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Core Message

For decades, Americans with disabilities have faced a staggeringly high unemployment rate.

Despite the federal government's efforts over multiple administrations, the numbers have barely budged. Mass programs and campaigns alone are not going to create a sea change. Employers and government must work together to make that happen – and try a new approach: Think small scale.

Think “real people.” Make the mission personal. Or, as Lex Frieden likes to say, “Think globally.

Act locally.” If every employer makes a concerted, sincere effort to recruit and hire qualified candidates with disabilities, we can crack the problem. One company, one job, one success at a time will make a difference. Collectively, those victories will make all the difference.

Statistics on People with Disabilities and Unemployment

An estimated 54 million Americans have disabilities. About 30 million are of working-age, and

about half of those have what are considered to be “severe disabilities.”

Because of controversy about the way people with disabilities are counted, there is uncertainty about the precise percentage of individuals with disabilities who are unemployed. An estimate of 70% is generally accepted

regarding those with severe disabilities, and about 50% for all people with disabilities. Another

option is to talk about the number of people with disabilities who are unemployed, which Cornell

University's Employment and Disability Institute approximates as 21%.

In Houston, one of seven people (or 14% of the population) has a disability, according to the

Independent Living Research Utilization Program.

Houston's general population has a 5% unemployment rate, according to the

chamber of commerce.

Is the Americans with Disabilities Act of 1990 Working?

Last year marked the 15th anniversary of the ADA and the 13th year of enforcement of its Title I provisions making employment discrimination against people with disabilities illegal. Some critics point to the continuing high unemployment rate facing the disability community as evidence that the law is not working. However, the ADA has brought about tremendous progress with regard to attitudes about the contributions of people with disabilities in the workplace.

A number of studies have revealed that the vast majority of employers are aware of and support the ADA's goals. More than ever before, they understand – at least in an abstract way – that most individuals with disabilities can and want to work. Most employers now think of reasonable accommodations as part of their everyday business practices. Through EEOC's ongoing outreach efforts, we recognize that many, many employers are making voluntary efforts to learn as much as possible about compliance with the ADA. It is time for employers to move beyond progressive attitudes and implement progressive practices.

The other four parts of the ADA also impact disability employment issues. Titles II through V provide individuals with disabilities access to other areas of mainstream American life – government services, public accommodations, transportation, and telecommunications. In order to get to the workplace, employees with disabilities need transportation. On the job, they need to be

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able to use technology (which can be either a great equalizer or pose its own barriers). In order to travel for business, they need to be able to use a variety of facilities, such as airports and hotels.

Thanks to the ADA, people with disabilities now are far better able to take part in the world and live independently. And the more that nondisabled people and individuals with disabilities interact – at work, the supermarket, the movies, the park, etc. – the better nondisabled people understand that a disability is only a human characteristic, not a defining trait, similar to gender, race, religion, etc.

Although much progress has been made in all of these areas, major challenges relating to access and attitudes remain. Additionally, federal benefits laws sometimes are disincentives to work, and people with disabilities often receive inferior educational and training opportunities. That is why continued advocacy and enforcement efforts on all of these fronts are so important.

ADA Enforcement Statistics - Employment

Nationally, ADA charges represent about 20% of all discrimination complaints filed with the EEOC. Last year's total was 14,893. (Note: While the number of ADA charge filings decreased each of the past four years, their percentage, relative to other types of discrimination, has risen slightly.) Since 1992, EEOC has received a total 219,890 charges and counting (not including those involving federal government employment). We have been able to resolve thousands without going to court. In other cases, EEOC's enforcement efforts have been unsuccessful and we have been forced to use our litigation authority. In 2005, the Commission filed 46 ADA lawsuits.

Last year, EEOC received a total 1,415 ADA charges against Texas

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employers, representing 17% of all charges filed statewide. Of those, 357 ADA charges were filed in the Houston metropolitan area, representing 15% of the area's total complaints.

Another area the EEOC is watching closely is intersection disability-age discrimination charges.

Over the past five years, we have seen an incremental increase. Nationwide, we are receiving about 1,800 of these "combination" charges annually.

Recent Research Findings

Reasonable Accommodations

The Job Accommodation Network (JAN), which is run by the U.S. Department of Labor, released last month preliminary findings of an employer study ongoing through 2007. Nearly 800 employers representing a range of sizes and industries had been interviewed. Early results indicate that employers want to provide accommodations so that they can retain valued and qualified employees with disabilities. Most employers report no cost or low cost for making such accommodations.

Employers overwhelmingly report that accommodations made are effective, with benefits including retention of an employee, elimination of costs to train a new employee, and increased worker

productivity. (Note: Everyone surveyed has called JAN proactively.)

