



The Council  
of State  
Governments

# The State as a Model Employer of People with Disabilities

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**POLICIES AND PRACTICES FOR STATE LEADERS**

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# Executive Summary

As state governments increasingly recognize the advantages of proactively recruiting and hiring people with disabilities, many are pursuing “state as a model employer” (SAME) policies and practices. Such efforts position states as model public-sector employers of people with disabilities—and as examples for private sector employers to follow.

For state employers, SAME policies promote greater diversity, equity and inclusion in the public-sector workforce, which can enhance a state government’s profitability and competitive advantage. SAME practices also deliver numerous benefits to workers and job seekers with disabilities by improving their employment outcomes, increasing their economic self-sufficiency and enhancing their quality of life. Disability-inclusive employment practices can also facilitate individuals’ engagement in their communities and expand their social and support networks.

SAME efforts are important when considering the labor force inequities faced by people with disabilities, as well as the talent gaps that employers are working to fill nationwide. People with disabilities represent a large, diverse, untapped talent pool for public- and private-sector employers alike. So, by implementing policies to advance the employment of persons with disabilities, states can expand their workforce and provide crucial opportunities to this underserved community.

This report explores a number of strategies state policymakers can consider to create a workforce that reflects the diversity of their constituencies and help their states become model employers

of people with disabilities. Examples of SAME policies in the states are provided throughout the report. These include policies featured in [Work Matters: A Framework for States on Workforce Development for People with Disabilities](#) and those adopted after publication of the framework in 2016. **Examples contained in this report are not exhaustive, but provide a variety of ways states have used these strategies.**

## State as a Model Employer Policy Options

Based on an analysis of existing SAME policy options, states can consider the following:

- Instituting formal mechanisms (legislation, executive orders)
- Creating infrastructures (cabinet positions, task forces, working groups, advisory committees)
- Extending diversity and inclusion initiatives
- Developing comprehensive, government-wide strategic plans
- Instituting fast-track and other hiring systems to facilitate employment
- Enacting advancement and retention practices
- Ensuring accessibility of information and communication technology
- Ensuring availability of personal assistance services
- Developing disability awareness training for state personnel



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# Introduction

Historically, people with disabilities have experienced significantly lower rates of employment than people without a disability. Over the last 10 years, the [employment rate of working-age people with disabilities](#) has remained between 30%-40%. In contrast, the employment rate of working-age people without disabilities has remained between 70%-80%.

The public sector is uniquely positioned to tap into this labor pool, particularly as state and local governments are currently experiencing a “[silver tsunami](#)” of state employee retirements. Further, 30%-40% of local government workers are ready to retire or will be of retirement age by 2025. Without an adequate workforce pipeline, state and local agencies will not be able to adequately deliver key services in the future. State adoption of SAME policies can simultaneously fill the hiring demands of state employment and increase opportunities for people with disabilities.

[At the time of this publication, 20 states and the District of Columbia](#) have adopted SAME policies statewide. Within state governments, SAME policies also have been adopted at the agency level. These policies often build upon statewide policies, providing agency-level direction and guideposts.

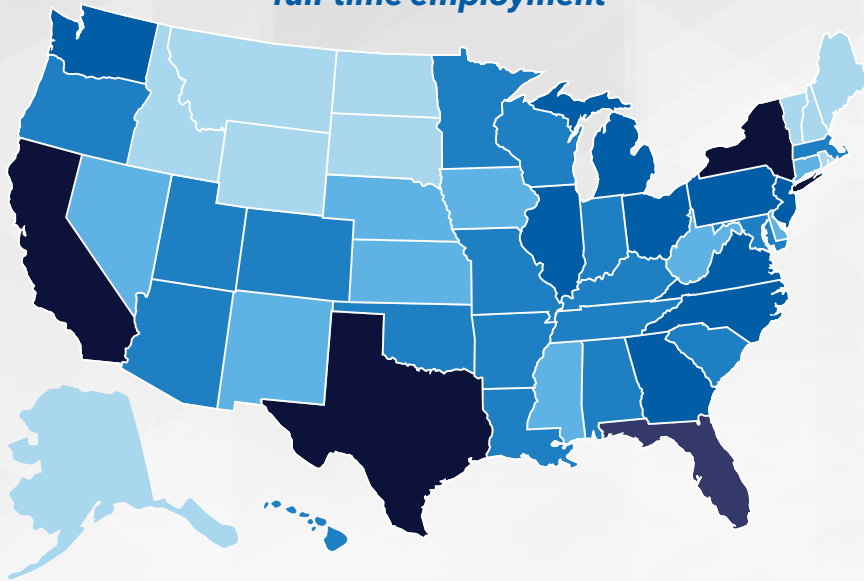
As evidenced in 2022 legislative sessions, SAME policies are gaining traction in the states. By February, over 100 pieces of SAME legislation were under consideration throughout all 50 states. The prevalence of these policies indicates an enhanced focus among legislators on issues related to disability employment as the workforce emerges from the COVID-19 pandemic.

Recent legislative proposals draw from SAME policies originally outlined in “[Work Matters: A Framework for States on Workforce Development for People with Disabilities](#),” published in 2016. The *Work Matters* framework was developed by SEED in

collaboration with CSG and the National Conference of State Legislatures. The framework outlines SAME policies for states to consider, such as:

- Adopting **formal mechanisms**, such as legislation and executive orders, dedicating the state to be a model employer of people with disabilities
- Creating **infrastructures**, such as cabinet positions, task forces, working groups and advisory committees, to maximize the likelihood that employment-related issues affecting people with disabilities are addressed at the earliest stages of policy development
- Developing **comprehensive, government-wide strategic plans** to guide SAME efforts
- Extending **diversity and inclusion initiatives**, such as affirmative action plans, making them applicable to state agencies and departments
- Increasing the accessibility of application processes for people with disabilities through the adoption of **fast-track and other hiring** systems
- Adopting **advancement and retention practices**, such as reasonable accommodation policies, that facilitate the professional development of employees with disabilities (reasonable accommodation policies include centralized accommodation funding and/or expertise telework and stay-at-work, return-to-work policies and processes)
- Ensuring **accessibility of communication technology platforms**, such as websites, online systems and mobile applications
- Adopting policies and/or programs that ensure **personal assistance services** are available to employees with disabilities who need them
- Implementing **training** for direct supervisors and other employees regarding policies and procedures pertaining to applicants and employees with disabilities, such as reasonable accommodation procedures and disability etiquette

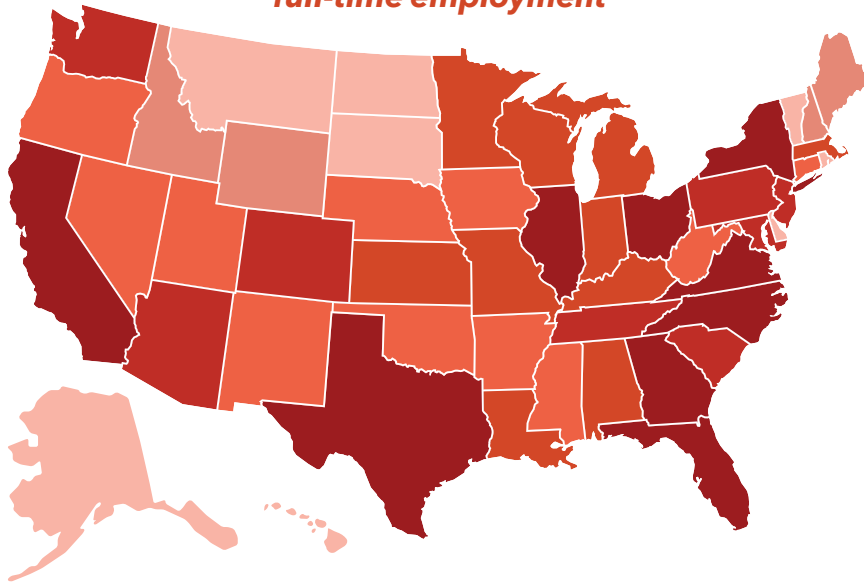
### Total state government full-time employment



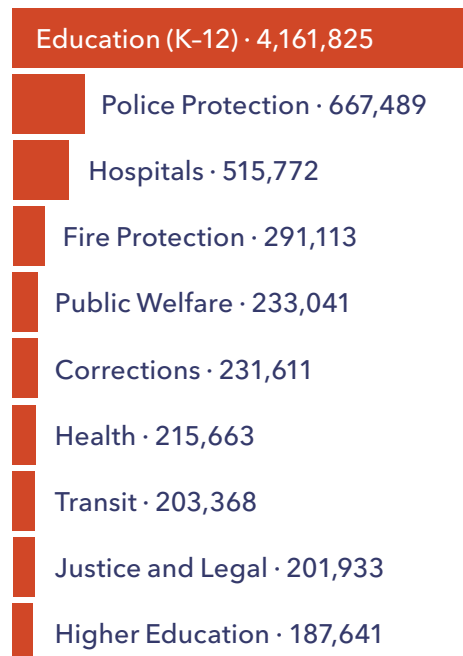
### State government employment by occupation (full-time)



### Total local government full-time employment



### Local government employment by occupation (full-time)



Source: 2020 Annual Survey of Public Employment & Payroll. For more information, see <https://www.census.gov/programs-surveys/apes/technical-documentation.html>.

## Formal Mechanisms Executive Orders and Legislation

Policymakers can consider instituting formal mechanisms to enact policies committing the state to be a model employer of people with disabilities. Formal mechanisms include executive orders and legislation, or a combination of both. Although executive orders do not have the same force and effect as statutes, they provide a governor with an opportunity to articulate a desired course of action quickly and clearly. Enacting legislation requires a lengthy process of deliberation. However, this mechanism is legally binding and can position legislators to provide oversight of state agencies on efforts to enhance employment outcomes for people with disabilities. Oversight allows for policies and programs to be monitored, evaluated and revised to better meet the needs of people with disabilities.

