

A Roadmap to Success:

Hiring, Retaining, and Including People with Disabilities

Summary Guide

The Federal Government is committed to having a world-class workforce that draws talented individuals from all segments of society. To achieve this, we must tap into the knowledge, skills, and abilities of all Americans, including those with disabilities.

This course provides Federal employees with some basic resources and strategies to successfully hire, include, and retain employees with disabilities.

COURSE OBJECTIVES

The purpose of this course is to help you to:

- Recruit, accommodate, hire, retain, and include individuals with disabilities, consistent with applicable law.
- Identify Federal laws, regulations, policies, and initiatives that promote an inclusive workplace for people with disabilities.
- Locate internal and external resources to recruit, develop, and retain employees with disabilities.

COURSE REVIEW

You have almost completed your journey on the Roadmap to Success. Along the way, you have been shown how to:

- ☐ **IT STARTS WITH YOU** – Recognize the benefits of hiring an employee with a disability in the Federal workforce and understand Federal Government initiatives.
- ☐ **RECRUIT** – Use recruiting strategies to locate qualified people with disabilities.
- ☐ **ACCOMMODATE** – Plan for and provide accommodations so qualified candidates can be interviewed and employees can work successfully throughout their career.
- ☐ **INTERVIEW** – Explore the candidate's qualifications by following the interviewing tips in this course.
- ☐ **HIRE** – Hire qualified employees with disabilities by a variety of methods, including normal competitive hiring and excepted service hiring authorities.
- ☐ **INCLUDE and RETAIN** – Include employees with disabilities involved in all aspects of the workplace and support their earned advancements.



IT STARTS WITH YOU

Your actions and attitudes are key to a successful work environment. From recruitment to retention, from policy to practice, **it all starts with you**. The key to employing people with disabilities is creating an inclusive work environment that welcomes and values everyone's contributions.

AN UNTAPPED RESOURCE: OUR LARGEST MINORITY GROUP

All across America, people with disabilities live independently, pursue meaningful careers, and make valuable contributions to society. As a matter of fact, the Department of Labor has noted that people with disabilities are the **Nation's largest minority**.

Landmark laws have greatly increased participation of students with disabilities at all academic levels in the Nation's schools, leading to an increasing number of high school and college graduates with disabilities qualified for a variety of occupations. This untapped pool of talent can help fill skills gaps in the Federal workforce.

THE FEDERAL GOVERNMENT DISABILITY EMPLOYMENT INITIATIVES

Various Federal statutes, regulations, and impressive advances in accessible technology, have opened the door to increasing opportunities for people with disabilities to participate in and contribute to their communities and to the Nation.

Affirmative employment obligations stemming from the Rehabilitation Act of 1973, as amended, call on the Federal Government to focus on the outreach, recruitment, retention, and advancement of people with disabilities at all grade levels. The Federal Government also has a specific focus on hiring people with "targeted disabilities," defined as including deafness, blindness, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disabilities, psychiatric disabilities, and dwarfism.

Some important initiatives to know are:

- **Rehabilitation Act of 1973:** The Rehabilitation Act of 1973, as amended, is a civil rights law that protects individuals with disabilities from discrimination. The Rehabilitation Act also provides for direct services to people with disabilities, which help them to become qualified for employment.
 - Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 791), prohibits discrimination on the basis of disability in Federal employment and requires the Federal Government to engage in affirmative action for people with disabilities. The law:
 - Requires Federal employers not to discriminate against qualified job applicants or employees with disabilities. Persons with disabilities should be permitted to compete at all grade levels and for all occupational series

commensurate with their qualifications. Federal employers should ensure that their policies do not unnecessarily exclude or limit persons with disabilities because of a job's structure or because of architectural, transportation, communication, procedural, or attitudinal barriers.