Impact of Employer Size on Employer ADA Response

Cornell University's Employment and Disability Institute released in January 2006 a study of

human resource professionals examining how employers of different sizes are complying with the

ADA. Results show: Smaller companies are significantly less likely than larger companies to have

made reasonable accommodations. Small businesses are both less likely to proactively recruit staff

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with disabilities and more likely, in response to promotion and advancement questions, to say there was "no need to accommodate." Human resources staff make final decisions regarding accommodations in nearly a third of larger firms. Smaller firms seem more likely to defer to the highest levels of management. Staff who interview job applicants in small firms are less familiar with pre-employment screening and interview concerns than their counterparts in larger firms. Employers of all sizes are likely to consult legal counsel on ADA issues.

Common Misconceptions About Employing People with Disabilities

- An employee with a disability will be less productive than one without a disability.
- Job accommodations cost a fortune.
- Hiring someone with a disability will increase worker's compensation insurance rates.
- Employees with disabilities must be held to lower performance standards.
- People with disabilities do not need to work because they all receive federal assistance.

Closing Thoughts

Passage of the ADA was a landmark step in the disability rights movement. Like the 1965 Civil Rights Act, this piece of legislation paved the way for progress. Over the past 15 years, we have seen greater access for and social acceptance of people with disabilities. But the journey toward full inclusion and appreciation continues, as it almost certainly will for some time to come.

Often, nondisabled people who speak passionately about the importance of employment of people with disabilities speak from the experience – old or new – of having a loved one with a disability.

The disability community is the only minority group that anyone can join at any time. If everyone recognized that reality, this issue would be personal to everyone.



10 Key Statistics About Disabilities and Business

Willi Horner-Johnson, PhD

Center on Community Accessibility, Oregon
Institute on Disability and Development, OHSU

Lucy Baker, Executive Director
Oregon Business Leadership Network



"There is a war for talent and anyone who intends to win it better realize two things: First, that it is a global war and, second, that if you restrict your search for talent in any way... you will be giving your competitors the edge they need to put you out of business."

William G. Parrett, President
Deloitte & Touche



*The number of original
Fortune 500 companies that
still existed after 20 years: 14*



*"Every time we lose 10 professionals,
it costs us about \$1.2 million. That's
a huge impact on our bottom line, and
it gives staying power a whole new
importance."*

Jim Freer, Vice Chair of HR,
Ernst & Young



1

**How many people
have disabilities?**



Community Presence:

- Fastest growing segment of the population:
 - Between 1990 and 2000, the number of Americans with disabilities increased 25 percent, outpacing any other subgroup of the U.S. population.
- About 1 in 5 people has a disability -- 50 million people with disabilities in the United States
- Of the nearly 70 million families in the United States, more than 20 million families have at least one member with a disability.

Source: U.S. Census Bureau



Community Presence:

- Disability is more prevalent among certain racial and ethnic groups
 - 24.3% of African Americans have a disability
 - 24.3% of Native Americans and Alaskan Natives have a disability
 - 20.9% of Latinos have a disability
 - 18.3% of Whites have a disability
 - 16.6% of Asians have a disability

Source: U.S. Census Bureau



Workforce presence:

- There are about 452,125 working age (18-64) people with disabilities in Oregon. Of these:
 - 41.8% are employed for wages (compared to 63.3% of people without disabilities)
 - 11.2% are self-employed (compared to 10.7% of people without disabilities)
 - 8.8% are out of work (compared to 7.3% of people without disabilities)
 - 38.1% are out of the workforce (compared to 18.8% of people without disabilities). Includes homemakers, students, retired persons, and people who describe themselves as unable to work

Source: 2004 Behavioral Risk Factor Surveillance System (BRFSS)



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What do people with disabilities want?



Economic and social participation:

- Like other niche markets, the disability community responds positively to companies whose marketing approaches and services are sensitive to their needs and interests.
- For example: As accessibility has improved, the hotel and hospitality industry has experienced a 12% increase in revenue, attributable, in part, to consumers with disabilities.

Source: GAO, 2002



Workforce participation:

- 63% of people with disabilities who are not currently working would prefer to work (compared to 42% of people without disabilities.)

Source: NOD/Harris 2004 Gaps Survey



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What do people with disabilities have?



Economic participation:

- More than \$220 billion in collective spending power – a largely untapped market
 - Compare to the teen market, with \$140 billion in purchasing power
- Families, friends, communities, employers, and service providers of people with disabilities further expand the potential market



Education and Skills:

- People with disabilities are just as likely to have attended college as people without disabilities
- 27% of Oregonians with disabilities have a college degree or post-graduate education

Source: Oregon BRFSS 2004



Workforce participation:

- Barriers to seeking employment include:
 - Potential loss of Social Security benefits
 - Lack of job training opportunities
 - Negative employer attitudes
 - Need for personal assistance services and workplace accommodations

Source: Oregon Department of Human Services, Senior and Disability Service Division survey, 1999



Workforce participation:

- When employed people with disabilities were asked about their own job-finding and work experiences, 22% said they had encountered job discrimination.

