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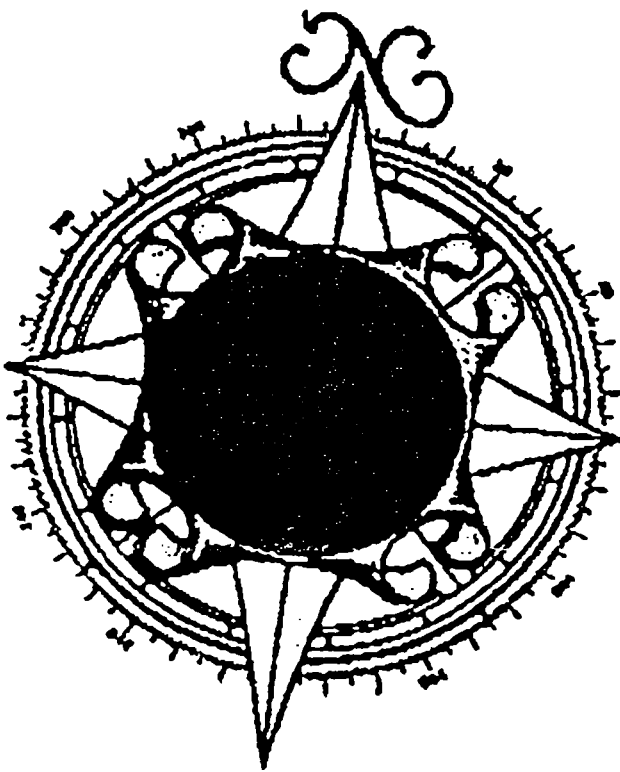
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# ***Re-charting the Course***

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**First Report of the  
Presidential Task  
Force  
on Employment  
of Adults with  
Disabilities**

**Presented  
to the  
President of the  
United States**

**November 15, 1998**

**A Report of the  
Presidential Task Force on  
Employment of Adults with Disabilities.  
Produced pursuant  
to Executive Order No. 13078.**

**Printed November 1998**

Copies of this report are available from the Presidential Task Force on Employment of Adults with Disabilities website <http://www.dol.gov>. The Task Force is located at 200 Constitution Avenue, NW, Room S2312; Washington, D.C. 20210; 202.219.6081 (V); 202.219.0012 (TTY); 202.219.6523 (Fax).

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This report is a product of the Presidential Task Force on Employment of Adults with Disabilities. Portions of the report were produced by the Independent Living Research Utilization (ILRU) program at 2323 S. Shepherd, Suite 1000, Houston, TX 77019.



## **Presidential Task Force on the Employment of Adults with Disabilities**

On March 13, President William J. Clinton signed an Executive Order which created a Presidential Task Force on Employment of Adults with Disabilities. The President named Secretary of Labor Alexis Herman to Chair the Task Force, and appointed Tony Coelho, Chairman of the President's Committee on Employment of People with Disabilities, as the Vice-Chair.

The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. Key components of the task force's mission include analyzing existing programs and policies to determine what changes, modifications and innovations may be necessary to remove barriers to work, developing and recommending options to address health insurance coverage, analyzing youth programs related to employment and the outcomes of those programs for young people with disabilities, and evaluating whether federal studies related to employment and training can and should include a statistically significant sample of adults with disabilities.



Task Force members include the Secretary of Education, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Commissioner of the Social Security Administration, the Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, and the Chair of the National Council on Disability. The President urged federal agencies to move swiftly in beginning the work outlined in the Order. Several interim reports are called for in the Executive Order, and the final report is due July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act. For additional information, contact PTFEAD staff at 200 Constitution Avenue, NW, Room S2312, Washington, D.C. 20210; 202.219.6081 (V), 202.219.0012 (TTY), 202.219.6523 (Fax); [www.dol.gov](http://www.dol.gov)

## **Staff of the Presidential Task Force on Employment of Adults with Disabilities**

**Rebecca L. Ogle**, Executive Director

**Howard Moses**, U.S. Department of Education, Office of Special Education and Rehabilitation Services--Deputy Assistant Secretary

**Lori Peterson**, Administrative Assistant

**Kathleen M. Coleman**, Environmental Protection Agency, Office of General Counsel

**Randy Cooper**, Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs

**Bob Goldstraw**, Social Security Administration, Office of Operations

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**William R. McKinnon**, Commander, Public Health Service, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services

**Linda L. Wang**, Office of Personnel Management, Office of Executive Resources

*The following letter to the President about his initiative to establish the Presidential Task Force on Employment of Adults with Disabilities reflects the concerns of many Americans with disabilities and their families about the employment status of people with disabilities in the United States today. It provides a meaningful challenge to the Task Force and a fitting introduction to this report.*

---

Barbara Lederman  
East Brunswick, NJ

March 27, 1998

President Bill Clinton  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Clinton,

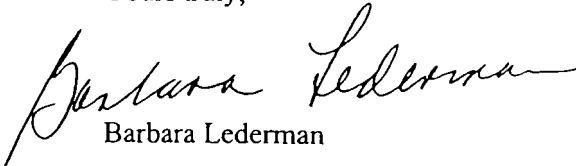
I am writing you regarding the Executive Order that you signed on March 13, 1998, that created the Presidential Task Force on Employment of Adults with Disabilities. I would like you to instruct the disability experts working on this Task Force to address the issue regarding FAIR and ADEQUATE wages. I have a son who is disabled and wants to work more than anything in this world. Because he cannot earn more than \$500 per month before he loses his disability check, he cannot earn a salary that will allow him to live a decent life and get off Rental Assistance and Food Stamps.

The way the law is now, it completely takes away all motivation to work. It took months and months before he got this job because of the lack of job placement services.

The Americans with Disabilities Act has paved the way in the workplace, but you need to do more to encourage the disabled community to work. Who can live on \$500 per month? Certainly no one from the northeast. Finding a job is such a complicated and hard issue that one soon thinks he is a loser for life.

Please see what you can do to raise the standard of living for the disabled to a level that will enable them to work and have some self esteem.

Yours truly,

  
Barbara Lederman

cc: Senator Lautenberg  
Senator Torricelli  
Congressman Pappas



**PRESIDENTIAL  
TASK FORCE ON  
EMPLOYMENT  
OF ADULTS  
WITH  
DISABILITIES**

200 Constitution Avenue, NW  
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NOV 15 1998

The President William Jefferson Clinton  
The White House  
Washington, D.C. 20500

Dear Mr. President:

For the Task Force Members and staff, we respectfully and proudly submit to you this report entitled *Re-charting the Course: The First Report from the Presidential Task Force on Employment of Adults with Disabilities*, as mandated by Executive Order 13078. This report is the first product of a tremendous amount of hard work that is underway by dedicated members of the multi-agency Task Force and an extremely talented staff led by Rebecca Ogle, Executive Director. The work documented in this report is a direct result of the spirit of cooperation and collaboration, which is precisely what the Executive Order mandates.

When you signed Executive Order 13078 into law on March 13, 1998, you charged the Task Force with an enormous responsibility with critical consequences. As you have often stated concerning adults with disabilities, "Our nation cannot afford to waste this vast and only partially tapped source of knowledge, skills, and talent." We concur and recognize that the barriers to employment for adults with disabilities have resisted elimination for decades.


Task Force Work Groups early findings consistently depict that the only viable way to eliminate the barriers to employment for adults with disabilities is through a bold, deliberate and thorough strategy. Change has to begin in the federal arena first. As the CEO of the world's largest employer, you can challenge our inherently paternalistic policies for individuals with disabilities that have undoubtedly created enormous barriers to employment. It is through your actions that a new course will be re-charted not only in the federal government but throughout the nation.

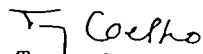
*Put Ability to Work!*

Individuals with disabilities recognize and demand the right to economic independence and will no longer tolerate the pervasive systemic, political barriers that prevent their achieving this goal. This report provides a beginning point to create and execute sweeping changes from paternalism to employability, from attitude of inability to ability and from exclusion to meaningful inclusion. Your actions will tap that vast source of knowledge, skill and talent in adults with disabilities.

For the Task Force Members and staff, we wish to applaud you for your sincere commitment to persons with disabilities. Your vision has provided the force to move an agenda for the 21st that will include a labor force for all Americans with and without disabilities. We thank you for your ongoing and substantial support in this endeavor.

Sincerely yours,

  
Alexis M. Herman  
Secretary of Labor and Chair,  
Presidential Task Force on  
Employment of Adults with  
Disabilities

  
Tony Coelho  
Vice-Chair  
Presidential Task Force  
on Employment of Adults  
with Disabilities

## Acknowledgments

The Presidential Task Force members and staff acknowledge the invaluable assistance of the participants of Section 2 work groups. Individual representatives of these groups are listed in Appendix A with their respective work group summaries. We appreciate their input and look forward to fully reviewing the summaries and options that have been provided.

In addition, the following individuals have provided support, encouragement, and technical assistance in ways too numerous to mention: Seth Harris, Senior Advisor to Alexis Herman, Secretary of Labor; Gary Reed, Office of Program Economics within the Office of the Assistant Secretary of Policy at Department of Labor; and Michael Grant, Executive Secretary, Senior Advisor to Alexis Herman, Secretary of Labor. We also want to thank Thomas Hale, Economist at the Bureau of Labor Statistics at the Department of Labor, for his invaluable expertise and guidance.

We want to thank Richard McGahey, Assistant Secretary of Policy at the Department of Labor, for graciously sharing valuable office space with the Task Force staff.

We are most grateful to the Immediate Office of the Secretary; the Office of the Deputy Secretary and the Office of the Assistant Secretary of Policy at the Department of Labor. Your patience and guidance have proven invaluable over the course of the last eight months.

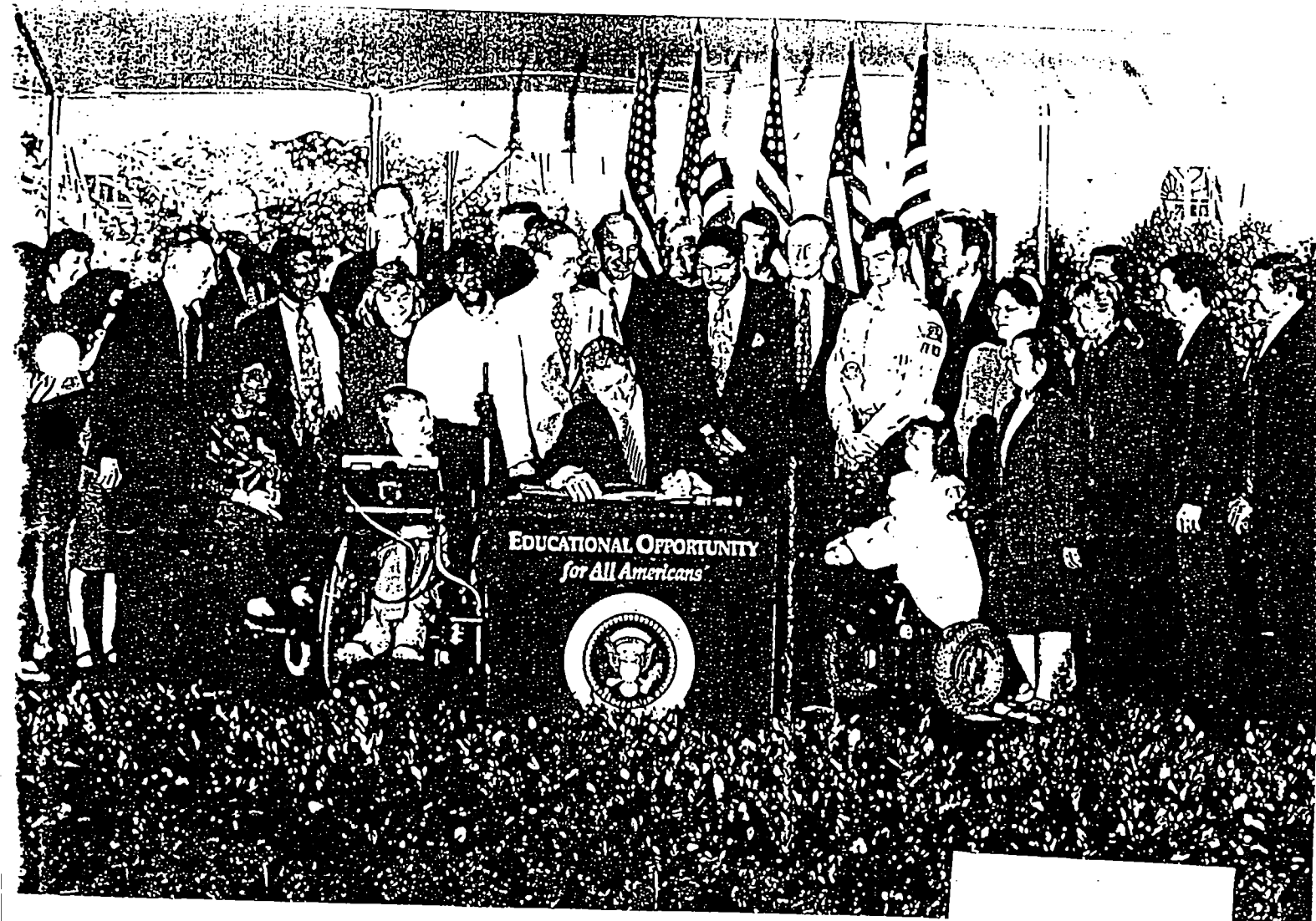
We must extend a recognition of special thanks to the following individuals within the Office of the Assistant Secretary of Policy at the Department of Labor for their constant willingness and kindness in their daily interactions with our burgeoning Task Force needs: Barbara Bingham, Ximena Brown, Roxanna Bullock, Elena Carr, Daniel Claflin, Karlyn Davis, David Demers, David Dickerson, Mario DiStasio, Roland Droitsch, Michelle Edwards, Kathleen Franks, Terry Fryer, Ronald Harris, Pamela Hayes, Paul Hyland, Jim Jones, Jean King, Paul Richman, Ruth Samardick, Emily Sheketoff, Fred Siskind, Charlotte Toney, and Erikka Washington.