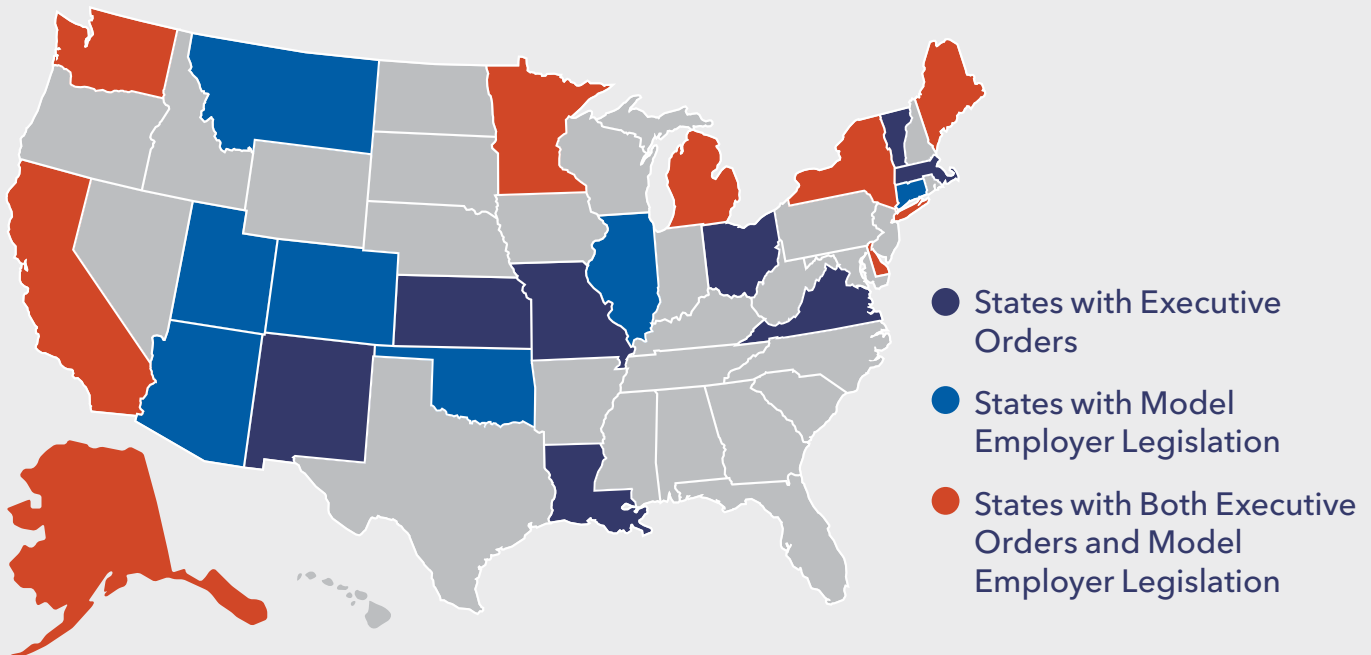
## Infrastructure

State policymakers may want to consider creating formal infrastructure to increase the likelihood that employment-related and other issues affecting people with disabilities are addressed by government agencies throughout all stages of policy development and implementation. Formal infrastructures include:

- Cabinet level positions and/or state agencies
- Interagency task forces, working groups, advisory committees, offices and coordinators

Creation of an infrastructure allows for the voices and perspectives of people with disabilities and their advocates to be considered at the outset. This facilitates the creation of state policies and practices designed with disability-specific considerations.

### EXECUTIVE ORDERS AND MODEL EMPLOYER LEGISLATION







## Cabinet Level Positions and State Agencies

State policymakers may want to consider creating cabinet-level positions to act as champions for people with disabilities. These infrastructures allow for disability-related issues to be considered at the highest levels of state government. They can also enhance collaboration and coordination on disability-related issues across agencies of state government.

State agencies often are created to study employment outcomes and opportunities for people with disabilities, develop government-wide policy on disability issues and serve people with disabilities through the administration of programs that provide employment supports.

Cabinet-level positions can provide oversight and promote cross-agency coordination on disability related issues. They often are entrusted with studying, developing and instituting policies related to people with disabilities as well as participating on task forces, commissions and advisory councils to share their expertise.

### State Highlights



**Maryland** has dedicated a **cabinet-level position** to designing, implementing and evaluating policy relating to people with disabilities. The Secretary

of Disabilities heads the Maryland Department of Disabilities and is a member of numerous advisory councils and task forces related to disability issues. The Department of Disabilities also provides information and referrals to Maryland citizens with disabilities, evaluates relevant state programs and consults with and advises the [Maryland Commission on Disabilities](#).



**Massachusetts** recently enacted [Senate Bill 222](#) (2020), establishing a permanent commission on the status of people with disabilities. The commission is an independent agency of the state and is not subject to the control of any other department or agency. As it relates to employment, the commission is tasked with studying individuals' access to employment opportunities, establishing youth transition programs and the status of a strategic plan to make the state a model employer of people with disabilities, with a focus on executive branch employment.



In 2013, **Ohio** enacted [House Bill 59](#), establishing the Opportunities for Ohioans with Disabilities agency. This is the designated state unit authorized under Title I of the [Rehabilitation Act](#) and is responsible for other programs serving people with disabilities. The agency also advises other state agencies and coordinates programs for eligible individuals with disabilities.

## STATE SPOTLIGHT

### Opportunities for Ohioans with Disabilities

Opportunities for Ohioans with Disabilities is a state agency that was established in 2013 (House Bill 59) to empower Ohioans with disabilities through “employment, disability determinations and independence.” This is accomplished through its Bureau of Vocational Rehabilitation, Bureau of Services for the Visually Impaired and the Division of Disability Determination. The agency’s partnerships with educational institutions, businesses and non-profit organizations are established and maintained through the Division of Employer and Innovation Services.

Ohio’s vocational rehabilitation program is operated by the Bureau of Vocational Rehabilitation and the Bureau of Services for the Visually Impaired. The vocational rehabilitation program is tasked with providing services to “eligible individuals with disabilities to assist them in getting and keeping a job.” Vocational rehabilitation services are available in all 88 Ohio counties. Services provided by vocational rehabilitation counselors are individualized and person-centered so people with disabilities are fully involved in the process.

The Division of Disability Determination processes Ohioans’ applications for Supplemental Security Income and/or Social Security Disability Insurance. Counselors are tasked with helping clients understand the impact of employment on disability and other benefits.

Opportunities for Ohioans with Disabilities also hosts the Vocational Apprentice Program. Through this program, students and adults eligible for the agency’s services can participate in paid apprenticeships with state agencies. As apprentices, the agency’s clients gain valuable work experience, networking opportunities and access to state government employment. The goal of the program is for apprentices to secure permanent employment in state government upon completion of their apprenticeship.

Additional agency programs and supports for Ohioans with disabilities include:

- The **Business Enterprise program**, operated by the Bureau of Services for the Visually Impaired
- **Career counseling, information and referral services** for agency clients who earn less than minimum wage
- **Case management** contracts with local government entities to expand vocational rehabilitation services to their areas
- **The Ohio College2Careers program**, ensuring individuals with disabilities have the support necessary to complete their degree and/or credential programs
- **The Jobs for Recovery program**, helping individuals with disabilities, including substance disorders, find employment

Opportunities for Ohioans with Disabilities receives funding through federal grants awarded by the U.S. Department of Education, the U.S. Department of Health and Human Services and state appropriations. For example, vocational rehabilitation, including pre-employment transition services, receives approximately 78% of its funding through the Department of Education Vocational Rehabilitation state grant. Remaining funds are appropriated by the state.

## Interagency Task Forces, Working Groups, Advisory Committees, Offices and Coordinators

State policymakers can consider creating task forces, interagency working groups, advisory committees and offices or coordinators to assess potential policy options for advancing disability employment and to reinforce agency efforts to implement, monitor and evaluate employment initiatives.

These bodies often are tasked with:

- Examining employment of people with disabilities
- Issuing policy recommendations and guidance
- Establishing goals and accountability measures to ensure implementation and effectiveness of policy solutions/initiatives
- Providing continued leadership and guidance as agencies undertake policy recommendations

Interagency task forces, working groups and advisory committees vary in composition but generally include key stakeholders from the following:

- Governor’s Council(s) on Disability Related Issues
- Departments of Labor and Workforce Development
- Departments of Rehabilitative Services/ Vocational Rehabilitation
- Legislatures
- State Americans with Disabilities Act Coordinators
- Members of the public who represent advocacy organizations; have a physical, developmental or psychiatric disability; represent private sector employers; and/or provide employment services to people with disabilities

## State Highlights – Task Forces



In 2019, **Connecticut** enacted [House Bill 7093](#), establishing a task force to increase employment opportunities for people with disabilities. The task force was entrusted with studying and issuing recommendations on how to expand existing employment assistance programs for people with disabilities. It also was tasked with “establishing financial incentives for businesses to employ more people with disabilities.”



**Illinois** enacted [House Bill 2782](#) in 2017, creating the [Employment and Economic Opportunity for People with Disabilities Task Force](#). The task force was entrusted with administering the state’s Employment First initiatives and analyzing state programs and policies to determine the changes necessary to remove barriers to competitive employment and economic opportunity for people with disabilities.

### Additional Examples



The **Alaska Workforce Matters Task Force** (2021) and the State as a Model Employer Task Force (per the Disability Employment Awareness Month Proclamation, 2012) were established to review best practices and develop strategies to create an inclusive work environment in state government.



In 2018, then-**Kentucky** Governor Matt Bevin established the [Work Matters Task Force](#). The mission of the Task Force was to address barriers to employment and promote workforce inclusion among people with disabilities, foster children, disabled veterans and people with substance abuse or criminal records.



The **Louisiana** State as a Model Employer Task Force was established by [Executive Order 18-08](#) in 2018 and was instructed to develop policies, strategies and services designed to achieve the disability employment targets set out in the order, among other things.



In **New Jersey**, [Assembly Bill 1597/Senate Bill 1937](#) (2021) established the Task Force to Promote Employment by State Agencies of People with Disabilities. The purposes of the task force include studying the problem of unemployment and underemployment among people with disabilities and reviewing existing programs in New Jersey and other states and private sector companies.



In 2013, **Washington** Governor Jay Inslee established the Disability Employment Task Force through [Executive Order 13-02](#) to provide recommendations, guidance and support to public agencies on how to achieve the employment targets established in the Order.