Source: NOD/Harris 2004 Gaps Survey



Workforce participation:

- Of those who experienced discrimination:
 - 27% said they were refused a job interview because of their disability
 - 31% said they were refused a job because of their disability
 - 17% said they were given less responsibility than their co-workers
 - 21% said they were denied a workplace accommodation
 - 12% said they were paid less than other workers in similar jobs with similar skills
 - 4% said they were denied health insurance

Source: NOD/Harris 2004 Gaps Survey



4

**What does
business want?**



Employee skills/attributes that employers value most :

- Productivity
- Reliability
- Safety



5

What does business have?



Need for Workers:

- In a recent survey of small businesses, 27% of employers reported difficulty in filling open positions

Source: National Federation of Independent Business



Cost to hire:

- The average cost per hire for a salaried employee in 2000: \$6,000



Qualified Workers with Disabilities:

- Industry reports consistently rate workers with disabilities above average in performance, attendance, and safety
- Employers say the work ethic of employees with disabilities has a positive effect on the moral and productivity of their colleagues

Source: U.S. Chamber of Commerce



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Projected Boomer Effects



Aging Baby Boomers:

- Millions of seasoned workers are reaching retirement age and leaving the workforce
- Those who remain in the workforce are increasingly likely to acquire disabilities as they age



7

Disability acquired at work



Impact of short and long term disability from workplace injuries:

- In Oregon, more than 22,500 people were injured at work in 2003
- The median number of days of work lost per incident was 20 days
- \$3,789 timeloss dollars were paid per incident
- Oregon employers paid out \$85 million in time loss dollars in 2003

Source: Oregon Department of Consumer and Business Services



Reducing the Impact:

- Enabling injured workers to return to work sooner would reduce timeloss costs
- Individuals who return to work after rehabilitation help reduce training and hiring costs and lower insurance premiums
- Employers who have return-to-work programs establish a culture that regards employees as valuable, not disposable



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What is the cost/benefit of accommodation?



Accommodation was identified as the leading strategy used by Oregon business to maximize the benefits of recruiting and retaining a talented workforce and reducing costs of lost time, litigation, and lost talent.

Source: Oregon Business Leadership Network, "Business Case for inclusion of People with Disabilities in the Competitive Workforce and as Consumers," 2004.



- The average cost of 98% of all accommodation: \$528.

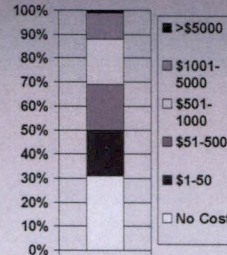
□ Source: Job Accommodation Network, 2004

- The average cost per incident in Oregon of short or long term disability on the job in timeloss dollars: \$3,800.

Source: Oregon Department of Consumer and Business Services



Cost of disability accommodations:



- Most frequent accommodation: flexible work schedule

Source: Job Accommodation Network, 2004



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What's just ahead?



Aging (and shrinking) labor force:

- Currently, 35% of Oregon's workforce is age 45-64
- Nationally, 15% of people in the 45-64 age range are likely to develop a significant disability (U.S. Census Bureau)
- 25% more people are leaving the workforce due to disability, retirement, and death than did so 10 years ago (U.S. Bureau of Labor Statistics)



10

What's ahead in 10 years?



Approaching the age 65 milestone:

- 11% of Oregon's workforce will be 65 in 5-10 years
- 24% will be 65 in 10-20 years

Source: Oregon Employment Department, 2002



Greater need to be disability-savvy:

- People near the retirement years account for nearly one in three disabled persons. As the boomer generation ages with less support from Social Security, more of this population will be in the workforce. (Source: Paul Harrington, Northeastern University, Center for Labor Market Studies)
- Experts predict that by 2010 the American economy will support 168 million new jobs but have only 158 million workers to fill them



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(Attractively-printed hard copies of the Oregon business case are now available from our office. [Email us](#) to order copies.)

January, 2005

The key points for this business case were developed at a CEO forum held in August 2004, at Portland's World Trade Center complex. 15 Oregon businesses representing 100,000 employees and government leadership met to discuss the economic and skill implications of disabilities in the workplace and marketplace. This business case is the first of its kind in Oregon and represents the major areas of importance and leading strategies that came out of this forum. You can view the working papers from the CEO Forum including the PowerPoint presentation "[10 Key Statistics about Disabilities and Business](#)" and the reports from the table discussions at www.obln.org.

Sincerely,

Jilma Meneses, OBLN President
Director, Affirmative Action & Equal Opportunity Department
Oregon Health Sciences University

(Click Here to download this document in [MS Word Format](#))(Click Here to download this document in [pdf Format](#))

The Oregon business case for inclusion of people with disabilities in the competitive workplace and consumer base

To learn more about the folks pictured on the top of the page, [Click Here](#)

"There is a war for talent and anyone who intends to win it better realize two things: First, that it is a global war and, second, that if you restrict your search for talent in any way... you will be giving your competitors the edge they need to put you out of business."

