



**COMMONWEALTH OF VIRGINIA**  
*Department Of Human Resource Management*

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The Honorable S. Chris Jones, Chairman, House Appropriations Committee  
The Honorable Emmett W. Hanger, Jr., Co-Chairman, Senate Finance Committee  
The Honorable Thomas K. Norment, Jr., Co-Chairman, Senate Finance Committee  
The Honorable Keyanna Conner, Secretary of Administration

**Subject:** Progress Report on Employment Opportunities for Individuals with Disabilities

Pursuant to Section 2.2-203.2:3 of the Code of Virginia, the attached report provides information on the progress of state agencies to meet the employment goals of the Commonwealth to promote and increase the employment of individuals with disabilities at all levels and occupations by five percent by fiscal year 2023.

Please contact me if there are any questions.

Sincerely,

A handwritten signature in cursive script that reads "Emily S. Elliott".

Emily S. Elliott  
Director

## **Executive Summary**

In 2017, the Code of Virginia was amended to establish a goal to increase by five percent, the level of employment of individuals with disabilities over the next five years.

One of the requirements for all Executive Branch agencies is the annual submission of a formal Employment Plan that outlines the organization's individual strategies for helping the Commonwealth achieve its goal.

The Department of Human Resource Management (DHRM) designed an Agency Employment Opportunity Plan template to collect required information and enable agencies the flexibility to present successful practices that can drive the future direction of the overall strategy.

Ninety percent of Executive Branch agencies are in compliance with the mandate. These agencies submitted a Statement of Commitment signed by their Agency Head or College or University President, and an updated Employment Opportunity Plan outlining their recruitment and retention efforts.

Although agencies have made progress in their recruitment and retention efforts, Individuals with Disabilities continue to represent approximately 1% of Executive Branch employees. The number of Individuals with Disabilities employed in the Commonwealth have potentially been impacted by retirements and the transition of classified employees to university staff. In addition, many agencies still have employees who have not disclosed their disabilities. The ongoing efforts of agencies to foster a culture of inclusion will build the necessary trust for employees to provide this data and agencies will be able to see an increased representation.

### **Approach:**

- The DHRM Agency Employment Opportunity Plan template (Attachment A) was used to collect required information and enable agencies the flexibility to present successful practices that can drive the future direction of the overall strategy. DHRM provided guidance and communications to agencies when drafting their plans.
- DHRM created a webpage to provide additional tools and resources to support agencies with their Employment Opportunities Plans.
- DHRM benchmarked federal and U.S. best practices to incorporate into the strategy for the Commonwealth. (Attachment B)
- The Disability coding structure in the Personnel Management Information System (PMIS) for employees who voluntarily disclose their disability status is being used to capture needed data to track progress toward employment goals.
- Agencies, colleges, and universities designated a senior-level member of their team to serve as the point of contact for increasing the level of employment of individuals with disabilities.

- Agencies were asked to examine their internal policies and practices relating to the employment of individuals with disabilities, including a review of recruitment efforts, interview criteria, testing procedures, and resources to accommodate applicants and workers with disabilities in order to identify opportunities for improvement.
- Agency leads initiated internal discussions regarding strategies for expanding and increasing employment opportunities for individuals with disabilities.

### **Findings:**

- Recruiting/Talent Managers are leading efforts for most agencies, with 90% of Executive Branch agencies in compliance with the mandate to have a formal plan to increase representation. In many agencies, recruitment and retention efforts for individuals with disabilities are being combined with those for veterans.
- As an unfunded mandate, many agencies are limited in resources for aggressive recruitment.
  - This is especially impacting smaller agencies, which are limited in opportunities to increase employee representation through recruitment.
  - Many agencies are seeking ways to add diversity or accommodation expertise within their organizations. This expertise is critical to support agency specific accommodation and return to work programs and policies.
  - Agencies are heavily dependent on the Department for Aging and Rehabilitative Services (DARS) as this resource. However, DARS does not have the bandwidth to absorb consulting responsibilities for all Commonwealth agencies without potentially impacting their direct support of the community.
- Agencies are challenged with metrics. Historically, agencies were advised not to ask about disability information in order to comply with the Americans with Disabilities Amendment Act (ADAAA). Disability information is only captured through self-disclosure or observable data.
- There is a need to shift the Commonwealth's culture from a focus on compliance with the Act to a proactive approach to inclusion. Employment Engagement effort may help current employees build the trust and confidence needed to self-identify.

### **Agency Best Practices:**

- Training hiring managers and/or employees on diversity and accommodation process.
- Posting employment opportunities on online disability-affiliated job boards.
- Leveraging DARS and local agencies to assist jobseekers with disabilities.
- Including an invitation to individuals with disabilities to apply as part of the standard equal employment opportunity statements in recruitment materials.
- Indicating through recruitment materials the willingness to provide accommodations during the hiring and interviewing processes.
- Using the Job Accommodations Network as a resource.