### State Highlights – Advisory Committees



In **Pennsylvania**, the [Governor’s Cabinet and Employment First Advisory Committee for People with Disabilities](#) was created by [Executive Order 2006-09](#) and consists of executive and legislative appointees, including four people with a disability. The commission is tasked with making suggestions to the governor on policies, procedures, regulations and legislation that help people with disabilities.



**Minnesota** enacted [House File 35](#), which established the Website Accessibility Grant Advisory Council. The Advisory Council’s role is to assist the Minnesota Council on Disability in awarding grants to improve the accessibility of local government websites and website content for people with disabilities.

Employment First is a policy by state agencies that provides competitive integrated employment as the first consideration, and preferred outcome, of publicly funded education, training, employment and related services and long-term services and support for individuals with a disability.

### Additional Examples



In **California**, [Assembly Bill 925](#) was enacted in 2001 and established the Governor’s Committee on Employment of People with Disabilities within the Labor and Workforce Development Agency. The Committee was tasked with making grants to counties and local workforce investment boards to develop local strategies for enhancing employment opportunities for people with disabilities and to fund programs to assist people with disabilities in overcoming barriers to work.



The **New Mexico Governor’s Commission on Disability** was established to serve as a liaison and advisor to the governor and legislature on disability issues.



The **Nevada** Emergency Response Employees Mental Health Commission was established by [Assembly Bill 302](#) in 2019. The Commission was tasked with establishing and operating a toll-free hotline for emergency response employees to call if they are experiencing mental health issues because of the nature of their work.

## State Highlights – Offices and Coordinators



In 2022, **Illinois** enacted [Senate Bill 180](#), titled the “Legislative Accessibility Act.” The act sought to increase accessibility to the General Assembly for people with disabilities. The act requires the Speaker of the House of Representatives and the President of the Senate to appoint an accessibility coordinator who, in consultation with the Architect of the Capitol, is responsible for addressing accessibility needs for their corresponding house.



Enacted in **Nevada** in June 2021, [Senate Bill 222](#) requires each state agency to designate a diversity and inclusion liaison within the Office of Minority Health and Equity in the Department of Health and Human Services. The role of liaisons is to facilitate meetings between the Office of Minority Health and Equity and minority groups.



In **Washington** state, the Office of Equity was established in 2020 through [House Bill 1783](#). The office is tasked with assisting state agencies in applying an equity lens in all aspects of agency decision making, including policy development. Each agency must collect data and establish performance metrics to determine the effectiveness of agency programs.

## Additional Examples



The **Illinois** Office of Equity within the Office of the Governor was established in 2021 by [Executive Order 2021-16](#). The office was established to eliminate institutional and systemic barriers for the people of Illinois and create opportunity and access for all state employees.



The position of **Louisiana** statewide Americans with Disabilities Act (ADA) Coordinator was created in 2021 with the enactment of [House Bill 446](#). The coordinator is responsible for ensuring public sector employers’ compliance with the ADA and helping state agencies update, strengthen and enhance agency self-evaluation and transition plans to ensure ADA compliance.



In **New Jersey**, Governor Phillip Murphy established the Office of Diversity, Equity, Inclusion and Belonging through [Executive Order No. 265](#) in 2021. The office is tasked with coordinating the policymaking processes of state agencies to ensure diversity initiatives are implemented for state employees.



In **Virginia**, [House Bill 1098](#) was enacted in 2020, requiring the designation of senior-level staff within each state agency to be responsible for increasing the employment of people with disabilities.



## Comprehensive, Government-Wide Strategic Plans

State policymakers may also want to consider adopting comprehensive, government-wide strategic plans to guide SAME efforts. Increasing the number of people with disabilities employed by the public sector requires several policies and procedures to work in tandem. Each state agency's staffing and hiring needs are different. Therefore, hiring goals, recruitment efforts, apprenticeship opportunities and accommodation processes will vary significantly across agencies. Through the development of government-wide strategic plans, policymakers can coordinate SAME efforts. Plans can also ensure that proper reporting mechanisms are in place to enhance accountability and facilitate continued progress toward agency goals.

Common components of comprehensive, government-wide strategic plans for state employment of people with disabilities include:

- Defined timeframes for accomplishing specified goals
- Reporting requirements
- Entities responsible for oversight of agency efforts
- Clear articulation of policies and procedures developed and/or modified to meet agency goals (e.g., self-identification policies, hiring targets, recruitment practices, employee compensation, implementation of universal design principles in the workplace, etc.)
- Delineation of and investment in state employment pathway programs that can facilitate growth (e.g., civic sector apprenticeship programs, provisional hiring programs, internship opportunities)

## State Highlights



In **Colorado**, Governor Jared Polis directed the Department of Personnel and Administration to lead state action on equity, diversity and inclusion for the state through [Executive Order 2020-175](#). The order also directed state agencies to create long-term strategic plans with the goal of inclusive, anti-discriminatory workplace cultures and implementing equitable hiring, compensation and retention practices.



Through [Assembly Bill 5296](#) (2022), the **New Jersey** legislature directed the Division of Equal Employment Opportunity and Affirmative Action to collaborate with the Civil Service Commission to develop a State as a Model Employer of People with Disabilities Program, which will be implemented by each state agency. The program is intended to increase awareness of employment opportunities for people with disabilities; provide appropriate avenues and remove barriers to the application and hiring process; and create mechanisms to increase advancement and retention rates for people with disabilities.

## Additional Examples



**California** [Government Code 12803.6](#) requires the Labor and Workforce Development Agency and the Health and Human Services Agency to coordinate in developing a comprehensive strategy to meet the employment needs of individuals with disabilities.



Enacted in 2016, **Florida** [House Bill 7003](#) required each executive agency to develop specific statewide plans addressing how to promote employment opportunities for people with disabilities by January 2017.



## Affirmative Action

“Affirmative Action” is a set of positive steps that employers can take to promote equal employment opportunity and eliminate discrimination. Including people with disabilities in affirmative action policies increases the pool of job candidates available for hiring. Under Section 501 of the Rehabilitation Act of 1973, all federal agencies are required to have an affirmative action program for individuals with disabilities. This requirement extends to federal government contractors and subcontractors under Section 503 of the Act. Not all state and local governments have requirements regarding affirmative action plans. Development and/or requirement of these plans is left to the purview of the states.



**Louisiana** Governor John Bel Edwards issued [Executive Order 18-08: State as a Model Employer](#) in 2013. The order required the Louisiana State as a Model Employer Task Force to develop a five-year plan with annual goals.



In 2009, the **Massachusetts** Disability Task Force on Employment published a [Strategic Plan](#) for implementing a state as a model employer policy.



Per [Executive Order 2019-03D](#) (2019), **Ohio** state agencies are required to collect and evaluate self-disclosed data for use in strategic planning efforts for hiring people with disabilities.



Per [House Bill 2425/Senate Bill 1530](#) (2017), all **Virginia** state agencies are required to submit plans to increase employment opportunities for people with disabilities each year.

Per [House Bill 1993](#) (2021), each **Virginia** state agency is required to develop comprehensive strategic plans for state agency diversity, equity and inclusion in coordination with the Governor’s Director of Diversity, Equity and Inclusion.

## Diversity and Inclusion Initiatives (Affirmative Action)

Making diversity and inclusion initiatives (e.g., affirmative action) applicable to state agencies and departments is another avenue through which state policymakers can enhance the employment of people with disabilities. These actions may include:

- Adoption of hiring goals and preferences
- Development of employee self-identification policies
- Implementation of annual reporting mechanisms and surveys

## State Hiring Goals and Preferences

Hiring goals can be set by state agencies for recruiting, hiring and advancing people with disabilities. During the preliminary phases of policy development, such goals and preferences should be crafted to achieve measurable yearly progress, especially within departments, divisions and levels of employment (e.g., entry-level positions, management-level positions, executive-level positions) with an under-representation of individuals with disabilities. The establishment of numeric goals reviewed on a pre-determined basis (e.g., annually, bi-annually, every three years) can help ensure that goals are specific, actionable and adaptable.

### State Highlights



In 2022, **New York** enacted [NY A3137 / NY S1629](#), establishing a goal of having people with disabilities constitute 7% of employees within state agencies, the state legislature, unified court system and state contractors and subcontractors. Each state agency is required to evaluate its current levels of employment and executive action-oriented programs to meet the hiring goal if it has not already done so. Programs can include modifying personnel processes to ensure equal employment opportunities for people with disabilities, as well as alternative or additional outreach and recruitment efforts.



Former **Kentucky** Governor Steven Beshear issued [Executive Order 2013-841](#) (2013), establishing the Executive Branch Affirmative Action Plan providing for equal employment opportunity in all aspects of employer-employee relations, including hiring, promotion, termination, tenure, recruitment and compensation. Kentucky agencies are required to comply with semi-annual reporting requirements to demonstrate progress toward hiring goals for women and minorities, including people with disabilities. In 2020, Governor Andy Beshear reaffirmed the state's

commitment to equal employment opportunity for state employees through [Executive Order 2020-554](#).



Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019), directing the state to make best efforts to eliminate the disparity in the percentage of individuals with disabilities in the population and the percentage of employees with disabilities in the state workforce. State agencies are required to set annual goals. The Office of Administration is directed to collect data on an annual basis for reporting baseline numbers of state employees with disabilities.

### Additional Examples



**Connecticut** [Public Act No. 13-225](#) requires all state government agencies to submit specific annual goals and timetables on the number of jobs filled through accommodation of people with disabilities and entry-level training for them.



**Illinois** [Chapter 775 Human Rights, §105 Equal Employment Opportunities; Affirmative Action](#) requires state agencies to submit affirmative action plans that include a numeric hiring goal for the employment of qualified people with disabilities in the agency based on the proportion of people with disabilities in the Illinois labor force.



**Louisiana** [Executive Order 18-08](#) requires the State as a Model Employer Task Force to establish a five-year plan for the state workforce to reach parity with the percentage of working-age people with disabilities in Louisiana.



**Minnesota** Governor Dayton issued [Executive Order 19-15](#), requiring state agencies to undertake best efforts to achieve a goal of 10% employment of people with disabilities in the executive branch.