- William G. Parrett, President, Deloitte & Touche

Overview

People with disabilities in the competitive workforce and marketplace represent a larger number of individuals with each census, now topping 20% of the American population and a higher percentage for African Americans and Native Americans. At the interface between the business environment and trends that will affect Oregon business in the next 5 – 15 years, there are some unique challenges and opportunities immediately ahead. The skill dearth as aging boomers begin leaving the workforce, the cost of lost days from injury on the job, the emergence of a new consumer market expanding faster than any other, and a growing pool of skilled workers traditionally undervalued by business all share a common characteristic: this is the profile of people with disabilities in the workplace and as consumers between the years of 2004-2020.

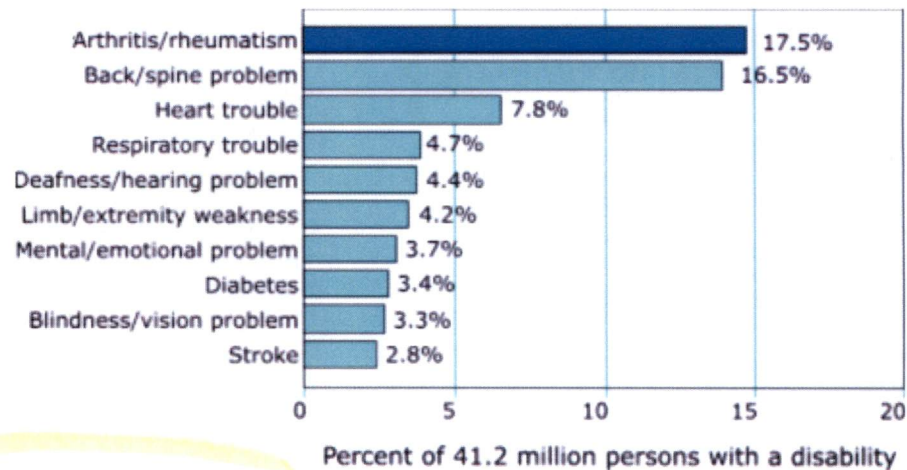
In August 2004, 15 leading Oregon employers in technology, manufacturing, utilities, energy, health care, design, and government representing 100,000 employees looked at the trend information, their business strategies, metrics, and bottom lines. They have come together with state leaders in a CEO forum to craft the business case for people with disabilities in the competitive workplace and consumer base. These are their findings and recommendations to Oregon employers and government as the business case for disabilities:

Disability nation: the demographics of baby boom America

Between 1990 and 2000, the number of Americans with disabilities increased 25%, outpacing any other subgroup of the U.S. population. About 1 in 5 people in America now have a disability the leading causes of which are arthritis (17.5%), back problems (16.5%), and heart trouble (7.8%); marks of an aging society. Currently, 35% of Oregon's workforce is 45-64 years old. This is an age group that has a 15% chance of developing a significant disability according to the census. Disability rates also vary among prominent ethnic groups including African Americans and Native Americans at 24.4%, Latinos at 20.9%, European Americans at 18.3% and Asians at 16.6%.

Accommodation was identified as the leading strategy used by Oregon business to maximize the benefits of recruiting and retaining a talented workforce and reducing costs of lost time, litigation, and lost talent.

Leading Causes of Disability Among U.S. Adults, 1999.



Source: *Prevalence of Disabilities and Associated Health Conditions Among Adults — United States, 1999. MMWR 2001*

Ability and disability in the Oregon job force.

In 2002, there were 408,304 people with disabilities of working age in Oregon, 41.5% whom are employed for wages. People with disabilities are as likely to attend college and win degrees or advanced degrees as their non-disabled counterparts: a rate of 27% in Oregon, and as likely to be self employed at 13.3%. However, in the job market, Oregon citizens with disabilities are 30% less likely to successfully land jobs than people without disabilities. They are also more likely to wish they were employed: 63% of unemployed people with disabilities would prefer to work compared to 42% of unemployed people without disabilities. In a market where talent and work ethic are what employers seek most, a recent survey by the American Federation of Small Business revealed that 27% of employers reported difficulty in filling positions.

A 2002 Oregon study of employed people with disabilities that gauged their work place experiences found that, of those employed, 27% said that they had been refused a job interview because of their disability, 31% said they were refused a job because of it, and 21 % said they had been denied a workplace accommodation.

The percent of Oregonians with disabilities holding degrees or advanced degrees: 27%

Buying power: An emerging American market

In a recent segment on CNN's "Maverick of the Morning," marketer Carmen Jones recently addressed the emergence of the consumer market of people with disabilities as one of the biggest new areas for American commerce. "People with disabilities want the same products and services as non-disabled people," she told CNN Anchor,

Rhonda Schaffler. "And it's not just people in wheelchairs. It's people with hearing impairments, and visual impairments. And also cognitive disabilities. And also people with mobility impairments. It is broader than just physical access. It's making sure the staff can take care of the people with disabilities coming in to patronize their business

The 2000 Census data indicates that there are 50 million Americans living with a disability. Collectively, they represent \$200 billion to spend in aggregate income, are larger than the teen market, and are prominent users of the internet for on-line shopping. Asked about corporate perceptions of this market segment, Ms. Jones summarized, "I often see that companies try to place people with disabilities in the "foundation", or "charity" model. Once I share the demographic information with them, and make it a business imperative, and then try to eradicate any perceptions that people have of disabled people, we then begin to see great advances."