We are indebted for the time, energy, and support from the Office of the Vice President, National Economic Council, the Domestic Policy Council and the Office of Management and Budget in the Executive Office of the President. Your support and guidance is critical to the success of the overall mission of the Task Force.

Finally, there have been others, too numerous to mention, that have contributed to the overall mission, vision, and daily work of the Task Force. It would be impossible to list each and every individual and group. To all--we thank you, and to that special friend and advisor, we are forever indebted for your help.

## Dedication

*Dedicated to all working-age Americans with disabilities, whose relentless pursuit of equality, justice, and the basic right to work, has inspired this first report.*



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## EXECUTIVE ORDER

### INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

#### Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report

on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

**Sec. 2. Specific activities by Task Force members and other agencies.**

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

**Sec. 3. Cooperation.** All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

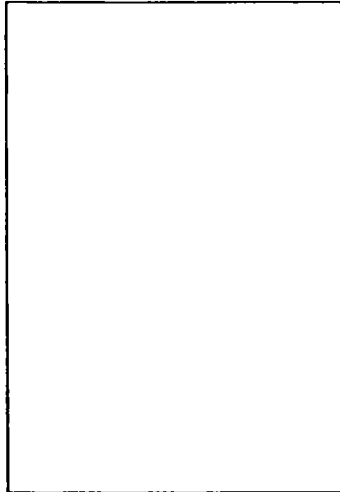
**Sec. 4. Judicial Review.** This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

*William D. Clinton*

THE WHITE HOUSE,

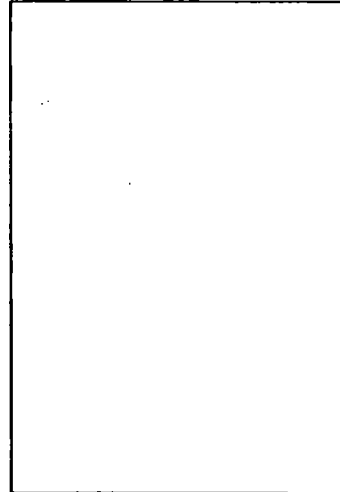
March 13, 1998.

**Members of the  
Presidential Task Force  
on Employment of Adults with Disabilities**



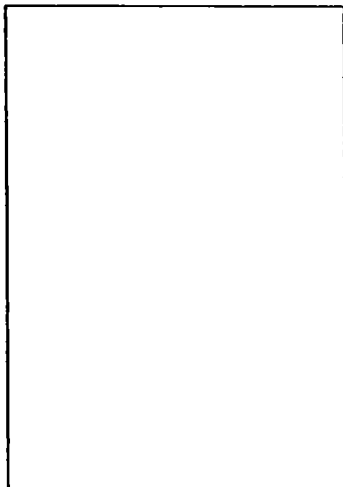
**Alexis Herman**

Chair  
Secretary of Labor



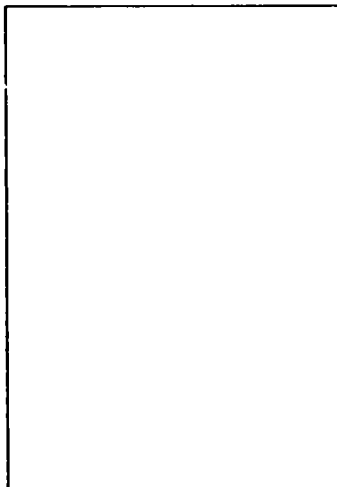
**Tony Coelho**

Vice Chair  
Chairman of the President's Committee on  
Employment of People with Disabilities



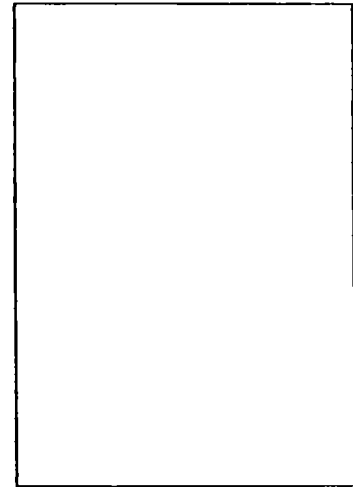
**Richard Riley**

Secretary of Education



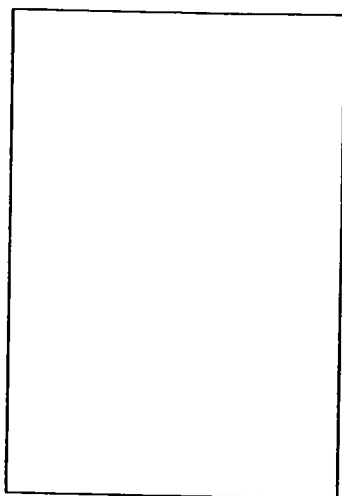
**Togo D. West, Jr.**

Secretary of Veterans Affairs

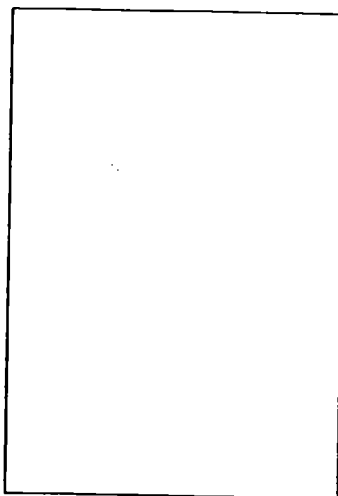


**Donna Shalala**

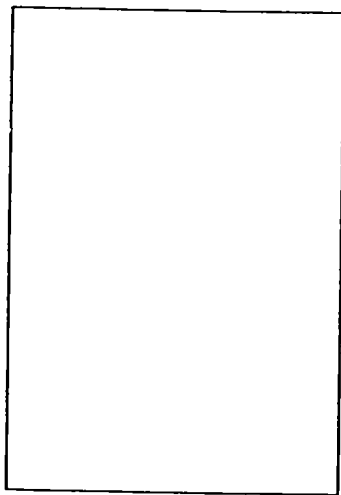
Secretary of Health and Human  
Services



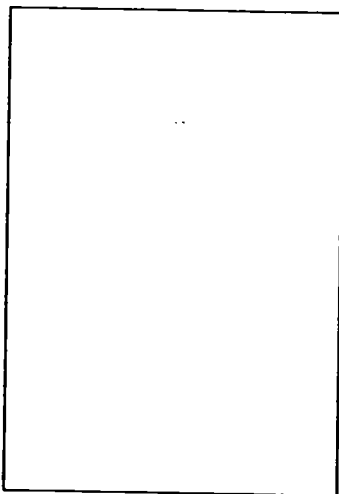
**Ken Apfel**  
Commissioner of the Social  
Security Administration



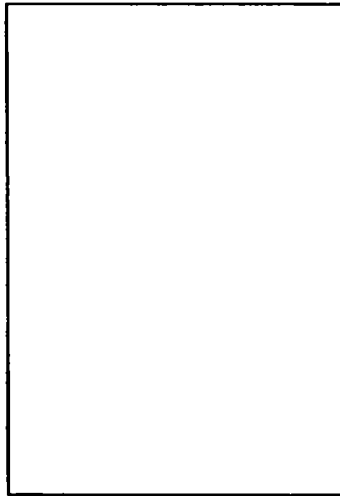
**Robert Rubin**  
Secretary of the Treasury



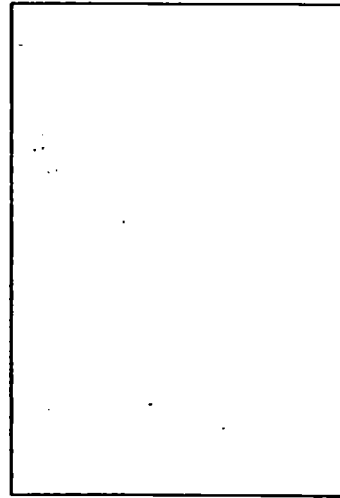
**William Daly**  
Secretary of Commerce



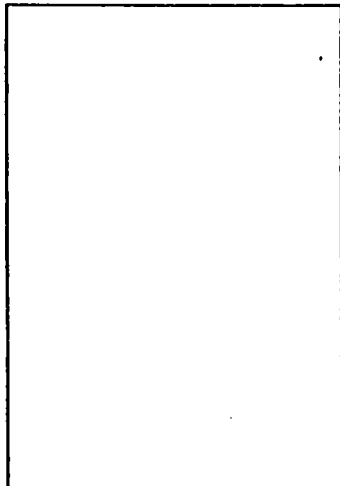
**Rodney Slater**  
Secretary of Transportation



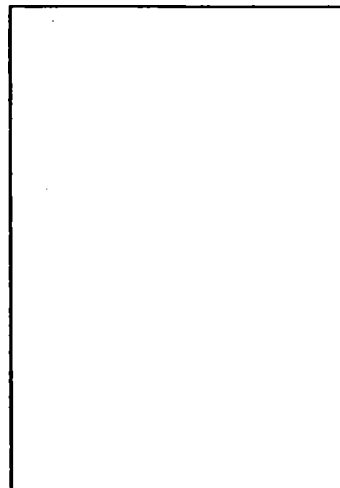
**Janice R. Lachance**  
Director of the Office of  
Personnel Management



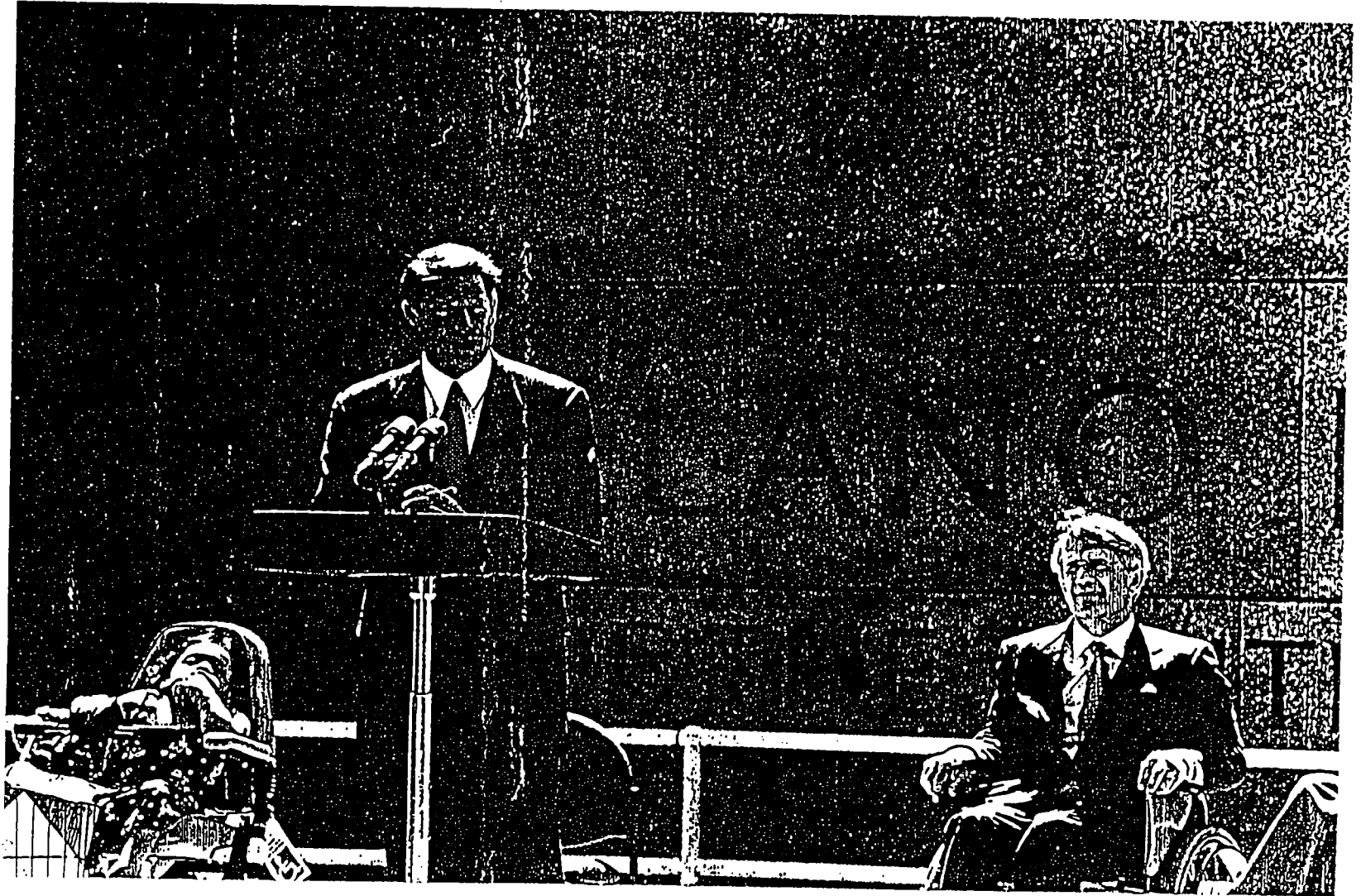
**Aida Alvarez**  
Administrator of the  
Small Business Administration



**Ida L. Castro**  
Chair of the Equal Employment  
Opportunity Commission



**Marca Bristo**  
Chair of the  
National Council on Disability



## Foreword

*Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities* embraces and acknowledges the President's and Vice President's long history of supporting the rights of individuals with disabilities. The principles of independence, empowerment, and inclusion have guided the Clinton Administration's efforts to shape national policy for Americans with disabilities.

The President and Vice President have laid a powerful foundation with their past and current achievements, exemplified in their firm commitment to ensuring that every American has access to quality health care, promoting passage of the Patient's Bill of Rights, supporting the Work Incentives Improvement Act, protecting Medicare and Medicaid, sustaining Social Security benefits for people with disabilities, opposing amendments that would have weakened the Individuals with Disabilities Education Act, and completing the final passage of the Workforce Investment Act of 1998.