- Requires employers to provide "reasonable accommodations" to qualified applicants and employees with disabilities unless doing so would cause undue hardship to the employers. Such accommodations may involve, for example, restructuring the job (subject to retaining essential functions), modifying work schedules, adjusting or modifying examinations, providing readers or interpreters, and/or acquiring or modifying equipment and/or facilities (including the use of adaptive technology such as voice recognition software). Reassignment may also be appropriate as a last resort.
- Prohibits selection criteria and standards that tend to screen out people with disabilities, unless such procedures have been determined through a job analysis to be job-related and consistent with business necessity, and an appropriate individualized assessment indicates the job applicant cannot perform the essential functions of the job, with or without reasonable accommodation.
- Requires Federal agencies to develop affirmative action programs for hiring, placement, and advancement of persons with disabilities. Affirmative action must be an integral part of ongoing agency personnel management programs.
- Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794d), requires Federal agencies to procure, use, maintain, and develop accessible electronic and information technology, unless doing so imposes an undue burden. National security systems are exempt. Federal agencies were required to comply with standards promulgated by the Architectural and Transportation Barriers Compliance Board (the Access Board) that took effect on August 7, 2000. Agencies must biannually evaluate their compliance with Section 508 and must report the results of these self-evaluations to the Attorney General.

The ADA (which applies to the Federal Government through the Rehabilitation Act of 1973, as amended) defines **disability** as:

- A physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an "actual disability") OR
- A record of a physical or mental impairment that substantially limited a major life activity ("record of") OR
- When a covered "entity" takes an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor ("regarded as").

EXECUTIVE ORDER 13548 AND ADA ANNIVERSARY

On July 26, 2010, President Barack Obama issued Executive Order (E.O.) 13548 on Increasing Federal Employment of Individuals with Disabilities, to mark the historic 20th anniversary of the signing of the Americans with Disabilities Act (ADA).

E.O. 13548 provides that the Federal Government, as the Nation's largest employer, must become a model for the employment of individuals with disabilities. The order directs Executive departments and agencies, consistent with applicable law, to improve their efforts to employ Federal workers with disabilities, including targeted disabilities through:

- Hiring 100,000 people with disabilities over a 5-year period
- Requiring each agency to create a disability hiring plan with designated senior level officials
- Developing mandatory trainings on the employment of individuals with disabilities, including this training

Americans with Disabilities Act (ADA): The Americans with Disabilities Act (ADA) of 1990, as amended, and the ADA Amendments Act of 2008 recognizes and protect the civil rights of people with disabilities and is modeled after earlier landmark laws prohibiting discrimination on the basis of race and gender. The ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The substantive employment standards of the ADA, which are applicable to the Federal Government through the Rehabilitation Act, can be found at 42 U.S.C. Section 12111, et seq., and 42 U.S.C. Sections 12201, 12202, 12203, 12204, and 12210.

OTHER IMPORTANT INITIATIVES

E.O. 13548 is not an isolated effort but works in coordination with:

- E.O. 13518 – Employment of Veterans in the Federal Government, issued on November 9, 2009
- Presidential Memorandum – The Presidential POWER Initiative: Protecting Our Workers and Ensuring Reemployment, issued on July 19, 2010
- E.O. 13583 – Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce, issued on August 18, 2011

These initiatives and many others ensure the Federal Government can recruit, retain, and honor the best workforce for the American people.

RECRUIT

Recruiting is an important part of finding the right people for the job. Recruiting people with disabilities is no different than recruiting people without disabilities. Americans with disabilities are a relatively untapped pool of talent needed in the Federal workforce.

RESOURCES FOR RECRUITING PEOPLE WITH DISABILITIES

- ❑ **MAKE USE OF** Federal and community resources such as:
 - Feds Hire Vets
 - Workforce Recruitment Program
 - Vocational Rehabilitation
 - The OPM Shared List of People with Disabilities
 - Ticket-to-Work Employment Networks
 - American Job Centers
 - Local service organizations and other resources

SPECIFIC RECRUITMENT STRATEGIES

Strategies for you to use with your Human Capital partners to ensure you are recruiting people with disabilities.