Average cost of 98% of all accommodation: \$528. Average cost per incident in Oregon of short or long term disability on the job in timeloss dollars: \$3,800.

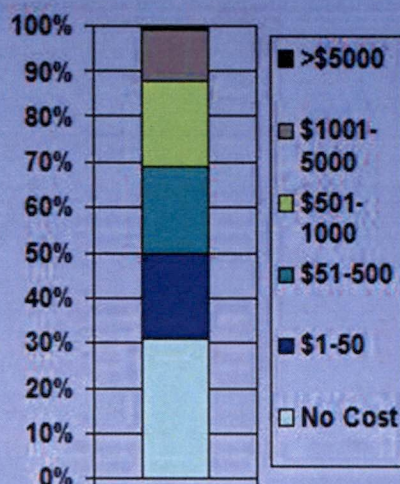
The Return On Investment of capturing talent while accommodating disability

In the experience of the Oregon employers who gathered in August of 2004 to craft the business case for inclusion, there are 4 major areas where business and people with disabilities mesh:

1. As talented job seekers (27% of whom have degrees) or new hires, and as long time skilled employees who have developed a disability over time (about 15% of the age 45+ workforce),
2. From having been injured on the job and received a short or long term disability (affecting 22,000+ Oregon workers annually and costing business \$85 million in lost time in 2003),
3. As workers who never identify themselves as having a disability but who are working effectively in a disability friendly environment, or
4. As customers (a \$220 billion market segment) or business partners (1 in 5 Americans).

In each of the 4 areas, accommodation was identified as the leading strategy used by Oregon business to maximize the benefits of recruiting and retaining a talented workforce and reducing costs of lost time, litigation, and lost talent. With most accommodation costing less than \$500, and 67% costing less than \$1000, it is a powerful tool against the high costs associated with extended absence due to injury (\$3,800 per incident in timeloss dollars in Oregon in 2003), lost skills, and rehiring (averaging \$6,000 per hire in HR and training costs.)

Cost of disability accommodations:



- Most frequent accommodation: flexible work schedule

Source: Job Accommodation Network, 2004

Tying accommodation strategies to business plans

The business leaders attending the CEO forum on crafting the business case for inclusion agreed that for reasons of skill retention and competitiveness Oregon business can neither afford to lose the opportunity to hire skilled workers with disabilities nor lose workers to disability or injury for long periods. Oregon business has long had an entrepreneurial spirit that makes the most of resources and opportunities in the marketplace. Of the industries present on that day, each had a best practice to share in the area of accommodation, or was looking to improve their ability to tie their accommodation strategies to their business plan and its associated metrics.

Looking ahead, Oregon business and the expertise represented in the state's considerable investment in accommodation tools and training has the potential to lead the nation in disability accommodation in the market place. This has implications for Oregon business prosperity over the next 15 years as the nation begins the loss of 30% of its most skilled level of workers through the retirement of baby boomers and sees the growth of the largest consumer market of people with disabilities ever experienced. As other states shed boomers "forced" into early retirement from disability (potentially 15% of the boomer workforce), Oregon business is poised to take significant action to slow this trend while allowing it to further open its ranks to skilled new workers with disabilities by using cost effective accommodation as its key strategy.*

"The projected worker shortages in the future are huge, huge numbers. Employers can't afford to ignore potential workforce resources... (Our) Return to Work program is working quite well. We have seen a drop in our Workers Compensation costs as this program has been phased in. There is a direct impact on the bottom line through reduced time loss claims costs."

- Eileen Drake, VP, Administration and Legal Affairs, PCC Structurals, Inc., Portland, OR, A worldwide manufacturer of complex metal components for aerospace and industrial application

* Statistics cited in the *Oregon Business Case* are part of 10 Key Statistics about Disability and Oregon Business, a PowerPoint presentation available for viewing or download at [10 Key Statistics](#). The OBLN is a business-led, tax exempt organization whose board and members share an interest in recruitment, hiring, and retention of people with disabilities in the competitive workforce and as consumers.

Acknowledgements

The OBLN Board of Directors and Honorary Co-Chairs gratefully acknowledge the business and government leaders that came together to draft the Oregon business case for inclusion of people with disabilities in the competitive workplace and as consumers. Following broad review of the initial document, we are pleased to share this Oregon Business Case with employers, policy makers, government leaders and others interested in the bottom line around workers with disabilities in the competitive workplace and their economic importance to Oregon business.