In April 1996, the National Council on Disability convened a meeting in Dallas of disability advocates from around the country to discuss a host of issues related to individuals with disabilities. An important outcome of that grassroots meeting was recognition of the urgent need to address the staggering rate of nonemployment of adults with severe disabilities. Next, in July 1996, the Presidential appointees with disabilities, many of whom attended the Dallas meeting, met and decided to promote development of a program with budgetary support targeted specifically to employment of people with disabilities. During the ensuing months, these same appointees and other officials within the executive and legislative branches of government developed the language of the Executive Order.

President William J. Clinton, surrounded by Cabinet officials and disability rights leaders, signed Executive Order 13078 on March 13, 1998, and, thus, created the Presidential Task Force on Employment of Adults with Disabilities. During the signing ceremony President Clinton declared, "Since 1993, we have created 15 million new jobs. But the unemployment rate among people with disabilities is far too high and that is why I'm so pleased to sign an executive order that will design a strategy to make equality of opportunity, full participation, inclusion and economic self-sufficiency realities for all 30 million working-age Americans with disabilities."

The Executive Order established a multi-agency Task Force with Secretary of Labor as Chair and the Honorable Tony Coelho, Chair of the President's Committee on Employment of People with Disabilities, serving as Vice-Chair. The Task Force along with its mandate is unique. This uniqueness is evident in the scope and breadth of high-ranking Administration officials serving as members. The Task Force has an overarching goal to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general population. This strategy will be operational by July 26, 2002, the tenth anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

The Presidential Task Force on Employment of Adults with Disabilities held its inaugural meeting on April 22, 1998. This first meeting helped set the Task Force agenda. Task Force members heard compelling testimony from panels of Administration experts on three of the most pressing issues relating to employment of adults with disabilities: income security/health care programs, education, and workforce training.

At the inaugural meeting, Tony Coelho, Chairman of the President's Committee on Employment of Adults with Disabilities and Vice-Chair of the Task Force outlined the challenges in achieving the goals of the Executive Order. Challenge number one is health care. Too many adults with disabilities remain on public assistance because it is their only way to access health care. Challenge number two is economic incentives. It is necessary that adults with disabilities who go to work improve their overall economic situation. Challenge number three is ensuring support for those adults who want to work. Supported work, natural supports, personal assistance services, and other accommodations must become the norm for those who need them. Finally, challenge number four is increasing access to education, training, and rehabilitation services. Unless changes are made in the education and training of youth with disabilities, adults with disabilities will fall further and further behind.

To meet these challenges, Alexis M. Herman, Secretary of Labor and Chair of the Task Force, identified four keys to re-charting the course to increase employment among adults with disabilities. First, it takes a recognition that this is a win-win situation. The economy today is the strongest in a generation. Jobs are up, unemployment is down, and inflation is in check. But people with disabilities are getting left behind, and when adults with disabilities lose out on opportunities, all Americans do. Second, it takes commitment. Decision-makers quite simply have to make a decision that this is a priority. Third, it takes creativity. It will require looking inside respective federal agencies and truly thinking outside of the box. And fourth, and perhaps the most important, it takes a focus on the individual.

Key components of the Task Force's directive include analyzing existing programs and policies to determine what changes, modifications, and innovations may be necessary to remove barriers to work; developing and recommending options to address the barriers of health insurance coverage; analyzing youth programs related to employment and the outcomes of those programs for young people with disabilities; and evaluating whether federal studies related to employment and training can and should include a statistically significant sample of adults with disabilities.

In June 1998, Rebecca Ogle, a grassroots leader, was named Executive Director. In the spirit of cooperation and collaboration as reflected in the Executive Order, federal agencies detailed individuals experienced in disability employment policy to staff the Task Force. These individuals helped to establish work groups to fulfill the requirements of the Section 2 mandates. The work groups were mandated in the Executive Order to provide the Task Force with summarized reports by November 15, 1998.\* Summaries are included in the Appendix A of this report. The Task Force will be reviewing and using the reports as the basis for future recommendations as appropriate.

*Re-charting the Course* is intended to inform the President and the public about progress made by the Task Force to date in response to the Executive Order. Readers should regard this as an "interim report." Task Force members and staff are eager for interested parties to use this document as an invitation to engage in dialogue with the Task Force about issues important to adults with disabilities and the nation.

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\*Scheduled for spring 1999 is an addendum report which will address Section 2 (d), the Department of Housing and Urban Development's examination of HUD programs. The addendum report will also address Section 2 (g) that requires all executive agencies that are not members of the Task Force to: (1) coordinate and cooperate with the Task Force and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes employment of adults with disabilities.





## Executive Summary

### **Compass Points—Putting the Presidential Task Force on Employment of Adults with Disabilities in Context**

The Presidential Task Force on Employment of Adults with Disabilities begins with the recognition that adults with severe disabilities are one of the largest minorities in the nation without jobs--this is a staggering nonemployment rate hovering around 70 percent. This fact is completely unacceptable. It must change.

The Presidential Task Force on Employment of Adults with Disabilities begins with a belief that barriers to employment have long been recognized, researched, and discussed. There has been enough talk. It is time for action.

The Presidential Task Force on Employment of Adults with Disabilities begins by recognizing that values are the driving force behind public policy and the systems and programs that evolve from such policy. The overarching value upon which our nation was founded is that of freedom. According to the American Heritage College Dictionary (Third Edition), freedom is defined to include the following:

*Freedom: The condition of being free of restraints; Liberty of the person from slavery, detention or oppression; Political independence; Possession of civil rights; Immunity from the arbitrary exercise of authority; The capacity to exercise choice, free will; The right to unrestricted use, full access; The right of enjoying all of the privileges of membership or citizenship.*

The right to enjoying the privileges of membership or citizenship touches all parts of the American Dream and the equality of opportunity envisioned by our founders. The importance of these dreams continues for today's multicultural society: having a home, family and friends; going to school; being a part of the community; and, critically, having a job. This latter point is of such economic consequence that it can be the deciding factor whether, or to what extent, opportunity for participation in the American Dream is even a possibility. This fact remains obvious: the best form of economic security, the best pathway to full participation in all the privileges of living in America is through employment.

Adults with severe disabilities are one of the largest minorities in the nation without jobs--this is a staggering nonemployment rate hovering around 70 percent.

Unless adults with disabilities have opportunity to participate in the economic prosperity of our nation, unless doors to employment and careers are opened, unless attitudes and beliefs which have kept them segregated and isolated from opportunities afforded other people are challenged and changed--then adults with disabilities will remain second-class citizens. This must change.

In 1919, a ruling of the Supreme Court of Wisconsin considered the case of a child with cerebral palsy who was excluded from school because his condition had a depressing and nauseating effect on

the teachers and other children (*State ex rel Beattie v. State Board of Education of City of Antigo*, 1919). In 1998, a transitioning youth with substantial disabilities resulting from cerebral palsy, cognitive disabilities, and blindness is a valued member of the workforce in a human resource department in Fort Worth, Texas. She works in an inclusive job organized specifically by her employer to meet not just her interests and abilities, but planned specifically to meet important needs of her employer for his business.

The difference in expectations and opportunity for today's youth is the result of a changing value system (Funk, 1987). These changes ultimately forced a move from the attic, to the warehouse, to the workshop, and, finally, for increasing numbers of adults with disabilities, to the inclusive community where participation in integrated employment is real. By their presence alone, these individuals are crashing through the glass ceiling of lowered expectations of others created through decades of segregation and exclusion. Adults with disabilities are paving the road for others to follow.

In 1990, the Americans with Disabilities Act (ADA) was enacted to end broad-based and long-standing discrimination against people with disabilities in many aspects of life, including employment, public services, public accommodations and commercial facilities, telecommunications, and transportation. This landmark law resulted from the profound and continuing shift in perceptions about the rights, responsibilities, and abilities of individuals with disabilities over the last quarter of the 20<sup>th</sup> century. Many factors contributed and helped to shape this transformation. Three key events of the 1970's were critical: (1) the right-to-education court decisions based on the Constitutional principles of equal protection and due process--decisions which ultimately resulted in the mandate for a free, appropriate public education for students with disabilities; (2) passage of the 1973 Rehabilitation Act which included Section 504, prohibiting discrimination in programs that receive federal funds; and (3) growth of the disability rights movement (Schriner and Batavia, 1995). Shapiro (1993) referred to the disability movement as a "hidden army" of organizations and individuals committed to establishing the legal rights of people with disabilities.

People in the disability movement continue to lead the way both in challenging age-old myths and stereotypes as well as asserting that they must view themselves, and, thus, be viewed by others, as a minority group whose difficulties are caused more by societal prejudice and discrimination than by disability (Schriner and Batavia, 1995). The message from this grassroots movement is now screaming: come with us and experience the discrimination, the frustration, the doors to employment that never open. Live with us in the poverty of the human service system whose policies too often derail rather than support our efforts for self-determination, full participation, inclusion, recognition of our competence and our contribution.

Real jobs with real pay--this is what adults with disabilities want. The need to pay taxes because of earned wages--this is what adults with disabilities want. Having jobs that are driven by the personal choice and interests of the individual--this is what adults with disabilities want. Being viewed as a person with a characteristic which happens to be a disability, like eye or hair color--this is what people with disabilities want. The opportunity of enjoying all of the benefits of membership or citizenship--this is what people with disabilities want.

Adults with severe disabilities are one of the largest minorities in the nation without jobs--this is a staggering nonemployment rate hovering around 70 percent. This fact is completely unacceptable. It must change.

The ADA includes Congressional findings that children and adults with disabilities historically have been treated differently and subjected to discrimination. Significantly, this landmark civil rights law states that it is the purpose of the Act to utilize the *sweep of congressional authority . . . to end such discrimination* (P.L. 101-336 (Section (2)(b)(4))). This statement implies that the ADA should be used as a lens through which the statutory, regulatory, and judicial directives governing our nation should be viewed, evaluated and modified. However, while the ADA was designed to help eliminate barriers to participation and promote inclusion, its passage and effective implementation have not and cannot achieve these vital goals alone.

### **Executive Order 13078: The Presidential Task Force on Employment of Adults with Disabilities**

On March 13, 1998, President Clinton signed Executive Order 13078, establishing the Presidential Task Force on Employment of Adults with Disabilities. This Task Force has the broad mandate to examine programs and policies related to employment of adults with disabilities, to “determine what changes, modifications and innovations may be necessary to remove barriers to work faced by adults with disabilities” and to recommend options for such changes. The breadth of this mandate is comparable to examining and proposing actions to impact *the sweep of national employment policy*. Areas for Task Force activity touch the jurisdiction of virtually all governing agencies. *The ultimate mission of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population.*

The vision is a nation where individuals with disabilities are empowered with choice, where employers are helped to facilitate employment by eliminating barriers to workforce entry, and where creativity and innovation are the basis for organizing jobs to meet both the needs of employers and employees. The vision is one where the dignity, personal preferences, and individual strengths of adults with disabilities are acknowledged and valued. The mission of the Task Force concerns changes in the systemic, structural, and attitudinal barriers that continue to exclude adults with disabilities from employment.

### **Task Force Begins Re-charting the Course**

Consistent with requirements of the Executive Order, the Task Force has been given a broad mandate. To begin this task, a series of six work groups were convened to develop preliminary recommendations for creating a working agenda and specific action steps to attack the barriers to employment of adults with disabilities. The work groups are composed of many people from federal government agencies--many of whom are people with disabilities--who devoted their time with extraordinary commitment and vigor to the challenge at hand. Work group summaries and a listing of participants are included in Appendix A. The collective recognition by these individuals of the importance of their challenge is impressive and is both commended and appreciated.

The multiple barriers to employment and economic empowerment of adults with disabilities have been documented in numerous reports and policy documents and are generally accepted as fact (National Council on Disability, 1996). These barriers include lack of access to health insurance, frequently cited as the key obstacle to employment, particularly in light of the increase in part-time work which is rarely accompanied by health coverage. Additional barriers include the complexity of existing work incentives; lack of choice and control in selection of providers to assist people with

disabilities in securing and maintaining employment; inadequate work opportunities resulting both from an increasingly competitive employment market and continued negative, stereotypic, and erroneous attitudes about adults with disabilities as productive members of the workforce.

The Task Force recognizes that many of these multiple barriers to employment are embedded in the public policies of our nation. Too many programs continue an antiquated, paternalistic attitude about disability in their approach to providing services and supports, rather than empowering people with disabilities with control and choice in recognition of their competencies and contributions to the workforce. As a result, the reality in our nation today is that Americans with disabilities do not have opportunities to pursue the array of life opportunities and options that are afforded most people without disabilities. The majority of working-age individuals with disabilities have not shared in the economic prosperity that most Americans have enjoyed over the last decade of the 20<sup>th</sup> century. They remain at the bottom of our nation's socioeconomic ladder.

Many youth with disabilities grow to adulthood not with the expectation of a career, but of moving from school to a lifetime of dependency on public benefits. Young people with disabilities and their peers are getting the wrong message: one of inability, rather than expectation of contribution. Their classmates without disabilities are learning the wrong assumptions about the talent of youth with disabilities. Unless perceptions change at this early age, young people with and without disabilities will not be working side-by-side in the workplace of the future. The result will be perpetuation of the historical, stereotypic attitudes of the past. This is unacceptable.

The programs, policies, and attitudes which directly or indirectly promote the current reality must change so that people with disabilities are drivers of their own destiny. They must change so that people have an opportunity to experience the personal satisfaction of contributing to a work environment, of earning a wage, and of developing collegial work relationships. They must change so that employers have access to the untapped resources of adults with disabilities.

In addition, as the programs and policies of the past are examined, the principles for future legislative initiatives must be established. Future policy must not be based on erroneous assumptions that create new, additional barriers while attempting to remove existing ones. This is particularly important for people with disabilities who remain less understood, and, thus, more at risk of continued discrimination.

