Health Care Financing Administration would respond to States’ inquiries and provide technical assistance on a case-by-case basis.

Currently, the Health Care Financing Administration has received and approved amendments to six State Medicaid Plans: South Carolina, Oregon, Wisconsin, Minnesota, Alaska, and Mississippi. These States have exercised the new option, choosing to extend Medicaid coverage to eligible working individuals with disabilities.

THE FEDERAL GOVERNMENT AS A MODEL EMPLOYER

1. The Vice President directed the Office of Personnel Management to develop a model plan to increase the representation of adults with disabilities at all levels throughout the Federal workforce.

STATUS: In a national radio address, President Clinton released the plan, “*Assessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*,” along with a companion employment guide also prepared by the Office of Personnel Management. These documents give Federal agencies detailed and practical information on ways to do the following: recruit people with disabilities for positions at *all levels* of Government; provide opportunities for students with disabilities; collect and maintain data to monitor their success; and provide reasonable accommodations for applicants and employees with disabilities. The President directed all Federal agencies to implement the plan “immediately.”

2. The President directed the Office of Personnel Management to explore ways to eliminate the stricter standards applied to Federal job applicants who have psychiatric disabilities.

STATUS: On June 4, 1999, President Clinton signed Executive Order 13124, amending civil service rules relating to Federal employees with “psychiatric disabilities.” Prior to this change, although the Federal Government could hire individuals with: mental retardation, severe physical disabilities, or “psychiatric disabilities” under a special noncompetitive appointing authority, only those with mental retardation and severe physical disabilities could convert to competitive status without an examination after a minimum of two years of satisfactory service. Individuals with psychiatric disabilities could be hired only into *temporary* jobs that *ended after two years*, requiring them to compete for permanent Federal employment.

Now, as a result of the Executive Order, agencies are required to apply the *same hiring rule* to persons with “psychiatric disabilities” as they apply to persons with mental retardation and to persons with severe physical disabilities. The Office of Personnel Management is in the process of drafting regulations to implement the Executive Order. The proposed regulations are expected to be published early next year.

TECHNOLOGY

1. The President announced that the Administration’s FY 2000 budget would provide approximately \$35 million for a national investment in “assistive technology,” expanding access to communication and information technologies for adult working-age people with disabilities.

STATUS: Congress acted on only two small portions of the President’s “assistive technology” initiative:

- The Administration requested \$8 million for the General Services Administration to enable it to procure assistive technology for the larger Federal agencies, and to better ensure that these agencies are able to fulfill their responsibilities in making the Federal Government a “model employer.” *Congress appropriated \$2.5 million.*
- The Administration requested \$2 million for the General Services Administration to test hardware and software to make assistive technology more affordable for working adults with disabilities, and to help fully implement Section 508 of the Rehabilitation Act of 1973, as amended in 1998. *Congress appropriated \$1 million.*
- The Administration requested \$2 million for the Department of Defense to help support the assistive technology needs of small Federal agencies through extension of its highly-regarded Computer/Electronics Accommodations Program (CAP). *Congress did not appropriate any amount.*

- The Administration requested \$23 million for the National Institute on Disability and Rehabilitation Research for technology initiatives: \$8 million for three initiatives related to information technology and telecommunications, and \$15 million for grants to States to establish alternative loan financing programs. *Congress appropriated \$5 million for the technology initiative and \$4 million for the State grant loan programs.*

SMALL BUSINESS AND ENTREPRENEURSHIP

1. The President signed an Executive Memorandum directing the Attorney General at the Department of Justice, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the *Americans with Disabilities Act* to employers, employees, and others whose rights may be affected. The Memorandum directed special attention to small businesses and under-served populations.

STATUS: In April of 1999, a partnership between the Small Business Administration and the Department of Justice resulted in the production of 15,000 copies of a pamphlet entitled, “*ADA Guide for Small Businesses*.” The pamphlet contains information on the ADA and accommodations, architectural barriers, tax credits, and sources of additional information. A first printing was delivered to the Small Business Administration field offices in August 1999 for distribution to small business clients, and a Spanish version was released in September 1999. The pamphlet is now in its fourth printing.

In response to the President’s directive, the Equal Employment Opportunity Commission increased its education and outreach efforts to employers. On March 1, 1999, for example, the Agency released a comprehensive policy guidance document entitled, “*Reasonable Accommodation and Undue Hardship Under the Americans*

with Disabilities Act.” This guidance provides “plain language” answers to the most frequently asked questions concerning what reasonable accommodations are, when they must be provided, and when employers may refuse to provide them.

On March 22, the Equal Employment Opportunity Commission announced a new “Small Business Initiative” to improve customer service and to expand education, outreach, and technical assistance to the employer community. For this initiative, the Commission issued a shorter version of its March 1, 1999, guidance under the title, “*Small Employers and Reasonable Accommodation.*”

2. The Vice President directed the Small Business Administration to launch a new outreach campaign to help people with disabilities who already own their own small businesses, and to help those who want to start their own small businesses.

STATUS: The Small Business Administration entered into an agreement with the President’s Committee on Employment of People with Disabilities and the Task Force to increase entrepreneurial opportunities for people with disabilities. The agreement calls for the development of local networks of Federal, State, and local agencies with various private sector entities that promote and finance small businesses involving or serving people with

disabilities. Funding support for technical assistance through a nationwide series of workshops is being made available through commitments from the President’s Committee on Employment of People with Disabilities, the Small Business Administration, the Social Security Administration, the Department of Housing and Urban Development, as well as the Presidential Task Force.

Through a Memorandum of Understanding between the Small Business Administration and the Social Security Administration, staff of the two agencies are being encouraged to form local partnerships, thereby making SBA services available to beneficiaries who want to explore “entrepreneurship,” and similarly making SSA information available to local SBA staff about “employment supports” that may be crucial to SSA beneficiaries as they make the transition into the competitive workforce.

The SBA, with funding from its “partnering” relationship with the Department of Education, helped produce a program segment for the highly-successful PBS-sponsored series titled: “*Small Business 2000.*” The program featured Bill Malleris, a self-employed home builder. Since its debut in mid-August of 1999, nearly 200 public television stations across the country have aired the program, and video copies have been distributed to every SBA District Office.

The Supreme Court and the Americans With Disabilities Act: The View from 1999

by Samuel Bagenstos

Research Fellow, Harvard University Law School

INTRODUCTION

When Congress adopted the Americans with Disabilities Act (ADA) in 1990, it gave people with disabilities a powerful tool to challenge the discrimination and exclusion that still existed in far too many areas of public and private life. No longer could employers, Government agencies, or places of public accommodation simply ignore people with disabilities. Nor could they exclude people with disabilities on the basis of unfounded myths, fears, and stereotypes. Instead, Congress promised the many entities covered by the statute would now be required to cleanse their decision-making processes of irrational stereotypes or the inertial force of “the way we’ve always done things.” People with disabilities would be entitled to demand nondiscriminatory treatment and reasonable accommodations that would afford access to the same opportunities — the same chance to work hard, do one’s best, and show one’s talents — as anyone else.

But as with all civil rights laws, the effectiveness of the ADA depends crucially on the construction given to it by the courts. Those involved in the struggle to expand opportunities for people with disabilities are all too familiar with this point. After Congress enacted the Rehabilitation Act of 1973 and

the Education for All Handicapped Children Act of 1975 (EAHCA), early Supreme Court decisions like *Southeastern Community College v. Davis* (1979), and *Hendrick Hudson Board of Education v. Rowley* (1982) threatened to significantly undermine the effectiveness of those statutes. After absorbing the initial disappointment that attended those setbacks, disability rights advocates took a step back, carefully evaluated the Court’s opinions, and came up with new strategies to realize the promise of those landmark laws. Thanks to “creative lawyering” and passionate efforts to educate judges about the problem of disability discrimination, people with disabilities were able to turn the tide in the courts and ensure that the Rehabilitation Act and the EAHCA would remain the forces for positive change as originally intended.

With that experience in mind, disability rights advocates awaited with some trepidation the courts’ first decisions interpreting the Americans with Disabilities Act. The initial returns in the lower courts seemed to confirm advocates’ worst fears. As two recent studies have confirmed, individuals filing employment discrimination cases under the ADA have been among the least successful claimants in Federal courts. More than 90 percent of their suits have failed — a measure of futility exceeded only by prisoners who file lawsuits to challenge their

conditions of confinement (Colker 1999; ABA Commission on Mental and Physical Disability Law 1998).

ADA plaintiffs have been unsuccessful, in large part, because lower courts have taken a very narrow view of the statute's protections. Many courts have viewed the ADA as limited to a narrow group of people they have labeled the "truly disabled." Some have gone further and carved out a series of exceptions to the Act that had no apparent warrant in the statutory text (Burgdorf 1997).

Surveying these distressing results in the lower courts, many advocates pinned their hopes on the Supreme Court, but for eight years, the Court stood silent. When the Court accepted a half dozen ADA cases for review in its 1998-1999 Term, the Court appeared to be moving aggressively to put its own stamp on the law. Advocates hoped that the Supreme Court would reverse the trend of restrictive interpretations the lower courts had placed on the statute.

Reasons for Optimism— The Court's 1998 Decisions

Advocates had some reason for optimism. In two decisions in the spring of 1998, the Court had issued its first-ever rulings on the interpretation of the Americans with Disabilities Act. In one case, *Bragdon v. Abbott*, the Court ruled that a woman with asymptomatic HIV infection was protected by the statute. By accepting the Administration's argument that the statute protects people with asymptomatic HIV, the Court forcefully vindicated Congress's plain intent. At the time the ADA was enacted, both its supporters and its opponents clearly agreed on one thing — that the statute would protect people with HIV, whether their conditions had advanced to the "symptomatic" stage or not. But some lower courts had ruled that the condition is not a "disability" in its early stages; and that employers, Government agencies, and places of public accommodation were therefore free to discriminate against people with asymptomatic HIV infection. The Court's rejection of that flawed approach marked a major victory for people with HIV who are trying to continue to live normal,

productive lives.

In its other 1998 case, *Pennsylvania Department of Corrections v. Yeskey*, the Court unanimously rejected an argument, which had been accepted by some lower courts, that State prison inmates were not protected by the nondiscrimination provisions of the ADA. The Court emphasized that State prisons fell squarely within the statute's definition of public entities, which include "any department, agency, special purpose district, or other instrumentality of a State or States or local government."

Mixed Results— The Court's 1999 Decisions

With the spring 1998, experience in mind, many advocates believed that the Supreme Court would continue to adopt a generous construction of the ADA's protection against disability-based discrimination. Now that the dust has settled after the 1998-1999 Term, however, the picture appears to be far more mixed. The Court's *Olmstead v. L.C.* and *Cleveland v. Policy Management Systems Corp.* decisions gave strong support to the efforts of people with disabilities to live empowered, independent lives. But the Court's *Sutton v. United Air Lines*, *Murphy v. United Parcel Services*, and *Albertsons, Inc. v. Kirkingburg* decisions reflected a disturbingly narrow view of the protections afforded by the Americans with Disabilities Act.

On the positive side, it is difficult to overstate the historic significance of the Supreme Court's decision in *Olmstead v. L.C.* For decades, disability rights advocates had fought to eliminate the unnecessary isolation of people with disabilities in institutional living settings set apart from the community. In *Olmstead*, the Court held for the first time that such unnecessary segregation constitutes disability-based discrimination that can be challenged under the ADA.

Accepting the core claims of the disability rights movement — and the position urged by the Administration — Justice Ruth Bader Ginsburg's opinion for the Court pointed to two reasons why "unjustified institutional isolation of persons with

disabilities” would fall under Congress’ “comprehensive view of the concept of discrimination advanced in the ADA.” First, it fosters prejudice against people with disabilities by “perpetuat[ing] unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life.” Second, unnecessary institutionalization directly denies access to the bounty of opportunities available in community life. Institutionalization can deprive people with disabilities of the opportunity to pursue an education or occupation, to start a family, and to become involved in civic affairs. Accordingly, the Court held that under the ADA, States may not place people with disabilities in isolated institutional settings without strong professional or administrative justification. Though the Court recognized that States must have some leeway to “maintain a range of facilities and to administer services with an even hand,” its recognition of the harms of unnecessary isolation marks a major victory for the efforts of people with disabilities to make their own way in our free society.

The Court’s unanimous decision in *Cleveland v. Policy Management Systems* also struck a blow for empowerment and independent living. At issue in *Cleveland* was something called the “judicial estoppel” doctrine, which is best exemplified by the following scenario: A woman loses her job because of disability-based discrimination. She files a lawsuit under the ADA to get her job back. In the meantime, she looks for a new job but can’t find one. Lacking any means of supporting herself, she applies for Social Security Disability Insurance (SSDI).

In dozens of cases just like this one, lower courts ruled that people who applied for Social Security Disability Insurance had waived their right to get their jobs back under the ADA. Pointing to the plaintiffs’ representations on their SSDI application that a disability had rendered them unable to work, these courts ruled that those representations “estopped” the plaintiffs from asserting that they were “qualified individuals with a disability” entitled to relief under the ADA. Those lower-court decisions placed people who experience disability-based discrimination on the horns of a dilemma:

Continue to try to get their job back and give up their only possible means of support in the meantime, or put food on the table by applying for SSDI and give up any attempt to get their job back.

In an opinion by Justice Stephen Breyer, the Court put an end to that disempowering dilemma. The Court recognized a key point that underlies the ADA — that sometimes it is nothing but the failure to provide reasonable accommodation that makes someone “unable” to work. People with disabilities who are trying to find productive work should not be denied a remedy simply because they need to rely on government support to make ends meet while they are looking for a job. A rule that required SSDI recipients to forfeit their right to seek workplace accommodations under the ADA would condemn people with disabilities to lives of permanent dependency. Adopting the Administration’s arguments, the Court properly rejected such a rule.

But three other cases decided by the Court last spring are more disturbing. One case, *Albertsons*, is particularly significant for the Federal Government. The plaintiff, Hallie Kirkingburg, was a truck driver whose vision was monocular. Although a Department of Transportation (DOT) regulation generally requires drivers of commercial motor vehicles to have 20/40 or better vision in both eyes, the Department had waived the requirement based on Kirkingburg’s safe driving record and his promise to submit to periodic examinations. But his employer, Albertsons Supermarkets, was not so accepting. When his monocular vision was discovered, Albertsons fired Kirkingburg. Albertsons said that it would not hire any truck driver who was unable to meet the Department of Transportation’s general vision standard, regardless of whether the Department had issued a waiver to that driver.

The Supreme Court endorsed Albertsons’ decision to exclude Kirkingburg. Although the ADA generally requires employers to prove the existence of safety risks based on an individualized inquiry into the plaintiff’s abilities and the best available objective evidence, the Court found such an inquiry unnecessary in Kirkingburg’s case. Because the Department had adopted the waiver program in

order to collect empirical data to reevaluate visual acuity standards for driving commercial motor vehicles and had not modified its standards, the Court concluded that Albertsons was entitled to disregard the DOT waiver and insist that the employee meet the DOT's minimum visual acuity standard as a condition of employment. Even if the DOT grants waivers in some cases, the Court said, employers are not required under the ADA to take part in the Department's experiment. The *Albertsons* decision is particularly troubling, for it allows employers to make a broad-gauged judgment that *all* people with a given condition are unqualified for a job without making an individualized determination of the abilities of the *particular* applicant who has that condition — even when a regulatory agency has determined that the applicant would pose no undue risk.

Perhaps the most widely publicized cases of the Term involved the ADA's definition of "disability" — the central provision that identifies the people who may invoke the protections of the statute. In *Sutton v. United Air Lines* and *Murphy v. United Parcel Service*, the Court ruled that a determination of whether an individual is disabled should be made with reference to measures that mitigate the individual's impairment. Thus, an individual would not be found disabled if he or she employed measures that mitigated the impairment.