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Oregon Office of Vocational Rehabilitation Services

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Oregon Employment Department

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Recruitment/Hiring/Retention/Return to Work/Accommodation/Cost Effective Strategies



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www.obln.org

<http://classweb.gmu.edu/esibley/ch3.html>

3.3.3 Recruiting, Training, and Accommodating People with Disabilities

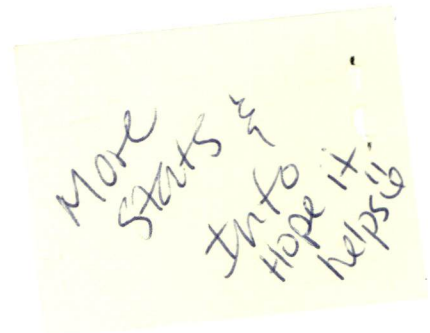
Business' best guide to possible cost of accommodating workers with disabilities are the experiences of other actively offering accommodations years before it became a legal requirement. Fortunately, these indicate that accommodations may be far less than many expect, sometimes zero. In a 1986 survey, only 23% of disabled people without jobs said an employer would need to provide any special device for them to work full-time.

Groups as wide-ranging as the Job Accommodations Network of the President's Committee on Employment of People with Disabilities (PCEPD), the US Department of Labor, the U.S. General Accounting Office, and Oakland. California's Berkeley Planning Associates all found that 80% of accommodations for people with disabilities cost companies less than \$500 each. Workplace accommodation is easy and inexpensive, even when the work environment has to be modified. There may even be savings in the long run.

2003 - Year of People with Disabilities

It is planned to spend 12m Euros on the European year for people with disabilities, now set for 2003. Social Affairs Commissioner Diamantopoulou's proposal was adopted by the Commission on 30th May and has been sent to the Council of Ministers for approval. The proposal states that 38m people in Europe (10% of the population) have some form of disability. The purpose of the year is to raise awareness of the rights of people with disabilities; and to encourage reflection, discussion and action about the measures now required to promote equal opportunities. Funding will go to awareness activities, events, meetings and reports at European and national level.

Eurobarometer, the Europe-wide polling body, has just concluded a survey on attitudes to people with a disability. It was carried out across all the member states and a total of 16,000 people were polled. It found strong support for more measures to integrate people with a disability (97% in favour) and for the removal of physical barriers faced by people with a disability (93% in favour).



JOB ACCOMMODATIONS

Most people with disabilities require no job accommodations on the job. (Studies in the US and Canada estimate that over 70% of employees with disabilities require no accommodations.) For those that do require job-relate

accommodations, 19% of job accommodations cost nothing, 50% cost less than \$500, and only 17% cost more than \$1000. (Source: [Job Accommodation Network](#))

REMARKS FOR EEOC CHAIR CARI M. DOMINGUEZ
New Freedom Initiative Conference
Mobile, Alabama
Monday, May 24, 2004

Breakfast Seminar - 7:30 a.m.

15-20 Minutes - Possible Q&A to Follow

Introduction

Thank you, Congressman [Jo] Bonner, for that very gracious introduction. And thank you, everyone, for the warm welcome to Mobile.

Good morning! I am delighted to be here with all of you. I am especially pleased to be joined by Peggy Mastroianni and Chris Kuczynski from the Commission's Office of Legal Counsel, and by Beverly Hinton from our Birmingham District Office.

First, I want to take a moment to express appreciation for all of the folks who have worked hard to plan today's meetings. I know that Congressman Bonner and his staff shuffled his schedule to make this appointment a priority.

The support of sponsors Envision Coastal Alabama, represented by Linda Ingram and Ron Martin, and the United Way of Southwest Alabama, represented by Angelo Miller, has been invaluable.

My thanks go to Sheldon Morgan [*Chairman of Business Advisory Council*] and Kevin Jordan [*National Program Director*] of the JobTech Program¹ and, of course, to our hosts at the Epilepsy Foundation of South Alabama: Executive

¹ The Epilepsy Foundation of South Alabama has arranged this NFI event as an outgrowth of the national Foundation's JobTech Program, a demonstration project for individuals with epilepsy that is funded by the U.S. Department of Labor. JobTech assists with skills training (resume writing, interviewing, job readiness, etc.) and also with job placement.

Director Mitch Garrett; Board President Cleretta Blackmon; David Toenes [*pronounced Tone-ess*], who coordinated the program; Caroline Foster, who has lined up press interest in what we are doing; and the rest of the EF staff.

I met David Toenes several months ago at a national conference focusing on disability employment issues. David was interested in learning more about the EEOC's "New Freedom" conferences and eager to ignite a spark within the Mobile community.

That's how action takes place – one contact, one conversation, one connection at a time. A single spark gives rise to another. . .and another. . . and another. Pretty soon, all of those sparks form an electrical current. That's what we are, all of us here in this room.

President Bush has a solid plan – the New Freedom Initiative – for bringing individuals with disabilities across America into all aspects of mainstream life. But it is those of you at the grassroots level who breathe life into that program, who are poised to bring about real change for real people. Our goal today is to charge this current all over Mobile. Long term, working together, we can share our enthusiasm, and our success, with communities across the Nation.

This morning, I want to focus on a very short list of points:

- One: The scope of the problem – why we're here.
- Two: The spirit of the President's New Freedom Initiative - how you fit in.
- And,
- Three: Results - what we're going to do *after* this meeting has concluded.

