



COMMONWEALTH OF VIRGINIA
Department Of Human Resource Management

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October 27, 2020

The Honorable Ralph S. Northam, Governor of Virginia
The Honorable Luke E. Torian, Chairman, House Appropriations Committee
The Honorable Janet D. Howell, Senate Finance and Appropriations Committee

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

Enclosures

cc: Secretary Keyanna Conner

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.

Eighty-three 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. DHRM has followed up with the remaining agencies to ensure completion of pending plans.

Although agencies have made progress in their recruitment and retention efforts, Individuals with Disabilities continue to represent approximately 1% of Executive Branch employees. Some agencies noted that the COVID-19-driven freeze on hiring and discretionary spending and employee furloughs impacted their fulfillment of their Plan strategies. Anecdotal evidence suggests, however, that for many agencies the resources needed to fully support this effort were extremely limited during the entire fiscal year and were only exacerbated by COVID-19. A continued challenge is that employees are reluctant to voluntarily disclose their disabilities which skews the data available to DHRM.

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 continues to provide tools and resources on their webpage to support agencies with their Employment Opportunities Plans, including links to Virginia Ability, a non-profit organization that educates businesses on workplace disability inclusion, and the Employer Assistance Resource Network (EARN) on Disability Inclusion.
- DHRM partnered with the Department for Aging and Rehabilitative Services (DARS) on an awareness campaign for National Disability Employment Awareness Month. This included a communication plan and outreach to Agency Heads of Executive Branch agencies and Agency HR Directors and HR staff. The social media campaign highlighted tools related to disability etiquette, hiring and retaining employees with disabilities, making workplaces accessible and job accommodations.

- The Disability coding structure in the Personnel Management Information System (PMIS) was modified and communicated to agencies to allow for the data collection on employees while still maintaining and protecting confidential health information. Three new categories were established: Yes (Disability), No (Disability) or Unknown (No Response). These categories will be helpful in establishing a baseline from which to identify the number of employees in the state workforce who self-report a disability.
- DHRM met with advocates of the disability community to identify additional efforts and needs to increase the employment opportunities for individuals with disabilities. Advocates of the disability community volunteered to complete an assessment of the state's Recruitment Management System (RMS) to determine ease of use and assist in the identification of any system barriers for those with disabilities.
- DHRM continues to partner with the Department of Veteran Services (DVS) to focus on initiatives related to individuals who are both veterans and veterans who have disabilities. An action plan was developed and is being implemented. The plan includes video interviewing tools and the establishment of a job training program for this targeted group.
- Agencies were asked to continue 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. DHRM benchmarked federal and U.S. best practices to incorporate into the strategy for the Commonwealth. (Attachment B)
- DHRM benchmarked federal and U.S. best practices to incorporate into the strategy for the Commonwealth. (Attachment C)

Findings:

- Recruiting/Talent Managers are leading efforts for most agencies, with 83% 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.
- Without the necessary resources, many agencies are limited in opportunities for aggressive recruitment. This challenge is exacerbated by budget constraints.
 - This is especially impacting smaller agencies, which are limited in opportunities to increase employee representation through recruitment.
 - Agencies are heavily dependent on the Department for Aging and Rehabilitative Services (DARS) as the resource for accommodation expertise for their organizations. 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 continue to be 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). The Voluntary Disability Self-Identification form, which is expected to be included in agency onboarding, should yield improvements in this area. The Self-Identification form provides an avenue for employees to anonymously share their disability data and will support our ability to measure progress toward the employment goal. (Attachment B) The form was distributed in May 2020, and as the title suggests, is voluntary on the part of the employee. To strengthen data collection efforts, DHRM will require agencies to distribute the form to all current employees with an inclusive invitation to participate which will be drafted by DHRM. Agencies will be given a deadline for reporting results in the Personnel Management System.
- Although there has been progress to shift the Commonwealth’s culture from a focus on compliance with the Act to a proactive approach to inclusion, work is still needed.

Agency Best Practices:

- Posting employment opportunities on online disability-affiliated job boards.
- Training hiring managers and/or employees on diversity and accommodation process.
- 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.
- Partner with the University Career Services Office to provide job readiness training to individuals with disabilities to include, Resume Writing, Job Search Skills, Interview Skills, Dressing for Success, etc.
- Ensure that all orientation and harassment training programs include disability information.
- The Virginia Community College System established a partnership with Stand U, a local company that provides resources to recruit, hire, retain & advance individuals with disabilities. Their Student Transition Employment Program (STEP) aids local high students in learning necessary skills to become successful in a workplace environment and may help to build a talent pipeline.
- 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.