## EMPLOYEE SELF-IDENTIFICATION AND SELF-DISCLOSURE

To receive the benefits of state as a model employer policies, public employees have to disclose their disability to their employer and, in some cases, to their colleagues. They can do this by voluntarily filling out questions or sections on a disability disclosure form at any stage of the employment process. This action is referred to as **self-identification, or self-ID**. The hiring process through which self-ID questions are administered (e.g., surveys, hiring software) should be accessible to people with any type of disability. This helps ensure the self-ID process does not discourage an individual from seeking public-sector employment. Accessible self-ID mechanisms also increase the likelihood an individual will complete the self-ID process. Self-ID is critical because it helps state agencies know how many people with disabilities are employed (workforce statistical analysis) and whether the agency is achieving hiring goals. Self-ID can also help people explain employment gaps to a potential employer.

Through voluntary **self-disclosure**, a person with a disability can make co-workers, supervisors and other organization employees aware of a disability. Self-disclosure is voluntary, can occur at any time and involves personally communicating one's disability status to another individual. Disclosing one's disability can enhance disability awareness generally and can facilitate the provision of reasonable accommodations (e.g., development of alternative work schedules, if necessary). Self-disclosure is also a necessary step to signal to employers that an individual is eligible for fast track hiring programs and applicable preferential hiring practices. It can also lead to

stronger interpersonal relationships through enhancing co-workers' understanding of one another.

**Neither self-ID nor self-disclosure are required under the ADA.** It is common for individuals to refrain from making their disability known for many reasons. However, it is permitted when an employer is engaged in voluntary or mandatory affirmative action. Biases in hiring software algorithms can lead to an application being screened out prior to an interview. A person's disability may not affect job performance, so they may not see a need for sharing their disability status. Some people may fear experiencing lingering stigma that can be associated with a disability.

Disclosing one's disability can be anxiety inducing and difficult to navigate, but doing so poses personal benefits to employees. Employees who have disclosed a disability to most people they interact with are more than *twice as likely to feel happy or regularly content at work* than those who have not disclosed their disability to anyone in the workplace.

One way states can foster self-ID and self-disclosure is by making employees aware that any information disclosed through these means should be considered sensitive and confidential. Fostering workplace cultures that value such confidentiality brings employers one step closer to creating a work environment that includes people with disabilities.



Per [Revised Statutes 11A:7-3](#), **New Jersey** requires state agencies to establish goals for employing minorities, women and people with disabilities that are “reasonably related to their population in the relevant surrounding labor market areas.”



According to **Oregon** Affirmative Action/Diversity and Inclusion Planning Requirements ([ORS Sec. 659A.012 and 659A.015](#)), each state agency is required to develop and submit an affirmative action plan to the Governor’s Office of Diversity & Inclusion/Affirmative Action.



**Virginia House Bill 1098** (2020) requires the Commonwealth to increase the number of people with disabilities employed by the state by 5% by Fiscal Year 2023.

## Annual Reporting Mechanisms and Surveys

Adoption of survey and reporting mechanisms allows state agencies to measure progress toward achieving affirmative action plans. Reporting also allows for hiring goals to be monitored and adjusted according to changes in the proportion of people with disabilities in the workforce, as well as anticipated changes in public sector job growth, among other things. In other words, encouraging state agency compliance with reporting mechanisms allows affirmative action policies to be responsive to both the changing economy and the changing workforce.

Surveys often include both quantitative and qualitative questions and are administered to state employees at all levels. States often vary in how surveys are disseminated: web-based survey software (such as SurveyMonkey) or paper copies. These surveys often inquire about self-identification, disclosure and reasonable accommodation, employment pipelines and agency culture. Surveys have been created and analyzed by a state’s Department of Human Rights or by working groups assembled for this purpose.

State reports that monitor progress toward increasing the employment of people with disabilities are often generated at two levels — the agency and the state. At the agency level, an ADA coordinator/contact or the agency’s director/commissioner are tasked with consolidating metrics. Data gathered often includes information pertaining to the number of new and continuing employees with a disability and any employee complaints/feedback regarding equity. This information is compiled in a report provided to the governor and/or relevant commissioner — often within the Office of Administration or an equivalent office, legislative body or advisory council. Strategic plans for improvement are then generated through collaboration among involved agencies.

## State Highlights



In **Minnesota**, Governor Tim Walz issued [Executive Order 19-15](#) (2019), ordering state agencies to make best efforts to achieve a goal of 10% employment of people with disabilities in the executive branch. The order also required agencies to make quarterly reports to the governor on progress toward this goal. State agencies were also required to compile enterprise-wide statistics on the hiring and turnover of people with disabilities for publication on their website.

In 2014, then-Governor Mark Dayton issued [Executive Order 14-14](#), requiring state agencies to submit affirmative action plans that include the following: a policy statement; assignment of affirmative action/equal employment opportunity responsibilities, including a workforce analysis, goals, objectives and timetable for completion; and measures to facilitate implementation and development of internal audit and reporting systems. State agencies were provided with technical assistance throughout the development of these plans.



**Virginia** enacted [House Bill 1098](#) in March 2020, requiring state agencies to prepare a plan to increase employment opportunities for people with disabilities. The secretary of administration is tasked with establishing guidelines regarding the development and content of state agency plans and establishing a reporting system for tracking and reporting the progress of state agencies toward meeting employment goals. In collaboration with the Department of Human Resource Management, the secretary also is required to develop an annual report on the number of individuals with disabilities employed by state agencies.

### *Additional Examples*



**Florida** [House Bill 7003](#) (2016) sought to enhance employment opportunities for people with disabilities in the executive branch and required the compilation of data regarding hiring practices for people with disabilities.



The **Illinois** departments of Human Rights, Human Services and Central Management Services, among others, are required to conduct an ongoing [online work disability survey](#).



**Massachusetts** has conducted surveys of current state employees with disabilities regarding self-identification, disclosure and reasonable accommodation, the employment pipeline and agency culture.



The **Missouri** Office of Administration is required to collect data on an annual basis regarding the number of state employees with disabilities, identified through self-disclosure, as well as report on the state's progress toward increasing the number of employees with disabilities in the state workforce ([Executive Order 19-16](#), 2019).



**Nevada** requires all state government departments to submit an annual report on equity in the workplace ([Assembly Bill 365](#), 2021).



All **Ohio** state agencies are required to collect and evaluate self-disclosed data gathered through the state personnel system to measure progress in hiring people with disabilities. This data will be used to develop a strategic plan ([Executive Order 2019-03D](#), 2019).



## STATE SPOTLIGHT

### Alaska Governor's Council on Disabilities and Special Education Workforce Survey

In 2011, the Alaska Governor's Council on Disabilities and Special Education conducted a survey of state workers as part of its long-term strategy to act as a model employer of people with disabilities. The survey was intended to monitor the representation of employees with disabilities in Alaska state government and solicit recommendations for improvement. The identified goals of this survey included the following:

- Gauge the representation of employees with disabilities within state government
- Ascertain employee feedback on reasonable accommodations and concerns
- Solicit recommendations and suggestions from employees on "on how to make state workplaces more accessible, inclusive, and productive"

The survey was developed using a web-based survey tool and was distributed to all state employees via email. The survey was conducted over the course of a 24-day period. The definition of a "person with a disability," as provided in the ADA, was utilized throughout.

Through the survey, the council identified five primary areas through which the state could create a more supportive or healthy environment for people with disabilities:

- Provision of disability awareness and etiquette training
- Greater work flexibility (e.g., variable work schedules and job sharing options)

- Enhanced workplace accessibility (e.g., work station ergonomics and accessible parking)
- Better recruitment and retention practices for hiring qualified people with disabilities
- Healthier workplace (e.g., health insurance benefits and employee wellness activities)

Following an analysis of the workforce survey, Alaska instituted the following policies and programs aimed at enhancing the state as a model employer of people with disabilities:

- **Provisional Hire Program** (2014), allowing hiring managers to offer provisional employment without competitive assessment to applicants with severe disabilities;
- **Disability-inclusive telework policies**
- **State as a Model Employer Task Force** (formed in 2021)

The council surveyed private sector employers regarding the employment of people with disabilities and published a summary report on this survey in 2019, titled "Alaskan Employer Perspectives on Hiring Individuals with Disabilities."

## Fast-Track and Other Hiring Systems

To become model employers of people with disabilities, states can consider increasing the accessibility of application processes for public-sector employment by instituting fast-track and other hiring systems. Fast-track hiring systems seek to systematically recruit and hire individuals with disabilities through streamlined or simplified processes. These processes include:

- Adopting specialized appointment lists for noncompetitive employment
- Instituting hiring preferences
- Institutionalizing trial work periods and paid internships or apprenticeships
- Conducting mandatory interviews of qualified candidates
- Making modifications to civil service exams to accommodate disabilities
- Offering expedited certification processes

## Specialized Appointment Lists for Noncompetitive Employment

Traditionally, employment within the public sector requires people to undergo a lengthy, competitive application process. Barriers to successfully completing this process can arise when it is not designed with applicants with disabilities in mind. For example, many applicant screening tools now rely on algorithms to identify characteristics of “successful” employees. Applicants are then pre-screened for these characteristics. In this manner, hiring tools can incorrectly categorize underrepresented characteristics as “unsuccessful,” thereby screening out candidates that possess them. Often, underrepresented characteristics include the presence of a disability.

To eliminate potential barriers, policymakers can authorize the development and use of special appointment lists for noncompetitive employment in state government. This can involve the creation of certified applicant lists/ documentation by executive agencies such as

## Schedule A: Excepted Service Hiring Authority for Individuals with Disabilities

Schedule A is a streamlined hiring process for people with disabilities who are seeking employment with the Federal Government. Rather than navigating the traditional competitive employment process, applicants who have an intellectual, physical or psychiatric disability can be hired for a position without being required to compete against jobseekers without a disability. Applicants must provide documentation of their disability to be eligible for Schedule A hiring. Schedule A does not provide guaranteed employment; rather, it simply allows for qualified applicants to get a “foot in the door” to federal employment. Through Schedule A, employees complete a trial work period. At the end of the period, pending positive job performance reviews, the employee may be eligible for a career-conditional appointment in the competitive service. For more information about Schedule A hiring, click [here](#).

the division of vocational rehabilitation and the division for the visually impaired for use by all state agencies to find and hire qualified applicants for open positions. In developing special appointment lists, state policymakers can draw guidance from the Federal Government’s “[Schedule A Excepted Service Hiring Authority for Individuals with Disabilities](#).” Schedule A allows individuals to apply for a federal appointment through a noncompetitive hiring process. In other words, if an individual meets the eligibility status of the appointment and the minimum qualifications for a position, the individual may be hired for the position without competing with the general public.