- ❑ **INCLUDE** the opinion of Federal employees with disabilities in the creation of your brochures, videos, and other materials. Consider using graphics and photos that represent people with disabilities.
- ❑ **ENSURE** that information and communication technology/electronic media are accessible and usable for people with disabilities (e.g. all videos should be captioned and audio described).
- ❑ **MAKE** a clear statement in recruitment and other appropriate materials about your agency's readiness to provide accommodations for applicants with disabilities and make the materials available upon request in alternate formats.
- ❑ **INSERT** a non-discrimination clause in all written materials.
- ❑ **CONTACT** your Selective Placement Program Coordinator (SPPC) or a Special Emphasis Program Manager (SEPM) or agency recruiter before an open position is announced to obtain qualified applicants for consideration under the Schedule A hiring authority and to discuss staffing plans for meeting future workforce requirements. [Your agency's SPPC (or equivalent) or agency recruiter can provide you with employment opportunity information. The SPPC is often located in the Human Resources or Equal Employment Opportunity office of each Federal agency.]
- ❑ **IMPROVE** the ability of recruiting and outreach teams to interact with applicants with disabilities through training and mentoring.
- ❑ **POST** job information in locations and formats (including Web sites, like USAJobs.gov) that are fully accessible to persons with disabilities.

ACCOMMODATE

All employees need the right tools and work environment to make the workplace accessible and maximize their productivity. Similarly, individuals with disabilities may need workplace adjustments—or accommodations—to ensure accessibility and maximize the value they can add to your office. Certain accommodations may be needed during the interview process so qualified candidates with disabilities have the opportunity to interview on equal footing with everyone else. Other employees with disabilities may need accommodations after being hired. Providing accommodations is an ongoing activity that may be required at various points throughout an employee's career.

BENEFITS OF ACCOMMODATION

Finding and retaining skilled employees with the right qualifications and level of experience can be a challenge. Economists are estimating a shortage of 10–15 million workers in the upcoming decade due to an aging and shrinking workforce.

Job accommodations can play a vital role in facilitating employment, whether individuals have a pre-existing disability or are returning to work following an injury or illness. Providing accommodations can result in multiple benefits including:

- Increased access to qualified candidates
- Retention of qualified employees
- Increase in worker productivity
- Elimination of cost to train new employees

WELCOMING REASONABLE ACCOMMODATION REQUESTS

Not all employees with disabilities will need an accommodation, but for those who do, accommodations can play a vital role in facilitating employment. The Rehabilitation Act of 1973, as amended, defines a reasonable accommodation as a "change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." The Federal Government is required by law to provide reasonable accommodations to applicants and employees with disabilities, unless doing so creates an undue hardship.

An individual can request a reasonable accommodation orally or in writing (no special words are needed). The SPPC and/or the Reasonable Accommodation Manager at your agency will explain the agency's reasonable accommodation procedures and guide you, if necessary, in responding to reasonable accommodation requests. Although job applicants or employees with disabilities who need reasonable accommodations are responsible for requesting needed accommodations, it is the employer's responsibility to create an environment that:

- Allows for open and effective communication about needed accommodations
- Encourages individuals with disabilities to request needed accommodations

- Assures each request will be considered carefully and confidentially
- Provides reasonable accommodations, when needed, to enable an individual to fully participate and contribute

HIRING REGARDLESS OF REASONABLE ACCOMMODATION NEEDS AND COSTS

Hiring decisions cannot be based on additional costs associated with providing a reasonable accommodation to an applicant with a disability. Every agency has its own reasonable accommodation policy. Your agency is responsible for facilitating requests for accommodation, for both job applicants and employees. The SPPC and/or the Reasonable Accommodation Manager at your agency will support you and guide you in responding to reasonable accommodation requests.

Not everyone with a disability needs accommodations. For those that do, more than half (57 percent) of [accommodations cost nothing](#). When there is a one-time cost, the typical cost is \$500.