President Clinton, the Task Force calls on you to utilize the power of your position to undertake multiple strategies to accomplish these changes. The members of the Task Force will assist in providing policy direction and other recommended action steps to ensure that the leadership of our country reflects the values of equal opportunity upon which the nation was founded.

### ***OPPORTUNITY FOR IMPACT IS NOW***

As we move into the 21<sup>st</sup> century, America is faced with new challenges. New opportunities for employment are opening as scientific and technological advances give rise to new industries and occupations unheard of only a few decades ago. At the same time, many traditional job opportunities are disappearing as industrial operations become increasingly automated and the nation's economy as a whole becomes increasingly globalized. The Clinton Administration has demonstrated a commitment to systematically attacking barriers that prohibit Americans with disabilities from participating not only in today's workforce, but in the workforce of the future.

Establishment of the Presidential Task Force on Employment of Adults with Disabilities coincides with implementation of major changes in public policy related to welfare-to-work. Formation of the Task Force also coincides with the expressed interest of Congress and state legislative bodies to address unemployment in our nation, the requests from businesses and employers for exemplary workers, and the changing nature of the workplace generally. It also corresponds with the demand from the disability community across the nation for removal of barriers so that they can experience the multiple benefits and satisfaction of work. The Task Force recognizes that the nexus of these multiple forces creates the opportunity to have positive influence on employment for adults with disabilities. In fact, if these factors are not considered and addressed, if critical dialogue across what is too often a fragmented series of separate, disparate programs does not occur, if changes are not adopted that foster inclusion, then people with disabilities are at risk of continued and even increased segregation, discrimination, and dependence.

Through the broad mandate given the Task Force, through the significant effort and extraordinary commitment of many people from federal government agencies, a strategy is emerging. This strategy will point the way to eliminating barriers that deter people with disabilities from being full participants in and contributors to a rich and rewarding life in our nation. It will result in a strategic plan for systematic removal of those barriers. This plan will assist the federal government in spending its funds more wisely, so that millions of disenfranchised people with disabilities can become workers, earn paychecks, pay their taxes, contribute to their communities and have the self-esteem that comes with a job.

President Clinton, the Task Force on Employment of Adults with Disabilities calls on you, the Vice President, and all Administration leaders to address the following critical and acknowledged issues that impede the employment of adults with disabilities:

***Extensive and Persistent Attitudinal Barriers.*** Attitudinal barriers are extensive, persistent, and pervasive. Stigma is a primary reason for the staggering nonemployment of adults with severe disabilities. Many existing federal laws and policies, and the systems which stem from those policies, were developed when the view of people with disabilities was one of eternal dependence and accompanied by the need for segregation, charity, and care. The segregation resulting from these programs has contributed to deeply ingrained attitudes and prejudices that are pervasive throughout society, including negative attitudinal barriers about the ability of adults with disabilities to contribute in the workforce.

The need for immediate leadership to attack the continued existence of these pervasive, negative attitudes and prejudices is great. President Clinton, the Task Force calls on you, the Vice-President, and leaders within the Administration to launch a massive public awareness campaign, in partnership with the disability community, businesses, and other influential entities. This campaign should address the need for attitudinal changes in order to eliminate erroneous and prejudicial thinking about disability that limits opportunities--stigma that permeates all parts of American society. Presidential leadership should begin immediately by using the power of key Administration leaders who are visible to deliver the message for this needed change. Specifically, President Clinton, the Task Force calls on you to include disability issues in public speeches, especially the State of the Union Address. Ensure the presence of people with disabilities at key meetings and visits, and use the power of your position to show a positive image of people with disabilities.

***Federal Government Leadership Is Critical and Necessary.*** As the nation's largest employer, the federal government should be leading by example; instead, it is not. It should lead the way by

re-charting a public policy course that provides clear direction for both the public and private sectors. Increased representation of people with disabilities in the federal workforce is critical. Aggressive efforts must be mounted to bring people with disabilities into government roles that offer them salaries, benefits, and the rewards of doing productive work, with exemplary programs for accommodating them in a wide range of public positions and job roles. Innovative and creative solutions to providing accommodations for people with disabilities--based on their personal choices, their interests, their strengths, and their desires--should demonstrate to employers across the nation the contributions that all people can make to the workplace. The federal government must also work with state and local governments, as well as large and small businesses alike, to get this vital job done.

Such efforts will heighten public awareness of the roles that adults with disabilities can play in society when opportunity is provided and appropriate accommodations are made. Adults with disabilities must be seen not only in day-to-day job roles in the numerous agencies and bureaus of federal government, but also in highly visible roles that garner media attention. Most importantly, people with disabilities can and should be participants at the tables where public policy decisions are made--guiding development of policies and programs designed to ensure full and adequate protection of the rights for all Americans and the inclusion of all Americans at every point in the process.

President Clinton, as Chief Executive Officer of our nation's largest employer, the Task Force calls on you, the Vice-President, and leaders within the Administration to use the power of your respective positions to ensure increased representation of people with disabilities in the federal workforce, to ensure the presence of people with disabilities at key meetings and visits, and to otherwise use the power and visibility of your positions to show the nation and the world that people with disabilities are valued contributors in all levels of our government and in every part of American society.

***Public/Private Partnerships Are Essential.*** Public/private partnerships will be essential in re-charting a successful course for the employment of people with disabilities. The response from the business community to the ADA has been excellent, and many public and private sector organizations have increased the number of adults with disabilities employed. However, while businesses have demonstrated their desire to hire such individuals, the barriers previously mentioned continue to pose significant roadblocks. While people with disabilities want to work, these barriers continue to block their path. There is a critical need for collaborative, creative, and innovative approaches to further partnerships between the public and private sector, to ensure that the supports necessary for people to work are available when needed, and that innovative ways of thinking about work become a routine part of how employers, businesses, and people with and without disabilities accomplish their jobs. President Clinton, the Task Force calls upon you to ensure that innovative initiatives are developed and implemented at the national level to lead the way for public/private partnerships and collaborative efforts at the local level in order to eliminate barriers to work. Ultimately, this type of collaborative thinking and partnership benefits us all.

President Clinton, the Task Force also calls on you to convene an economic/employment summit to include representatives from the Administration, Fortune 500 companies, the National Federation of Small Businesses, the Chamber of Commerce, the disability community, and other related entities regarding employment of people with disabilities. This summit, if convened during the first half of Task Force activities, will provide critical input and guidance to the Task Force and will create additional public awareness. In addition, each and every governor should be challenged to replicate a statewide summit to mirror the national summit.

**Health Care Is Key.** Access to health care is accepted as a primary barrier to keeping people with disabilities outside the world of work. It is a major focus of the Task Force. People with disabilities are too often unable to obtain health insurance that provides the comprehensive health care needed to live independently and to participate actively in the workforce. One of the primary avenues for people with severe disabilities to obtain health care coverage is through Medicaid and Medicare (Kaiser, 1998). Many people with disabilities and their families are forced to impoverish themselves to receive critical health care coverage under the Medicaid program. Additionally, many persons with severe disabilities must access Medicaid and Medicare through the companion cash benefit programs administered by the Social Security Administration (SSA). The eligibility criteria for Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) make it impossible to return to work without risking the loss of health care that a person requires to be able to work.

As adults with disabilities attempt to leave entitlement programs to work, current policies punish rather than support their efforts to work. In these instances, cash assistance, in-kind health care and other services are eliminated before wages can fully replace the value of those benefits. These policies are contrary to our nation's commitment to protect workers through the federal retirement, disability and unemployment insurance systems. For example, Congress designed SSDI benefits to provide wage protection for workers and their families when a person acquires a work-related disability leaving them unable to work. The SSA further defines substantial gainful activity (SGA) as a set amount of earned income, (\$500 per month in 1990 regulations, as compared with \$300 per month in 1980 regulations). Currently, SGA lags behind real growth in average income, leaving workers less and less protected and more and more vulnerable to poverty because of the onset of disability.

As part of last year's Balanced Budget Act (BBA), a new state option was added to the Medicaid program to allow people with disabilities who return to work to purchase Medicaid coverage as their earnings increase. However, while this is an important option, comprehensive reform across multiple areas is needed. The importance of eliminating this barrier of access to health care cannot be emphasized enough. Until this occurs, people with disabilities will continue to be forced into dependency and poverty.

President Clinton, the Task Force gratefully acknowledges your outstanding record on health care access for persons with disabilities through your relentless efforts in legislative areas such as maintaining the integrity of the Medicaid and Medicare programs; comprehensive health care reform; the Health Insurance Portability and Accountability Act of 1996; the Mental Health Parity Act of 1996; the Patients' Bill of Rights; the addition of the new state option added to the Medicaid program in the BBA; and, most recently, your support for passage of the Work Incentives Improvement Act proposed by Senators Jeffords and Kennedy during the 105<sup>th</sup> Congress.

President Clinton, as Chief Executive Officer of the nation's largest employer and provider of health care, you should demonstrate a commitment to providing the highest quality of health care benefits to your employees, including real parity in mental health benefits, where a considerable gap in coverage persists.

President Clinton, the Task Force requests that you explore fiscally responsible policies to address the inadequacy of the current SGA regulation administered by the Social Security Administration in determining disability eligibility for their programs.

***The Importance of Technology.*** The current national explosion of technology and telecommunications is creating new pathways for employment and is a force for crashing through the glass ceiling of lowered expectations of others. Technology levels the work environment by removing physical and communication barriers that historically forced isolation and segregation. Technology is creating opportunities for telecommuting and entrepreneurial initiatives that are transforming the way all Americans live, work, and play. The significance of these innovations in terms of the way businesses of the future conduct their work is undeniable. Indeed, the "high tech" industry is one of the largest industries in the United States today, and adults with disabilities should be filling many of these jobs. As the nation's largest employer, the federal government should be a model, both in terms of state-of-the-art technology for its workers and in terms of technological and worksite accommodations for employees with disabilities.

The federal government is also the largest purchaser of equipment and technology. This procurement power must be leveraged to promote development of technology that is accessible to and useable by people with disabilities. Vigorous implementation and compliance with standards for the development, procurement, maintenance, and use of electronic and information technology, as required by Section 508 of the Rehabilitation Act, will drive the private sector in terms of making their products more accessible from the beginning. Likewise, regulations governing Section 255 of the Telecommunications Act of 1996 will ensure, if readily achievable, that technology and telecommunications industries from the start develop products and services that are accessible to and useable by people with disabilities. The Web Access Initiative, endorsed by the Administration last year, will set Web access standards and ensure that the superhighway of the future will be accessible to and useable by people with disabilities.

President Clinton, the Task Force commends the leadership demonstrated by you and the Vice President in advancing accessible technology for adults with disabilities, such as the recent signing of the Assistive Technology Act of 1998 and the Workforce Investment Act of 1998. The Task Force requests that you implement and strongly enforce strict standards for Section 508 of the Rehabilitation Act. The Task Force further requests that you direct all federal agencies and departments to make their Internet sites accessible to and usable by individuals with disabilities by providing technical assistance and guidance as may be necessary to accomplish this task.

***Programs for Youth Are Critical.*** The youth of today are the future of tomorrow. Education is the key to the future for all children and youth--indeed, for our entire society. The importance of education as the means for equal entry into society was established in the landmark *Brown v. Board of Education* decision of 1954. While that decision related to public school desegregation on the basis of race, the concept it expressed--that separate is not equal--laid the framework for future decisions (e.g. *PARC v. Commonwealth of Pennsylvania*; *Mills v. Board of Education of the District of Columbia*) that challenged the exclusion, segregation, and unequal treatment of children and youth with disabilities within our system of public education. Fueled by the activism of parents, these decisions helped create the force which led to enactment of the Education for All Handicapped Children Act of 1975, later renamed the Individuals with Disabilities Education Act (IDEA), which mandates a free, appropriate public education for students with disabilities.

Recent amendments to IDEA, signed into law on June 4, 1997, mandate a challenging curriculum and high expectations for every child, ensure increased involvement of and reporting to parents on their children's progress, and expand/improve training so that teachers can be prepared to teach the full range of diversity in inclusive classrooms. IDEA's reauthorization strengthens the role and



involvement of parents and families. It mandates that special factors such as language and communication needs and need for assistive technology are considered in planning the individual education program for each child. The intent of these amendments is to ensure that special education is not a place but a system of supports. President Clinton, the Task Force recognizes and commends your fighting back proposed amendments during the reauthorization process that would have substantially weakened this important law and resulted in denial of education for many children with disabilities. Because of IDEA, more students with disabilities are graduating from high school, going to college, and preparing for careers. Students with and without disabilities are beginning to have opportunities to learn side-by-side in inclusive classrooms. They are getting to know each other as people. The result will be that future generations will understand that disability is merely a characteristic of a person. These future generations will not move forward in their lives with the myths and stereotypes about disability from the past. Employers of the future will not tolerate those erroneous attitudes and stereotypes in their businesses.

However, for this to occur, much more needs to be done. The IDEA creates the legal mandate for a free, appropriate, public education. But, compared to students without disabilities, students with disabilities drop out of school much more frequently. They enroll in post-secondary education less frequently. The staggering nonemployment rate among adults with severe disabilities is testimony to changes that are needed, and these changes must begin with education.

Youth with severe disabilities from diverse linguistic and cultural backgrounds are at an even greater risk of dropping out of school and not becoming employed. Current social programs and policies are not adequately addressing the needs of Native American, African-American, Latino, Asian American youth with disabilities and other diverse groups of young people with disabilities in our country. The Task Force will be paying particular attention to the added barriers that make full participation in school and the workforce problematic for youth with disabilities from the many diverse cultural and linguistic communities.

Education is the key to the future, and as a society, we must send a loud, clear message of high expectation, of full participation, of personal responsibility. Youth with disabilities must learn they are expected to work and that support will be there for them as needed. Teachers must be held accountable for ensuring this message translates into high expectations in their classrooms. Students with disabilities must learn that their future is not bound to the current system of fragmented programs and multiple barriers that have created the isolation and dependency of the present. In order to be workers of the future, all students must be ready to make the transition from school prepared for and expecting to contribute to their communities. This includes the expectation of employment.