- Providing support to current employees through Return to Work programs.
- The Virginia Veteran Care Center established an animal therapy program.

**Statewide demographic snapshot:**

	<b>12/31/2017</b>	<b>6/30/2018</b>	<b>6/30/2019</b>
Number of Employees with Disabilities	321	574	379
Executive Branch Agency Headcount	63086	63086	58681
Percentage of Employees with Disabilities	0.51%	0.91%	0.61%

**2019 – 2023 Strategies:**

- In July 2019 and future years, DHRM will provide reporting on progress and results achieved towards meeting the established employment goals.
- Planning is underway to update the disability reporting procedure to create a more effective approach to capturing this information.
- DHRM will establish an interagency action team to identify strategies, resources and tools in support of this employment objective.
- Incorporate reporting for Individuals with Disabilities in Agency Succession Plan Reporting tools
- DHRM to establish education and awareness as part of the Office of Equity, Diversity, and Inclusion efforts.



**EMPLOYMENT OPPORTUNITIES PLAN – PEOPLE WITH DISABILITIES**

§ 2.2-203.2:3. POLICY OF THE COMMONWEALTH REGARDING THE EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES; RESPONSIBILITIES OF STATE AGENCIES; REPORT:

It shall be the policy of the Commonwealth to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards, and authorities of the Commonwealth.

To assist in achieving this policy, it shall be the goal of the Commonwealth to increase by five percent the level of employment of individuals with disabilities by the state by fiscal year 2023. The Secretary shall coordinate and lead efforts to achieve the goals of the Commonwealth established by this section.

**STATEMENT OF COMMITMENT**

*(Name of Agency, College, or University)* is committed to the Commonwealth’s policy and its efforts to increase employment opportunities for individuals with disabilities.

\_\_\_\_\_  
Agency Head Signature

\_\_\_\_\_  
Human Resource Director

\_\_\_\_\_  
Employment Lead, Individuals with Disabilities

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**ORGANIZATIONAL PLAN**

Please attach your organization’s Employment Opportunities Plan for Individuals with Disabilities and submit it to [Natalie Brannon](#) by June 30th. Your baseline plan should, at a minimum, concisely describe the following:

- The steps your organization will take to expand existing efforts for the recruitment, accommodation, retention, and advancement of individuals with disabilities. (Examples: Agency Marketing; Career Fairs; Networking; Education of Hiring Managers; Mentorship Training; Job Accommodation Awareness Training; Partnering with the Division of Rehabilitative Services within the Department for Aging and Rehabilitative Services.)
- What if any modifications to agency employment policies may be needed to support the Commonwealth’s hiring goal.
- How you will increase efforts to accommodate individuals with disabilities by increasing the retention and return to work of these employees.
- Other action-oriented programs or practices already in place.



# 2019 Benchmark Data for the Employment of Individuals with Disabilities

## **Executive Summary**

Virginia is recognized as a leader and State Model Employer (SAME) by the Employer Assistance and Resource Network (EARN) for the initiatives it has established to improve the employment of Individuals with Disabilities. In 2017, the Code of Virginia was amended to establish a goal to increase the level of employment of individuals with disabilities by five percent by the year 2023. As part of this effort, Executive Branch agencies established formal Employment Plans that outline the organizations individual strategies for helping the Commonwealth achieve its goal.

DHRM conducted an assessment of best practices and innovative strategies implemented in federal and state governments. This paper explains the findings of the research to benchmark best practices in the employment of individuals with disabilities. It notes six key areas of focus from other SAME states and makes five recommendations for action within the Commonwealth.

Incorporating these recommendations in the overall strategic plan will improve outcomes. A focus in these areas will also assist agencies to make significant strides to increase representation at all levels and shift the Commonwealth culture from a focus on compliance with ADA to a proactive approach to inclusion.

## **Background**

Nationally, People with Disabilities continue to be underutilized in the workforce. In 2015, the U.S. Department of Labor's (DOL) Office of Disability Employment Policy (ODEP) launched the State Exchange Employment and Disability (SEED) initiative. This initiative was designed to advance policy development at the state and local levels that promote employment opportunities for people with disabilities. Part of this effort included the development of a national policy framework on disability employment policy, entitled Work Matters.

According to the National Conference of State Legislators (NCSL), in 2016 few states had adopted beneficial disability employment policies. Since that time, the Commonwealth of Virginia has established goals to address shortcomings in state policies that limited the ability of individuals to secure or maintain employment. Other states that adopted SAME initiatives include Alaska, California, Illinois, Maine, Maryland, Massachusetts, New York, Oklahoma, Utah, Vermont, and Washington.

The profiles of SAME states were reviewed, along with information in the NCSL database, to determine additional areas of focus to incorporate into the Commonwealth plan.