Additionally, there are programs that can help your agency understand, supply (often free-of-charge), and install appropriate accommodations and train in the use of accommodations, including:

- Department of Defense Computer/Electronic Accommodations Program (CAP)
- Job Accommodation Network (JAN)

CATEGORIES OF REASONABLE ACCOMMODATIONS

Making a reasonable accommodation may require an adjustment or alteration that enables a person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. These may include adjustments or alterations to:

- A **job application process** to permit an individual with a disability to be considered for a job (such as providing materials in alternative formats like large print or Braille)
- Enable a qualified individual with a disability **to perform the essential functions of the job** (such as providing sign language interpreters)
- Enable employees with disabilities **to enjoy the benefits and privileges of employment** (such as removing or modifying physical barriers in an office or cafeteria)

Reasonable accommodations can include, but are not limited to, the following:

- Removing or modifying barriers and making existing facilities accessible
- Utilizing part-time or modified work schedules
- Modifying policies or procedures
- Working from alternative locations (separate from what agencies may offer generally to their employees pursuant to agency-wide telework policies)
- Adjusting or modifying tests, training materials, or examinations, when appropriate and the modifications do not remove essential duties, lower standards, or waive qualification requirements of the position (for example, a driver's license is a legally

justifiable qualification requirement when the essential duties cannot be performed using a different mode of transportation, such as a taxi or bus)

- Providing services such as qualified readers and interpreters or real-time captioning
- Acquiring or modifying equipment or devices

ACCESSIBILITY

Accessibility refers to all features that make a work environment inclusive and accessible.

The term *accessibility* encompasses five different areas:

- **Architectural** – The Architectural Barriers Act requires buildings and facilities be accessible to people with disabilities if they were constructed or altered by, or on behalf of, the Federal Government or with certain Federal funds, or leased for occupancy by Federal agencies, after 1968. When individuals with disabilities are unable to use a building because there are no accessible parking spaces, no curb ramps, no ramps at the entrance, no accessible restrooms, no accessible drinking fountains, or no raised lettering on signs, or because other barriers exist, they may file a complaint with the Access Board.
- **Programmatic** – Programmatic access refers to a program's eligibility requirements, policies, or operating procedures and whether or not they allow full access for individuals with disabilities. This includes ensuring accessibility when planning meetings or events, including sign language interpreters, as well as access to and within event facilities.
- **Technology** – Technology is an extremely valuable way to increase inclusion for people with a range of disabilities. Augmentative communication devices and screen readers that "speak" what is on the computer screen are examples of personal technology used by individuals with disabilities to increase accessibility and inclusion. Remember that technology access is not always complex electronic devices; it can be as simple as a rubber pen grip. Technology access requires that computers, Web sites, and telephone systems are all accessible to and useable by people with a range of disabilities including visual, hearing, mobility, and cognitive disabilities.
- **Communication** – Communication access means providing the technology or services necessary to facilitate equivalent communication for persons with hearing, speech, cognitive, or learning disabilities.
- **Alternate formats** – For people with some types of disabilities, including visual impairments, written materials need to be available upon request in alternate formats including Braille, text file, large print, audiotape, or video captioning.

INTERVIEW

A lot of the success of an interview relies on impressions. You want the interview process to go smoothly so that you, your organization, and the candidates give the best impression possible. As a model employer, you need to make sure the candidate has access to your facility, that you ask the proper types of questions, and provide reasonable accommodations where appropriate.

INTERVIEW ACCESSIBILITY

The Federal Government is required by law to provide reasonable accommodations to applicants with disabilities. Reasonable accommodations ensure that candidates with disabilities are able to exhibit their skills and talents and be on a fair footing with candidates without disabilities, and thus help Hiring Managers select the most qualified candidate.

Any time you are setting up an interview, you should:

- ☐ **INCLUDE** a statement welcoming requests for reasonable accommodations for the interview. Oftentimes, accommodations are not needed. However, if the applicant does request an accommodation, the SPPC or Reasonable Accommodation Manager or other appropriate staff at your agency can guide you in responding to the request.
- ☐ **ENSURE** the location is fully accessible to applicants with mobility, visual, or hearing disabilities, including accessible parking spaces (where onsite parking is an option), ramps, and elevators, prior to interviewing applicants with disabilities for your vacant position.
- ☐ **BE AWARE** that an applicant with a disability may need to arrange for transportation to and from the interview. While the employer generally is not responsible for such transportation, you can facilitate the applicant's ability to make appropriate arrangements by providing an estimate of interview duration and expected end time.