President Clinton, the Task Force commends your continued leadership and commitment to a strong education agenda for all children and youth. The Task Force requests your continued leadership to ensure that the needs of students with disabilities are addressed within the generic education system and are a part of national initiatives related to education reform, literacy, and lifelong learning.

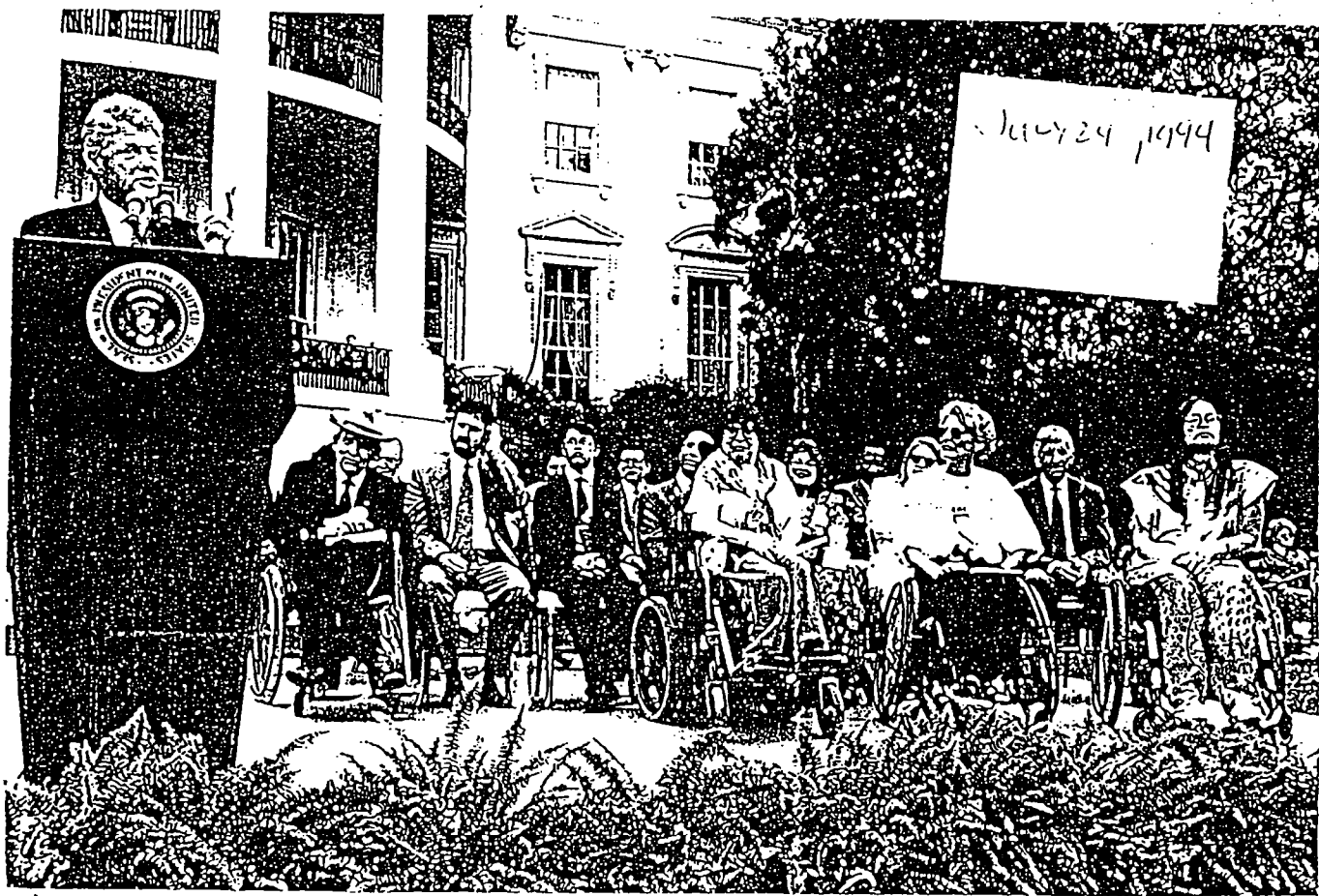
President Clinton, you must deliver the message that youth with disabilities will transition from school with the expectation of work. The Task Force calls on you to ensure that the bridge between education and other systems of support--such as vocational rehabilitation, one-stop career systems, and post-secondary education--is seamless. The Task Force calls on you to implement, enforce, and appropriately fund provisions of the Individuals with Disabilities Education Act.

## Next Steps

Each of the work groups fulfilled its specific task mandated in Section 2 of the Executive Order, and the summaries from each are included in Appendix A. The Task Force looks forward to full review of the work group reports. The work group findings should not be viewed as any formal statement of policy or adopted plan of action that has been approved or endorsed by the Task Force, any executive agency, or any other branch of the government at this time. Task Force members and staff anticipate that many aspects of the work group summaries will be incorporated into the formal committee structure for future examination.

The Task Force is re-charting a new course for employment policy of adults with disabilities that will result in change--change in attitudes and perceptions, change in structural and policy barriers, change in visible leadership throughout the federal government--that will enable future generations to have a completely different understanding of disability.

It is time for the actions of our nation to lend credibility to our professed support of equal opportunity--to ensure that the benefits of citizenship are, in fact, accessible to all people. It is time for us as a nation to practice what we preach. In doing this, it is essential that the individual and collective voices of people across the nation--people with disabilities, people without disabilities, families, employers, community members, and others--share their views, their experiences, and their recommendations. This ensures that the work of the Task Force is truly a reflection of the voice of America and of participatory democracy in action.



## Chapter One

### **Initial Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities**

The Task Force wishes to recognize the outstanding work already completed and underway by the Clinton Administration to improve the employment of adults with disabilities. On July 29, 1998, President Clinton signed an Executive Memorandum to reinforce the mission of the Executive Order through initiatives carried out by the Small Business Administration, the Department of Justice, the Equal Employment Opportunity Commission, and the Department of Health and Human Services.

The Task Force also wishes to acknowledge the efforts of the Section 2 work groups. The Task Force has received the work group summaries and will be reviewing and using them as the basis for future activities as appropriate. We have included these reports in Appendix A. Again, the Task Force has yet to review the summaries or to endorse the recommendations.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

*The Task Force recommends that:*

***The President direct the Department of Health and Human Services, the Social Security Administration, and other appropriate Administration representatives to continue their work with Senators Jeffords and Kennedy and the leadership of the 106th Congress to pass affordable, feasible legislation promptly that helps people with disabilities maintain their health care coverage and return to work.***

Americans with disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and to enter or to rejoin the workforce. The Work Incentives Improvement Act proposed by Senators Jeffords and Kennedy in the 105th Congress would increase Medicaid options and state resources for people with disabilities. It would also allow all Americans receiving Social Security Disability Insurance (SSDI) to retain Medicare coverage when they return to work. An additional component of this legislation, called the "ticket," would provide SSDI and SSI adult beneficiaries with a greater set of options regarding vocational rehabilitation and other employment services by enabling them to select a provider in the public or private sector.

*The Task Force recommends that:*

***The President continue to work with Congress to pass the Patients' Bill of Rights.***

The Bill of Rights would require a choice of providers, including provider network adequacy provisions, access to specialists, information disclosure, transitional care provision; access to emergency room services, participation in treatment decisions, laws on anti-gag clauses,

disclosure of financial incentives, protection of the confidentiality of health information, anti-discrimination provisions, and access to an appeal process.

*The Task Force recommends that:*

***The President direct the Department of Treasury to examine tax options to assist adults with disabilities in paying for expenses related to work.***

Working-age adults with disabilities often have a disincentive to work because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

*The Task Force recommends that:*

***The President propose a program to increase the employment rate of adults with disabilities by fostering interdisciplinary consortia and service integration by providers of services to adults with disabilities at the state and local level.***

Adults with disabilities often require services and resources from a variety of places, such as health care and transportation. If agencies and departments are not well coordinated, it can be difficult for these adults with disabilities to have adequate information to obtain and to retain employment. This program would help facilitate coordination and create partnerships among the many agencies serving adults with disabilities.

*The Task Force recommends that:*

***The President should consider accelerating development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities. A first step would be to provide support to universities that develop curricula on universal design.***

These courses would be offered in traditional classrooms settings and use distance-learning technologies that would train hardware and software engineers to develop products that are accessible to and usable by persons with disabilities.

*The Task Force recommends that:*

***The President direct the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses. The campaign would provide greater access to entrepreneurial development programs, financial assistance initiatives, and government contracting opportunities, including the Section 8(a) program, HUB Zones, and small disadvantaged business (SDB) program.***

Section 8(a) provides contracting opportunities for disadvantaged businesses. An outreach campaign would improve communication of information to the disability community about their eligibility for this program and other related opportunities for adults with disabilities who own or want to start their own businesses through SBA

*The Task Force recommends that:*

***The President direct Office of Personnel Management and other appropriate agencies to explore measures aimed at eliminating the stricter standards currently applied to adults with psychiatric disabilities and to extend to these individuals opportunities currently available to individuals with mental retardation and severe physical disabilities.***

There are three excepted appointment authorities explicitly applicable to individuals with disabilities. Excepted appointing authorities exempt individuals from the competitive appointment process. Schedule B excepted appointments for individuals with psychiatric disabilities are more stringent than Schedule A excepted appointments.

*The Task Force recommends that:*

***The President direct agencies and departments to implement a model plan to be developed by the Office of Personnel Management to increase the representation of adults with disabilities in the federal workforce.***

While the federal government has made significant hiring gains, the percentage of adults with severe disabilities in the federal workforce still lags far behind their availability. The Task Force urges the President to direct the Office of Personnel Management to develop a model plan to increase representation of adults with disabilities in the federal workforce that: 1) helps departments and agencies provide opportunities for students with disabilities to participate in internship and student employment programs; 2) encourages all departments and agencies to give full consideration to employees with disabilities for inclusion in developmental opportunities designed to enhance their leadership skills and to advance their careers; 3) urges all departments and managers to recruit widely for positions at all levels of the federal workforce, including at the GS-13 to 15 and senior executive service levels, and 4) collects and maintains data to monitor the success in achieving a higher percentage of adults with disabilities in the federal workforce.



## **Chapter Two**

### **Task Force Agenda**

#### **Presidential Task Force on Employment of Adults with Disabilities Committee Structure and Directives**

The following information outlines the structural organization and future agenda of the Presidential Task Force according to committee assignments. The committee membership will consist of high-ranking Administration officials to be determined by the Task Force. Please note that the recommendations of the work groups addressing the Section 2 mandates (reports of which can be found in Appendix A) will be incorporated in the workplan of the appropriate Task Force committee listed below.

##### **Committee on Access to Employment and Lifelong Learning**

The Committee shall:

Analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities.

Examine and make recommendations relating to lifelong learning programs not created specifically to serve the needs of adults with disabilities, and their openness and accessibility to adults with disabilities and the outcomes they effect for adults with disabilities participation in the workforce. Further, examine whether these programs have an appropriate customer focus for adults with disabilities.

Analyze and make recommendations relating to youth programs designed to place individuals in private sector employment, and the outcomes of those programs for young people with disabilities in completing school, developing job specific skills, achieving gainful employment, and avoiding incarceration.

Examine and make recommendations relating to lifelong learning programs created specifically to serve the needs of youth and/or adults with disabilities and the effect on the ability and willingness of people with disabilities to participate in the workforce.

Examine and make recommendations relating to the integration and coordination of lifelong learning programs that serve adults with disabilities into the broader education and workforce development systems.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities.

Program areas for focus of these committee activities may include, but are not limited to One-Stops, Welfare-to-Work, School-to-Work and youth programs related to employment, Vocational Rehabilitation, State Mental Health and Mental Retardation Systems, Ticket to Independence, and PASS.

Examine and make recommendations relating to statistically valid measures of the employment of adults with disabilities throughout the economy.

Examine and make recommendations relating to the availability, cost, and use of assistive technology in the employment of adults with disabilities.

Examine and make recommendations relating to the accessibility of technologies and the national and international infrastructure to working adults with disabilities.

Review and take appropriate action on the reports and recommendations arising out of the Task Force's work to fulfill the mandate contained in Section 2(b) and 2(f) of the Executive Order.

Track and report on implementation of recommendations approved by the Task Force.



**Subcommittee on  
Expanding Employment Opportunities for Young People with Disabilities  
(of the Committee on Access to Employment and Lifelong Learning)**

The Subcommittee shall:

Analyze the existing data related to the number of youth with disabilities under age 30 and determine accuracy.

Examine data and determine demographics based on: age, race, sex, employment status, higher education, poverty and other related areas.

Analyze data related to how many young people with disabilities are recipients of the following:

Federal entitlement (SSI/SSDI); Vocational Rehabilitation; School to Work; State Education Agencies and IDEA; Medicaid (Medicare); Welfare to Work State programs; Vocational Education and Community Colleges; Higher Education and Employment Outcomes; Juvenile Justice System and Criminal Justice System

Examine and make recommendations on economic status of young people with disabilities looking at the numbers of youth living in poverty, age of onset of disability and other relevant factors.

Examine and make recommendations relating to young women with disabilities, education level, employment status, family status and other related areas.

Examine and make recommendations on abuse of children with disabilities and its relatedness to employment outcomes.

Analyze and make recommendations related to higher education systems, supports and outcomes for persons under the age of 30.

Examine the changing nature of the workforce/workplace and implications for education, training, higher education, vocational training and rehabilitation services for young people with disabilities and make appropriate recommendations.

Analyze and make recommendations related to accessibility of services and supports for employment services for young people with disabilities, with specific attention to asset/deficit of single point of entry, career planning, maneuvering through the federal/state/local support services so that they supplement and compliment career goals.

Examine feasibility and benefit of onset of services and make recommendations based on outcome.

To extent possible examine how much of the problem of unemployment of youth with disabilities is employer attitudes, discrimination and public education and exposure (both the individual's exposure to the world of work and the employer's exposure to young workers with disabilities).