## **Benchmark Findings**

- **Alternative Selection Process**
  - Federal government – Adopted Schedule A, an excepted service hiring authority, which includes internships and short-term employment opportunities to allow an entry point into their full-time roles.
  - California- Limited Examination and Appointment Program (LEAP) is an alternative to the job interview process, and lets applicants with disabilities prove their knowledge, skills, and abilities via a job examination period. Candidates must be certified by California's Department of Rehabilitation, and have their LEAP certification entered into California's HR database. Once the candidate is validated, they must take LEAP readiness evaluations to obtain a job eligibility list; apply for job openings; and complete a job examination period if they are accepted.



- Delaware- Selective Placement is a program that allows individuals with disabilities to apply for state merit positions without a competitive recruitment. The applicant is verified by the Division of Vocational Rehabilitation and must complete a practice application. The practice application is sent to the Selective Placement program manager who reviews and provides the applicant a list of eligible positions.
  - Maryland- Special Options Eligible List (SOEL) allows for persons with disabilities to be placed on the certified eligible list, without having to be screened. Applicants for SOEL must be certified by the Maryland Division of Rehabilitation Services (DORS).
  - Minnesota- Connect 700 is a pre-probationary work program that allows individuals with disabilities to work up to a 700-hour “trial period” on a job to determine if they are a good fit. It is non-competitive and applicants must meet the minimal qualifications for the job; have a disability that renders them unable to demonstrate their skills and abilities in an interview; and possess a proof of eligibility certificate.
    - Minnesota also has a supported worker program for those with disabilities. There are approximately 50 positions within their agencies that can be shared by up to 3 people. The work is on a full-time or part-time basis, and averages at 20 hours a week. The work setting is integrated with individuals of different abilities, and there is a job coach providing ongoing training and support.
  - Utah- Alternative State Application Program (ASAP)- a program that is used by all executive branch agencies that helps appoint qualified job seekers with disabilities via an on the job examination period. Each time the person applies for a position, they inform the ASAP coordinator, who consults with the hiring manager to request their participation. If hired through ASAP, the employee is on a 6-month evaluation period where the hiring manager evaluates their performance on a monthly basis. Once completed, the employee is moved to a full time status and completes the usual 1-year probationary period. ASAP certification documents are kept on file for 3 years.
- **Centralized Reasonable Accommodation Funding**
    - Massachusetts- Created an account to help agencies fund needed accommodations for disabled employees
    - Minnesota – DOA can reimburse up to \$1000 for current employees’ one-time expenses; no limit to reimburse applicants and ongoing expenses for current employees.
- **Hiring Preferences**
    - Arizona – individuals with disabilities given a five point preference on examinations, provided they would receive a passing grade without preference. Individuals with disabilities who are veterans receive a 10 point preference.
    - Kansas – preference for individuals with physical, cognitive, and/or mental disabilities
    - Maryland – adjusted its hiring system by adding five point to test scores for job applicants with disabilities.
    - South Dakota- Disability Preference entitles applicants to be selected to interview for the executive branch agencies. Applicant must meet the requirements of the position. The disability preference must be renewed after 5 years.
- **Mandatory Interview**
    - Vermont- Applicants can fill out a “request for mandatory interview” form that they must complete and send to the Vermont Department of Human Resource by mail. If accepted, the applicant will

automatically be interviewed if they meet the minimum qualifications for a position that they have applied for.

- **Self-Identification, Disclosure**
  - Massachusetts – (note: since marketing campaign in 2009, share of people working in executive branch increased from 2.4 percent to 2.9 percent)
- **Technical Standards for Accessibility**
  - Alabama – advise agencies on use of minimum requirements for online accessibility for state websites
  - Arizona – Statute that directs budget units to ensure that any information technology developed, procured, maintained, or used provides accessibility in line with standards for Section 508 of the Rehabilitation Act.
  - California – Duplicates Arizona; also extend requirements to state contractors
  - Kentucky, Maine, New Hampshire, New York, duplicate Arizona
  - Wyoming- Has an “Employment First” webpage/resource for job seekers and employers that shares a wealth of information such as disabled employee success stories, job and training opportunities, and ADA as well as other disability assistance information.

### **Recommended Actions**

- **Consider alternative selection process**
- **Establish online content guidelines**
  - Ensure hiring websites are fully accessible
  - Provide information for service-disabled veterans and people with disabilities where easily found; include link to Virginia jobs site on vocational rehabilitation sites.
  - Create site index
  - Ensure presentations are set up for screen readers
  - Add alternate text to charts, graphs, images and maps in presentations and newsletters, so that they are discernible by assistive technology
  - Use captions on all audio and video files, including webinars
- **Establish guidelines for employee events**
  - Ensure program registration and sign up forms are accessible and include accommodation information
  - Ensure parking and physical environment accessible for events
  - Ensure there is disability representation on agency task groups; recommend inclusion of individuals with disabilities on Boards/Commissions and in other leadership roles
- **Education and Awareness**
  - Broaden education on Disability Etiquette and Diversity and Inclusion
- **Retention/Return to Work**
  - Consider establishing a central accommodation account and process