While the *Sutton* case involved twin sisters who had visual impairments that were correctable by wearing eyeglasses and the *Murphy* case involved a person with medicated hypertension, the Court's ruling denying ADA protection could affect people with any number of other impairments that Congress plainly meant to cover under the statute: people with epilepsy that is currently controlled by medication; people with diabetes that is controlled by regular administration of insulin; people who are receiving treatment for depression; people who use prosthetic limbs to walk or hearing aids to hear. If courts treat these mitigating measures as erasing any limitations imposed by the underlying conditions, then many people who suffer irrational stereotypes and prejudice could be deprived of any remedy under the ADA.

Looking Ahead

The Supreme Court's most recent Term contained both victories and setbacks for people with disabilities. Many in the disability rights community have understandably focused on the setbacks. Many fear that the restrictive decisions in *Sutton*, *Murphy*, and *Albertsons*, taken to their logical conclusions, will deprive a large number of deserving claimants of the protections of the Americans with Disabilities Act.

There are reasons to believe that the Court's restrictive decisions will not have the devastating effects that some predict. Notwithstanding *Sutton* and *Murphy*, the ADA still protects people with past and perceived disabilities — even if they have no current impairment at all. Many people who experience discrimination on the basis of currently controlled conditions will be protected under these prongs of the statute. Even if not, they may still invoke the ADA's coverage by showing that their medications or assistive devices do *not* in fact eliminate the limitations imposed by their conditions; indeed, people who experience serious side effects may be able to show that the medications *themselves* impose substantial limitations sufficient to justify statutory protection. The *Albertsons* decision, too, may be understood as resting on the Court's assessment of the highly experimental nature of the particular waiver program at issue; it need not be read as a general license for employers to exclude people with disabilities who have obtained waivers from generally applicable safety rules.

The role of the Administration in making good on the promises of the Americans with Disabilities Act therefore remains of vital importance.

Perhaps the greatest lesson we should draw from the recent Supreme Court cases, however, is of the inherent limits of the Americans with Disabilities Act. The ADA's comprehensive civil rights protections remain vitally important — both as a statement of our Nation's core principles, and as a front-line guarantor of access to opportunities. But civil rights law cannot be the only vehicle by which we attempt to guarantee opportunity,

empowerment, and independent living to all people with disabilities. We must supplement ADA enforcement with creative new strategies to reduce the stubbornly high unemployment rate among people with disabilities, and we must work to eliminate the disempowering incentives that still mark many areas of the law.

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Photography: Tom Olin, Disability Photo Project

April 21, 1999

Rally in Washington, D.C. in support of the ADA and against isolation and institutionalization of people with disabilities as the Supreme Court bears oral arguments in Olmstead v. L.C.

Highlights of the Task Force Committee Reports Goals, Actions, and Recommendations

Executive Order 13078 outlines issues the Task Force must consider as it designs an aggressive and coordinated strategy to increase employment of adults with disabilities to a rate that is comparable to that of the general population. In addition, the Executive Order details specific policy issues that key member agencies must address. Accordingly, in June 1998 the Task Force established work groups made up of key staff from member agencies to begin identifying actions and recommendations to eliminate barriers to employment for adults with disabilities. The work group recommendations are detailed in the Task Force's first report, *Re-charting the Course*, released on November 15, 1998.

Recognizing the importance of interagency activities and the need for further collaboration, Secretary of Labor Alexis M. Herman, Chair of the Task Force, and Tony Coelho, Vice Chair of the Task Force, with input from other members, developed a Committee structure to further serve the Executive Order mandate. This plan was ratified by the full Task Force membership at the December 13, 1998 meeting with Vice President Al Gore. Six Committees and one Subcommittee resulted from this process: the Access to Employment and Lifelong Learning Committee, which also has a Subcommit-

tee on Expanding Employment Opportunities for Young People with Disabilities; the Health Care and Income Support Committee; the Economic Incentives and Entrepreneurship Committee; the Federal Government as a Model Employer Committee; the Civil Rights Committee; and the Statistics Committee, also referred to as the Employment Rate Measurement Methodology Work Group.

During the spring of 1999, Task Force members worked to identify leaders, agency membership and senior staff for these Committees and by summer 1999, all Committees were fully functional. Throughout the summer and fall of 1999, the Committees met to exchange information, make recommendations for policy changes, and begin acting on the recommendations identified through their collaborative work.

Each Committee has written a report detailing its action plan, including work completed thus far, short- and long-term recommendations for policy changes, and the specific actions already being taken to eliminate barriers to employment for adults with disabilities. These reports represent only the beginning of a multi-year effort to identify and take proactive, strategic actions that will open doors to employment and establish a new way of working collaboratively across the Federal Government.

NOTE TO READERS: The complete text of the individual reports of the Task Force Committees can be obtained by contacting the Task Force. The reports of the Committees are not formal statements of policy or adopted plans of action approved or endorsed by an executive agency or any other branch of government. Readers should view these reports as "works in progress." The recommendations will be subject to thorough and rigorous review by the Task Force members and appropriate governmental agencies. No action will be taken by any agency until this review has been completed and formal adoption by appropriate agencies has been secured.

Committees of the Presidential Task Force

Each committee is responsible for looking at a broad range of issues that fall generally under its purview. Some issues, such as technology, are being looked at by more than one committee. In general, the committees are looking at the following issues:

Access to Employment and Lifelong Learning Committee

Co-Chairs

Secretary Alexis M. Herman

Department of Labor

Secretary Richard Riley

Department of Education

Chair Designees

Assistant Secretary Judith Heumann

Department of Education, Office of Special Education and Rehabilitative Services

Deputy Assistant Secretary Raymond Uhalde

Department of Labor, Employment and Training Administration

Committee Focus: Technology, telecommuting, transportation, housing, re training, tax credits, needs of diverse cultural groups, significant disabilities, and physical, programmatic access to welfare-to-work and Workforce Investment Act programs.

Health Care and Income Support Committee

Chair

Secretary Donna Shalala

Department of Health and Human Services

Vice Chairs

Commissioner Kenneth Apfel

Social Security Administration

Administrator Nancy-Ann DeParle

Health Care Financing Administration/
Department of Health and Human Services

Committee Focus: Access to appropriate and affordable health benefits and services, including long term services and supports; reducing and avoiding reliance on income support programs.

Statistics Committee (also known as the Employment Rate Measurement Methodology Work Group)

Chair

Assistant Commissioner Phillip Rones

Department of Labor

Bureau of Labor Statistics

Office of Employment and Unemployment Statistics

Committee Focus: Ways to design and implement a methodology to determine the employment rate of adults with disabilities.

Economic Incentives and Entrepreneurship Committee

Co-Chairs

Administrator Aida Alvarez

Small Business Administration

Chairman Tony Coelho

President's Committee on Employment of People with Disabilities

Chair Designees

Director of the Disabilities Initiative

Lydia B. Bickford

Small Business Administration

Executive Director John Lancaster

President's Committee on Employment of People with Disabilities

Committee Focus: Tax credits and other incentives that are needed to help individuals move into jobs and self-employment.

Expanding Employment Opportunities for Young People with Disabilities Subcommittee of the Access to Employment and Lifelong Learning Committee

Co-Chairs

Commissioner Sue Swenson

Department of Health and Human Services

Administration on Developmental Disabilities

Deputy Assistant Secretary Curtis Richards

Department of Education, Office of Special Education and Rehabilitative Services

Committee Focus: Programs for youth with disabilities; transition policies under the Individuals with Disabilities Education Act (IDEA).

Federal Government as a Model Employer Committee

Chair

Director Janice Lachance

Office of Personnel Management

Committee Focus: Changes Federal agencies can make to set an example for other employers and businesses.

Civil Rights Committee

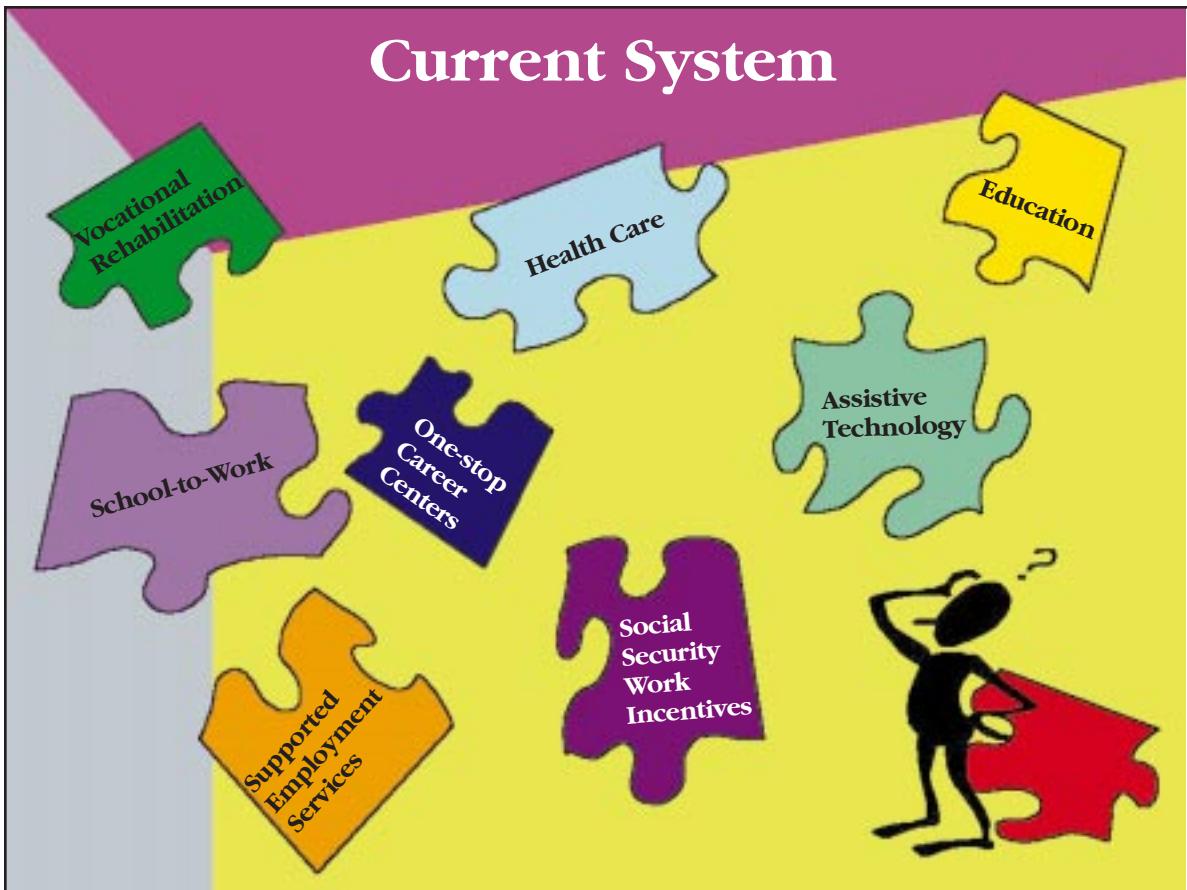
Chair

Chairwoman Ida L. Castro

Equal Employment Opportunity Commission

Committee Focus: Americans with Disabilities Act (ADA) issues, as well as technology issues related to Section 508 of the Rehabilitation Act.

Current System



Where We Want to Be



BUSINESS AND ENTREPRENEURSHIP

GOAL: *Develop local networks of Federal, State and local agencies and private sector entities that promote small business opportunities for people with disabilities. [Economic Incentives and Entrepreneurship Committee]*

STEPS: The Small Business Administration (SBA), the President's Committee on Employment of People with Disabilities (PCEPD), the Department of Housing and Urban Development (HUD), and the Task Force are collaborating to fund a massive technical assistance and outreach campaign to: (1) encourage and establish partnerships between the local disability community and small businesses; and (2) educate potential entrepreneurs with disabilities about small business options and resources. Participants include local SBA offices, community organizations representing people with disabilities, Small Business Development Centers, local financial institutions, college and university-based small business programs, the Department of Veterans Affairs and other Federal agencies, local Chambers of Commerce, and State Vocational Rehabilitation offices.

GOAL: *Increase collaboration between, and coordination of, the Small Business Administration's programs and the Social Security Administration's employment support provisions. [Economic Incentives and Entrepreneurship Committee]*

STEPS: The SBA and the Social Security Administration (SSA) signed a Memorandum of Understanding to strengthen their relationship and encourage entrepreneurship in the following ways:

- Encouraging local SBA offices and local SSA field offices to form partnerships;
- Providing SBA services to people with disabilities who receive social security benefits and who want to explore entrepreneurship, and providing the SBA with information on employment supports available to beneficiaries with disabilities; and

- Jointly developing educational materials on disability-related issues that affect small businesses as part of the SBA's online "Small Business Classroom."

GOAL: *Leverage community development funds to increase entrepreneurial opportunities for adults with disabilities. [Economic Incentives and Entrepreneurship Committee]*

STEPS: The Committee is working with the Treasury Department and the Community Development Financial Institutions (CDFI) Fund to explore ways economic development programs can be leveraged to increase entrepreneurial opportunities for adults with disabilities. The CDFI Fund promotes access to capital and local economic growth by directly investing in and assisting community development financial institutions and expanding financial service organizations' lending, investment, and services with underserved markets.

GOAL: *Develop public awareness/educational media and print materials about small business and people with disabilities. [Economic Incentives and Entrepreneurship Committee]*

STEPS: Committee members have initiated public awareness and public information activities promoting self-employment, small business, and people with disabilities:

- PCEPD has contracted with the Job Accommodation Network to establish the Small Business/Self-Employment Service. Starting in October 1999, this service will be a source of comprehensive information about entrepreneurship for people with disabilities, including a Web site with links to other entrepreneurship sites and a telephone counseling service.
- Using funds provided by the Department of Education (ED), the Small Business Administration produced a program for the Public Broadcasting System's Small Business 2000 series. The show featured Bill Malleris, a successful, self-employed home builder who has a disability, and made a powerful statement about self-employment

as a viable option for people with disabilities. It includes an interview with Betsy Myers, then the Assistant Deputy Administrator for Entrepreneurial Development at SBA, and aired on more than 200 public television stations. A copy was also distributed to every SBA District Office.

- The Department of Justice Civil Rights Division and SBA produced approximately 15,000 copies of the *ADA Guide for Small Businesses*, to distribute to small business clients. A second printing in Spanish is being prepared for distribution in 2000. The pamphlet contains information on the Americans with Disabilities Act, public accommodations, architectural barriers, tax credits, policies and procedures, communicating with customers, and additional resources.
- SSA held a training seminar entitled Entrepreneurs with Disabilities: Challenges and Solutions, with conference participants exploring ways the agency can assist beneficiaries who want to enter or reenter the workforce through self-employment or small businesses.
- The SBA is developing a “Disabilities Web Page” for use by small business owners, SBA offices, and entrepreneurs with disabilities. The page will provide information on resources for small business owners and people with disabilities across the Federal Government. Other Federal agencies, such as the Social Security Administration and the Department of Veterans Affairs, will be able to link their Web sites so that people with disabilities seeking entrepreneurial opportunities can find all the information they require relating to financing, work incentives, technical support, and training.
- The SBA has developed a *Welfare to Work Tool Kit* with information on working with

people with disabilities and disability awareness training materials for its entrepreneurial development field staff.

- Through *PRO-Net*, the SBA’s Procurement Marketing and Access Network, the Department of Labor Office of Small Business Programs (OSBP) has identified approximately 1,600 small businesses whose owners are veterans with disabilities. The Office is creating a database so they can conduct direct outreach to these small business owners and entrepreneurs.