## **Committee on the Health Care & Income Support Program**

The Committee shall:

Analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities.

Examine and make recommendations relating to how health care quality and access to health care and health insurance affect the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to existing systems and possible new approaches for access to home and community-based services, including personal assistance services.

Examine and make recommendations relating to the relationship between federal, state and private income support programs and the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to how participation in federal income support programs and the current structure of these programs affect the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to the relationship between eligibility for income support programs and eligibility for federal or state health insurance programs and any resulting effect on the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations for work-related and consumer-driven, long-term supports and wrap-around services, including personal assistance independent living services.

Program areas for focus of these committee activities may include, but are not limited to Medicare, Medicaid, SSI, SSDI, FECA, Vets Income Support, workers' compensation, unemployment insurance and private insurance.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Committee member agencies related to employment of adults with disabilities.

Track and report on implementation of recommendations approved by the Task Force.

## **Committee on Economic Incentives & Entrepreneurship**

The Committee shall:

Analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities.

Examine and make recommendations relating to tax provisions affecting employers or adults with disabilities that influence the ability or willingness of adults with disabilities to participate in the workforce.

Analyze and make recommendations relating to small business and other entrepreneurial opportunities for adults with disabilities.

Review and take appropriate action on the reports and recommendations arising out of the Task Force's work to fulfill the mandate contained in Section 2 (c) of the Executive Order.

Examine and make recommendations relating to the impact of the Randolph-Sheppard Act and the Jarvis-Wagner-O'Day Act on employment outcomes for adults with disabilities.

Examine and make recommendations relating to federal transportation efforts that serve adults with disabilities, and their effect on the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations for a coordinated and aggressive national policy to develop small business and entrepreneurial opportunities for adults with disabilities, and strategies for assisting low-income adults, including those with disabilities, to create small businesses and micro-enterprises.

Examine and make recommendations for consumer-driven, long-term supports and services in transportation and accessible and integrated housing.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Committee member agencies related to employment of adults with disabilities.

Track and report on implementation of recommendations approved by the Task Force.

## **Committee on the Federal Government as a Model Employer**

The Committee shall:

Analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities.

Examine and make recommendations relating to compliance by federal agencies with the Rehabilitation Act and other laws and regulations associated with the employment of adults with disabilities in the federal government.

Examine and make recommendations relating to federal employment policy and its effects on employing adults with disabilities in the federal government.

Review and take appropriate action on the report and recommendations of Section 2 (a) of the Executive Order.

Examine and make recommendations relating to the accessibility of technologies for federal employees with disabilities.

Analyze and make recommendations relating to the Federal Employee Health Benefits Plan (FEHBP) service strategies and job retention for federal employees with disabilities.

Examine and make recommendations relating to the accessibility of the federal government's facilities and buildings for federal employees with disabilities.

Track and report on implementation of recommendations approved by the Task Force.

## **Committee on Civil Rights**

The Committee shall:

Analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities.

Examine and make recommendations relating to enforcement, education, and litigation strategies undertaken by the Federal agencies charged with administering the Americans with Disabilities Act and other laws and regulations providing protections for adults with disabilities in employment.

Analyze and make recommendations relating to the use of alternative dispute resolution to resolve issues associated with the employment of adults with disabilities.

Review and take appropriate action on the reports and recommendations arising out of the Task Force's work to fulfill the mandate contained in Section 2 (e) of the Executive Order.

Cooperate with the Task Force committee on Federal Government as a Model Employer when appropriate, to improve Federal policy and practices in employment nondiscrimination for adults with disabilities.

Track and report on implementation of recommendations approved by the Task Force.

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## **Committee on Statistics**

The Committee shall:

The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.



During the Great Depression  
Second World War, his vision  
leadership and faith in democracy  
gave hope to millions of Americans.  
His extraordinary sense of purpose  
led to his country's victory in World War II.

## Afterword

*If America is to continue to grow and prosper, if we are to lead the challenging global economy of the 21st century, we cannot afford to ignore the talents, energy and creativity of the 54 million Americans with disabilities.*

--President William J. Clinton, October 2, 1997

Executive Order 13078 established the Presidential Task Force on Employment of Adults with Disabilities on March 13, 1998, to create an aggressive strategy to address barriers to employment for adults with disabilities. These barriers have resulted in a staggering and unacceptable rate of unemployment, including underemployment and nonemployment of adults with disabilities. *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities* is the first step toward developing an aggressive strategy. The report summarizes activities and initial recommendations for actions, while the work of the Task Force continues.

As our nation considers multiple systemic changes to employment policy and practice, it is critical that we do all that is possible to ensure that every person who can work and wants to work has the chance to do so. Many creative changes are being made at the national, state, and local levels, demonstrating that future solutions do not need to be bound to the ideas and approaches of the past. The intent is not to place blame for former actions, but to facilitate innovation. A new way of thinking about employment, a new way of organizing jobs, a new way of providing choice and control to adults with disabilities is the agenda of the Task Force. Fulfilling this agenda will ensure that adults with disabilities are members of our nation's workforce.

Adults with disabilities are ready, willing, and able to cross the bridge into the 21st Century with dignity and pride in their accomplishments, pride in the contributions they make through their jobs. The barriers in their path to employment are removable. People with disabilities do not need to overcome their disabilities, they need to overcome the obstacles that public policy and attitudes have unfortunately placed between them and jobs. Many of their barriers to employment are ours as a nation, embedded in policies, practices, and attitudes that have evolved over decades. In Mrs. Lederman's letter to President Clinton, she poignantly states the current environment for adults with disabilities in seeking employment: "*The way the law is now, it completely takes away all motivation to work. . . . Finding a job is such a complicated and hard issue that one soon thinks he is a loser for life.*"

Creation of the Presidential Task Force on Employment of Adults with Disabilities represents a critical and exciting opportunity to address these barriers. Activities of the Task Force display the commitment of the multiple federal agencies collaborating, thinking creatively across traditional boundaries and turf, to eliminate barriers. Task Force members are committed to building alliances and working as partners with adults with disabilities, business and industry, employers, families, and other interested persons, realizing that coalitions are one of the keys to building a future workforce that truly reflects America at its finest. In the words of an esteemed disability rights leader, Justin Dart, Jr., "*Together we shall overcome.*"

The Task Force commends the President for his leadership in establishing the Presidential Task Force on Employment of Adults with Disabilities and looks forward to productive dialogue and actions as Task Force activities continue. Together we will create change across America that results in opening the doors to employment in the 21st century for adults with disabilities.





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## Appendices

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## Appendix A

### Summary of Section 2 Mandate Work Group Reports

Section 2 of the Executive Order provides explicit instructions from the President regarding formation of six work groups, agencies which should participate on the work groups, and the mandate or set of tasks for which the work group would be responsible. As can be seen, each work group was directed to prepare a report of its recommendations and submit it to Task Force for its members' consideration. *It is important to recognize that Task Force has yet to endorse these recommendations.*

Excerpted below is the complete Section 2 from the Executive Order.

#### Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro- enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs

to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

Summaries of each of the six work group reports\* along with names and agency affiliations of each group's members are provided in the following section.

A note on work group members: The reports in the following section reflect the judgment as well as considerable knowledge base of the individuals who were selected by their agencies for their expertise on policies and programs related to employment of adults with disabilities.

**NOTE TO READERS:** The Presidential Task Force provides an important reminder to all readers of this report. The reports of the work groups included in this document should not be viewed as any formal statement of policy or adopted plans of action approved or endorsed by any executive agency or any other branch of government. Readers should view this report as a "work in progress." The recommendations and other contents of this report will be subject to thorough and rigorous review by the Task Force members and appropriate governmental agencies. Any branch or agency of the federal government will take no action until thorough reviews have been completed and formal adoption by appropriate agencies has been secured.

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\*Scheduled for spring 1999 is an addendum report which will address Section 2 (d), the Department of Housing and Urban Development's examination of HUD programs. The addendum report will also address Section 2 (g) that requires all executive agencies that are not members of the Task Force to (1) coordinate and cooperate with the Task Force and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes employment of adults with disabilities.

# Work Group on the Review of Federal Government Personnel Laws, Regulations, and Policies

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## *Mandate from Section 2 (a) of the Executive Order*

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*To ensure that the federal government is a model employer of adults with severe disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of federal government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.*

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## BACKGROUND

As part of the review, barriers and best practices were identified with respect to the recruitment, hiring, and employment of adults with disabilities in the federal sector and developed recommendations to improve conditions in these areas. Materials reviewed included:

- policies and procedures of 65 of the 89 federal agencies, pertaining to hiring and employment of individuals with disabilities;

- Title 5 of the U.S. Code and Title 5 of the Code of Federal Regulations, concerning federal sector employment; and

- the regulation implementing Section 501 of the Rehabilitation Act; EEOC federal sector decisions and complaints received by the Access Board pertaining to federal employees with disabilities.

In addition, representatives of unions and disability organizations were contacted as well as individuals with disabilities who are knowledgeable about barriers and best practices in the area of hiring and employment of individuals with disabilities in the federal sector.

From 1982 to 1997, representation of persons with severe disabilities in the permanent federal civilian workforce increased from .81% to 1.16%. The peak year of representation for persons with disabilities was 1993; since that year, however, representation for persons with severe disabilities declined from 1.24% to 1.16%. The critical figure that provides perspective for this report is that 5.95% of the people available to work in the civilian labor force are persons with severe disabilities. While the federal government has made significant hiring gains, the percentage of persons with severe disabilities in the federal workforce (1.24% at its peak in 1993) still lags far behind availability (EEOC, 1998).

## EFFORTS ALREADY UNDERWAY

As a result of the review, three examples of federal agency "best practices" for employees with disabilities were identified, providing valuable models for all federal agencies. These included:

- *The Department of Education's Self-Evaluation and Implementation Process*: In 1995, the department conducted a comprehensive accessibility self-evaluation resulting in implementation of several model programs, including establishment of centralized funding for reasonable accommodation equipment and services, including personal assistance services; development of guidelines for assuring that all software purchases are fully accessible (*Requirements for Accessible Software Design*); establishment of a department-wide alternate format center for production of braille, audio tape, and large print materials; and installation of software which put a virtual TTY (teletypewriter) on each desk.

- *The Department of Agriculture's Technology Accessible Resources Gives Employment Today (TARGET) Center*: Established in 1992, the TARGET Center provides a wide range of services to USDA employees with disabilities and to other federal agencies upon request. These services include: evaluations, demonstrations, and assessments of accommodations; technology review; disability awareness presentations; coordination of training; provision of a resource information library on accommodations, vendors, and technology; contracting of assistive services; technical support; consultations with managers and employees; and information provided in alternate, accessible formats.

- *The Department of Defense's Computer/Electronic Accommodations Program (CAP)*: CAP was established in 1990 as the centrally funded DOD program that provides assistive technology to allow DOD employees with disabilities to access computer and telecommunication systems. CAP services are available to individuals with visual, hearing, dexterity, and cognitive disabilities and take into account the individual's specific situation, including functional capabilities and computer compatibility. CAP also provides funding for sign language interpreters, readers, and personal assistants for DOD employees in training classes that last more than two days.

A number of other federal agency "best practices" with respect to the recruitment, hiring, and employment of adults with disabilities were also identified.

## BARRIERS AND RECOMMENDATIONS

Barriers which affect the employment of adults with disabilities, along with recommendations for their elimination, are described below.

### A. Recruitment and Hiring Barriers

**ISSUE: Excepted Appointing Authorities**—These are provisions through which people with disabilities can be exempted from the competitive appointment process for federal employment. In them, individuals with psychiatric disabilities are held to standards which are more strict than those to which people with mental retardation and physical disabilities are held. People with psychiatric disabilities are subject to OPM's basic qualification standards established for the occupation and grade level, are subject to a two-year appointment limitation, and are not eligible for conversion to the competitive service.



## RECOMMENDATION--

--The Office of Personnel Management (OPM) and other appropriate agencies should explore measures aimed at eliminating the stricter standards currently applied to individuals with psychiatric disabilities seeking to qualify for excepted appointments and thereby extending to them those opportunities currently available to individuals with severe physical disabilities and mental retardation.

*ISSUE: Vacancy Announcements--Availability of reasonable accommodations does not appear to be indicated on the vacancy announcements and other recruiting materials of the vast majority of federal agencies. This poses a barrier to individuals with disabilities seeking federal government employment who are unsure of their right to, or the availability of, reasonable accommodations during the application process and during the employment relationship.*

## RECOMMENDATION--

--OPM, in consultation with the Equal Employment Opportunity Commission (EEOC) should develop language for federal vacancy notices that explicitly states that reasonable accommodation is available. OPM should also revise its regulations to require all federal agencies to include this notice in vacancy announcements and other recruiting materials.

### B. Reasonable Accommodation Barriers

*ISSUE: Reasonable Accommodation Policies and Procedures--Both potential and current federal employees with disabilities are faced with significant problems when seeking reasonable accommodation. It is often unclear who is responsible for determining, approving, and obtaining accommodations. Requests for reasonable accommodation often are not handled promptly, chiefly because there are no time limits on decision making. Individuals with nonvisible or hidden disabilities have a particularly difficult time obtaining needed accommodations. And, supervisors and managers often are unaware of the legal requirements governing the obligation to provide reasonable accommodations. Presently, there are no government-wide, uniform procedures for processing applicant and employee requests for reasonable accommodation, nor are there model procedures for processing such requests. Among federal agencies with written procedures for processing accommodation requests, some are exceedingly and unnecessarily complex, while others require intrusive and extensive medical information that is not necessary and that may be inappropriate.*

## RECOMMENDATION--

--EEOC should issue regulations or other appropriate directives providing guidelines which federal agencies may choose to adopt in establishing agency-wide, written reasonable accommodation policies and procedures for applicants and employees with disabilities. Such guidelines should promote policies that make it easy and simple to request an accommodation. They should provide for a fair, prompt and balanced review of an accommodation request; a meaningful dialogue between supervisor and employee where necessary; and a review of medical evidence by a medical professional, where the medical reasons for the accommodation are in dispute.