INTERVIEW FOCUS

Interviewing people with disabilities is the same as interviewing people who do not have disabilities. The focus of the interview should be on the individual's ability to successfully perform the essential functions of the job and to demonstrate the competencies or knowledge, skills, and abilities needed to perform the job.

All questions asked during an interview must be job-related and focused on the applicant's technical and professional knowledge, skills, experiences, and interests, and not on the disability itself.

INTERVIEWING

Here are some guidelines to keep in mind:

- ☐ Speak directly to the interviewee instead of a companion, personal attendant, or interpreter throughout the meeting.
- ☐ Always use your normal tone of voice.
- ☐ Always ask similar questions of all interviewees, regardless of disability.
- ☐ Follow the same interview protocol you would use with any other applicant
- ☐ Familiarize yourself with the types of questions you cannot ask

CAN'T ASK:

- Do you have any physical or mental impairment that would keep you from performing the job you seek?
- What physical or mental impairments do you have that would affect your job performance?
- How many days were you sick during your last job?
- Do you break bones easily?
- Do you expect the leg to heal normally?
- What medications are you currently taking?
- How often did you use illegal drugs in the past?
- Have you ever been addicted to drugs?
- Have you ever been treated for drug addiction?
- Have you ever been treated for drug abuse?
- How much alcohol do you drink?
- Have you ever participated in an alcohol rehabilitation program?

HIRE Qualified Candidates

Your ultimate goal in hiring is getting the right person for the job, whether that person has a disability or not. Employees with disabilities often bring unique experiences and a type of understanding that can transform a workplace and enhance performance. As part of your team, employees with disabilities help build a strong organization.

HIRING PEOPLE WITH DISABILITIES

Hiring a qualified person with a disability brings greater benefits beyond just filling an open job. Employees with disabilities have proven to be dependable, dedicated, hardworking, and productive. In fact, according to one national survey, reported in the Journal of Rehabilitation, many businesses report that the experience of working with people with disabilities increases every employee's morale and productivity.

HIRING AUTHORITIES

In addition to hiring employees with disabilities competitively, excepted service hiring authorities can be utilized to bring people with disabilities into Federal employment noncompetitively. You are encouraged to become familiar with and utilize these authorities to the greatest extent possible, and consistent with applicable law. These authorities help to remove barriers to employment.

The excepted service Schedule A Appointment of Persons with Intellectual Disabilities, Severe Physical Disabilities, and Psychiatric Disabilities (5 CFR 213.3102(u)) provides authority for hiring applicants with a variety of disabilities. In order to be eligible for employment through the Schedule A hiring authority, proof of disability documentation is required. Some of its benefits include:

- ☐ Time-in grade restrictions do not apply to promotions in the excepted service
- ☐ For positions under Schedule A, agencies can determine what qualities they are searching for in a candidate, providing for an extra measure of flexibility.
- ☐ Schedule A appointment can be used for:
 - Permanent appointments
 - Time-limited appointments
 - Temporary appointments

Additionally, veterans may be hired under the following three authorities:

- ☐ Veterans Recruitment Act (VRA) appointment
- ☐ 30 Percent or More Disabled Veterans
- ☐ Veterans Employment Opportunities Act of 1998 (VEOA)

INCLUDE AND RETAIN

Remember, an employee with a disability is just like any other employee. Your agency makes a big investment in hiring talented individuals. It's in the agency's best interest to create an inclusive environment, do what you can to retain them, and provide opportunities for everyone to move up the career ladder.