GOAL: *Increase entrepreneurship and telecommuting as “outcomes” in the State vocational rehabilitation systems. [Economic Incentives and Entrepreneurship Committee]*

STEPS: The Rehabilitation Services Administration (RSA), with Committee support and input, is working to develop a major policy initiative supporting self-employment and small business as outcomes for people with disabilities. In addition, the agency is developing a technical assistance publication that will reiterate provisions in the Rehabilitation Act’s 1998 Amendments that focus on self-employment and telecommuting. RSA is also highlighting self-employment in their regional employment conferences and it will be a major part of their National Employment Conference in 2000.

CHOICE/SELF-DETERMINATION

GOAL: *Increase choice and self-determination for adults with disabilities in securing community-based employment and training opportunities. [Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee convened a Symposium on September 22, 1999 with more than 70 representatives of key federally funded systems change and demonstration projects.¹ The goal was to share new and innovative strategies

¹ In 1998, the Social Security Administration, in partnership with the Department of Health and Human Services and the Department of Labor, awarded cooperative agreements to 12 States under the State Partnership Initiative, to support States in developing innovative projects that assist adults with disabilities, including psychiatric disabilities, to reenter the workforce. The States participating are California, Illinois, Iowa, Minnesota, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Vermont, and Wisconsin.

being used by the projects to address barriers to employment, and recommend changes to Federal policies that prevent these innovative strategies from being more widely used. The recommendations were then referred to appropriate Task Force Committees for consideration. *[Note: A copy of the entire Symposium report is available from the Task Force.]* A number of the recommendations focus on increasing choice, self-determination, and inclusion for persons with significant disabilities, including the following:

- Ensuring a transition process to “customer-controlled” resources by adding incentives for early adopter states and for implementing systems change initiatives;
- Including clear financial incentives in Federal policy for provision of integrated, community-based employment;
- Reviewing Federal policy promoting non-integrated placements (such as day habilitation, institutional and sheltered workshop placements) and developing incentives for integrated, community-based employment;
- Redirecting all funding to support customer-controlled resources by the year 2009;
- Increasing funding of systems change initiatives and providing intensive outreach and technical assistance on successful strategies; and
- Funding intensive Federal, State and local technical assistance on the use of choice and person-directed strategies for employment.

CIVIL RIGHTS

GOAL: *Effectively enforce the Americans with Disabilities Act, the Rehabilitation Act, and other laws that impact the employment of people with disabilities. [Civil Rights Committee]*

STEPS: The Equal Employment Opportunity Commission (EEOC), Department of Justice (DOJ), and the Department of Labor Office of Federal Contract and Compliance Programs (OFCCP) are implementing three joint

initiatives:

- A coordinated enforcement initiative targeting hiring discrimination related to unnecessary qualification standards in State and local laws, ordinances, regulations, and professional certification requirements;
- An interagency coordination working group, including representatives from EEOC, DOJ, OFCCP, the ED, and the Department of Health and Human Services (HHS), to examine the implications of the recent Supreme Court decisions interpreting the ADA and developing a response strategy; and
- Improved and increased training for investigators and attorneys across Federal agencies on disability discrimination laws and the development of targeted training materials in the area of discrimination faced by persons with disabilities who are non-English speakers and/or from diverse cultural and racial backgrounds.

GOAL: *Work with the Department of Transportation (DOT) to implement regulations that do not discriminate against individuals with disabilities who are employed, or would like to be employed, by the nation’s transportation carriers. [Civil Rights Committee]*

STEPS: The Committee reviewed the DOT’s interstate commercial motor carrier driver qualifications, which have served as absolute barriers to people with disabilities. The Committee wants to modify these qualifications to be more responsive to an individual’s actual ability to perform the job, while still ensuring the safety of the nation’s roadways. Currently DOT regulations prohibit employment of individuals who have diabetes requiring use of insulin for treatment as commercial motor carrier drivers. Evaluation of the diabetes standard and its appropriate modification could be a model for addressing other regulatory standards that, in their current form, appear to be inconsistent with Federal disability law. DOT created a panel of medical experts to

review all aspects of diabetes, with the ultimate goal of providing medically-based recommendations. The panel's report is due in December 1999 and the Civil Rights Committee will then issue a final recommendation.

GOAL: *Ensure that racial and ethnic minorities with disabilities are aware of their civil rights in the workplace and remind the Federal community of its responsibility to meet their unique cultural needs. [Civil Rights Committee and Access to Employment and Lifelong Learning Committee]*

STEPS: The Committees have developed three major initiatives under Project Impact, a comprehensive, interagency project aimed at increasing the employment and economic empowerment of under-served groups, especially racial and ethnic minorities, in the disability community:

- A comprehensive pilot program in Baltimore, Maryland, to educate racial and ethnic minorities with disabilities about their civil rights relating to employment;
- Talking points about disability and minority status to be used in education and outreach efforts by members of the Task Force and high-level Government officials, and intended to increase awareness about the unique needs of minorities with disabilities and provide examples of how agencies and organizations can meet those needs; and
- Contract/grant language acknowledging the civil rights of minorities with disabilities, for inclusion in all requests for contract bids and grant proposals solicited by Federal agencies regarding employment, housing, health care, transportation, and education.

DATA COLLECTION AND ANALYSIS

GOAL: *Develop a statistically reliable and accurate method to measure the employment rate of adults with disabilities. [Statistics Committee]*

STEPS: The Committee has begun comprehensive research that will result in the design of questions to identify persons with disabilities in the context of the Current Population Survey (CPS):

- Compiling an annotated bibliography of currently available survey instruments along with information about the reliability, validity, and other testing the questions have undergone; and
- Developing a detailed research plan and a set of research protocols to select and/or design questions to identify this population.

The development of an employment measure for adults with disabilities has become a critical issue for policy makers, analysts, and others concerned with their labor market status. The employment rate, as a measure of labor market activity, is vital to the design, implementation, and evaluation of legislation and programs enabling persons with disabilities to participate as fully as possible in the labor market. Employment data also will demonstrate how the cyclical expansions and contractions of the economy affect employment among people with disabilities compared to other population groups.

GOAL: *Effectively coordinate the various research projects that focus on youth. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee is working with various member agencies to better coordinate their research efforts involving youth, including the Department of Education's National Longitudinal Transition Survey, the Social Security Administration's survey of beneficiaries, and the Department of Labor's military aptitude study and youth opportunity study. The Subcommittee wants to ensure that these surveys are asking the appropriate research questions and will truly enable policymakers to better understand the barriers faced by young people with disabilities.

FEDERAL GOVERNMENT AS A MODEL EMPLOYER

GOAL: *Implement White House and Office of Personnel Management initiatives to make the Federal Government a model employer. [Federal Government as a Model Employer Committee]*

STEPS: This year, the White House and the Office of Personnel Management (OPM), in cooperation with many Task Force member agencies, announced a number of initiatives that affect individuals with disabilities who are currently working for, or seeking employment with, the Federal Government. The Committee is developing implementation strategies for these initiatives, which include the following:

- The Office of Personnel Management's *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*. This model plan, released in October 1999, is intended to serve as a framework for Federal departments and agencies to use as they create strategies and initiatives to recruit, hire, develop, and retain more persons with disabilities.
- The excepted appointing authorities for hiring persons with disabilities in the Federal Government.
- Federal health insurance coverage for mental health and substance abuse treatment.
- Equal Employment Opportunity Commission's (EEOC) *Guidance on Reasonable Accommodation and Undue Hardship*.

GOAL: *Assist Federal agencies in meeting their legal obligations as public sector employers under the Rehabilitation Act and the Americans with Disabilities Act, and effectively implement the reasonable accommodation requirements. [Federal Government as a Model Employer Committee]*

STEPS: The Committee is working with EEOC to develop a set of methods and forms

that will ensure that all Federal agencies have consistent government-wide written procedural guidelines and accountability mechanisms for meeting their obligations under the Rehabilitation Act and the Americans with Disabilities Act (ADA). All policies developed by the Committee will be coordinated and consistent with the EEOC policies.

GOAL: *Develop consistent Federal policies and procedures for handling "reasonable accommodation" requests. [Federal Government as a Model Employer Committee]*

STEPS: The Committee is exploring the feasibility of developing and promoting the use of alternative dispute resolution (ADR) techniques and systems that would complement and strengthen the ADR program recently set up and expanded by the EEOC. The Committee will work with the EEOC through *Management Directive 110*, which requires all agencies to have ADR programs in place by January 2000. Through the use of these programs it is hoped that individual agencies can resolve reasonable accommodation complaints before complaints are filed with the EEOC.

GOAL: *Identify "progress measures" for ensuring Federal Government accountability in the areas of reasonable accommodation and accessibility. [Federal Government as a Model Employer Committee]*

STEPS: The Committee is identifying mechanisms for measuring the progress of Federal agencies against their plans and policies for providing reasonable accommodations and ensuring accessibility. Benchmarks for measuring success will come from a variety of sources, including reasonable accommodation tracking systems, agency self-evaluations, and employee surveys of technology accessibility.

GOAL: *Develop ongoing, structured, or formal training of supervisors, managers, executive administrators, and employees regarding accessibility and accommodation issues. [Federal Government as a Model Employer Committee]*

STEPS: The Committee has recommended a training program on reasonable accommodation and accessibility for managers, supervisors, and employees and is exploring the extent to which such training should be regarded as mandatory.

GOAL: *More effectively communicate and disseminate internal Federal policies that promote the employment of adults with disabilities within the Federal Government. [Federal Government as a Model Employer Committee]*

STEPS: The Committee recommends the creation of a mechanism or system that can be used routinely to widely promote and disseminate all Federal agency policy initiatives that directly affect the employment of adults with disabilities. Activities the Committee is considering include the following:

- Working through the Interagency Advisory Group (IAG) of Human Resources Directors and Small Agency Human Resources Council to reach the smaller Federal agencies;
- Promoting new policy initiatives through letters from the Director of the OPM to all Federal agency human resources directors;
- Providing briefings to the President's Management Council on new policies relating to the Federal employment of people with disabilities; and
- Determining who, in addition to Federal human resources and equal employment opportunity (EEO) staff, are critical "stakeholders" (including, for example, professional associations and Federal employee union organizations), and providing formal briefings to such representatives on policy issues.

The Committee also recommends developing a "tool kit" to help disseminate information and policies that will affect the employment of adults with disabilities in the Federal Government, including the following:

- A consolidated list of recruitment sources for applicants with disabilities;
- Information on telecommuting and satellite

centers;

- A list of resources related to assistive technology, universal access and design, and information technology;
- A "library" of innovative practices and success stories;
- Information on the use of designated Web sites; and
- A newsletter or similar mechanism that reports, in "plain English," agency successes with accommodations and related issues (e.g., transportation, housing, reassignment, flexiplace, and job restructuring).

GOAL: *Promote a greater understanding by supervisors and managers about the tools and "flexibilities" that already exist for recruiting and hiring persons with disabilities. [Federal Government as a Model Employer Committee]*

STEPS: The Committee is reviewing data on Federal agency use of the competitive process and special appointing authorities, used in recruiting and hiring persons with disabilities, to ensure that all available mechanisms are being fully utilized. Those Federal agencies with low numbers of employees with disabilities will be encouraged to undertake special educational and outreach efforts to promote and expand use of all hiring tools, including special appointing authorities, in an effort to increase their representation rates.

HEALTH CARE AND INCOME SUPPORT

GOAL: *Support demonstration projects that encourage State partnerships as they create innovative ways to address health care barriers for individuals starting and/or returning to work. [Access to Employment and Lifelong Learning and Health Care and Income Support Committees]*

STEPS: As mentioned above in the "Choice/Self-Determination" section, the Task Force sponsored a symposium in September 1999 for the States involved in the State

Partnership Initiative and other federally-funded initiatives focused on systems integration and increased choice. The Symposium covered a range of issues that resulted in numerous recommendations to improve access to health care for people with disabilities who start or return to work. These include more coordinated and aggressive actions by the Health Care Financing Administration (HCFA) and SSA in encouraging States to use existing Medicaid “buy-in” provisions for individuals with disabilities who want to start or return to work, and greater provision of technical assistance to the States who have (or want to add) demonstration projects and Medicaid waivers. The health care recommendations that came out of the Symposium have been forwarded to the Health Care and Income Support Committee for consideration. *[Note: A copy of the entire Symposium report is available from the Task Force.]*

GOAL: Increase the number of States implementing Section 4733 of the Balanced Budget Act of 1997 (BBA), which permits States to allow certain working individuals with disabilities to buy into Medicaid. [Health Care and Income Support Committee]

STEPS: The Committee is developing strategies to increase the number of States utilizing the BBA’s Medicaid “buy-in” option, to date, six States have added this option to their Medicaid plan. These include:

- HCFA is seeking to achieve 30 percent implementation of the Medicaid buy-in under Section 4733 of the BBA by 2001. To do this, HCFA will identify key individuals from States that have already successfully developed BBA State plan options and other work incentive programs and encourage those individuals to provide technical assistance to other States.
- HCFA is also working with SSA and RSA to interest States already undertaking work incentives demonstrations sponsored by these agencies to take up the Medicaid buy-in.

GOAL: Implement work incentive provisions under SSA, Medicaid and Medicare programs in a more aggressive and coordinated manner. [Health Care and Income Support Committee]

STEPS: The SSA, HHS, DOL, and RSA, are identifying joint technical assistance, outreach, education, and coordination activities they can undertake to promote the increased use of existing work incentives, including the following:

- A coordinated State outreach and consumer education effort to raise awareness around work incentives and facilitate individual participation in work incentive programs;
- Development of more user-friendly resources and consumer resource guides synthesizing existing health and income related work incentive programs, benefits and demonstrations at the Federal and State levels; and
- Targeted public education events for consumers, advocates, State officials and providers.

GOAL: Develop consumer-responsive home and community-based services systems, critical for many people with disabilities who work or who want to begin working. [Health Care and Income Support Committee]

STEPS: Following the recommendation of the Committee, HHS will work in the coming year to promote and expand technical assistance to States in developing and improving consumer responsive home and community-based services systems. HHS has agreed to ensure that the employment aspect of this work is highlighted. As the focal point for these activities in FY 2000, the agency is developing a resource center for States, advocacy groups, and consumers to promote home and community-based alternatives in their States. In addition, they will be completing the *Medicaid Primer*, a synthesis of information that will explain in clear language the flexibility States

have under Medicaid to deliver home and community-based supports and provide examples of what States have done so far.

GOAL: Obtain input from individuals receiving benefits into the implementation of existing work incentive programs and policies.

[Health Care and Income Support Committee]

STEPS: SSA and HCFA are developing and implementing a plan to actively seek input from individuals receiving (or formerly receiving) SSDI and SSI disability benefits, and to assist in regularly assessing the impact of agency regulations on the lives of people with disabilities. People with disabilities are in the unique position of being able to identify issues and concerns with the current income support and health programs, but to date there has been no organized forum for HHS and SSA to gather this first-hand information.

GOAL: Increase and index amounts/exclusions that relate to work attempts and employment by individuals receiving Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability benefits.

[Health Care and Income Support Committee]

STEPS: The Committee, with the significant participation of SSA, is exploring fiscally sound ways to make the following improvements in the SSDI and SSI programs:

- Indexing the Substantial Gainful Activity (SGA) amount, which determines the amount that a person can earn and still be eligible for SSDI and/or SSI: In 1999, the SGA was increased for the first time in many years, from \$500 to \$700. The Committee recommends that SSA look at establishing a regular and predictable mechanism to increase this amount, ensuring a consistent relationship between that amount and future wage growth.
- Increasing and indexing the Trial Work Period (TWP) amount: The SSDI program authorizes beneficiaries to have a trial work period consisting of nine months during which individuals can earn any amount

without affecting their benefits. The current monthly earning level that constitutes a trial work period month, \$200, has not been increased since 1990. The Committee recommends that SSA look at whether an increase in this amount is warranted and determine how such an increase would keep pace with future increases in wages.