Agencies that choose to develop their own policies should ensure that these policies include the standards on reasonable accommodation requests provided below.

1. Explain how an employee or job applicant initiates a request for reasonable accommodation. If the agency requires an applicant or employee to complete a reasonable accommodation request form, the form must be provided as an attachment to the written procedures.

2. Specify to whom the request must be submitted and from whom the employee will receive a final decision.

3. Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. If designated time deadlines are not met, responsible agency officials should explain the delay to the employee.

4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.

5. Explain the agency's right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

6. Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense.

7. Provide that reasonable accommodation decisions should be in writing and specify the reasons for denial, when applicable.

8. Provide a "plain English" explanation of certain key legal terms used in the policy (e.g., reasonable accommodations, disability, qualified person with a disability, and undue hardship), and reference applicable statutes and regulations as a source of the actual wording of the terms.

9. Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position. In the case of reassignment to a lower graded position, the agency has the option of providing pay retention because the action is not for personal cause.

10. Designate a system of record keeping that tracks the processing of requests for reasonable accommodation and maintains the confidentiality of medical information received in accordance with applicable law and regulations.

11. State in the policy that employees have the right to file a complaint in the event that their requests for reasonable accommodation are denied.

12. Clearly and expressly explain the role and responsibility of each agency official or office in the grant or denial of reasonable accommodation requests.

***ISSUE: Procurement and Payment for Reasonable Accommodations***--For procuring and paying for job accommodations, some federal agencies provide centralized procurement and funding for specified accommodations. In other agencies, responsibility for procurement and payment is given to

*individual offices or divisions. It is logical to assume that a supervisor is more likely to reject an accommodation on the basis of cost where the funds for purchasing the accommodation come from the supervisor's budget. On the other hand, a supervisor is less likely to consider the cost of an accommodation where the funds for purchasing an accommodation come from a centralized budget. Clearly, the reluctance of supervisors to spend their own funds on reasonable accommodations is a real barrier.*

## **RECOMMENDATION--**

**--The Administration** should explore administrative methods to establish a central point of contact and a single source of payment through a new appropriation for assistive technology and related services for all federal job applicants and federal employees with disabilities. In establishing this central point of contact, agencies should not be mandated to pay into a centralized accommodations fund based on the number of individuals with disabilities they hire, employ, or accommodate or to be charged back for the cost of accommodations provided to their employees under this system. There should be no direct link between the number of employees with disabilities an agency hires, employs, or accommodates and cost charged to the agency. This unified system of administration, procurement, and funding would enable the government to take advantage of bulk purchase values and other economies of scale, reduce administrative and procurement costs, and remove the nuisance and expense factors that too often are disincentives for supervisors and agencies considering hiring or accommodating individuals with disabilities. Each agency would not have to develop its own system and expertise for procurement of assistive technology and other devices; instead, one set of experts would suffice.

***ISSUE: Reassignment--**The ADA specifically mentions reassignment to a vacant position as a form of reasonable accommodation for individuals who, because of a disability, can no longer perform their current jobs. In 1992, Congress amended the Rehabilitation Act to make ADA standards regarding nondiscrimination in employment (including ADA standards on reassignment) applicable to the federal government. Federal regulatory standards governing reassignment, however, have not been changed to accommodate this statutory mandate.*

## **RECOMMENDATIONS--**

**--EEOC** should revise its regulation regarding reassignment in the federal government to incorporate the ADA standards for reassignment.

**--EEOC** should provide guidance about the applicable ADA provisions that apply to reassignment and, specifically, about the application of the ADA's undue hardship standard.

***ISSUE: Electronic and Information Technology--**Virtually all federal positions now require the use of computers to complete everyday job tasks. If software procured by agencies is not accessible to people with disabilities, the technology creates a barrier to employment. At present, most federal agencies do not appear to have systematic means for evaluating the accessibility of their information technology, nor for assessing the effect on accessibility when new systems and software are developed, purchased, or upgraded. There are currently no government-wide standards for accessible technology, and few agencies are aware of the model accessibility guidelines put forward by GSA. The focus at most agencies seems to be on providing individual solutions for technology access problems encountered by employees with disabilities. In Section 508 of the Rehabilitation Act (reauthorized in Work Force Investment Act, August 7, 1998, PL 105-220), the Access Board is*

*directed to develop and publish standards for electronic and information technology accessibility within 18 months and requires federal agencies to develop, procure, and use accessible technology.*

## **RECOMMENDATIONS--**

- All government agencies should adopt the Education Department's *Requirements for Accessible Software Design* as an interim standard until the Section 508 standards are published;
- All government agencies should ensure that all hardware and software purchased, modified, or upgraded by such agencies are accessible to people with disabilities;
- All government agencies should test new and current information technology systems for accessibility and consider upgrading or modifying any inaccessible systems used by employees or job applicants;
- All government agencies should ensure that all employee information provided on their interdepartmental computer networks as well as public information provided on their Web or Internet sites is accessible to people with disabilities; and
- All government agencies should ensure that employees with disabilities receive an assessment of technology access needs, and receive the appropriate assistive technology hardware, software, or peripherals to make all information technology systems used on the job accessible.

**ISSUE: Interpreters and Personal Assistance Services**--As employers, federal agencies are required to provide interpreters to individuals with hearing disabilities as a form of reasonable accommodation under section 501 of the Rehabilitation Act of 1973. Interpreting services represent both an ongoing cost and a logistical challenge to locate qualified interpreters and schedule events appropriately. Some federal agencies, however, fail to do an adequate job of planning and allocating resources effectively and do not establish clear policies and procedures regarding interpreting services. In addition, personal assistance services are required by other employees as a reasonable accommodation. Just as interpreters are key accommodations to persons with severe hearing impairment and computers, TTYs, and other pieces of equipment are key accommodations to persons with visual impairments, personal assistance services, such as readers for visually impaired persons and attendants for mobility impaired persons are key workplace accommodations.

## **RECOMMENDATIONS--**

- All government agencies that provide training to employees of other federal agencies should review their policies on provision of interpreters and other auxiliary aids and services for people with disabilities in order to ensure that their written policies state their obligation under the Rehabilitation Act to provide interpreter services and that these policies are followed.
- All government agencies should ensure that internal training opportunities are offered equally to employees with disabilities and that interpreters or other auxiliary aids and services are planned for and provided.
- All government agencies should provide sign language interpreter services for training and other public events and, when requested, provide effective communications through other means such as Computer Assisted Real-time Transcription (CART) or assistive listening systems.

### **C. Barriers Resulting from Regulations Governing Collection, Retention, and Distribution of Medical Information**

*ISSUE--The ADA significantly restricts the kinds of questions that employers may ask applicants or employees about disability and limits circumstances under which employers may require medical examinations of applicants and employees. While Congress amended the Rehabilitation Act to make provisions of Title I of the ADA applicable to the federal sector, there is concern among some agencies and employees with disabilities that regulations governing collection, retention, and disclosure of medical information have not been revised to reflect provisions of the ADA adequately. The following provisions contain areas of potential conflict between the law and the regulations: medical qualification determinations, nondiscrimination restrictions on medical examinations and disability-related inquiries, employee medical file system records, and conditions for disclosure of records.*

#### **RECOMMENDATION--**

--EEOC and OPM should take a coordinated effort to resolve conflicts between their regulations and applicable Rehabilitation Act standards governing the collection, retention, and disclosure of medical and disability-related information about applicants and employees.

### **D. Part-Time Work Barriers**

*ISSUE: Establishment of Part-Time Positions--The issue of part-time work relates to employment of adults with disabilities in the federal sector because, without viable options for part-time work, some adults with disabilities will be unable to enter or to remain in the workforce. The Federal Employees Part-Time Career Employment Act of 1978 was created to increase federal part-time career employment. When passing the Act, Congress explicitly recognized that part-time employment provides a real alternative for individuals with disabilities. Although agencies are mandated to establish part-time career employment programs, there is evidence that agencies may not be routinely establishing, or evaluating the need for, part-time positions within their organizations.*

#### **RECOMMENDATION--**

--OPM should remind agencies annually of Congressional intent to promote part-time employment and should encourage agencies to expand part-time opportunities, especially for individuals with disabilities, and to promote part-time employment within their respective organizations.

--OPM's existing USAJOBS site should be modified to provide a separate search category for part-time employment.

*ISSUE: Public Education--Information on availability of part-time employment is not readily available or easily accessible. Currently, prospective part-time employees must individually review each vacancy to determine if it is a full-time or part-time position. Since so few part-time positions are advertised, this effort is usually futile.*

## RECOMMENDATION--

--OPM should create a part-time employment Internet site with specific vacancy announcements to promote part-time employment in the federal government. Such changes would make it easier for prospective employees to apply for part-time jobs and would generally promote part-time employment in the federal sector.

### E. Architectural Barriers at Federally Owned and Leased Facilities

*ISSUE: Buildings owned or leased for occupancy by the federal government are subject to the Architectural Barriers Act of 1968. Based on accessibility complaints received by the Access Board, the architectural barriers most commonly mentioned at federal facilities involve entrances, ramps, doors, and accessible routes connecting these features. Other facility features about which complaints often are made involve parking spaces, curb ramps, and toilet rooms. In other instances, complainants allege that accessible features, though present, do not conform to accessibility standards. Although procedures exist within agencies to ensure that federal construction, alteration, and leasing covered by the Barriers Act meet applicable accessibility standards, incidents of noncompliance still occur.*

## RECOMMENDATIONS--

--All government agencies should conduct self-evaluations of their facilities to determine compliance with the current federal accessibility standards and, to the extent that noncompliance is identified, develop a plan to bring facilities into conformance with requirements.

--The Access Board shall provide agencies with technical assistance in doing their self-evaluations, if necessary.

--Pending rulemaking currently underway which will revise and harmonize accessibility standards implemented under both the Barriers Act and the Disabilities Act, all government agencies should implement a policy to follow the most stringent standard.

### F. Lack of Statement Prohibiting Disability-based Discrimination

*ISSUE: Although OPM regulations contain several provisions that prohibit discrimination in employment and list bases for employment-related complaints, these provisions do not explicitly refer to disability as a prohibited basis for employment decision making. Moreover, although Section 720 of the regulations requires agencies to make efforts to increase minority and female representation in the federal work force, there is no OPM regulation that notifies agencies that the Rehabilitation Act requires affirmative action on behalf of people with disabilities.*

## RECOMMENDATIONS--

--OPM should amend its regulations to include an explicit prohibition on discrimination on the basis of disability.

--OPM should amend all regulations that address discrimination to include disability as an explicitly prohibited consideration in employment decisions.

--OPM should amend all regulations that address discrimination to state explicitly that the Rehabilitation Act requires affirmative action on behalf of individuals with disabilities and should refer agencies to EEOC regulations and management directives for guidance on the scope of that obligation.

## NEXT STEPS--BEYOND NOVEMBER 15, 1998

### *Recommendations for Further Review and Action by the Task Force*

- The Task Force should evaluate whether or not the federal government is currently providing effective outreach to disability rights organizations, rehabilitation agencies, and other similar entities about employment opportunities. If current practices are found to be inadequate, the Task Force should formulate specific strategies for outreach in order to increase the pool of qualified applicants with disabilities.
- The Task Force should determine what entity will serve as the government-wide central point of contact for assistive technology and services for federal job applicants and employees with disabilities who request reasonable accommodation as well as the source of funding for the administrative costs and accommodations provided by that entity.
- The Task Force should continue to review OPM's and EEOC's regulations and programs to determine if they pose any other barriers to the recruitment, hiring, and retention of qualified individuals with disabilities in the federal government that have not been identified in this report.
- The Task Force should evaluate the effectiveness of training federal supervisors, managers, and senior executives on disability issues, including applicable laws and regulations related to the recruitment, hiring, and employment of adults with disabilities.
- The Task Force should evaluate whether or not federal agencies provide adequate interpreter services to their deaf employees who need such services as a form of reasonable accommodation.

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## Work Group on the Personal Responsibility and Work Opportunity Reconciliation Act

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### *Mandate from Section 2 (b) of the Executive Order*

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*The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended; and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.*

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### BACKGROUND

The Americans with Disabilities Act (ADA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) are both sweeping in their impact on the nation and its economy. Both laws are meant to challenge and transform deeply ingrained stereotypes and prejudices about who among us can work and become self sufficient. Similarly, other federal statutes--the Rehabilitation Act, the Welfare-to-Work legislation, and most recently, the Workforce Investment Act--serve both to complement and to further these same purposes. The federal government, therefore, has a historic opportunity and the responsibility to work with states, communities, disability constituencies, employers and others to ensure that:

- the nation's civil rights statutes--including the ADA and Section 504 of the Rehabilitation Act--are complied with in a clear, consistent, and fair manner as required by PRWORA;
- successful, cost-effective approaches for moving adults with disabilities from welfare to employment be identified and implemented throughout the U.S.; and
- such approaches build, strengthen and expand upon the significant knowledge, research and experience that already exists on how to assist adults with disabilities to work and to contribute to their families, communities, and nation.

The major principle which needs to guide these efforts is that adults with disabilities participating in the Temporary Assistance to Needy Families program (TANF) should have an equal opportunity to benefit from all aspects of welfare reform, which includes having access to the proper support services to enable them to work and to keep their families healthy, safe, and intact. Concerted efforts, therefore, must be undertaken by the federal government, the states, communities, businesses, and all others to remove the employment barriers and disincentives to work that exist for TANF recipients with disabilities and to replace these with an environment and tools that promote the equal employment opportunity and economic self-sufficiency.