### State Highlights



In **Delaware**, state agency hiring officials can use the [Selective Placement Program](#), created in 2009, to gain direct access to qualified candidates with disabilities for placement in vacant positions. The program allows hiring managers to bypass time-consuming and complicated portions of the hiring process by selecting applicants pre-certified for employment by the state Division of Vocational Rehabilitation and Division for the Visually Impaired.



In 2017, **Maryland** enacted [House Bill 1466](#), delineating a special selection process for specified positions in the State Personnel Management System for veterans with disabilities. In the instance that an executive branch agency has an independent personnel system, the act requires each appointing authority to develop a specified selection process for hiring veterans with disabilities.



The **New Jersey** legislature passed [Assembly Bill 5294](#) in 2022, establishing fast-track hiring policies for people with disabilities. Policies include the appointment of a person with a disability to a noncompetitive position within the civil service upon receiving proof of that person’s disability from the Department of Vocational Rehabilitation.



## Hiring Preferences

Hiring preferences are an additional tool states can employ to systematically increase the number of people employed in the public sector. Hiring preferences ensure qualified applicants with disabilities are given priority in consideration for employment in the public sector. This can be achieved by providing applicants with disabilities, including veterans with a service-related disability, additional points on quantitative employment examinations. Hiring preferences can also include a requirement that state agencies hire people with disabilities over people without disabilities when the two are substantially equal in qualifications. States that have previously enacted these policies require people to provide documentation of their disability in the application for employment. In some instances, hiring preferences only apply to an employee's initial hiring and permanent employment, not a temporary or short-term employment.

### State Highlights – Hiring Preference Policies for People with Disabilities



In **Maryland**, individuals can indicate they have a disability on a state application for employment. These individuals will receive an extra five points on their final score on selection tests when applying for positions with Maryland state government. Similar policies have been enacted in **Arizona** (*Ariz. Rev. Stat. §38-492*) and **Colorado** (*Senate Bill 095, 2021*).



**Montana** *ARM 2.21.14* requires people with disabilities to be hired over people without disabilities when the two are “substantially equal” in qualifications for an eligible initial hiring position. In Montana, “initial hire” means providing employment to an applicant who is not currently employed by any state or local government. This preference also applies in cases where another applicant also is a preference-eligible applicant but does not have a disability. The employer providing the hiring preference is required to keep documentation on the hiring decision for at least 90 days.

### State Highlights – Hiring Preference Policies for Disabled Veterans



**Florida** enacted *Senate Bill 541/ Senate Bill 922* in 2021. This bill provides veterans and their family members with preference and priority in employment by the state and its political subdivisions. Veterans with disabilities are eligible to receive waivers for postsecondary educational requirements if they are otherwise qualified for the position. The act also requires state agencies to submit veteran recruitment plans. Further, when a veteran applies for a position for which a numerically-based selection process is used, the hiring official must add 20 points to their application's overall score.



**Kansas** *Statute § 73-201* requires veterans with a service-connected disability be considered a preferred candidate for initial employment and first promotion in state and local government. Veteran applicants must be “of good reputation” and able to competently perform the duties of the job for which they applied. The statute also requires state and local employment centers to “openly display” documents that veterans are eligible for employment preference in the public-sector.



In 2021, **Oregon** enacted *Senate Bill 184*, revising the laws pertaining to preference given to veterans in public employment. Per Oregon law, veterans with a disabilities who apply for a civil service position or seeks a promotion to another civil service position must receive an additional 10 percentage points on their application.



In 2015, **South Dakota** instituted a public sector hiring preference for veterans with a service-connected disability through the enactment of *Senate Bill 90*. Veterans with a disability are to be given a preference over veterans without a disability.

**Wyoming** enacted [Senate File 53](#) (2017), requiring public sector hiring officials to provide a hiring preference to veterans with a service-connected disability of 10% or more. Whenever a veteran with a service-connected disability applies for initial employment with a public department that uses a numerical scoring system prior to its interview process, 10 percentage points must be added to the veteran's application. For non-numerical scoring systems, a veteran with a disability must be given an advantage over nonveteran candidates that reasonably approximates the advantage given to veterans whose applications were scored using numerical processes.

## Trial Work Periods and Paid Internships or Apprenticeships

Another means through which state officials can systematically increase the number of people with disabilities employed in the public sector is through establishing trial work periods, paid internships and/or paid apprenticeships for people with disabilities. Pre-employment opportunities allow people to develop the skills necessary to succeed in a civic sector position through on-the-job experience. These opportunities also allow people to demonstrate their ability to succeed in a particular role without having to navigate a traditional hiring process.

### State Highlights



The **Alaska Provisional Hire Program** was developed to allow hiring managers to offer provisional employment without competitive assessment to applicants with severe disabilities. Provisional appointments last for up to four months, with the possibility of the employee transitioning to permanent status at the end of the four-month trial period. To be eligible for the program, individuals must become certified with [Alaska's Division of Vocational Rehabilitation](#).

## Public Sector Apprenticeships

An apprenticeship is a work-based learning opportunity that provides an apprentice with a structured training plan. Focus is placed on mastering specific skills that an employee needs to fill an occupation within an organization.

Policymakers can increase the inclusion of underrepresented groups in work-based learning opportunities and state government employment through designing public sector apprenticeship programs for people with disabilities. Benefits of public sector apprenticeship programs inclusive of people with disabilities include:

- Custom training for employees to meet specific agency needs
- Reduced recruitment and training costs for new employees
- Structured transmission of knowledge from an older, more experienced generation of workers to the next
- Informed development of occupational skills training that plays to the strengths of different individuals
- Increased diversity of the public sector workforce

Expanded offerings for work-based learning opportunities as part of pre-employment services for individuals with disabilities. (Under federal law, pre-employment services for people with disabilities must include work-based learning.)





The **Maine Bureau of Vocational Rehabilitation Services** offers **trial work periods** of up to nine months for certified candidates. There is no limit on how much an individual can earn and earnings will not disqualify the individual from receiving **Title II Disability Insurance Benefits**. Individuals with disabilities can receive guidance on how to become involved with the program through working with a Community Work Incentives Coordinator.



In 2019, **Ohio Governor Mike DeWine** issued **Executive Order 2019-03D**, establishing the Vocational Apprentice Program. This program is administered by Opportunities for Ohioans with Disabilities (OOD), a state agency, and provides students and adults who are eligible for agency services with an opportunity to participate in paid apprenticeships with other state agencies. The program is designed to help apprentices secure permanent employment in state government upon completion of their apprenticeship. OOD helps participants apply and interview for the apprenticeship and complete the onboarding process. All apprenticeship wages are funded by the agency, up to \$15 per hour, 25 hours per week, for a maximum of 1,000 hours.

### Additional Examples



**Illinois** provides eligible people with supported employment during a trial work period, with the possibility of permanent employment thereafter.



**Utah** established the **Alternative State Application Process (ASAP) for individuals with disabilities** through **House Bill 17** (2010), under which qualified candidates with disabilities may be appointed to fill vacant positions for a six-month trial examination period.

## Mandatory Interviews

Mandatory interviews are an additional example of a fast-track hiring policy to position the state as a model employer of people with disabilities. This policy option requires a hiring authority to offer a qualified person with a disability an interview when they meet the minimum job qualifications. This does not, however, guarantee the individual will be offered a job. Rather, it signals a commitment on behalf of the state to encourage applicants with disabilities to apply for civic-sector positions and thoroughly consider them for employment alongside applicants without a disability.

Mandatory interviews can help applicants with disabilities overcome barriers that may prevent them from being considered on equal footing with applicants without disabilities. **Research has shown** that a discrepancy exists between an employer's willingness to hire a person with a disability and their actual hiring practices. In other words, many employers say they are willing to hire a person with a disability, but employment statistics reveal these employers do not frequently hire people with disabilities. Further employment barriers can include **algorithm biases in hiring software**, hierarchies in an employer's perception of employability based on type of disability and an employer's lack of previous experience with hiring and working with individuals with disabilities. Mandatory interviews are one tool states can consider to help applicants with disabilities overcome these barriers.

### State Highlights



In **Kentucky**, people with a military service-related disability and their family members are given an interview preference for an initial appointment to a competitive classified position for which they meet the minimum qualifications (**House Bill 338**, 2019).



**Vermont** has instituted a **mandatory interview process** for state employment for a person with a qualified disability, per the ADA definition. Applicants may complete a short form indicating their disability and how their disability substantially limits major life activities, as



well as provide documentation of their disability/ disabilities and substantial limitations from a doctor, other medical professional or vocational rehabilitation counselor. Upon verification and approval from the state's Department of Human Resources, a qualified individual with a disability will be granted mandatory interview status. Upon determining the candidate has met the minimum job qualifications, the employer will be required to offer the candidate an interview.

## Modifications to Civil Service Examinations

The process of completing a civil service examination often is lengthy and can require an individual to obtain onsite accommodations for test-taking. States requiring people to take civil service examinations for employment in certain civic sector positions can waive or modify these requirements to make hiring practices more inclusive of people with disabilities. For some civic sector positions, applicants can demonstrate their qualifications for a position through alternative means. In these instances, state policymakers can consider waiving or modifying civil service examinations and/or offering onsite accommodations for test takers with disabilities.

### State Highlights



In **California**, an executive order directed state agencies to fill vacancies through the [Limited Examination and Appointment Program](#), which is designed to facilitate recruitment and hiring of qualified people with disabilities. In 2015,

California passed [Senate Bill 644](#), altering the program by providing people with developmental disabilities with the option to obtain civil service certification by successfully completing a 512-hour internship with a state agency in lieu of a written test or program readiness examination.



The **Illinois Accommodated Testing Program** provides people with disabilities on-site accommodations at state assessment centers. Additionally, the state established the [Successful Disability Opportunity Program](#) to provide individuals with disabilities who are clients of the Division of Rehabilitation Services with an alternative examination process. Upon taking the alternative examination, applicants receive a Successful Disability Opportunity program score that 1) replaces standard scoring on civil service exams, 2) places the individual on a program list and 3) qualifies the individual for agency hiring considerations when the program list is requested.