- Increasing and indexing the Earned Income Exclusion (EIE): As an incentive to work, SSI beneficiaries are able to have nominal earnings before experiencing any reduction in benefit amounts. Currently the portion of an SSI beneficiary's wages excluded for purposes of calculating benefits equals the amount of the earned income exclusion, \$65, plus half of any wages exceeding that amount. The EIE of \$65 has not been increased since 1972. The Committee recommends that SSA look at increasing and indexing this amount to encourage work efforts by increasing the total income available to SSI beneficiaries before they begin to see a decrease in benefits.

GOAL: Develop and promote a more coordinated research agenda between the agencies involved in health care and income supports for individuals with disabilities who want to start or return to work. *[Health Care and Income Support Committee]*

STEPS: HHS and SSA have committed to developing a research work group that will develop a coordinated, interagency research agenda by mid-2000 to present to the Task Force for consideration and action.

LIFELONG LEARNING

GOAL: Invest more extensively in skill development for persons with disabilities. *[Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee recommends the following actions:

- Increase support to the National Institute for Literacy (NIFL) to continue and expand

their national training on disability and literacy issues and appropriate instructional approaches.

- Increase funding and other actions that aggressively address the impact of school reform efforts (including new skills testing) on young adults with disabilities and their impact on lifelong learning.

SYSTEMS CHANGE AND INNOVATION

GOAL: *Develop innovative strategies on systems change and support ongoing State efforts. [Access to Employment and Lifelong Learning Committee]*

STEPS: As mentioned above under “Choice/Self-Determination” and “Health Care and Income Support,” the Committee convened a Symposium in September 1999 bringing together representatives of key federally-funded systems change and demonstration projects. The meeting resulted in multiple recommendations for specific policy actions that were referred to appropriate Task Force Committees for consideration. The recommendations relating to systems change include the following:

- Developing incentives for collaboration at the State and local level by challenging Governors and State leaders to implement collaborative efforts similar to the Task Force at the State level;
- Providing a cost analysis of any proposed policy change which incorporates cost savings across all programs and not just savings within a single program;
- Encouraging States to develop a unified plan to implement the Workforce Investment Act in order to increase coordination and collaboration;
- Mandating intensive outreach to the disability community regarding the development of State plans under the Workforce Investment Act, due in the spring of 2000; and

- Providing examples of “best practices” for guidance and technical assistance to States for developing a coordinated system, based on innovative strategies developed through model demonstrations and waivers.

TAX POLICY

GOAL: *Examine Federal, State and local tax policy to determine what policy and implementation efforts are required in order to expand employment opportunities for adults with disabilities. [Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee, with significant participation from the Treasury Department, is reviewing and analyzing existing tax laws and the impact of current tax policy on the employment of people with disabilities. Working-age adults with disabilities often have a disincentive to work because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can be prohibitive. Tax credits and other incentives may provide a flexible way to assist people with disabilities and their employers in offsetting some of these expenses. The Committee is taking the following actions:

- Reviewing existing data and literature regarding the impact of tax policy on the ability of individuals with disabilities to become employed.
- Reviewing State and local tax credits and other work incentives to identify short- and long-term actions and recommendations. For example, the Committee has determined that about 25 percent of the States have statewide credits modeling the Federal Work Opportunity Tax Credit.
- Developing a targeted outreach effort on tax credits and other work incentives to educate business and individuals with disabilities on provisions of the tax code.

- Initiating discussions between the Internal Revenue Service and the Task Force to develop tax-related publications and link-appropriate Web sites.

The Committee will use its research to make recommendations for amendments to the existing tax code. These changes will be designed to encourage private sector employers to hire people with disabilities and promote and encourage people with disabilities to enter the work force.

TECHNOLOGY

GOAL: *Promote and enforce access to technology for all employees and job seekers with disabilities. [Civil Rights Committee, Federal Government as a Model Employer Committee, and Access to Employment and Lifelong Learning Committee]*

STEPS: To ensure wider access to technology for persons with disabilities, the Committees recommend vigorous implementation of Section 508 of the Rehabilitation Act which requires agencies to make all new technology acquisitions accessible to people with disabilities, and expanded training and technical assistance within and among Federal agencies. The Committees are also exploring the following strategies to promote technology access in Federal agencies:

- Most, if not all, Federal agencies have utilized specialized Y2K staff to test and change all agency software, and to coordinate with numerous programs and projects to accomplish this crosscutting task. Some of these same skills will be required to successfully implement the Section 508 standards. Federal agencies should use their Y2K project managers and staff for Section 508 compliance after January 2000.
- Many Federal agencies have a Chief Information Officer (CIO). These Officers should establish assistive technology programs within their organizations specifically to address electronic and information

technology access issues and standards. Such programs will serve to ensure that the agencies are fully compliant with Section 508 of the Rehabilitation Act.

- Federal resources available under the ED and DOL should be leveraged to expand implementation and piloting of remote interpreting technologies for the deaf and hard-of-hearing in more States and local One-Stop Career Center Systems.

GOAL: *Ensure full access to multiple Federal agency data bases and Web sites that list jobs, share resumes, convey job accommodation information, or in other ways promote employment of people with disabilities. [Access to Employment and Lifelong Learning Committee and Health Care and Income Support Committee]*

STEPS: Several of the Task Force agencies have begun to work on linking their data bases and Web sites, making them more accessible. The Committees are working to determine how best to coordinate, reconcile, and/or combine agencies' independent efforts and resources in order to promote employment of people with disabilities in the Federal workforce more successfully. The following are some of the efforts begun this year:

- DOL is working to make *America's Career Kit*, an electronic information delivery infrastructure that offers an interactive system of multiple electronic databases on job openings and worker qualifications, fully accessible for persons with disabilities.
- DOL's Employment and Training Administration (ETA) is adding SSA and other Task Force members as subscribers to the *America's Learning Exchange (ALX) CONNECTS*, a monthly electronic newsletter that describes new developments in *ALX* and *America's Career Kit*.
- SSA's Project ABLE is a national resume bank of people receiving SSDI and/or SSI benefits who want to work and have been assessed as "job-ready" with other Federal resume banks. Project ABLE participants

can develop and post their resumes on the DOL's *America's Job Bank* using the online registration process. Project ABLÉ staff are also reviewing the *America's Job Bank* and *America's Learning Exchange* to identify other areas of possible coordination.

- SSA's Office of Employment Support Programs Web site added a link to the HCFA site which has information on Medicaid and Medicare relevant to individuals receiving SSDI and/or SSI disability benefits who want to start or return to work.
- PCEPD is revising its Job Accommodation Network to include a *Searchable Online Accommodation Resource*, which will enable employers and people with disabilities to find examples of accommodations by identifying particular disabilities and functional limitations.
- DOL and RSA are developing a training program for vocational rehabilitation counselors and One-Stop Center counselors to enable them to use the data bases appropriately and effectively to serve people with disabilities.
- The Department of Labor Employment and Training Administration has developed a "Disability Online" Web site and is in the process of developing a searchable directory of training, employment, rehabilitation and other providers searchable by State and local area.

GOAL: *Ensure that Federal agency training and technical assistance efforts that use technology, and which are hosted by agencies and/or by contractors, are totally accessible to individuals with disabilities. [Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee recommends the following actions:

- Design and deliver Federal agency training programs which use technology, *e.g.*, distance learning and Web-based tutorials, in a manner that is fully accessible to people with disabilities.

- Incorporate expertise with technology access and assistive technology into all end-user support functions in Federal agencies, *e.g.*, computer help desks and installation and support functions.
- Incorporate Section 508 and technology access concepts into all contracting and procurement training and certification programs within Federal agencies, the Department of Agriculture's Graduate School programs, and others as determined by the Federal Acquisition Regulations Council.

TRANSPORTATION

GOAL: *Enhance mobility and transportation options for people with disabilities who need access to employment and educational opportunities. [Access to Employment and Lifelong Learning Committee]*

STEPS: DOT has taken the lead on the Committee by undertaking several initiatives that will enhance the mobility and access of people with disabilities:

- Creation of a new Web site (www.dot.gov/accessibility) to provide more information on transportation access issues.
- Elimination of liability caps for wheelchairs and other assistive devices damaged aboard airlines.
- New ways to achieve maximum access for sidewalks, trails, and airports.
- A newly created accessibility task force within DOT, comprised of representatives from all modes of transportation.
- A consumer booklet on adapted/modified personally-owned motor vehicles used by drivers with disabilities.
- Creation of a disability resource center, to provide centralized, quick, and efficient reasonable accommodations for DOT employees with disabilities.

- A new tracking system for *Air Carrier Access Act* complaints by persons with disabilities against airlines.

WORKFORCE DEVELOPMENT

GOAL: *Ensure that people with disabilities fully participate in One-Stop Career Center Systems and other programs/initiatives under the Workforce Investment Act that are intended to promote employment and lifelong learning. [Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee has developed and is supporting multiple steps to ensure inclusion of persons with disabilities in programs and services authorized under the Workforce Investment Act (WIA), in order to ensure physical and programmatic accessibility:

- Multiple technical assistance tools for the One-Stop Career Center Systems are being produced by the Department of Labor ETA and RSA. These include a video on assistive technologies for people with disabilities and a training video on WIA implementation, both for One-Stop Career Center staff, and the publication *A One-Stop Guide to Access*.
- ETA and RSA are jointly planning an expanded regional technical assistance effort to train State and local workforce staff on compliance issues and customer services for individuals with disabilities.
- The two agencies are also working closely together at the national and regional levels to address regulatory and policy guideline issues that have arisen this year during the beginning implementation phase of WIA, and to jointly plan and carry out implementation activities in each region (e.g., joint conferences, training on disability issues, and other collaborative efforts).
- WIA partners are working at the Federal, State and local level to encourage effective collaboration and facilitate widespread participation by people with disabilities in

One-Stop Career Center Systems. These activities include cost sharing, cost leveraging and integrated funding to support services for people with disabilities.

- The Committee held two roundtable discussions at the Native Health Promotion and Disability Conference to begin looking at the cultural and political barriers to developing and delivering workforce programs and services for Native Americans with disabilities.

GOAL: *Address the specific needs of individuals with disabilities who are receiving Temporary Assistance to Needy Families (TANF), or who are receiving TANF and are caregivers for family members who have disabilities. [Access to Employment and Lifelong Learning Committee]*

STEPS: The Committee co-sponsored the May 1999 Welfare to Work, TANF and Disabilities Work Group Meeting, resulting in multiple recommendations for action that have been referred to appropriate Task Force Committees for consideration:

- Training of employees of State welfare programs on disability issues, including reasonable accommodation;
- Developing a national consumer awareness training program for persons with disabilities in welfare and job training efforts;
- Focusing goals on sustained economic self-sufficiency for persons with disabilities, not just caseload reduction;
- Developing “safety net” strategies for individuals with disabilities who do not succeed in employment; and
- Developing and implementing an effective means to screen participants with hidden or undiagnosed disabilities, such as learning disabilities.

YOUTH

GOAL: *Receive input directly from young people with disabilities, their families, educators, service providers and others about barriers they face transitioning from adolescence to adulthood and work. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee participated in and co-sponsored a series of “listening sessions” this year, including the following events:

- Town Hall meeting focusing on youth with disabilities, sponsored by the Task Force in Los Angeles, California;
- Roundtable discussion hosted by the National Council on Disability;
- Youth Policy Forum sponsored by the SSA and the National Institute on Disability and Rehabilitation Research;
- Luncheon discussion at the National Council on Disability’s Youth Leadership Forum; and
- Health, Wellness and Transition to Employment Interagency Work Group Meeting.

GOAL: *Develop internship opportunities in the Federal Government and the private sector for young people with disabilities. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee recommends the following actions:

- Expanding existing Federal Government internship opportunities for young people with disabilities, such as the Workforce Recruitment Program for People with Disabilities and the High School-High Tech Program.
- Increasing participation of young people with disabilities in existing Federal internship programs such as the Presidential Management Internship Program, White House, and other agency fellowships and

internships, and the high school summer intern jobs program.

- Initiating a public-private sector partnership to create internship opportunities with the top 15 information technology industry leaders.

GOAL: *Increase the number of young people with disabilities who pursue postsecondary education. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee recommends that SSA explore increasing the amount of the SSI Student Earned Income Exclusion and increase the age limit, which is currently age 22. In addition, the Subcommittee is working to develop an initiative to stimulate higher participation rates of young adults with disabilities in postsecondary education, including greater participation of vocational rehabilitation consumers in postsecondary education, and intensive efforts aimed at young people who receive SSI benefits.

GOAL: *Increase leadership development activities for young people with disabilities. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee is working to coordinate and expand a Federal interagency National Youth with Disabilities Leadership Development Program funding priority.

GOAL: *Increase participation of youth with disabilities in Federal agency programs that generically target youth. [Expanding Employment Opportunities for Young People with Disabilities Subcommittee]*

STEPS: The Subcommittee members have been working with DOL to refine and publicize the “Youth2Work” and “YO! Movement” Web pages and use them as vehicles to disseminate information on young people with disabilities in transition.

CONCLUSION

The recommendations and activities described above represent the beginning of the Task Force Committees' collaborative, multi-year effort to build an aggressive national strategy that increases the employment rate of people with disabilities. Their continued efforts will yield greater insight into the obstacles people with disabilities face in securing and maintaining employment, and provide for effective and strategic Federal leadership and action.

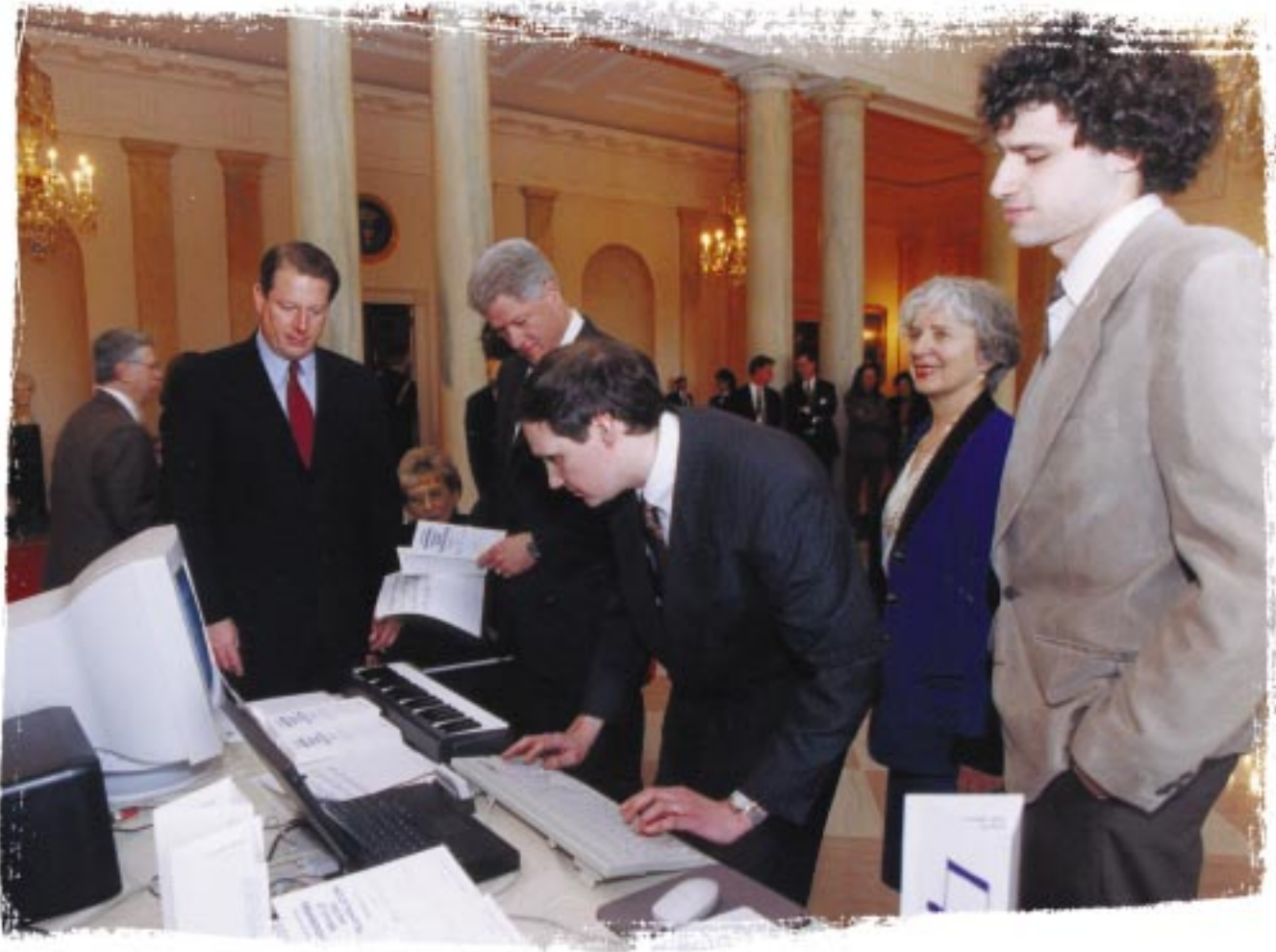
The era of isolated, specialized services for people with disabilities is over. For our Government to be truly efficient and effective, and to meaningfully meet the needs of *all* its citizens, Federal agencies cannot work in isolation. The Task Force Committees have demonstrated extraordinary leadership in the initial phase of their deliberations and collaborations. All Committee members deserve great thanks for their demonstrated effort and commitment within their agencies and Government-wide.