Statewide demographic snapshot:

	12/31/2017	6/30/2018	6/30/2019	6/30/2020
Number of Employees with Disabilities	321	574	379	366
Executive Branch Agency Headcount	63086	63086	58681	58313
Percentage of Employees with Disabilities (Self-Reported)	0.51%	0.91%*	0.61%**	0.63%

*Increase resulting from better reporting from agencies

**Results impacted by retirements and transition of classified employees to university staff.

2020 – 2023 Strategies:

- DHRM will continue to work with the disability community and small representative work groups to expand our disability network and solicit recommendations for actionable items that will further promote and result in the hiring of individuals with disabilities.
- In September 2020 and future years, DHRM will provide reporting on progress and results achieved towards meeting the established employment goals.
- The self-service capability in Cardinal will allow employees to more accurately reflect their status. As the Cardinal system implementation moves forward to be released in March 2021, this resource will allow us to leverage reporting tools and capabilities such as employee self-service disability data and classified statewide reporting that meet the Commonwealth requirements.
- Incorporate reporting for Individuals with Disabilities in Agency Workforce Plan Reporting tools. Agency Workforce Plans are part of the annual strategic planning process, which outlines succession plans for key personnel, executive positions, and employees nearing retirement. The updated EOP template data will be included in the 2021 report.
- Encourage Agency HR staff involved in recruitment and selection processes to complete the Employing Abilities@Work Certification and Veterans at Work Certification offered through the Society of Human Resource Management (SHRM), the largest human resource association in the profession. Agencies will be asked to report on the number of staff with both certifications for the FY2021 report.
 - The Employing Abilities@Work certification is an introduction to the benefits and implementation of disability and inclusion in the workplace. The program highlights four key areas: Best Practices in Recruitment and Hiring, Building a Culture that Supports Disclosure and Self-Identification, Understanding the Americans with Disabilities Act, and Breaking Down Stereotypes; Building a Culture of Inclusion.
 - The Veterans at Work certification was developed for HR professionals, hiring managers, and front-line supervisors to learn the value and skill veterans bring to the civilian workplace and to focus on best practices to attract, hire, and retain veterans.
- Evaluate the potential for legislation on an alternative selection process or preferential consideration when hiring individual with disabilities.

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

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.



Confidential

Voluntary Self-Identification of Disability

Purpose:

In accordance with § 2.2-203.2:3, the (insert Agency Name) is committed to hiring, promoting and ensuring equal opportunity to qualified people with disabilities. To improve our efforts and better assist our employees with disabilities, we are requesting that you voluntarily provide information regarding a physical or mental disability as defined by the Americans with Disabilities Act (ADA)¹

All Personal Health Information is confidential and is retained in the Commonwealth’s secured Human Resources Information System as well as, in your official personnel record with limited disclosure to authorized individuals in Human Resources. As Personal Health Information is subject to change, employees may be asked to update this information periodically or as needed.

Disability as Defined by the Americans with Disabilities Act:

- (1) A person who has a physical or mental impairment² that substantially limits one or more major life activities³
(2) A person with a record of a physical or mental impairment that substantially limits one or more major life activities; and
(3) A person who is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Requests for Reasonable Accommodation

Please inform (insert designated Agency Point of Contact) if you require reasonable accommodation to perform essential job functions. Agency management, including Human Resources will engage in an interactive process with you and your treating medical practitioner as needed to determine what or if reasonable accommodations can be provided.

Voluntary Disclosure: Please check one of the selections below and sign where indicated, and return to Human Resources

- Yes, I have a disability
No, I do not have a disability
I choose not to respond

Signature line box

Employee Signature

Date

1 For more information on the Americans with Disabilities Act, visit https://www.dol.gov/general/topic/disability/ada

2 Impairment may include deafness, blindness, intellectual disability, mobility impairments, cancer, diabetes, epilepsy, major depressive disorder, bipolar disorder, post-traumatic disorder, HIV infection, multiple sclerosis, etc.

3 Major Life Activities may include caring for oneself, seeing, hearing, walking/standing, lifting, breathing, speaking, learning, concentrating/thinking, and operation of major bodily functions to include the respiratory, immune, neurological, circulatory, cardiovascular, digestive, bowel, bladder, endocrine, hemic, lymphatic, musculoskeletal, etc.

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