### Additional Examples



**Oklahoma's Optional Program for Hiring Applicants with Disabilities**, administered by the state's Human Capital Management division, provides an alternative certification process for civil service.



**Utah's Alternative State Application Program** ([House Bill 17](#), 2010) allows individuals with disabilities to complete on-the-job examinations in lieu of civil service testing.

## Expedited Certification Processes

State policymakers can institute formal, expedited certification processes through which a designated agency certifies candidates who have undergone specific training and/or are considered “work-ready” for positions within the public sector. In some cases, these certifications may suitably replace civil service examinations. They can also act as a gateway for entrance to a trial work period with a state agency or act as a prerequisite for an individual’s placement on special appointment lists.

Formal, expedited certification processes can be developed by state vocational rehabilitation agencies, public education institutions and other agencies within state government that work closely with people with disabilities (including youth) who are seeking to enter or re-enter the workforce. These agencies are uniquely positioned to understand effective and inclusive pathways for transition into the public sector workforce. Consultation with members of the disability advocacy community, including people who have a disability themselves, is critical to ensuring these certifications meet their desired intent. To ensure that alternative, formal certifications are useful tools both for employees with disabilities and for public sector employers, those involved in their development should be familiar with application processes for state government jobs.

### State Highlights



Currently, expedited, formal certification processes have been developed by state vocational rehabilitation agencies in **Illinois** and **Maine**. Certifications require people with disabilities to undergo a series of trainings to be certified as “work-ready” candidates for trial work periods, civil service exam exemptions or special appointment lists. When incorporated into public sector job announcements, these certifications encourage people with disabilities to apply by demonstrating that the skills and experience employers want can be developed through career pathways that are inclusive and accessible.

## Advancement and Retention Practices

Policymakers can consider enhancing strategies to retain talented employees with disabilities and provide them with the resources and development opportunities necessary to grow professionally. The percentage of engaged workers in the U.S. declined throughout 2021 due to the COVID-19 pandemic. [Employee engagement](#) — defined as the involvement and enthusiasm of employees in their workplace — is closely tied to employee turnover. More specifically, exceptionally talented employees who are not engaged are among those who [experience the highest turnover rates](#). As such, retaining the most talented employees requires providing opportunities that support employee engagement.

States can consider adopting retention and advancement policies that provide people with disabilities with the supports they need to become engaged and remain engaged in the workplace. These policies can include:

- Reasonable accommodation policies, such as centralized accommodation funds and centralized expertise on disability employment-related issues
- Stay-at-work, return-to-work (SAW/RTW) programs
- Disability-inclusive telework policies and procedures

### Reasonable Accommodation Policies and Procedures

According to the [Americans with Disabilities Act](#) of 1990, a reasonable accommodation is a modification or adjustment to a job, to the work environment or to standard policies and procedures that allows a person with a disability to effectively perform the essential functions of a job. According to a [2020 study](#) conducted by the [Job Accommodation Network](#), roughly half of accommodations do not carry a cost for an employer. For those that do, the average cost incurred is approximately \$500. As such,

## Reasonable Accommodations

Under Title I of the ADA, all employers are required to provide reasonable accommodations if they have 15 or more employees. Some states have enacted laws extending this requirement to employers with fewer than 15 employees. Reasonable accommodations may include job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, worksite adjustments and policy adjustments. Reasonable accommodation **does not include** creating new jobs or eliminating essential job functions. It also does not include actions that would require significant difficulty or incurred expense, such as providing a personal care assistant or mobility device.



establishing reasonable accommodation policies at the legislative and executive levels is a low-cost mechanism to help ensure employees with disabilities are able to access the workplace and succeed in it.

### State Highlights



In 2021, **California** enacted [Assembly Bill 313](#), requiring all state agencies to develop a reasonable accommodation policy for individuals with disabilities.

Policies must be consistent with federal law and address employees' requests for reasonable accommodations. The bill also requires the Department of Human Resources to develop model policies for equal opportunity employment programs, including a [model policy on reasonable accommodations](#).



**Minnesota** enacted [House Bill 63](#) (2021), which requires each state employer, agency and organization to initiate an informal, interactive process with each individual

in need of accommodation to determine one that is appropriate and reasonable.



State policymakers in **Tennessee** enacted [House Bill 1578](#) / [Senate Bill 1183](#) in 2021. These bills provide 36 hours of yearly leave for a state employee who is a veteran with a service-connected disability. Thirty percent or more of the hours provided can be used to attend appointments related to the service-connected disability.

### Centralized Reasonable Accommodation Fund

A [centralized accommodation fund](#) is a consolidated funding strategy to partially or fully cover the cost of reasonable accommodation requests made by current and potential employees with disabilities. Through a centralized accommodation fund, accommodations are paid for by a state pool of funds rather than individual unit or department budgets. Although reasonable accommodations have been found to have [little](#)

or no cost, tight state budgets can be perceived as an obstacle for public sector employers. To mitigate this, states can consider establishing a centralized accommodation fund to cover the cost of reasonable accommodation requests.

Centralized accommodation funds also provide consistency and flexibility to the employer and employee, and they ensure some degree of procedural uniformity in funding reasonable accommodation requests, regardless of the state agency involved. This subsequently eliminates confusion surrounding the accommodation process. Further, states often fund these mechanisms through state appropriations and allow funds to remain available until exhausted. Allowing funds to accrue from year to year reduces the likelihood that a given department will not have the funds available to grant an individual's request during periods when the volume is high.

**Massachusetts** and **Minnesota** are the only two states that have established centralized accommodation funds.



The **Massachusetts** centralized accommodation fund, referred to as the **Reasonable Accommodations Capital Reserve Account**, was established in fiscal year 2009 to facilitate executive branch agency efforts to provide reasonable accommodations to employees. The fund does not take the place of an executive branch agency's responsibility to respond to requests for accommodation. It supplements agency funds in the instances when the agency **cannot absorb the cost without financial hardship**. State agencies may make requests for supplemental funding to the Massachusetts Office on Disability and Office of Access and Opportunity. In past years, at least \$100,000 has been made available. Funds are available until the reserve account is exhausted for the current fiscal year.



In **Minnesota**, the centralized accommodation fund is managed by the Commissioner of Administration. Funds are provided through the **biennial state budget** to

“reimburse money spent by state agencies to make reasonable accommodations to applicants and employees with disabilities.” The goal of the fund is to provide applicants with disabilities with equal footing in the application process for state employment and to provide for a more inclusive work environment. The state Department of Administration can reimburse up to \$1,000 for current employees' and applicants' one-time expenses. According to the **Governor's 2020-2021 Biennial Budget**, in fiscal year 2018 the state accommodation fund approved 112 reimbursement requests from 13 state agencies, totaling \$143,691.

## Centralized Expertise on Disability Employment

States can consider centralizing expertise on disability employment policy through the creation of statewide or agency-level coordinators or coordinating offices dedicated to disability employment-related issues. Coordinators and/or coordinating offices can provide guidance to state employees, agency leadership and the public on critical aspects of disability employment policy, such as:

- The process for making a request for reasonable accommodation(s)
- An agency's compliance with ADA requirements
- An individual's rights as a state employee with a disability under the ADA
- Composition, and in some cases administration, of disability awareness training for state personnel
- Policies and procedures for enhancing the recruitment, hiring and retention of employees with disabilities

This policy option would enhance the accessibility of guidance on disability employment policy through creating one go-to destination for these matters.

## State Highlights



**Louisiana** House Bill 446, enacted in June 2021, created and provided for the Office of the State Americans with Disabilities Act Coordinator within the Division of Administration. The new office coordinates ADA compliance by all state agencies in the executive branch. It also offers subject matter expertise about the ADA, conducts training on ADA topics for state agencies and provides technical assistance about the ADA to the general public.



In 2019, Governor Tim Walz of **Minnesota** issued [Executive Order 19-14](#). The order directs the appointment of a state ADA Coordinator and ADA coordinators at each agency. Duties of coordinators include acting as the designated agency resource for information and technical assistance regarding ADA compliance, as well as delivering training to state personnel.



**Missouri** Governor Mike Parsons issued [Executive Order 19-16](#) (2019), directing the Office of Administration to designate State Disability Employment Coordinator(s). This role is responsible for advising state agencies on disability policy and compliance with disability rights laws; collaborating with and supporting state agencies concerning recruitment, hiring and retention of employees with disabilities; and training state employees on disability-related issues.

### Additional Examples



**Alaska** placed ADA Coordinators in major state agencies through the [ADA Compliance Program](#).

## Stay-at-Work/Return-to-Work Programs, Policies and Practices

State employees may develop a disability at any point throughout their tenure in the public sector. The status of an individual's disability also may change gradually over time, thereby impacting the accommodations and supports necessary to complete the tasks of their job and enjoy the full benefits of employment. States can intervene early through implementation of stay-at-work and return-to-work (SAW/RTW) programs with their employees through the administration of health insurance, disability insurance and employee assistance programs.

SAW/RTW strategies can support positive employment outcomes for individuals with disabilities and can provide numerous [personal benefits to employees](#). People who are unable to stay at work or return to work due to injury may experience a reduced quality of life, more severe or new health conditions (e.g., substance abuse) or poorer psychosocial adjustment (e.g., increased anxiety and social isolation). Participation in SAW/RTW programs can allow a people to retain their job and income, thereby avoiding long-term unemployment. These programs can also help individuals maintain job skills, reduce the risk of re-injury and reduce the impact of an individual's injury on their family.

The state also benefits from SAW/RTW programs. A previously injured employee or an employee with a disability who sustains employment results in increased tax revenue and reduced dependence on benefit programs. As an employer, SAW/RTW programs save the state money by reducing staff turnover. Hiring processes are lengthy and time consuming and often require the involvement of mid- to upper-level management. Further, SAW/RTW programs facilitate increased knowledge retention. These programs can help provide the most talented employees with the resources they need to be engaged in the workplace following injury or illness. Exceptional employees who are engaged in the workplace are more likely to retain their current employment.