January 13, 1999

President Clinton and Vice President Gore greet Justin Dart, Jr., at the White House.

Also pictured is Task Force Vice Chair Tony Coelbo.



January 13, 1999

President Clinton and Vice President Gore view a computer assistive technology display at a White House event during which the President announced his support for increased funding for assistive technology.

*(Also pictured are **Rebecca L. Ogle**, Executive Director of the Presidential Task Force on Employment of Adults with Disabilities and **Katherine Seelman**, Director, National Institute on Disability and Rehabilitation Research, Department of Education)*

Disability Employment Policies and Practices in U.S. Federal Agencies

EXECUTIVE SUMMARY

Background

The Presidential Task Force on Employment of Adults with Disabilities was created by Executive Order 13078 on March 13, 1998, to establish a coordinated and aggressive national policy to increase the employment rate of persons with disabilities.

This research is a part of the efforts of the Presidential Task Force to meet the Section 2(g) mandate of the Executive Order. This mandate states that “[a]ll executive agencies that are not members of the Task Force shall: (a) coordinate and cooperate with the Task Force, and (b) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities.” One step in this endeavor is an analysis of the efforts of Federal agencies in recruiting and retaining persons with disabilities in Federal employment. A survey of U.S. Federal agencies, entitled “Survey of the Federal Government on Human Resources/EEO Policies and Practices in Employment of People with Disabilities,” was initiated by the Presidential Task Force in June. This research identifies how Federal agencies are responding to the employment disability nondiscrimination requirements of the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973, as amended.

This report identifies areas in which progress has been made. It also identifies areas that warrant further investigation and follow-up in order to increase opportunities and eliminate barriers to the employment, retention, and career advancement of people with disabilities in the Federal workforce. The information contained in this report will be broadly disseminated to Task Force members and committees, as well as to Federal departments and agencies for further action. Of particular importance, this report will be used by the Task Force’s Committee on the Federal Government as a Model Employer in its ongoing work. In addition, the U.S. Office of Personnel Management will consider the implications of this report in implementing its recently released “*Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*.”¹ This plan serves as a framework for Federal departments and agencies to use as they create strategies and initiatives to recruit, hire, develop, and retain more people with disabilities.

This U.S. Federal agency survey research effort was under the direction of the Presidential Task Force, conducted by the Program on Employment and Disability with the assistance of the Computer Assisted Survey Team (CAST), both located in the School of Industrial and Labor Relations at Cornell University.

Methodology

A ten-page survey was designed to capture information on the human resources and equal employment opportunity practices of U.S. Federal agencies in response to the employment nondiscrimination requirements of Federal civil rights laws. The survey items draw extensively from a similar survey used by Cornell University to conduct comparable research on private sector employers in 1998². The ten-page survey covers issues dealing with: (1) the reasonable accommodation process; (2) recruitment, pre-employment screening, testing, and new employee orientation; (3) health and other benefits of employment; (4) opportunities for promotion and training; (5) disciplinary process/grievance, dismissal or termination; (6) interaction with labor/industrial/collective bargaining issues and other employment legislation/considerations; (7) Federal agency employee training on the employment disability nondiscrimination and the accommodation process; (8) resources used and found most helpful in handling disability nondiscrimination and accommodation disputes; and (9) the role of disability management (return-to-work) programs in contributing to the accommodation process and the acceptance of employees with disabilities.

A list was obtained from the U.S. Office of Personnel Management's Interagency Advisory Group across 96 Federal agencies. A preliminary letter was sent out to all agency heads prior to the survey's initiation from the Executive Director of the Presidential Task Force, Rebecca Ogle, alerting them about the survey and clarifying its purpose. A letter was sent to each potential interviewee approximately two weeks prior to the initiation of the survey. The survey was conducted by telephone from Cornell University by the Computer Assisted Survey Team (CAST), using a Computer Assisted Telephone Interview (CATI) system.

FINDINGS AT A GLANCE

- Most agencies report having made accommodations for their employees with disabilities. At least nine out of ten respondents reported that their agency has made existing facilities accessible to employees with disabilities, been flexible in the application of HR policies, or modified the work environment (93 percent for each). Agencies were less likely to acquire or modify training materials (49 percent), or provide a job coach (41 percent).
- Seventy-one percent reported that their agency has a formal process for handling accommodation requests. Twenty-seven percent reported that the immediate supervisor of the employee making the request is responsible for making the final decision regarding the provision of an accommodation.
- Fifty-six percent reported that they had received ten or fewer accommodation requests in Fiscal Year 1999 to date, with 20 percent reporting that they had received no such requests.
- Twenty-six percent of respondents frequently use Schedule A or B provisions for hiring persons with disabilities; 49 percent of respondents reported occasionally using these provisions. Twenty-eight percent reported frequently using the special hiring program for disabled veterans; 52 percent reported occasionally using this program.
- The majority of agencies have made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with civil rights laws.
- The pre-employment area where change was reported as difficult was making information accessible for a person who is deaf or hard of hearing, or a person with a visual or learning disability.
- Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual disabilities, or people who are deaf or hard of hearing. Such considerations include using a text telephone (TTY) or relay service to set up interviews with deaf or hard of hearing applicants; using a reader to assist

a person with a visual impairment or learning disability; or adapting print materials used in interviews to large print, diskette, or Braille.

- More than three-quarters of respondents indicated that staff who perform interviews at their agency are familiar or very familiar with restrictions on eliciting information about medical issues affecting applicants' health and safety on the job, framing questions about the ability to perform job tasks, knowing when to ask an applicant about how specific job tasks would be performed, and accessing sign language interpreters.
- The remaining barriers to employment for persons with disabilities identified were attitudes and stereotypes about people with disabilities (43 percent), supervisors' lack of knowledge about accommodations (33 percent), lack of related experience (53 percent) and lack of requisite skills and training (45 percent) in the person with a disability.
- Ninety percent of respondents thought that the most effective means of barrier reduction is visible top management commitment.
- Sixteen percent of respondents indicated that their agency had experienced filed disability claims in 5 or more of 11 specified categories of discrimination claims; 50 percent said they had not had a claim filed in any of the listed areas.
- The disability discrimination claims most commonly reported by agencies were: 1) failure to provide a reasonable accommodation; and 2) failure to promote.
- Seventy-three percent are covered by a collective bargaining agreement, and of those, 66 percent reported that unions are involved in the accommodation process.
- Sixty-nine percent indicated that they would like more information on accommodation for psychiatric disabilities and 66 percent wanted more information on Rehabilitation Act requirements.
- Two-thirds of respondents reported that their agency has a formal or informal disability management program; respondents who have such a program indicated that it contributes to implementation of civil rights laws.

Survey Respondents

A total of 403 surveys were completed, out of 415 agency representatives who were contacted (a 97 percent response rate). The majority of the respondents had job titles of directors/chiefs of human resources and EEO (41 percent) or personnel managers (18 percent), whose positions were in the functional areas of human resources (41 percent) or equal opportunity (35 percent). They responded primarily for the entire agency (49 percent) or a regional office (40 percent) of agencies that employ more than 500 employees (71 percent). All information is provided in aggregate to protect the confidentiality of individual respondents and their agencies.

SURVEY RESULTS

Accommodations and the Accommodation Process

Most agencies reported having made accommodations for their employees with disabilities (see Table 1). At least nine in ten respondents reported that their agency has made existing facilities accessible to employees with disabilities, been flexible in the application of HR policies, or modified the work environment (93 percent for each). Agencies were less likely to acquire or modify training materials (49 percent), or provide a job coach (41 percent).

Seventy-one percent reported that their agency has a formal process for handling accommodation requests. Twenty-seven percent report that the immediate supervisor of the employee making the accommodation request is responsible for the final decision regarding its provision.

Fifty-six percent reported that they had received ten or fewer accommodation requests to date in the fiscal year (FY 1999), with 20 percent reporting that they had received no such requests.

Accommodations in Recruitment, Interviewing, and Pre-Employment Screening

Twenty-six percent of respondents reported frequent use of Schedule A or B provisions for hiring persons with disabilities; 49 percent of respondents reported occasionally using these provisions. Twenty-eight percent of respondents reported frequently using the special hiring program for disabled veterans; 52 percent reported occasionally using this program.

The majority of agencies represented by the respondents reported that they have made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with Federal civil rights laws.

The pre-employment area where change was reported as being difficult to achieve was making information accessible for a person who is deaf or hard of hearing, or with a visual or learning impairment.

Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual disabilities, or people who are deaf or hard of hearing. Such considerations include using a text telephone (TTY) or relay service to set up interviews with deaf or hard of hearing applicants; using a reader to assist a person with a visual impairment or learning disability; or adapting print materials used in interviews to large print, diskette, or Braille.

More than three-quarters of respondents indicated that staff who perform interviews at their agency are familiar or very familiar with restrictions on eliciting information about medical issues affecting an applicant's health and safety on the job, framing questions about the ability to perform job tasks, knowing when to ask an applicant about how specific job tasks would be performed, and accessing sign language interpreters.

Barriers to Promotion and Training for People with Disabilities

The remaining barriers to employment for persons with disabilities were identified as attitudes and stereotypes about people with disabilities (43 percent), supervisors' lack of knowledge about accommodations (33 percent), lack of related experience (53 percent) and lack of requisite skills and training (45 percent) in the person with a disability (see Chart 1).

Ninety percent of respondents thought that the most effective means of barrier reduction is visible top management commitment.

To help overcome barriers to the employment and advancement of people with disabilities, the majority of agencies made changes to organizational policies and practices (see Table 2). Agencies reported changing co-worker or supervisor attitudes toward employees with disabilities (91 percent), creating flexibility within the performance management system (83 percent), and ensuring equal pay and benefits for employees with disabilities (81 percent). Changing attitudes, the change most often attempted, was also seen as the most difficult change to make.

Dispute Resolution Process and Claims Experience

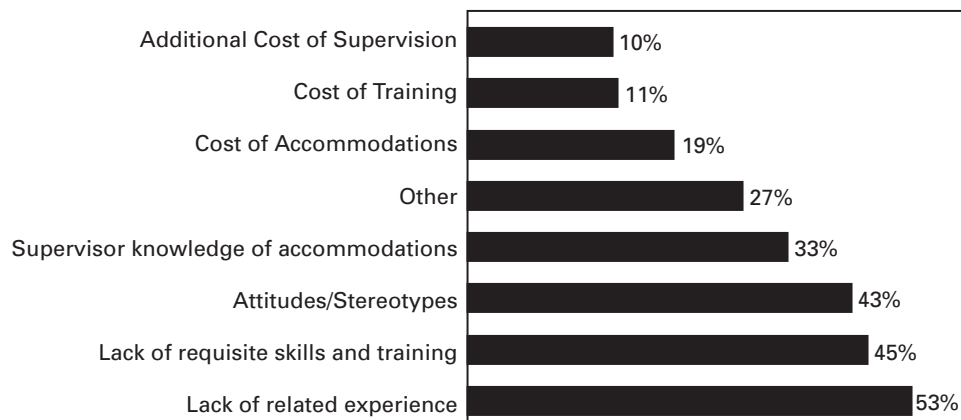
Sixteen percent of respondents indicated that their agency had disability claims filed in 5 or more of 11 specified categories of discrimination claims; 50 percent said they had not had a claim filed in any of the listed areas (see Table 3).

The disability discrimination claims most commonly reported by agencies were: (1) failure to provide a reasonable accommodation; and (2) failure to promote.

A high percentage of respondents reported having a grievance or dispute resolution process in place to deal with disability and accommodation issues (93 percent).

Chart 1

Barriers to Employment or Advancement of People with Disabilities



Source: *Disability Employment Policies and Practices in U.S. Federal Agencies*, Presidential Task Force on the Employment of Adults with Disabilities/Cornell University, 1999.

Table 1

Accommodations Made for Employees With Disabilities

(percent of all respondents; n=403)

	Yes	No, not able to	Never needed to make this accommodation	Don't know/ Refused
Made existing facilities accessible to employees with disabilities (restrooms, door entrances, hallways, etc)	93	**	5	1
Been flexible in the application of HR policies	93	**	3	4
Modified work environment (orthopedic chair, lower desk, etc.)	93	**	7	**
Acquired or modified equipment or devices	90	**	7	2
Restructured jobs or modified work hours	87	**	11	1
Made parking or transportation accommodations	86	1	11	1
Provided qualified readers or interpreters (including personal assistants)	79	0	20	1
Provided written job instructions	69	0	22	8
Made reassignment to vacant positions	58	2	33	7
Changed supervisory methods	55	**	31	13
Acquired or modified training materials	49	1	42	9
Provided a job coach	41	1	44	13

Source : *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on the Employment of Adults with Disabilities/Cornell University, 1999.

* Percentages may not total 100% due to rounding. ** Less than 1 percent

Labor Relations/ Collective Bargaining Issues

Seventy-three percent of these agencies are covered by a collective bargaining agreement, and of those, 66 percent reported that unions are involved in the accommodation process.

Unions are most often involved by providing representation in reasonable accommodation discussions (75 percent).

Interaction with Other Employment Laws

Forty-one percent of respondents reported being uncertain about coordination of leave under the ADA and/or the Rehabilitation Act and other Federal laws, such as the Family and Medical Leave Act

(FMLA), Worker's Compensation, short-term and long-term disability, and sick leave/salary continuation.

Thirty percent of respondents were uncertain about Section 501 of the Rehabilitation Act's requirements for designing and implementing affirmative action requirements. A similar percentage were unsure about the new requirements of Section 508 of the Rehabilitation Act, which mandates the purchase of accessible technology and equipment by Federal agencies.

Personnel Training

Fifty percent of respondents indicated that their employees had been trained in at least 10 of 14 listed areas for training (see Table 4).

Table 2

Changes Made to Reduce Employment and Advancement Barriers

(percent of all respondents; n=403)

	Didn't need to make this change	Did not make this change	Don't know & refused	Have needed to make this change	Of those employers who have made the change...		
					Easy or very easy	Neither easy nor difficult	Difficult or very difficult
Changing co-worker or supervisor attitudes towards employees with disabilities	6	**	3	91	29	38	33
Creating flexibility within the performance management system	12	1	4	83	65	20	15
Ensuring equal pay and benefits for employees with disabilities	16	**	2	81	86	10	4
Change in leave policy	18	**	3	78	72	20	8
Modifying the return to work or transitional employment policy	14	1	8	77	64	25	11
Adjusting policies regarding medical questions and medical examinations of employees	24	2	6	68	68	23	9

Source : *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on the Employment of Adults with Disabilities/Cornell University, 1999.