Scope of the Problem

Let's begin with a few facts. The United States is home to 30 million working-age individuals with disabilities. Historically, even in periods of widespread prosperity, people with disabilities have faced staggering levels of unemployment. For those with severe disabilities – and by that, I mean impairments that limit the ability to perform a major life activity without some type of aid or accommodation – the unemployment rate is estimated to be as high as 70 percent.

This country has come a long way with regard to improving employment opportunities for individuals with disabilities. Technology has leveled the playing field. The vast majority of job accommodations are cost-effective. Mainstreaming in schools ensures that people with disabilities have equal access to education. Civil rights laws now protect against prejudice in virtually every aspect of life. Most people now understand, at least in theory, that individuals with disabilities are just as capable, as productive, as reliable as anyone else. And yet, sobering employment statistics remain. *[pause]* Why?? *[pause again]*

I will come back to that question in a few minutes.

The Equal Employment Opportunity Commission, as you know, is responsible for enforcing the employment provisions of the Americans with Disabilities Act of 1990. The number and types of charges, or complaints, that we receive each year provide a sense of how this relatively young civil rights law is evolving.

In 2003, nationwide, the Commission received more than 15,000 ADA charges. Over 200 of those charges were filed in Alabama, with about 9 percent of those coming from the Mobile area. ADA charges are filed in almost equal numbers by men and women, by individuals of all races and national origins. In that regard, disability discrimination – or, at least, the perception of such discrimination – is an “equal opportunity” problem.

I don’t think it will come as a surprise to any of you that “hiring” is chief among the employment issues of concern to the disability community. Still, most individuals who feel that they are experiencing discrimination in their job search do not file formal complaints. So, hiring is not the issue that the EEOC sees most often when charges are filed. Instead, “discharge” tops that list. Problems relating to “reasonable accommodations” are a close second.

Another area that we’re watching closely is that of charges alleging discrimination on the bases of both disability and age. As the average age of the workforce rises, so does the incidence of disability among us. Across the country, more than 1,700 such charges were filed in 2003.

Spirit of the New Freedom Initiative

Today, we're here to implement solutions. That's what the New Freedom Initiative is all about. The President announced his New Freedom Initiative during his first 10 days in office as a priority of this administration.

We are very proud, at the EEOC, to have assumed a lead role in this ongoing effort. We recognize that, as long as this problem has existed, the federal government, and others, have been trying to solve it. We are in need of fresh approaches and out-of-the-box thinking.

Toward that end, the Commission probed beneath the surface to identify places where our support is badly needed. We are intent upon bridging gaps – whether they be gaps in information, in resources, or between employers and job candidates with disabilities who move in different circles within the same community.

First, the EEOC launched a series of free workshops for small businesses in cities all over the Nation. Small employers typically lack human resources staff, equal employment opportunity expertise, and a training budget. These workshops, which are ongoing, have received rave reviews from participants.

Next, the Commission published a primer on the Americans with Disabilities Act. If we charged for it, I'd call it a best seller! The primer – available on our web site at www.eeoc.gov – is a practical and reader-friendly handbook to rights and responsibilities under the ADA.

Additionally, we are encouraging employers to think creatively and progressively about employment of individuals with disabilities. Some people are restricted by a lack of accessible transportation or must stay close to home because of medical considerations. For these individuals, telework – also a growing trend for the general population – might be a reasonable accommodation.

New EEOC fact sheet topics include telework as a reasonable accommodation; the rights of job applicants throughout the hiring process; and, most recently, diabetes in the workplace. When we put out the “diabetes” fact sheet, our intention was to share knowledge with others. We accomplished that goal, but we have learned just

as much in the process. The Commission had not envisioned the severity of the drought regarding this information or the thirst among employers wanting to learn more. The fact sheet addresses such topics as:

- Understanding when diabetes is a disability under the ADA
- Obtaining and using medical information
- Disclosing to others that an employee has diabetes
- Making reasonable accommodations; and
- Safety concerns.

In the months that our “diabetes and the workplace” publication has been available, we have received many, many calls from employers with follow-up questions.

One way in which “disability” differs from all of the other characteristics that the anti-discrimination laws cover is in the basic question, “What is a disability?” When we talk about race, gender, national origin or religion, everyone knows what we mean. But when we talk about disability, the image can be less clear.

Maybe you picture someone who uses a wheelchair, or a person who is blind or deaf. Perhaps you visualize a person with cerebral palsy or an individual who is missing a limb. But while many disabilities are obvious, others – those we sometimes call “hidden disabilities” – are just as real.

Part of the EEOC’s education effort is aimed at helping employers to understand that, within the meaning of the ADA, there are many types of physical and mental disabilities. On the other hand, not every impairment is substantially limiting in one or more major life activities – the definition of disability under federal law. Equally important, whether or not a particular type of impairment constitutes a disability often depends on the person and that person’s unique circumstances.

We know that employers, and others, find this area tricky, and that is the reason our diabetes-related fact sheet has been such a hit. It is also the reason that the EEOC is moving ahead with a series of similar publications addressing different types of hidden disabilities.