States that have enacted SAW/RTW policies have employed the following strategies:

- Convening task forces to study the rate at which state employees return to work after injury or illness and recommend strategies for improvement
- Appointing RTW coordinators who oversee statewide RTW programs
- Launching programs to help navigate disability-related accommodation processes
- Laying out pathways for an employee to transition between roles in state government in the instance they can no longer perform the requirements of their current role

For more information on SAW/RTW policies, programs and procedures, please see The Council of State Governments' [Stay-at-Work/Return-to-Work Toolkit](#), developed in coordination with the U.S. Department of Labor's State Exchange on Employment & Disability.

### *State Highlights*



**New Jersey Senate Bill 844** and **Assembly Bill 1980** were enacted in 2019, authorizing a partial return-to-work for state employees on temporary disability insurance who can work part-time. These initiatives address employee fears that returning to work on a part-time basis would leave them less financially stable due to loss of disability benefits.



In 2021, **Utah** Governor Spencer Cox issued [Executive Order 2021-08](#), titled "Expanding Return to Work and 'Returnship' Opportunities in Utah." (Utah utilizes the word "returnship" to describe opportunities for people to develop meaningful skills, training, employment and work-based learning opportunities after injury or illness.) The order directs each state agency to review all procedures, policies and rules to identify new ways to provide meaningful "returnship" opportunities after injury or illness. State agencies must report to the governor on how many "returnship" opportunities have been filled.

## Additional Examples



**Delaware's** return-to-work program, overseen by the State Return to Work Coordinator, helps Delaware employees or former employees stay at work, return to work or undergo the rehire process ([Revised Code Title 29, Chapter 52A](#)) following injury or illness.



**Illinois'** program within the [State Retirement System](#) allows state employees who can no longer perform their job because of a disability to acquire provisional status in a different job within state government.



**Vermont's** [Invest Employee Assistance Program](#) helps provide disability-related accommodations to stay at work.



**Virginia** [Executive Order 47](#) (2020) directs state agencies to increase efforts to accommodate individuals with disabilities within state government employment by increasing the retention and return-to-work of individuals with disabilities.

## Telework

To advance the state as a model employer, policymakers can consider implementing inclusive telework policies and practices. These policies help ensure telework is accessible to and usable by public sector employees with disabilities. In states where telework is available to all state employees, officials can update all components of state telework policies and programs to consider inclusion and accessibility. The ADA requires that employees with disabilities have equal access to this benefit. In states that do not allow for telework arrangements generally, policymakers can consider telework as a reasonable accommodation for employees with a disability.

At the time of this publication, [21 states](#) have developed statutes or regulations that address public sector telework. An additional [seven states](#) offer telework as a reasonable accommodation

for people with disabilities. Adoption of these policies has been drastically accelerated by the COVID-19 pandemic. According to SEED research, approximately [28 states and the District of Columbia](#) adopted disability inclusive telework policies in response to the COVID-19 pandemic.

Disability-inclusive telework policies include:

- Eliminating workplace barriers, such as inaccessible worksites or challenging commutes.
- Providing a greater degree of work-related autonomy and responsibility
- Increasing job satisfaction

Disability-inclusive telework policies also provide numerous benefits to states as employers, such as:

- Attracting and retaining a more diverse range of talent, thereby [increasing operational performance](#)
- Better accommodating a range of employee needs, work styles and communication preferences
- Reducing operating costs for the state
- More easily continuing normal operations during emergency situations

Further information on telework is available in the 2020 CSG report, titled "[Disability-Inclusive Telework for States: State Approaches to Increasing Access and Inclusion.](#)"

## State Highlights



In **California**, employees with disabilities are permitted to use telework full time as a reasonable accommodation. According to California law, an employee and the employer must engage in an "[interactive process](#)" consisting of sustained dialogue to determine whether a telework arrangement will enable the individual to perform their essential job functions.




In 2019, **Maryland** issued the [Agency Teleworking Manual](#), offering state agencies several options for providing





telework equipment, including lending it from the office; providing incentives for teleworkers to purchase their own equipment; subsidizing the purchase of equipment by teleworkers; and purchasing equipment for teleworkers. The manual also reiterates the benefits of telework, including positive impacts on the recruitment and retention of qualified employees, opportunities for more work-related autonomy and responsibility and enhanced employee job satisfaction. In 2021, Governor Larry Hogan signed [House Bill 73](#) and [Senate Bill 710](#), requiring local governments to establish telework programs, policies and guidelines.

 In 2013, **Oklahoma** enacted [House Bill 2062](#), instituting a statewide telework program. This act explicitly indicated how telework policies apply to individuals with disabilities. For example, the legislation established a statewide telework assistance program, which provides policies and guidelines to support agency telework, including around “accommodation[s] for employees with disabilities.” The policy also requires state agencies to employ accessible information technology platforms and consult the Department of Rehabilitation Services and individuals with disabilities

in reviewing information technology (as well as corresponding trainings and technical assistance).

### *Additional Examples – Telework programs for state agency employees with disabilities*



**Alaska** (revised 2020) and **Idaho** (revised 2018) updated their telework policies to provide managers with sole discretion to authorize telework, clarifying this discretion does not cover the provision of reasonable accommodations to qualified state employees with disabilities (those requests should be made through Human Resources staff).



**Delaware** (revised 2020) requires additional or modified accommodations be provided by state agencies to people with disabilities who decide to change their worksite.



**North Dakota** (revised 2020) requires a modification or waiver of policies for employees who work from home as a reasonable accommodation.

## Telework programs for all state agency employees



**Arizona** has instituted a comprehensive telework and alternative work schedule policy ([Senate Bill 1419](#), 2022).



**Connecticut's Interim Telework Training Manual** indicates that, on a case-by-case basis, telework may be considered a reasonable accommodation under state or federal disability law.



**Hawaii** requires each state department, board, commission or agency to develop policies under which eligible employees may be authorized to telework. Each agency must develop a policy on telework accommodations for people with disabilities ([Senate Bill 234](#), 2022).



**Massachusetts' Executive Department Telework Policy** (revised 2020) encourages telework for employees under appropriate circumstances.



**Minnesota** permits state agencies to support teleworking "when it meets the business needs of the agency" ([HR/LR Policy No. 1422](#), 2020).



**Virginia** requires the Secretary of Administration to undertake certain steps for the promotion of telecommuting and alternative work schedule policies ([Senate Bill 877](#), 2020).

## Accessible Communication Technology Platforms

Over the past 20 years, the use of technology such as websites, online systems, mobile applications and other information and communication technology systems have become central to the operations of state government. State agency websites are used to advertise open positions and recruit qualified talent. Online systems facilitate an individual's request for and receipt of employment services and application for unemployment benefits. People use information and communication technology at every stage of employment — recruitment, hiring, performance, retention and advancement. Consequently states can further act as model employers of people with disabilities by ensuring that accessibility is a primary policy consideration in the design, development and procurement of information and communication technology systems. To achieve this, states policymakers can consider:

- Instituting accessibility requirements and standards that govern the design and use of information and communication technology systems
- Adopting inclusive procurement policies and procedures for all resources, services, products and technologies acquired by state and local governments

Despite the centrality of information and communication technology systems to the workplace, states have lagged in their efforts to

**Information and communication technology accessibility** seeks to ensure people with disabilities can access the same information and perform the same tasks as people without disabilities. It also ensures these individuals receive the same services using information and communication technology as those who do not have a disability. Information and communication technology accessibility can be thought of as the digital equivalent to accessibility in the physical or built environment (e.g., curb cuts, ramps, railings, wheelchair lifts).

ensure their systems are accessible to people with disabilities. Since the passage of the Rehabilitation Act of 1973, state agencies receiving federal funding have been required to ensure electronic and information technology systems are accessible. However, a [2018 study](#) by the Information Technology & Innovation Foundation revealed only 59% of state websites achieved the accessibility standards. The study also classified 9% of state websites as highly inaccessible. States can bring these systems into compliance with federal law by ensuring accessibility is a primary policy consideration in the design, development and procurement of these technologies.

Further, the COVID-19 pandemic and subsequent work-from-home policies have drastically accelerated the utilization of information and communication technology in the workplace. According to a [September 2021 survey by Pew Research](#), 90% of U.S. adults say the internet has been essential or important to them during the pandemic. Further, information and communication technology platforms are central to an employee's ability to engage in telework arrangements, which also have [experienced growth during the pandemic](#).

The Office of Disability Employment Policy's [Partnership on Employment & Accessible Technology](#) offers tools and guidance to help organizations build and procure accessible products and ensure workplace technology and digital products are accessible to people with disabilities.

## Requirements and Standards for Accessible Technology

State policymakers can ensure that information and communication technology systems are accessible for people with disabilities by instituting accessibility requirements and standards that govern the design and use of these systems. States having already adopted these guidelines can re-evaluate their policies to incorporate user-centered, functional performance criteria for all disability types.

## Access Standards

Access standards are requirements governing the technical and functional performance criteria necessary for an individual with a disability to have access to and use information and data gathered from an information and communication technology system. **Under Section 508 of the Rehabilitation Act Amendments of 1998**, federal agencies are required to develop and comply with standards for electronic and information technology. It is left to the purview of states to develop and implement standards of this nature in their local context.

## State Highlights




**Arizona's accessibility policy** tasks the Arizona Department of Administration's Strategic Enterprise Technology Office with developing a statewide policy that "lowers the technical barriers to accessibility on Arizona Web sites for people with disabilities." The statute directs each budget unit of the state to ensure any information technology developed, procured, maintained or used by the budget unit provides accessibility in line with the standards of [Section 508 of the Rehabilitation Act](#).





**California's IT accessibility policy**, as outlined in the [State Administrative Manual](#), requires that information services of state government made available through electronic and information technology systems be accessible to people with disabilities. The policy directs state agencies to comply with all federal and state laws prohibiting discrimination against individuals with disabilities, including laws outlining accessibility requirements for electronic and information technologies. This applies to both internal- and external-facing information and communication technology platforms. All electronic


or information technologies developed, purchased, maintained or used by state agencies and state contractors must comply with the accessibility requirements of [Section 508 of the Rehabilitation Act](#). [California Assembly Bill 434](#) (2017) also requires every state agency website to be accessible to people relying on the use of assistive technologies for access to and consumption of digital content.