* Percentages may not total 100% due to rounding. ** Less than 1 percent

Ninety-one percent of respondents reported that agency employees had been trained in non-discriminatory recruitment and hiring practices.

In all fourteen areas, more than eight of ten agencies which had trained any staff had trained their human resources (HR) staff.

Sixty-nine percent indicated that they would like more information on accommodation for psychiatric disabilities and 66 percent wanted more information on Rehabilitation Act requirements.

Resources Used to Resolve Civil Rights-Related Issues

Ninety percent of respondents reported that they use their agency's EEO office as a resource to resolve disability discrimination or accommodation issues at their agency.

Eighty-five percent consult an internal legal counsel.

Internal legal counsel and disability management/benefits staff were considered the most helpful

resources (84 percent found each "helpful" or "very helpful"). The agency's EEO office received a similar rating (83 percent).

Forty-three percent of respondents reported using the President's Committee on Employment of People with Disabilities Job Accommodation Network (JAN) to resolve ADA issues; 73 percent found JAN "helpful" or "very helpful."

Disability Management Programs

Two-thirds of respondents reported that their agency has a formal or informal disability management program. Respondents who have such a program indicated that these programs contribute to implementation of civil rights laws.

COMPARISON WITH THE NON-FEDERAL SECTOR

A similar survey was conducted on a random sample of the membership of the Society for Human Resource Management (SHRM) and the entire membership of the Washington Business

Table 3

Disability Discrimination Claims Filed Against Agency

(percent of all respondents; n=403)

	No	Yes	Don't know/ Refused
Wage dispute	84	4	12
Denied or reduced benefits	83	5	12
Layoff	80	8	12
Failure to rehire	78	8	14
Failure to hire	70	17	12
Suspension	69	16	14
Harassment	68	19	13
Unfair discipline	66	20	14
Wrongful discharge	61	22	17
Failure to promote	60	26	14
Failure to provide reasonable accommodation	51	36	13

Source : *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on the Employment of Adults with Disabilities/Cornell University, 1999.

* Percentages may not total 100% due to rounding.

Group on Health (WBGH). The comparative results presented here are based on the feedback of approximately 800 private sector and over 400 Federal sector employer representatives, mostly HR representatives, since an HR membership organization (SHRM) was surveyed and HR and EEO

representatives were the informants selected for the Federal sector research.

Employers in both groups are responding to the ADA by making accommodations, most often by making existing facilities accessible, being flexible in

Table 4

Training on ADA-Related Topics

(percent of all respondents; n=403)

	Have any of your employees been trained in this area?			If yes, which employees have received this training?				More Info?
	Yes	No	Don't know	HR staff	Managerial staff	EEO staff	Other staff	Yes
Non-discriminatory recruitment and hiring practices	91	7	2	91	77	85	39	55
The accommodation process	87	9	3	88	75	83	37	60
Non-discrimination in the disciplinary process or termination	87	8	4	93	78	78	38	55
Confidentiality requirements of medical information	85	10	5	96	70	76	40	55
Disability awareness and/or sensitivity training	84	12	4	93	88	91	59	56
Federal Hiring Schedules	82	10	7	95	64	70	27	54
Equal access in promotional opportunities and training	79	16	5	91	75	83	37	60
Defining essential job functions	78	16	6	94	61	65	26	58
Conflict resolution in the accommodation process	77	19	4	85	62	87	42	58
Rehabilitation Act requirements	74	18	7	87	75	89	53	66
Accommodation for mental disabilities	61	32	7	81	56	85	30	69
Available print or organizational resources to assist in the accommodation process	58	32	11	84	52	81	34	64
Interaction with other employment legislation	50	33	16	87	43	72	27	64
Limitation and exclusions the ADA and other Federal laws allow health plans to impose	38	45	16	84	34	60	24	64

Source : *Disability Employment Policies and Practices in U.S. Federal Government Agencies*. Presidential Task Force on the Employment of Adults with Disabilities/Cornell University, 1999.

* Percentages may not total 100% due to rounding.

the application of HR policies, and restructuring jobs and work hours. Other often-made changes by both groups were modifying the work environment and making transportation accommodations. Least often made accommodations were in the areas of modifying training materials and making changes in supervisory methods. There was a difference in the groups' responses to making these changes in all of the 11 categories, with Federal agencies being more likely to make each change. Non-Federal sector organizations were also more likely to indicate that they had never been asked to make the changes.

A higher percentage of Federal agencies than non-Federal employers keep data to fulfill reporting requirements (62 percent for Federal, 48 percent for non-Federal), but the numbers in each group keeping data for future accommodations was quite similar (52 percent and 49 percent respectively).

Across both groups, respondents were much less familiar with considerations in the applicant interview process for accommodations for people with visual disabilities or who are deaf or hard of hearing: adapting print materials for people with visual disabilities, use of a reader for a person with visual disabilities, and the use of TTY/text telephones to set up interviews. However, Federal sector respondents indicated a much greater familiarity with accessing sign language interpreters (33 percent of non-Federal vs. 76 percent of Federal respondents reported their staff was "familiar" or "very familiar" with this accommodation). Federal respondents, while least familiar with accommodations for people who are deaf or hard of hearing or who have visual disabilities, were far more familiar with them than their non-Federal sector counterparts.

Continuing barriers to employment and advancement for persons with disabilities reported by employers were identified as being both within the workplace itself and within the individual with a disability. In terms of workplace barriers, attitudes or stereotypes among co-workers and supervisors towards persons with disabilities were seen as a significant barrier (43 percent of Federal respondents, 22 percent of non-Federal respondents). Approximately one-third in each group see

supervisor lack of knowledge of how to make accommodations as a continuing barrier (31 percent of the non-Federal employers and 34 percent in Federal agencies). In terms of barriers in the individual with a disability, lack of requisite skills and training were cited as a continuing barrier by 39 percent of non-Federal employers and 45 percent of Federal, as was lack of related experience (49 percent of non-Federal and 53 percent of Federal employers).

There was little difference in the top choice of method of reducing employment barriers identified by both groups, which was visible top management commitment (81 percent for the non-Federal, 90 percent for Federal respondents).

When asked about the types of access provided to enhance opportunities for promotion and training, Federal agencies reported significantly more provision of communication access for persons who are hearing impaired (91 percent in the Federal sector compared to 43 percent in the non-Federal), and persons who are visually impaired (77 percent in the Federal sector compared to 37 percent in the non-Federal sector).

Non-Federal employers reported significantly fewer claims filed against them than did Federal respondents. Failure to provide reasonable accommodation was reported by Federal agencies as the most often experienced claim, at 36 percent. The most commonly filed claim for non-Federal employers was wrongful discharge (19 percent).

Federal workplaces were more significantly unionized (73 percent) compared to the non-Federal sector (23 percent). In both groups, among those who have collective bargaining agreements and have union involvement in the accommodation process, unions were most often used to provide representation in discussions about the accommodation process (69 percent non-Federal, 75 percent Federal).

The staff training profiles for both groups were, on the whole, very similar. The areas in which training was most often conducted were the accommodation process and non-discriminatory recruiting and hiring. Areas where the least training was

conducted were allowable limitations on health plans, interaction with other legislation, and accommodations for people with psychiatric disabilities. Both sector's respondents identified further information on accommodations for persons with psychiatric disabilities as a significant ongoing need (69 percent of Federal respondents and 65 percent of non-Federal respondents).

Across both groups, legal counsel ranked highly as a resource often used to resolve disputes (82 and 88 percent for the non-Federal and Federal respectively). This was the most-often used resource for the non-Federal group, and a close second in the Federal group, topped only by the agency EEO office (90 percent). Next most often used in the non-Federal sector were professional societies such as the Society for Human Resource Management (SHRM), and safety and disability staff within the organization. For Federal agencies, after EEO and legal advisors the next most often used resources to resolve disputes were safety staff and State rehabilitation agencies.

The majority of people in both groups reported having formal or informal disability management or return-to-work programs, although non-Federal employers had a significantly higher number. Those who have disability management or return to work programs in both groups reported that these programs contributed to implementation of civil rights laws.

IMPLICATIONS

This report identifies how Federal departments and agencies are responding to the employment disability nondiscrimination requirements of the ADA and the Rehabilitation Act. The results from this research indicate that while much progress has been made, there remain many barriers to the recruitment, hiring, retention, and career advancement of adults with disabilities in the Federal workforce that warrant consideration.

Agency Accommodation Structure

Most agencies report having made accommodations for their employees with disabilities. However, one

in five agencies reported having received no accommodation requests in the prior fiscal year. There would seem to be a ready mechanism for getting further information on this from most agencies, as most reported having a formal process in place for handling accommodation requests. Since the immediate supervisor is most often cited as the final decision-maker in accommodation decisions, however, there may not be a ready reporting mechanism at the central level, and further information gathering may need to occur deeper within the agency structure.

Increase Use of Hiring Authorities

Another area for concern is the extent to which Federal agencies use special hiring authorities. Only one in four agencies reported frequently using the Schedule A or B provisions for hiring persons with disabilities or using the special hiring program for veterans with disabilities. These provisions appear to be an under-utilized tool by Federal agencies, lessening the effectiveness of efforts by Federal agencies to increase the employment of people with disabilities. These are areas for further exploration where changes might be indicated.

Supports Needed for Specific Populations

The majority of agencies reported having made changes in their existing recruitment, pre-employment screening, testing, and orientation procedures in order to comply with civil rights laws. However, making information accessible for a person with a visual or learning disability, or a person who is deaf or hard of hearing, was an area reported to be more difficult than others, in terms of accommodations in the pre-employment area. Respondents indicated that their interview staff are least familiar with interview considerations relating to people with visual or auditory impairments, such as using a text telephone or relay service to set up interviews with deaf or hard of hearing applicants, using a reader to assist a person with a visual impairment or learning disability, or with adapting print materials used in interviews to large print, diskette, or Braille. This finding is significant in light of the recent addition of Section 508 to the

Rehabilitation Act. Section 508 mandates that all Federal technology purchases be fully accessible to employees with disabilities. Significant technical assistance and training at the agency level will be required if Section 508 is to be successfully implemented.

Another area for further exploration is the workplace supports needed for persons with psychiatric disabilities. Respondents in both the Federal and non-Federal sectors indicated a need for further information on accommodations for persons with psychiatric disabilities. Exploration of how to use the proposed new hiring authorities for this group, as well as how to provide supports, once individuals have been employed, needs to be examined. This, again, may be a place where Federal and private sector employers can join to find effective solutions to enhance the hiring and retention of this group.

Employ Diversity Strategies

Some of the remaining barriers to employment for persons with disabilities identified by Federal agencies were both in the workplace and within the individual. Attitudes toward people with disabilities continues as a workplace integration issue, even though this was an area where most agencies reported having made changes. Perhaps this is an area that can be merged with diversity programming or addressed independently with continued training across all agencies. It would be a valuable discussion with Federal agencies as to whether the presence of diversity programs has been of any assistance in addressing issues of disability discrimination and negative attitudes or stereotypes toward persons with disabilities. Since diversity programs are increasing in popularity in the private sector, joint exploration with non-Federal employers of application of this use might be most beneficial. The Task Force should closely examine Federal agency training programs and curricula to determine the extent to which disability issues are included.

Engage Unions and Advisory Councils

Since the Federal workplace is heavily unionized and unions are often involved in the accommodation process, focus groups with unions might be a good place to continue information gathering in this process to learn more about barriers to employment for people with disabilities. Another possible source of information close to the workplace about employment and disability issues are the disability advisory councils. Both might be groups for further follow up with focus groups in the future for continued research.

Increase Supervisors' Knowledge of Accommodations

Supervisors' lack of knowledge about accommodations was also reported as an ongoing barrier in the work environment for persons with disabilities. Since the majority of training in the Federal agencies has been focused on human resource personnel in the past, this is not surprising. It is an area where training and technical assistance should be focused in the future. Since supervisors reportedly make the final decision on accommodations in most Federal workplaces, it is imperative that they have the training needed to be able to make appropriate decisions and access needed resources for particular accommodation requests.

Areas for Further Training and Technical Assistance

When asked about areas for further information and technical assistance, respondents indicated needing assistance and further resources in the area of accommodations for people with psychiatric disabilities. This is also an area of great concern for non-Federal employers, and also perhaps an area where jointly developed products around best practices and available resources might be helpful in both sectors. Another area where the need for further training was identified by the Federal sector respondents in this study was for more information and training on the Rehabilitation Act requirements.

Alternative Dispute Resolution

Almost all of the agencies reported having a grievance or dispute resolution process in place for accommodations, yet a U.S. General Accounting Office (GAO) report indicates that many employment discrimination disputes, including those relating to disability discrimination, are making their way to the EEOC³. The length of time for processing these disputes continues to increase. It would appear that significant further work must be done to encourage and inform dispute resolution, particularly on accommodation issues, earlier on and closer to the workplace. Alternative dispute resolution is an area that is gaining in popularity in the private sector, and again may be an area that the Federal sector might want to further explore. An example might be setting up model teams within agencies that represent the various interested parties in the accommodation process such as the person with a disability, HR representative, supervisor, health and safety representative, union, and EEO representative.

Use of Disability Management Programs

Two-thirds of respondents reported that their agency has a formal or informal disability management program; respondents who have such a program indicated that these programs contribute to implementation of civil rights laws. This is an area that perhaps could be further explored as a programmatic structure for support for workplace disability nondiscrimination policies and practices.

Disability Employment and Training Policy

One of the areas across both Federal and non-Federal organizations seen as a remaining barrier to the employment of people with disabilities is the lack of requisite training, skills, and related work experience in persons with disabilities. These identified barriers have implications for employment and disability social policy changes that advance the interests of people with disabilities in the employment and training arena. It is imperative that initiatives such as those in existence under the

Workforce Investment Act include people with disabilities in their mandate and implementation. This means not only having the direction for such inclusion written into the legislation and resulting regulations, but also making certain that implementation at the local level takes into account the unique service delivery needs of such system users. Success at this level calls for skilled professionals who will understand and be able to identify the service needs of persons with disabilities to assist them in making meaningful choices for training and subsequent employment. This also necessitates physical and communication accessibility of such service systems.

Also of interest for further study is the perspective of non-Federal employers about the effectiveness of tax incentives as a means to remove barriers for persons with disabilities in the hiring and retention employment processes. Tax incentives were seen as the least effective means to reduce such barriers by non-Federal sector employers; indeed only 26 percent reported these as effective or very effective in reducing barriers. A parallel item on special budget allocation as a way to reduce accommodation costs to employers was asked in the Federal survey. Sixty-nine percent of those interviewed saw this as effective or very effective in reducing barriers.

As evidenced by this research, Federal and non-Federal organizations are making significant strides in responding to employment disability nondiscrimination legislation such as the ADA and the Rehabilitation Act to change internal business organization environments and policies to respond to the law. Such efforts must be complemented by supporting national employment and training policies that provide persons with disabilities with training and experience resulting in skills that are marketable in a labor market that needs skilled workers.

FURTHER RESEARCH NEEDED

The results discussed in this report indicate a need for further research. One direction for further research is to gain the perspective of nondiscriminatory practices from Federal employees with disabilities, supervisors, and co-workers. Additional areas for future research include Federal training programs and technology applications. Finally, this report highlights many areas where the Federal government can and should provide additional promotion, outreach, and technical assistance to Federal agencies. This includes use of special hiring authorities; accommodations for people with visual, learning, and hearing impairments and people with psychiatric disabilities; alternative dispute resolution; and laws governing employment of people with disabilities.