STRATEGIES FOR INCLUSION AND RETENTION

For the most part, strategies to include and retain employees with disabilities are not that much different from those for their non-disabled counterparts, and include the following:

- ☐ **ENSURE** reasonable accommodations are continuously provided in an appropriate and timely manner, if requested and necessitated by the disability. Remember, an employee's need for a reasonable accommodation may change over time.
- ☐ **PROVIDE** employees with disabilities the same employment and advancement opportunities as those without disabilities, consistent with applicable law.

- ☐ **OFFER** mentoring/job shadowing with other employees in similar positions, including encouraging employees with disabilities to serve as mentors.
- ☐ **ENCOURAGE** participation in leadership development programs—both internal and external—consistent with applicable law.
- ☐ **DEVELOP** emergency management plans that specifically address the needs of employees with disabilities.
- ☐ **FOSTER** a culture of workplace flexibility where all employees are supported in attaining a work–life balance.
- ☐ **DEVELOP** and **PROVIDE** appropriate recognition and rewards, along with meaningful and timely feedback on performance.
- ☐ **COMPLETE** an employee Individual Development Plan (IDP) so the employee understands achievements necessary to be considered for promotion.
- ☐ **PROVIDE** training opportunities for career advancement in the same manner to all employees, consistent with applicable law.
- ☐ **ENSURE** the employees' work environment continues to enable them to make important contributions to the work effort.
- ☐ **FIND** opportunities to encourage collaboration among your agency and your employees, including accessing eFedLink and max.gov.

RETURN-TO-WORK

When employees experience illness or injury, it often impacts their ability to perform their jobs. In cases where an employee is out of work due to illness or injury, it's in everyone's best interest to return him or her to work in some capacity as soon as he or she is able.

Through strong return-to-work efforts and programs, an agency can:

- ☐ **RETAIN** employees' talents, skills and knowledge.
- ☐ **REDUCE** workers' compensation costs.
- ☐ **IMPROVE** productivity and morale of all employees.
- ☐ **ALLOW** a returning employee to protect his or her earning power.

Examples of effective return-to-work strategies include offering the opportunity to work part time, offering work from alternative locations, modifying work duties, modifying schedules, practicing early intervention, and using other forms of accommodations to provide employees with the tools and resources they need to carry out their responsibilities.

The Department of Labor has a number of useful Web sites with information about return-to-work strategies and programs.

COURSE SUMMARY

The Federal Government is committed to providing equal opportunity to individuals with disabilities with respect to work, and ensuring that job applicants and employees with disabilities are treated with the same respect and fairness that every employee expects and deserves in the workplace.

Having completed the course, you should be able to:

- ☐ Identify the role you play in making the Federal Government a model employer of people with disabilities.
- ☐ Identify pertinent laws, regulations, and Federal Government initiatives for hiring people with disabilities.
- ☐ Recruit, interview, hire, and retain people with disabilities.
- ☐ Identify the business advantages of having employees with disabilities.
- ☐ Locate internal and external resources to develop and retain employees with disabilities.

RESOURCES

The Federal Government has a number of excellent resources to support the employment of people with disabilities, many of them referenced in this training. The [disability employment section of OPM's Web site](#) provides links to these resources, along with additional information for employers, employees, and job seekers with disabilities.

On the OPM Web site, you can find:

- ☐ Information on the Federal hiring process and special hiring authorities for people with disabilities and veterans
- ☐ Links to information and resources from various agencies, including the Department of Labor's Office of Disability Employment Policy (DOL-ODEP) and the Equal Employment Opportunity Commission (EEOC)
- ☐ Information and resources on reasonable accommodations, including links to the Computer/Electronic Accommodations Program (CAP) and the Job Accommodation Network (JAN)
- ☐ Recruiting tips and resources, including links to the Selective Placement Program Coordinator Directory, the OPM Shared List, the Workforce Recruitment Program (WRP), the Student Pathways program, state vocational rehabilitation agencies, Ticket-To-Work Employment Networks, and other local service organizations
- ☐ Inclusion and retention tips, including links to guidance on reemployment from the Department of Labor's Office of Workers' Compensation Programs (OWCP)
- ☐ Information about relevant laws, Executive Orders, and other initiatives for people with disabilities