I am pleased to announce that the next fact sheet, already in the works, will focus on people with epilepsy. Epilepsy and seizures, as I'm sure many of you know, affects two-and-a-half million Americans of all ages. On an annual basis, 181,000 individuals are diagnosed as having epilepsy, and the incidence is greater among people of color. Unemployment among people of color who also have disabilities is even more rampant than that of the disability community, in general.² So, I believe that there is a dire need for authoritative information on this topic. We will release the new epilepsy fact sheet later this year.

After that, the next installment in our series will address employment issues surrounding people with cognitive disabilities, such as mental retardation.

A separate EEOC project gaining momentum under the New Freedom Initiative involves stepping up the employment of people with disabilities in state government jobs. I have had the honor of signing resolutions with Governor Bob Ehrlich of Maryland and Governor Jim Douglas of Vermont. In a few weeks, I'm on my way to Tallahassee to seal a pact with Governor Jeb Bush. The states of California, Kansas and Washington also are on board. And the Commission is engaged in dialogue with Governor [Bob] Riley's office to recruit Alabama.

Another project in the works is a partnership between the EEOC and the American Bar Association's Commission on Physical and Mental Disabilities to increase the employment of people with disabilities in legal-oriented positions, both within the federal government and the private sector.

How You Fit into the New Freedom Initiative

Traditionally, the EEOC's mission has been to seek redress for discrimination where it already has occurred. While we still vigorously maintain that enforcement function, I see the Commission's role as much broader and more proactive. No longer can we be a solely reactive force. We must embrace and forge opportunities

² This information may also come in handy for your noon media availability, which will include *The Beacon*, a newspaper targeting the African American community. Cleretta Blackmun, the paper's CEO, also is President of the local Epilepsy Foundation's board.

to effect positive change in our society – and we cannot do it alone.

The employment crisis facing people with disabilities belongs to all of us. Seeking to remedy this age-old problem is not a new idea. For decades, many ambitious organizations and government agencies have sought to turn this situation around. And yet, we have not. I don't believe that this failure has anything to do with a lack of initiative or effort. Nor do I think that the problem is insurmountable.

What I do think is that no one has hit upon the right solution because we've been thinking too big – massive campaigns, large-scale programs, lofty objectives. In the end, few individuals with disabilities are actually hired.

We need to think small. Yes, you heard me correctly! Think small. Think one company, one job, one person at a time. If each person here today goes back to work and sets in motion steps to recruit qualified candidates with disabilities to your workforce, you will create a domino effect throughout Mobile.

The EEOC piloted this conference series in Memphis, with partners including a locally-based law firm and the chamber of commerce, several months ago. Following that conference, participants joined forces to form a permanent coalition – the Memphis New Freedom Committee. They continue to work on united strategies to promote hiring of people with disabilities throughout the region.

Tomorrow, our EEOC team will be in Birmingham meeting with another group of business leaders on this same topic. Our goal is to catalyze a ripple effect that will make its way around the country – one community at a time.

What Happens Next

The roster for this meeting reads like alphabet soup, with a lot of impressive letters following your names: C-E-O, V-P, H-R Specialist and others. As leaders, you are driven by a motivation to move your companies forward. You bring not only know-how, but credibility, creativity and savvy, to daily decision-making. These qualities give your businesses a competitive edge, set you apart, and ultimately strengthen your bottom line.

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The very same skills and values that make you successful in every aspect of your work also will make you successful in bringing people with disabilities into gainful employment – for the betterment of your company, your community and our Nation. “CEO” doesn’t just stand for Chief Executive Officer. It also stands for Commitment, Energy and Ownership. “VP,” in our common effort, stands for Vital Partner. “HR” is where we will see Hard Work and Results.

But you don’t have to do all of the work. One key role for the EEOC at these New Freedom conferences is to serve as a broker between business leaders and service providers. In the course of our enforcement activities, we get to know everyone. And we’re more than happy to facilitate introductions.

The purpose of the next session is to discuss available resources for putting people with disabilities to work. We will talk about where to find job candidates, when and how to provide reasonable accommodations, and other important topics. Most important, today’s meetings will not represent one-time conversations. Rather, we are cultivating lasting relationships. Working together, we can and will initiate tangible and measurable progress in the Mobile community.

Closing Remarks

In closing, let me say again how grateful I am to have this opportunity to talk with you. I look forward to collaborating over the weeks and months to come. I also invite you to visit the EEOC’s web site, www.eeoc.gov, which represents a wealth of information not only on disability employment issues but the gamut of equal employment opportunity topics.

It is now my pleasure to turn you over to Chris Kuczynski, who heads the Commission’s Americans with Disabilities Act Policy Division. He will address the “Business Case for Hiring People with Disabilities.” We recently loaned Chris to the White House for six months to lead the President’s New Freedom Initiative government-wide. We were very proud to do so because Chris is among EEOC’s best and brightest. For the same reason, we are very happy to have him back.

Again, thank you so much for the opportunity to speak with you today.

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