NEXT STEPS FOR THE PRESIDENTIAL TASK FORCE

This report to the Presidential Task Force identifies significant areas which warrant further investigation and follow-up in order to increase opportunities and eliminate barriers to the employment, retention, and career advancement of people with disabilities in the Federal workforce. The information contained in this report will be broadly disseminated to Task Force members and Committees, as well as Federal departments and agencies for further action, including the following:

- The Committee on the Federal Government as a Model Employer will examine the results from this survey. The Committee's three Subcommittees on Federal Policy Development, Recruitment, Retention, and Career Advancement, and Reasonable Accommodations will use the results in their ongoing work.
- The Office of Personnel Management will use the information to implement "*Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government.*" The Plan, released in October, serves as a framework for Federal departments and agencies to use as they create strategies and initiatives to recruit, hire, develop, and retain more people with disabilities.

- The Committee on Civil Rights will use the report to continue its examination of coordinated enforcement of various Federal nondiscrimination employment policies.
- Federal departments and agencies will be sent copies of the report for consideration in their efforts to increase opportunities and remove barriers for adults with disabilities.
- The report will be used by the Task Force to continue its examination of Federal employment practices and to consider actions on the additional data collection efforts recommended.

ENDNOTES

- 1 Office of Personnel Management (October, 1999). *Accessing opportunity: The plan for employment of people with disabilities in the Federal government.* Washington, DC: Author. [Available on OPM's Web site, www.opm.gov, and in alternative formats through OPM by calling (202) 606-1059 or (202) 606-0023 (TTY).]
- 2 Further information about the non-Federal study can be obtained from Cornell University by contacting Susanne M. Bruyere, Principal Investigator, 607-255-7727, e-mail smb23@cornell.edu, or Cornell University Web site http://www.ilr.cornell.edu/ped/projects/ADA_Projects/IEP/
- 3 U.S. General Accounting Office (1999). *Equal Employment Opportunity: Complaint Caseloads rising, with effects of new regulations on future trends unclear.* (GAO/GGD-99-128) Report to Congressional Requestors. Washington, DC: Author.

ADDITIONAL RESOURCES

President's Committee on Employment of People with Disabilities (PCEPD)

1331 F Street, NW
Washington, DC 20004-1107
Phone: (V) 202-376-6200 (TDD) 202-376-6205
Web site: <http://www.pcepd.gov>
Email: info@pcepd.gov

President's Committee Job Accommodation Network (JAN)

918 Chestnut Ridge Road, Suite 1
West Virginia University, PO Box 6080
Morgantown, WV 26506-6080
Phone: (V) 800-526-7234 (TDD) 800-232-9675
Web site: <http://www.pcepd.gov> and click on JAN
or go directly to JAN at <http://janweb.icdi.wvu.edu/english/homeus.htm>

Equal Employment Opportunity Commission

1801 L Street NW (Federal Sector Programs)
Washington, DC 20507
Phone: (V) 800-669-3362 (TDD) 800-800-3302
Web site: <http://www.eeoc.gov>

For specific Federal employment questions, call the "ATTORNEY OF THE DAY" at 202-663-4599.

Department of Labor: Office of Federal Contractor Compliance Programs (OFCCP)

Department of Labor
Frances Perkins Building
200 Constitution Avenue NW
Washington, DC 20210
Phone: (V) 888-376-3227 (TDD) 202-208-0452
(V) 202-219-9475
Web site: <http://www.dol.gov/dol/esa>

U.S. Office of Personnel Management

(for Federal employment information)
1900 E Street, NW
Washington, DC 20415
Phone: (V) 202-606-2700 (TDD) 912-744-2299
Web site: www.opm.gov

CONTACTS FOR MORE INFORMATION

A copy of the full survey report is available from the Presidential Task Force, or from Cornell University. For additional information please contact:

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Report from the Employment Rate Measurement Methodology Work Group (Committee on Statistics) to the Presidential Task Force on Employment of Adults with Disabilities

THE MANDATE

The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on the Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

Background

The development of an employment measure for adults with disabilities has become a critical issue for policy makers, analysts, and others concerned with their labor market status. The employment rate, as a measure of labor market activity, is vital to the design, implementation, and evaluation of legislation and programs enabling persons with disabilities to participate as fully as possible in the labor market. Employment data also would tell us how the cyclical expansions and contractions of the economy affect employment among those with disabilities compared to other population groups.

Efforts to produce a statistically accurate and reliable measure of the employment rate for adults with disabilities began over two years prior to the issuance of the Executive Order. In a cooperative initiative undertaken by the Bureau of Labor Statistics (BLS), the Bureau of the Census, the President's Committee on the Employment of People with Disabilities, the Equal Employment Opportunity Commission, and the National Council on Disability, a small number of questions designed to identify this population were drafted and placed in the "Survey of Income and Program Participation" (SIPP). SIPP also contained a comprehensive module of questions aimed at identifying and

characterizing individuals with disabilities. The thought was that if the small set of questions identified the same population as the more extensive module, then the smaller set could be confidently placed in the “Current Population Survey” (CPS), the monthly national household survey which collects information used to prepare the official estimates of total employment and unemployment for the nation and for various population groups. This would allow BLS to produce regular estimates of employment and unemployment for persons with disabilities that would be consistent with the official measures for other groups.

The results of the test were not encouraging. The smaller set of questions failed to identify the same individuals with disabilities who were identified by the full battery of questions. In particular, the vast majority of those identified as having a disability but not a significant disability, in the full SIPP disability module were not identified as having a disability with the short set of questions. It later became clear that even the full SIPP battery may have limitations as a “benchmark” for identifying this population. The Bureau of the Census found that an extraordinarily high proportion of individuals who indicated they had a disability when first surveyed by SIPP did not respond that they had the same disability a year later. One would expect minor fluctuations in disability status over the course of a year but no one expected, for example, that only about 25 % or fewer individuals who had a significant visual or hearing impairment in the first year would have the same impairment in the second year.

Several possible explanations emerged. One was that the time frame the questions referred to (long-term) was not clear in the minds of the respondents when they were initially interviewed. However, it may also be that the disability population is very dynamic, and that shifts of persons into and out of different disability status categories are indeed large. Whatever the reasons for the unexpectedly large shifts in disability status indicated by the SIPP data, it is important to understand and explain this phenomenon, if effective questions are to be designed.

The Presidential Task Force on the Employment of Adults with Disabilities came into being at this point. The government agencies that worked with BLS in its initial efforts to develop questions for the CPS also participate in the Employment Rate Measurement Methodology (ERMM) Work Group and the initial measurement effort was subsumed into the work of the ERMM. Currently, approximately 16 government agencies are represented in the Work Group.

Several Work Group meetings have been held to prepare a foundation for comprehensive research that would result in the design of questions to identify persons with disabilities in the context of the CPS. One important discussion involved particular Federal agencies’ uses of disability employment data and the dimensions of disability they would like identified through a survey. For example, most agreed that information about the severity of disability is important, and that it would be particularly useful if the survey were able to distinguish employment rates for those with physical and mental disabilities.

The next task identified by the ERMM Work Group was to put together a database containing survey questions on disability along with some measures of the effectiveness of these questions. In order to determine what surveys and survey questions are currently available, and what level of testing the questions have undergone, the BLS compiled an annotated bibliography of survey instruments along with information about the reliability, validity, and other tests that the questions have undergone. The bibliography indicated that even the most promising survey questions require additional testing.

POSITIVE EFFORTS ALREADY UNDERWAY

The Work Group on Employment Rate Measurement Methodology (ERMM) is developing a detailed research plan and a set of research protocols to select or design questions to identify this population. The first priority of the Work Group is to develop monthly estimates of employment rates for persons with disabilities, including those with significant versus non-significant disabilities. Assuming that an effective small set of questions can be developed, and that this set of questions does not impose an excessive burden on respondents, the goal is to embed it within the monthly CPS. The second priority of the Work Group is to evaluate the relative accuracy of different longer modules of questions in identifying this population.

The Annotated Bibliography narrowed the range of surveys and questions that potentially could be used to gather disability data, but it is still difficult to select the surveys in which the Work Group should invest its research efforts.

Conceptually, the research plan is relatively straightforward. Complete batteries of questions on disability will be selected from several surveys that were identified in the Annotated Bibliography as being the most promising from the standpoint of the ERMM Work Group. Smaller sets of “screeener” questions will be developed for each of the complete batteries. Screeener questions have several important characteristics. They are typically few in number — one to six questions — so they minimize the time and space requirements imposed upon an existing survey such as the CPS. They are designed to identify a population of people with disabilities to whom one can administer a longer survey — one in which specific types of disabilities can be determined.

Then, both the screener and the longer, more detailed, complete batteries of questions will be tested on comparable panels of respondents. The data would then be analyzed to determine how well the screener questions identified the same population as the longer survey questions.

The relative accuracy of the different sets of screener questions, however, is only meaningful if the more complete batteries of questions have the same degree of accuracy. The quality of the data generated by the complete batteries of questions will be assessed through various techniques, including comparison of results from the screener questions and other questions on the CPS, as well as the standard survey evaluation techniques of cognitive interviews, respondent debriefing, and behavior coding.

Ultimately, if the ERMM Work Group research is successful, a set of screener questions and the related complete battery of questions will be selected as the best instruments to identify this population in the context of the CPS. The testing indicated above, however, will largely be conducted outside of the context of the CPS. The number of surveys and questions that must be examined render the CPS an inappropriate research vehicle for this phase of the research. When the list of candidate screener questions is considerably narrowed (to perhaps one or two sets), they can and should be tested in the context in which they will be used — the CPS.

The ERMM Work Group has several options it can explore in the event that none of the screener questions adequately identifies the same disability population as the longer, more detailed surveys.

Even if the screener questions initially fail to identify the same population as the longer disability surveys, there is a strong likelihood that the Work Group will have gone far in understanding why the screener questions fail to identify the same populations. We will be able to examine the demographic and disability information in detail to see why individuals responded differently to the long and short set of questions.

If the tests fail in the context of the CPS, it is possible that another survey vehicle can be enhanced (in terms of its frequency of administration or the nature of the labor force questions, for example) so an employment rate among adults with disabilities can be produced on a regular and timely basis. The evaluation of the underlying validity of the complete batteries of questions will permit a judgment as to which of these longer sets of questions should be used to generate employment data on persons with disabilities over time.

The Work Group and BLS will also consider the possibility of conducting an annual supplement to the CPS on disability.

RESEARCH QUESTIONS TO BE ADDRESSED:

There is agreement on the scientific validity of the proposed research, but there are several critical methodological issues to be addressed by the ERMM Work Group.

One important question involves the selection of the surveys to be used. Thus far, the list of candidates includes the Survey of Income and Program Participation (Census), the National Health Interview Survey (NCHS), and the Disability Assessment Schedule (WHO). In addition to screeners drawn from these surveys, the Census 2000 questions will also be tested.

A second important question goes back to the definition of disability, and the survey thresholds used to operationalize the definitions. Once the definitions of disability are established, thresholds for disability must be set for the purposes of this research. Thresholds for disability need to be established in order to know who is and who is not included in the population. This is a particularly difficult task, but the organizations offering their survey for the tests will set thresholds for their own survey.

The last important question at this time involves establishing protocols for the research. Technical questions, such as the appropriate sample composition and size, and the criteria for judging the acceptability of questions need to be addressed.

Research Activities of the Presidential Task Force on Employment of Adults with Disabilities

■ DATA COLLECTION:

Survey of the Federal Government on Human Resources/EEO Policies and Practices in Employment of People with Disabilities

Section 2(g) of the Executive Order mandated that “All executive agencies that are not members of the Task Force shall: (a) coordinate and cooperate with the Task Force; and (b) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities.”

As part of a multi-year initiative to address the many facets of this mandate, the Task Force conducted a survey of Federal agencies to determine their response to employment nondiscrimination, affirmative action, and accommodation requirements of the Americans with Disabilities Act and the Rehabilitation Act of 1973 as amended. The results of this survey are described in the report, *Disability Nondiscrimination and Accommodation Policies and Practices in U.S. Federal Government Agencies*. This report documents many positive accomplishments that have

resulted in opening the door to employment for people with disabilities in the Federal workforce. It also describes persistent barriers and recommendations to increase the employment of adults with disabilities in Federal agencies.

Models for Identifying and Measuring Disability Practices in Hiring

The purpose of this project is to develop a valid and reliable model for measuring disability-related barriers and problems in the hiring process. This model will be developed for use in the Federal and private sectors.

Employment Data Policy Analysis

The purpose of this project is to develop a template for examining data regarding general employment policies and those targeted specifically to people with disabilities in order to improve employment rates of people with disabilities. This project will seek to devise consistency in data collection and improve data analysis. This will affect the examination of policy relating to employment of people with disabilities. The project will result in the production of the template and a series of reports.

Affirmative Employment Goal for Federal Agencies

Under the Rehabilitation Act of 1973, Federal agencies are required to establish and maintain affirmative action plans for the hiring, placement, and advancement of individuals with disabilities. The Equal Employment Opportunity Commission (EEOC) is responsible for monitoring the affirmative action efforts of Federal agencies, and has issued instructions for the agencies in “EEO Management Directive 712: Comprehensive Affirmative Action Programs for Hiring, Placement, and Advancement of Individuals with Handicaps,” and “EEO-Management Directive 713: Affirmative Action for Hiring, Placement, and Advancement of Individuals with Handicaps.”

Based on prior statistical analyses, the EEOC has estimated that 5.95 percent of the available work force is comprised of people with these disabilities. The estimate is based on outdated data, and may well understate the current availability of people with targeted disabilities. The purpose of this project is to derive, using appropriate research methodologies, an updated estimate of the availability of individuals with targeted disabilities in order to revise EEO Management Directive 712.

Background Reports on Existing Federal Programs

The purpose of this project is to develop a current and concise, but comprehensive, overview of existing Federal programs to determine what changes, modifications, and innovations may be necessary to remove barriers to employment opportunities faced by adults with disabilities.

■ YOUNG PEOPLE WITH DISABILITIES:

Youth with Disabilities and Lifelong Learning

The purpose of this project is to collect and analyze data related to young people with disabilities’ participation in postsecondary education opportunities, such as college and technical training, and other lifelong learning opportunities. The project will result in a national forum and the development and dissemination of a product, “*Summary and Profile of Youth with Disabilities in Lifelong Learning in the U.S.*”

Exploring International Options for Young Women with Disabilities

The purpose of this project is to increase the participation of young women with disabilities in international employment. The project will result in an international exchange and conference in the Summer of 2000 and the production and dissemination of a report.

Training and Employment Needs of Youth with Disabilities in the Juvenile Justice System

This project will seek to obtain a better understanding of the unique issues surrounding employment and training needs of young juvenile offenders with disabilities. The project will conduct research, plan a conference, and produce materials that will be used to guide the work of the Task Force and its Subcommittee on Expanding Opportunities for Young People with Disabilities. The project will result in the development of a report, a conference proceedings document, and a guidebook for use by policymakers and service providers.

White Paper on Improving Employment Outcomes for Youth with Disabilities

Federal programs have little information regarding the employment outcomes for adolescents and young adults with chronic health conditions or disabilities that do not qualify for special education services. This population is often characterized as “Section 504 kids,” because their conditions are significant enough to afford them the rights and protections of Section 504 of the Rehabilitation Act, but are not of the nature to qualify them for special education programs. This population is significantly larger than the number of youth served under the Individuals with Disabilities Education Act. The purpose of this project is to synthesize the research about this population and examine policy options and future directions. The resulting “White Paper” will be used to guide the activities of the Task Force Subcommittee on Young People with Disabilities.