 In 2021, **Colorado** enacted [House Bill 1110](#), requiring the Chief Information Officer in the Office of Information Technology to, “promote and monitor the access standards for individuals with a disability in the state’s information technology infrastructure, including but not limited to architecture.” Each state agency is directed to comply with the access standards for people with a disability.


### *Additional Examples*

 **Alabama’s IT Universal Accessibility Standard** advises agencies on the use of the minimum requirements for online accessibility for all Alabama websites that comply with [Section 508 of the Rehabilitation Act](#).

 **Illinois’ Information Technology Accessibility Act** (2007) requires state agencies and universities to ensure information and communication technology systems are accessible to people with disabilities.

 **New Hampshire’s Web Accessibility Initiative** requires all state agencies to develop and maintain web and mobile sites that follow universal access standards that conform to regulations from Section 508 of the Rehabilitation Act.

 In 2019, **Utah** enacted [House Bill 284](#), authorizing the Department of Technology Services to coordinate with executive branch agencies to provide basic agency website standards that address common website design and navigation standards.

 **Washington** has adopted [Information Technology Accessibility Standards](#) based on the [Web Content Accessibility Guidelines 2.1](#).

## **Inclusive Procurement Policies and Procedures**

To become model employers of people with disabilities, states can consider adopting procurement policies that ensure all resources, services, products and technologies acquired by state and local governments are fully accessible by people with disabilities. To achieve this, state officials can consider several policy options. Policymakers can direct agencies to require the inclusion of accessibility standards in professional services contracts for the procurement of



hardware, software and services. They can also prioritize contracting with businesses that demonstrate their service or product complies with established accessibility standards. Priority can also extend to bidders that demonstrate how they have implemented accessibility practices in their operations.

To foster inclusive procurement of accessible information and communication technology systems, states can draw inspiration from two recently published reports by the National Association of State Chief Information Officers (NASCIO). These reports are entitled “[Accessibility in IT Procurement Part 1: Issues, Challenges and a New Approach](#)” (July 2015) and “[Accessibility in IT Procurement Part 2: The PDAA Components](#)” (August 2015). NASCIO outlines a policy-driven approach to information and communication technology accessibility for state chief information officers, procurement organizations and vendors. This approach, referred to as the *Policy-Driven Adoption for Accessibility*, consists of integrating information and communication technology accessibility into organizational policies. This enables organizations to produce materials that are accessible to people with disabilities.

### State Highlights



**Kentucky's Accessible Information Technology Law** specifies alternative and nonvisual access standards must include the following minimum specifications:

- Effective, interactive control and use of technology, including the operating system, applications programs and format of the data, shall be readily achievable by alternative and nonvisual means.
- The technology equipped for alternative and nonvisual access must be compatible with IT used by other individuals with whom the person with a disability must interact.
- Alternative and nonvisual access technology must be integrated into networks used to share communications among employees, program participants and the public.

- The technology for alternative or nonvisual access must be able to provide equal access to telecommunications or other interconnected network services used by people who are not disabled.



The **Nebraska Technology Access Clause** requires all future information and communication technology products, systems and services to comply with the access clause, which requires the provision of “effective, interactive control and use of technology, including applications and programs for individuals with disabilities.” The clause also requires all accessible information and communication technology to be compatible with “technology used by other individuals with whom the individual with a disability must interact, able to be integrated into communications networks, and capable of providing equivalent access to interconnected network services used by the general population.”

### Additional Examples



**Indiana** includes **boilerplate language** for state contractors requiring all contractors to ensure their hardware, software and services adhere to Section 508 of the Rehabilitation Act and IC §4-13.1-3. The state is permitted to terminate a contract with any contractor who fails to comply with these requirements.



**Massachusetts** provides **accessibility contract language** to be included in any solicitation issued by executive department agencies for new ICT systems or major upgrades of existing systems.



**Minnesota statutes** require nonvisual technology access standards to be included in all state contracts for procurement of information and communication technology. The state is also launching a **Policy Driven Adoption for Accessibility** pilot program, asking vendors to demonstrate the extent to which their organization has implemented accessibility best practices within their operations.

## Personal Assistance Services

For many individuals with disabilities, workplace [personal assistance services](#) make employment possible. Workplace personal assistance services can involve assisting an individual with retrieving materials out of reach, reading materials to an employee who is visually impaired or providing travel assistance to access the rights and privileges of the workplace (e.g., bathroom and cafeteria). Currently, states are not required to offer workplace personal assistance services as a reasonable accommodation under Title I of the ADA. Further, many state anti-discrimination laws do not require employers to provide personal aids and devices, including personal assistance services.

To be a model employer of people with disabilities, states can adopt policies and procedures that provide personal assistance services for individuals with disabilities employed in the public sector. These policies can draw funding for personal assistance services from a centralized accommodation fund and can be designed to provide individuals with disabilities the support services they need throughout all stages of the employment process. Existing state policies highlight two avenues through which these services can be provided:

- The establishment of a personal assistance services program whereby program staff support individuals with disabilities in the recruitment, hiring and management of personal care attendants/aide
- Reimbursement programs for personal care attendants/aides

### State Highlights



In 2016, **Florida** established the [James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program](#).

The program provides personal care attendants and other supports necessary to enable people with significant and chronic disabilities to obtain or

## Personal Assistance Services

Personal assistance services include assistance with performing activities of daily living that an individual would typically perform independently if he or she did not have a significant disability, and that is not otherwise required as a reasonable accommodation. For example, personal assistance services may retrieve materials out of reach or provide travel assistance for an individual with a mobility impairment. For an individual with a visual impairment, a personal assistant may read printed material that is not available in alternative text.

maintain competitive and integrated employment, including self-employment.



Through the **Massachusetts** [MassHealth Personal Care Attendant Program](#), individuals with permanent or chronic disabilities are provided funds to hire a personal care attendant. In the program, people with disabilities are responsible for recruiting, hiring, scheduling, training and, if necessary, firing personal care attendants.



In **Ohio**, Opportunities for Ohioans with Disabilities currently operates the [Personal Care Assistance Program](#). The program provides people with disabilities with a personal care attendant/aide to assist them with activities of daily living that enable them to maintain employment, look for employment or participate in trainings for employment. Through the program, eligible individuals receive partial reimbursement for the hiring of a personal care attendant. People with disabilities are not provided with an attendant/aide. They select an attendant/aide that best meets their needs.



A lingering perception exists among employers that workers with disabilities will have a negative impact on their coworkers. **Empirical evidence** shows that is not the case. This concern may stem from a lack of knowledge, which can be remedied by training and development for managers and employees about working with people with disabilities.

## Training of State Personnel

Many SAME policies aimed at increasing public sector employment of people with disabilities focus on hiring processes, flexibility and providing supports and services necessary for these individuals to maintain employment. However, creating and maintaining inclusive workplace cultures is critical to ensuring positive employment outcomes for people with disabilities. By implementing disability awareness training for all personnel, states can reduce stigmas around disabilities and foster inclusive workplace cultures.

State disability awareness trainings seek to instill proper etiquette throughout all stages of employment – interviewing, onboarding and day-to-day workplace activities. The ADA is central to these trainings, along with the tenet that reasonable accommodations are not “special” accommodations, but rather supports and services that enable a person with a disability to attain an equal employment opportunity and enjoy the benefits of full employment. Common characteristics of disability awareness trainings also include:

- Utilization of person-first language, unless an individual requests identity-first
- Consideration of disability etiquette when planning work-related trainings or social events
- Respectful conduct when engaging with individuals who utilize wheelchairs, mobility aids or service animals
- The provision of work-related materials (e.g., employee handbooks or benefit information) in accessible formats

For more information on inclusive workplace culture and disability awareness training, please reference the [Job Accommodation Network’s resources on this topic](#).

## State Highlights



**Missouri** Governor Mike Parson issued [Executive Order 19-16](#) (2019), requiring the Office of Administration and the State Disability Employment Coordinator(s) to ensure that state employees participate in initial and periodic disability awareness training. Trainings touch on topics such as disability rights, hiring and workplace policies and best practices that promote a diverse and inclusive workforce.



In 2022, **New Jersey** enacted [Senate Bill 729](#), requiring all state personnel to be trained in law and etiquette applicable to the treatment and accommodation of individuals with intellectual, developmental or other mental or physical disabilities. The State Treasurer, tasked with developing the program, is required to “regularly revise and update the training program in order to maintain consistency with current law and practice in this area.” The program must include instruction on the ADA, the methods and approaches that can be used to reasonably accommodate the needs of people with disabilities and the proper etiquette to be used by state employees when working or otherwise interacting with people with disabilities.

## Additional Examples



**Florida** [House Bill 7003](#) (2016) mandates a disability awareness training program for human resources personnel and hiring managers.



**Illinois** [Senate Bill 1136](#) (2019) requires each state agency to send at least one hiring manager to be trained each year on hiring people with disabilities.



**Massachusetts** requires state agency personnel to attend **two levels of disability awareness training** — the first to be completed in the first six months of employment and the second to be completed within the first year of employment.



**Nevada** enacted [Assembly Bill 365](#) (2021), requiring the training of supervisors and managerial employees concerning implicit bias.



**Ohio** Governor DeWine issued [Executive Order 2019-03D](#) (2019), requiring applicable state agencies to ensure all state employees participate in regular disability etiquette and awareness training.



# Conclusion

Although public sector employment has **stagnated** throughout the COVID-19 pandemic, experts posit the public sector soon will recover from the negative economic impacts of the pandemic. This period of transition presents a significant opportunity for states to enhance employment outcomes for individuals with disabilities by adopting state as a model employer policies and practices. SAME policies seek to prioritize accessibility and inclusion of people with disabilities throughout all stages of the employment process — recruitment, hiring, advancement and retention. Policymakers at

all levels of state government can play a role: legislators and governors can develop and enact SAME policies through law; state agencies can institute their own initiatives aimed at recruiting, hiring, advancing and retaining employees with disabilities; and managers and other staff can educate themselves on principles of disability law and etiquette to cultivate inclusive workplace environments. By adopting SAME policies and practices, states can promote greater inclusion in the public-sector workforce and act as an example for private sector businesses to follow.





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