■ MOST SIGNIFICANT DISABILITIES:

From Segregation to Community-Participation: People with Significant Disabilities at Work

People with the most significant disabilities continue to be excluded from community-based employment and segregated in institutions, day habilitation and sheltered workshop settings, and to experience even higher rates of unemployment. This remains true in spite of the fact that multiple demonstrations have proven that certain strategies can be highly successful in connecting such individuals to community-based employment. The purpose of the project is to research and develop a brochure documenting the success stories that have led to changed work status of individuals in community-based settings, who were previously in segregated settings.

National Summit on Policy Options for Work and Enhanced Economic Independence for Persons with Developmental Disabilities and other Significant Cognitive Disabilities, and Think Tank on Policy Options for Work and Enhanced Economic Independence for Persons with Developmental Disabilities and other Significant Cognitive Disabilities

Individuals with significant disabilities (72 percent) have historically remained unemployed and living below the poverty level despite multiple Federal programs. The Institute for Community Inclusion’s recent report (May 1999) reviewed RSA data and data from State Mental Retardation and Developmental Disability agencies addressing issues of integrated employment and trends in day and employment services nationally. During an eight year period, while there has been an increase in the total number of persons with significant disabilities entering integrated employment (competitive and supported employment), the number of people in segregated (sheltered workshops and day activity centers) and non-work programs, also continues to rise.

The purposes of these projects are to: (1) assist the Task Force with the identification and analysis of current Federal and State policies and practices that continue to pose barriers to consumer choice; and (2) identify the direction of supports that would enhance opportunities for meaningful work and economic status for Americans with developmental and the most significant disabilities. The projects will result in a National Summit which will bring national experts together to synthesize information and best practices. This will lead to the think-tank which will result in the identification of policy options and future directions.

■ SYSTEMS CHANGE:

Interagency Agreement: Social Security Administration, Office of Disability and Income Security Programs

The purpose of this project is to identify and share best practice models which focus on employment barriers and improved employment outcomes for people with disabilities. The project will bring together grantees from the Social Security Administration, Rehabilitation Services Administration, Department of Labor, and the Substance Abuse and Mental Health Administration's Center for Mental Health Services to identify and share best practices. The project will result in a report to the Task Force with recommendations for their coordination, as appropriate.

■ CUSTOMER CHOICE:

The Meaning of Choice: Implications for Project Participants and Systems

The Task Force held a meeting of researchers and best-practice practitioners across the nation on September 22, 1999, (see above project) in order to develop specific recommendations for further analysis and/or policy actions for consideration by task force member agencies. Several recommendations ensuing from this meeting related to increasing choice and customer-direction for people with disabilities in securing needed employment and related supports. A specific concern that emerged during the meeting was the need for analysis of the meaning and impact of the "choice demonstration" projects on the lives of individual people with disabilities who participated as customers. These projects were funded six years ago through the Rehabilitative Services Administration. However, no qualitative analysis exists that explores the impact and outcome of these projects and their implication for the ongoing evolution of policy reform promoting increased choice and customer-control.

Accordingly, the purpose of this project is to conduct a qualitative analysis of the choice demonstration projects, and their outcomes in two targeted areas: (1) impact on employment and life status of individual people with disabilities who participated in the projects; and (2) implications for public systems in terms of needed policy reform and recommendations.

Meaning of Choice: Perspectives from Project Participants and Facilitators

This project also builds on the results of the meeting conducted by the Task Force on September 22, 1999. The purpose of this project is to implement a qualitative analysis of the impact of the choice experience from the perspective of the individual participants with disabilities and the facilitators who assigned them in securing employment. The qualitative analysis will: (1) investigate the meaning and impact of choice on the employment and life status of individual people with disabilities and facilitators who participated in the projects through a series of in-depth interviews of project participants and facilitators; (2) assist in identifying the implications for public systems in terms of needed policy reform and recommendations; and (3) contribute to a white paper and monograph of materials on choice.

Summary of Disability-Related Legislative Initiatives*

National Vocational Rehabilitation Act of 1920

Established Federal/State system of rehabilitation services.

Social Security Act of 1935

Established Federal/State system of health services for “crippled” children; permanently authorized civilian rehabilitation program.

Wagner-O’Day Act of 1938

Authorized Federal purchases from workshops for people who are blind.

Randolph-Sheppard Act of 1938

Authorized Federal program to employ people who are blind as vendors on Federal property.

Vocational Rehabilitation Act of 1954

Authorized innovation and expansion grants, and grants to colleges and universities for professional training.

Wagner-Peyser Act Amendments of 1954

Required Federal/State employment security offices to designate staff members to assist people with severe disabilities.

Social Security Amendments of 1956

Established Social Security Disability Insurance Trust Fund; provided for payments to eligible workers who became disabled.

National Defense Education Act of 1958

Authorized Federal assistance for preparation of teachers of children with disabilities.

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

Provided grants for construction of mental retardation research centers and facilities; provided for training of educational personnel involved with youth with disabilities; authorized grants to States for construction of community mental health centers.

* Adapted from Kay F. Schriner and Andrew I. Batavia, “Disability Law and Social Policy,” *Encyclopedia of Disability and Rehabilitation*, New York: Simon & Schuster Macmillan, 1995, with summaries of legislation enacted since 1995 contributed by Carri George, Rebecca Ogle, Bobby Silverstein, and the Department of Justice’s 1997 publication, *A Guide to Disability Rights Laws*. This chart includes laws and amendments to laws significant to the context of this report and is not intended to be exhaustive or all-inclusive.

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965

Established grant program to cover initial staffing costs for community mental health centers.

Social Security Act Amendments of 1965

Established Medicaid program for elderly people and for blind persons and other persons with disabilities.

Elementary and Secondary Education Act of 1965

Authorized Federal aid to States and localities for educating deprived children, including children with disabilities.

Elementary and Secondary Education Act Amendments of 1966

Created National Advisory Committee on Handicapped Children; created Bureau of Education for the Handicapped in U.S. Office of Education.

Fair Labor Standards Amendments of 1966

Established standards for employment of workers with disabilities, allowing for subminimum wages.

Elementary and Secondary Education Amendments of 1967

Authorized regional resource centers; authorized centers and services for deaf-blind children.

Handicapped Children's Early Education Assistance Act of 1968

Established grant program for preschool and early education of children with disabilities.

Vocational Education Act Amendments of 1968

Required participating States to earmark 10 percent of basic vocational education allotment for youth with disabilities.

Architectural Barriers Act of 1968

Required most buildings and facilities built, constructed, or altered with Federal funds after 1969 to be accessible.

Developmental Disabilities Services and Facilities Construction Amendments of 1970

Expanded services to individuals with epilepsy and cerebral palsy; authorized new State formula grant program; defined "developmental disability" in categorical terms; established State-level planning council.

Urban Mass Transportation Act Amendment of 1970

Authorized grants to States and localities for accessible mass transportation.

Javits-Wagner-O'Day Act of 1971

Extended purchase authority to workshops for people with severe disabilities in addition to blindness; retained through 1976 preference for workshops for people who are blind.

Social Security Amendments of 1972

Extended Medicare coverage to individuals with disabilities; established Supplemental Security Income program for elderly people and for blind persons and other persons with disabilities.

Small Business Investment Act Amendments of 1972

Established the "Handicapped Assistance Loan Program" to provide loans to nonprofit sheltered workshops and individuals with disabilities.

Rehabilitation Act of 1973

Prohibited disability discrimination in Federally assisted programs and activities and Federal agencies; required affirmative action programs for people with disabilities by Federal agencies and some Federal contractors; established the Architectural and Transportation Barriers Compliance Board.

Education Amendments of 1974

Required States to establish plans and timetables for providing full educational opportunities for all children with disabilities as condition of receiving Federal funds.

Headstart, Economic Opportunity, and Community Partnership Act of 1974

Required that at least 10 percent of children enrolled in Headstart be children with disabilities.

Housing and Community Development Act of 1974

Established Section 8 housing program for low-income families, including individuals with disabilities and/or their families.

Developmentally Disabled Assistance and Bill of Rights Act of 1975

Described congressional findings regarding rights of persons with developmental disabilities; established funding for protection and advocacy systems; added requirement that State plan include deinstitutionalization plan; required States to develop and annually review rehabilitation plans for all clients.

Education for All Handicapped Children Act of 1975

Required States to establish policy assuring free appropriate public education for children with disabilities as condition for receiving Part B funds; established procedural safeguards, procedures for mainstreaming children with disabilities to the maximum extent possible, and procedures for nondiscriminatory testing and evaluation practices.

Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978

Established National Institute of Handicapped Research; established National Council on the Handicapped; authorized grant program for independent living services; replaced categorical definition of developmental disability with functional definition; established minimum funding level for protection and advocacy services.

Civil Rights Commission Act of 1978

Expanded jurisdiction of Civil Rights Commission to disability discrimination.

Department of Education Organization Act of 1979

Established Office of Special Education and Rehabilitative Services in new cabinet-level Department of Education.

Civil Rights of Institutionalized Persons Act of 1980

Empowered Department of Justice to bring suit against States for allegedly violating rights of institutionalized persons with disabilities.

Job Training Partnership Act of 1982

Authorized training and placement services for “economically disadvantaged” individuals, including persons with disabilities.

Education of the Handicapped Act Amendments of 1983

Authorized grants for training parents of children with disabilities.

Child Abuse Prevention Treatment Act Amendments of 1984

Required States’ child protection agencies to develop procedures for responding to reports that newborns with disabling conditions were being denied treatment; established conditions for requiring such treatment.

Developmental Disabilities Act of 1984

Shifted emphasis to employment in priority services; required Individual Habilitation Plan for consumers; increased minimum funding for protection and advocacy services.

Rehabilitation Act Amendments of 1984

Established Client Assistance Programs as formula grant programs; made National Council on the Handicapped an independent agency.

Consolidated Omnibus Budget Reconciliation Act of 1985

Expanded the definition of “habilitation” for Home and Community-Based Waiver recipients with developmental disabilities to cover certain pre-vocational services and supported employment for previously institutionalized individuals; authorized States to cover ventilator-dependent children under the waiver program if they would otherwise require continued inpatient care.

Education of the Handicapped Act Amendments of 1986

Authorized a new grant program for States to develop an early intervention system for infants and toddlers with disabilities and their families, and provide greater incentives for States to provide preschool programs for children with disabilities between the ages of three and five.

Handicapped Children’s Protection Act of 1986

Authorized courts to award reasonable attorneys fees to parents who prevail in due process proceedings and court actions under Part B of the Education of the Handicapped Act.

Employment Opportunities for Disabled Americans Act of 1986

Made the Section 1619(a) and 1619(b) work incentives a permanent feature of the Social Security Act; added provisions to enable individuals to move back and forth among regular SSI, Section 1619(a) and Section 1619(b) eligibility status.

Education of the Deaf Act of 1986

Updated statute establishing Gallaudet College and changed name to Gallaudet University; authorized Gallaudet University to operate demonstration elementary and secondary schools for deaf children; established Commission on Education of the Deaf.

Rehabilitation Act Amendments of 1986

“Severe disability” definition expanded to include functional (as well as categorical) criteria; defined “employability” for first time; added formula grant program for supported employment; renamed research branch the National Institute on Disability and Rehabilitation Research.

Air Carrier Access Act of 1986

Prohibited disability discrimination in provision of air transportation.

Protection and Advocacy for Mentally Ill Individuals Act of 1986

Authorized formula grant program for statewide advocacy services for persons with mental illness, provided directly by, or under contract with, the protection and advocacy system for persons with developmental disabilities.

Developmental Disabilities and Bill of Rights Act Amendments of 1987

Raised minimum allotment levels for basic State grant program and protection and advocacy systems; increased minimum allotment for university-affiliated programs, basic State grant program, and protection and advocacy systems.

The Technology-Related Assistance for Individuals with Disabilities Act of 1988

Provided grants to States to develop statewide assistive technology programs.

Fair Housing Act Amendments of 1988

Added persons with disabilities as a group protected from discrimination in housing and ensured that persons with disabilities are allowed to adapt their dwelling place to meet their needs.

Omnibus Reconciliation Act of 1989

Included major expansion in required services under Medicaid's Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

Television Decoder Circuitry Act of 1990

Required new television sets to have capability for close-captioned television transmission.

Americans with Disabilities Act of 1990

Prohibited disability discrimination in employment, public services and public accommodations operated by private entities; required that telecommunication services be made accessible.

Rehabilitation Act Amendments of 1992

Changed eligibility requirements and procedures for determining eligibility; strengthened requirements for interagency cooperation; strengthened consumer involvement requirements, and provided that ADA Title I Standards shall be applied to determine whether there has been non-affirmative action discrimination under the Rehabilitation Act.

Family and Medical Leave Act of 1993

Allowed workers to take up to 12 weeks of unpaid leave a year to care for newborn and adopted children and family members with serious health conditions or to recover from serious health conditions.

National Voter Registration Act of 1993

Required States to liberalize their voter registration rules to allow people to register to vote by mail, when they apply for driver's licenses or at offices that provide public assistance and programs for individuals with disabilities such as vocational rehabilitation programs.

Goals 2000: Educate America Act of 1994

Provided framework for meeting national educational goals and carrying out systemic school reform for all children with disabilities.

Telecommunications Act of 1996

Required telecommunications manufacturers and service providers to ensure that equipment is designed, developed and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.

Health Insurance Portability and Accountability Act of 1996

Improved access to health care for some Americans by guaranteeing that private health insurance is available, portable, renewable, and limited pre-existing condition exclusions.

Mental Health Parity Act of 1996

Included a provision that prohibits insurance companies from having lower annual or lifetime caps for treatment of mental illness than for treatment of other medical conditions.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Required work in exchange for time-limited assistance; Temporary Assistance to Needy Families (TANF) replaced the former welfare programs, ending the Federal entitlement to assistance; States, territories, and tribes receive a block grant allocation with a requirement on States to maintain a historical level of State spending known as maintenance of effort.

Balanced Budget Act of 1997

Section 4733 provided a new Medicaid buy-in option for people with disabilities. This provision gives States the option to allow individuals with disabilities who return to work the ability to purchase Medicaid coverage as their earnings increase up to 250 percent of poverty, based on an individual's net rather than gross income.

Individuals with Disabilities Education Act Amendments of 1997 (IDEA)

Formally called P.L. 94-142 or the Education of All Handicapped Children Act of 1975, IDEA requires public schools to make available to all eligible children with disabilities a free, appropriate public education in the least restrictive environment appropriate to their individual needs.

Workforce Investment Act of 1998

Required consolidation of several Federal education, training, and employment programs; reauthorized Rehabilitation Act programs through Fiscal Year 2003 and linked those programs to State and local workforce development systems; expanded Section 508 to ensure that all Federal departments and agencies procure, use and maintain accessible electronic and information technology.

Quality Housing and Work Responsibility Act of 1998

The Quality Housing and Work Responsibility Act of 1998, affecting HUD-funded public and assisted housing, eliminated previously required Federal preferences shown to people with disabilities and some other groups but left any such previous preferences intact or optional at the local level. Public housing agencies, which provide HUD-funded public and assisted housing, must also develop Annual Plans and 5-Year Plans reflecting their preferences and other matters such as changes in the "disability-related tenant composition" of the housing those agencies offer and accessibility issues. Public housing agencies must also certify that their plans and implementation comply with all Federal civil rights and fair housing laws including those which cover persons with disabilities in addition to covering other protected classes.

Assistive Technology Act of 1998

Authorized State grant programs and protection and advocacy systems to address the assistive technology needs of people with disabilities; authorized the development of alternative financing mechanisms to assist people with disabilities in purchasing assistive technology.

Ticket to Work and Work Incentives Improvement Act of 1999

Allowed for Medicaid and/or Medicare benefits for many people with disabilities who go to work; provided for a "ticket to work and self sufficiency" which allows Social Security beneficiaries with disabilities choice and expanded options in pursuing employment and employment supports.