Nationally, welfare caseloads have dropped 41 percent since President Clinton first took office in January 1993. Of those who are still on the rolls, it is suspected that a higher proportion consists of people with disabilities or have other serious barriers that make it difficult for them to work. Studies of the demographic characteristics have shown that the prevalence of disability among those on

welfare is quite high. Analyses using national surveys have consistently found that approximately 20% of female welfare recipients have either a work limitation due to a physical, mental, or other health problem or a functional disability (Adler 1993; Loprest and Acs 1996). One of the few studies of state-level data found an even higher prevalence--30% of female recipients of cash assistance under the Aid to Families with Dependent Children program (AFDC) in California reported some type of work limitation (Meyers, Lukemeyer, and Smeeding 1996).

Estimates of the proportion of adult welfare recipients with a mental health condition--usually some form of depression--range from a low of 4% to as high as 28% (Leon and Weissman 1993; Olson and Pavetti 1996; Jayakody and Pollack 1997; Quint et al. 1994).

The prevalence of learning disabilities has been estimated to be even higher. Some studies have indicated that approximately 40% of the adult welfare population may have a learning disability (Nightingale et al. 1991; Giovengo and Moore 1997; Kansas Department of Social and Rehabilitation Services 1997; 1998).

While states have always had to grapple with the issue of disability in the welfare population, the passage of PRWORA and the transformation of welfare from an income support program to a time-limited, cash assistance program with a focus on work has made this a much more real concern.

Federally established participation rates for work activities and time limits on the receipt of cash assistance are expected to lead state and local welfare agencies to require a greater proportion of welfare recipients to engage in work or work preparation activities. The implications of these changes for TANF recipients with disabilities are likely to be dramatic. There are areas in which significant opportunities for persons with disabilities appear to exist, and there are other areas where the new provisions may cause hardship or difficulty if not adequately addressed.

On the positive side, in the current strong economy, there is demand for workers in many fields. Increased numbers of TANF applicants and recipients with disabilities can be engaged in programs which will equip them with tools and skills to take positive steps toward employment and self-sufficiency. TANF agencies across the country are developing and implementing policies and procedures to carry out this work and to involve larger segments of their caseloads than they have in the past.

However, because only a small fraction of the caseload was involved in employment-related activities under the former AFDC and JOBS programs and many individuals were completely exempted from participation, there is limited experience among state and local TANF staff in working with parents with disabilities to obtain employment. Similarly, there is often a lack of prior experience effectively identifying persons with "hidden disabilities," such as learning disabilities, mild mental retardation, or mental health problems. TANF workers may not recognize that different types of supports are available and may be needed in order for them to comply with work requirements and succeed in the labor market. Also, since caseloads have fallen more than 40 percent nationwide, states have more resources to address the needs of people who are hard to serve who remain on the rolls. States should be encouraged to be proactive in seeking out and serving TANF recipients who have hidden disabilities.

Previous research has indicated that many TANF recipients fear the loss of Medicaid health coverage if they go to work. In most cases, TANF recipients who go to work are eligible for transitional Medicaid benefits for 12 additional months. The potential loss of Medicaid benefits may prove an

even greater barrier for persons with disabilities who may need high-cost medications or long-term medical care and may not have access to adequate (or any) health insurance through an employer.

There are larger-scale efforts at service consolidation in which welfare offices are being integrated into the workforce development system. As with other aspects of welfare reform, these efforts are relatively new, and there is little documentation of the effectiveness of programs or the impacts on clients. The implications of integration initiatives for TANF recipients in general or those with disabilities are not yet known. In many instances, service integration or consolidation is likely to mean less duplication and more streamlined service delivery. However, it may also result in less specialization by workers, an increased focus on those seen as being most job-ready, and an increased requirement to be able to self-identify the need for support services. In some cases, all job seekers will use the same service delivery system (e.g., a one-stop career center) and may need to be able to negotiate the system to find services they need. Agencies participating on the Task Force are aware of these issues and, in many cases, have begun to look at ways to ameliorate some of the negative implications.

## **EFFORTS ALREADY UNDERWAY**

### **A. State-Level Efforts**

As of September 30, 1998, 45 states plus Puerto Rico, Guam, and the Virgin Islands were funded (a total of approximately \$1.2 billion) as FY 1998 welfare-to-work state formula grants. Three states have submitted their FY 1999 formula grant plans for approval. Fifty-one welfare-to-work competitive grants (totaling \$198 million) were awarded in June and July 1998. A second round of competitive grants will be announced by the end of November 1998.

The Urban Institute reviewed states' welfare-to-work policies for individuals with disabilities as part of a project sponsored by the Department of Health and Human Services and the Social Security Administration (Thompson 1998). Although states are early in the process of deciding who should be required to participate in welfare-to-work services, the majority of states are beginning to use the flexibility provided under PRWORA in ways that could increase participation in welfare-to-work programs among persons with disabilities.

One common way states have broadened participation requirements is by allowing for very few formal exemptions but still maintaining mechanisms (e.g., "deferrals," "postponements") to modify the obligation to participate of some recipients who have disabilities or other significant barriers to employment.

Another approach entails having caseworkers "take a harder look" at individuals who would have been exempt in the past in order to assess more fully if they are capable of participating in any work or self-sufficiency activity or having medical review teams or other agencies review disabling conditions in an attempt to apply more consistent standards when determining whether or not the individual should be required to participate.

Other states have adopted a "universal participation" approach that requires all those on TANF to participate in some type of activity. States requiring universal participation use highly individualized service planning strategies that emphasize recipients' capabilities and acknowledge that the path to self-sufficiency may be long. The activities that can be counted toward federally imposed work participation rates are varied and in many cases are not limited to work or work-related activities

State policies also vary with respect to whether or not individuals with disabilities are subject to time-limited benefits. Slightly more than half of states (26) exempt persons with disabilities from time limits. Many states have not yet determined who will receive a hardship exemption to the time limit. For now, these states consider all recipients--including individuals with disabilities--subject to the time limit.

In addition to the Urban Institute report, the National Governor Association's Center for Best Practices published "Serving Welfare Recipients with Learning Disabilities in a 'Work First' Environment." This paper raised the need for appropriate intervention models for serving persons with learning disabilities receiving or seeking services from TANF, citing mounting evidence that many persons on TANF have low skills that are attributable to learning disabilities and not just issues of dropping out or lack of effort.

## **B. Interagency Efforts**

Interagency work groups have been formed to provide federal-level guidance and coordination of activities related to PRWORA and welfare reform. One work group, consisting of staff from the departments of Justice, Health and Human Services, Labor, Education, Agriculture and the Equal Employment Opportunity Commission, has drafted two documents. The first, "Civil Rights Laws and Welfare Reform--An Overview," is designed to assist entities that provide funds, employment, training, food stamps, and other benefits under welfare reform in applying federal nondiscrimination laws to welfare programs. The second document, "Technical Assistance for Caseworkers on Civil Rights Laws and Welfare Reform," is designed to provide caseworkers with examples of how civil rights laws apply in situations commonly encountered in casework.

## **C. Departmental Efforts**

Federal departments are actively involved in providing technical assistance, civil rights enforcement and guidance initiatives, and research and demonstration projects.

**The Department of Education:** State vocational rehabilitation (VR) agencies are key partners in many states attempting to address issues of disability within the TANF population. Some states have adopted a policy whereby the existence of a VR-written employment plan for a VR consumer will count as meeting that state's work requirement. In addition, VR agencies have relationships with some TANF offices that allow for VR expertise with disability assessment to be utilized for all or some TANF recipients. The TANF/VR partnerships have created a more seamless and efficient means of determining who on the TANF rolls can benefit from specialized services or are VR eligible and how services can best be provided.

**The Department of Health and Human Services:** In carrying out their lead responsibility of working with states in implementing the TANF program and other key provisions of PRWORA, the Administration for Children and Families sponsors three technical assistance projects. Each project to a varying degree can be useful vehicles to assist states and others in better understanding and addressing the employment needs of TANF recipients with disabilities. To date, the projects have focused on creating a forum for states to discuss implementation strategies related to TANF and state and local technical assistance needs and priorities; disseminating information to interested parties via the Internet, conferences, and training seminars; and offering technical assistance designed to equip states, communities, and stakeholders with knowledge and expertise necessary to make welfare reform work for persons with developmental disabilities and their families.

The HHS Regional Offices of the Office of Civil Rights (OCR) are conducting compliance reviews of TANF programs to determine whether or not reasonable modifications and accommodations are sufficient for TANF recipients with disabilities in terms of job assignments or whether child care services are provided in a way that are responsive to the needs of both children with disabilities and TANF parents who are themselves disabled. The Office of Civil Rights will also conduct voluntary compliance and outreach activities for state and local agencies implementing TANF. Such initiatives with state and local governments, provider and beneficiary organizations, and advocacy groups are intended to prevent future problems through early identification of problems and interventions to avoid or correct them.

**The Department of Labor:** DOL is responsible for the Administration's \$3 billion Welfare-to-Work program, which is designed to serve the hardest-to-employ welfare recipients. Applicants for grants under the Welfare-to-Work program were encouraged to target assistance to specific categories of eligible individuals, including those with disabilities. It should be noted that funds can be used to serve noncustodial parents of TANF children as well as the custodial parents. (The great majority of noncustodial parents are fathers, and these fathers can have the same kinds of disabilities and job barriers that TANF mothers can have. Noncustodial parents who work are more likely to pay child support.) Several states are developing innovative and promising approaches to addressing employment needs and capabilities of TANF recipients with disabilities. For example, Nevada will provide specialized job readiness and skills classes for persons with learning disabilities in conjunction with work experience. As of August 17, 1998, 39 states and Guam have been approved and funded for state formula grants of approximately \$765 million, and 51 competitive grants have been awarded for a total of \$198 million.

The Labor Department's Veterans' Employment and Training Service (VETS) helps disabled veterans find and keep unsubsidized jobs in the civilian labor force by providing grants to states that fund Disabled Veterans' Outreach Program (DVOP) specialists. Since 1976, these employment specialists, disabled veterans themselves, have provided a variety of employment services through the nation's public employment system. Services include individually tailored employment counseling, job development, placement, and follow-up services for thousands of disabled veterans. In cooperation with the Department of Veterans' Affairs (VA), DVOPs work closely with the VA's vocational rehabilitation counselors to provide vocational guidance and placement assistance to job-ready disabled veterans when they complete their rehabilitation program. Many disabled veterans are also assisted through employment and training programs funded through the Job Training Partnership Act. Disabled veterans are often homeless and are, therefore, eligible for assistance under VETS' Homeless Veterans' Reintegration Project (HVRP). HVRP service providers help disabled homeless veterans with counseling, job assessment, rehabilitation, skills training, and job placement.

In addition to the Welfare-to-Work funds, the Department of Labor also administers the Disability Employment Grant program designed to address the 73 percent unemployment rate of those with severe disabilities. The grants are competitively awarded under the Job Training and Partnership Act (JTPA) Titles III & IV and fifteen grantees are currently funded for a total of \$6.8 million. The grants demonstrate linkages with One-Stop Career Center and School-to-Work systems, SSI/SSDI Return-to-Work programs, vocational rehabilitation services, and other agencies addressing transportation, housing, health care, job coaching, or natural support issues.

**The Department of Transportation:** Quite simply, transportation is the "to" in "welfare to work." DOT's programs support safe, efficient, affordable and accessible transportation to the American public. Many welfare recipients, particularly persons with disabilities, have no access to personal

transportation. Public transportation is frequently the only available means of personal mobility, and that includes mobility to the workplace. The Department's Federal Transit Administration (FTA) provides funding and other assistance to transit operators nationwide to improve existing service, invest in new service, and provide a level of basic mobility in our communities. When evaluating proposed new major transit investments, such as a new subway system, one of the factors that FTA considers is how well the proposed system will serve low-income households. Under the ADA, it is DOT's responsibility to ensure that these systems and services are accessible to and usable by persons with disabilities. Where the existing transit system is not yet accessible, or where an individual cannot use otherwise-accessible fixed-route transit, DOT ensures that complementary paratransit service is provided as required by law.

## **BARRIERS AND RECOMMENDATIONS**

Barriers which affect employment of adults with disabilities in the federal sector, along with recommendations for their elimination, are described below.

***ISSUE: Civil Rights and Equal Employment Protections**—The Personal Responsibility and Work Opportunity Reconciliation Act mandates that in implementing welfare reform, states must comply with the Nation's civil rights laws, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. States and others are now just beginning to understand the complex set of challenges and opportunities they face in respect to addressing the employment-related needs and abilities of individuals with disabilities on the TANF rolls.*

### **RECOMMENDATION--**

**--The federal government** should equip states with the information, technical assistance, and support they need to carry out their responsibilities effectively in this regard so that TANF recipients with disabilities and their families have equal opportunities to realize the full promise of welfare reform by working and keeping their families healthy, safe, and intact.

***ISSUE: Screening and Assessment**—Undiagnosed and hidden disabilities of TANF recipients can significantly hinder their ability to gain and sustain employment as well as to meet other essential requirements of TANF (e.g., satisfying the GED requirement). More work is needed to develop reliable and useful screening and assessment procedures that states can use both to identify these individuals and to provide them with the types of services and accommodations they require to gain self sufficiency. These types of actions should always be taken before an individual with an undiagnosed or any other disabling condition is sanctioned for failure to comply with TANF requirements.*

### **RECOMMENDATIONS--**

**--All government agencies** should work with states, program administrators, caseworkers, disability advocates, and researchers to develop valid, reliable, and useful screening and assessment instruments that will enable persons with a wide range of disabilities to be identified as the first step towards receiving appropriate services and accommodations.

**--The Administration** should encourage states to use these screening and assessment instruments, and departments and agencies should take full advantage of such efforts already underway in a number of states.



--The Department of Health and Human Services should explore ways to encourage states to use screening and assessment instruments that enable early identification of people with disabilities.

--The Department of Education should provide technical assistance to states that currently do not conduct any assessment for disability, drawing on effective assessment models developed by RSA and VR staff in Washington State and Alabama.

*ISSUE: Service Coordination--Both PRWORA and the Welfare-to-Work program underscore the need for the federal government and state and local agencies to develop a new approach in dealing with families on TANF. This will require doing business differently and changing organizational behavior. In order to meet the diverse needs of persons with disabilities, state TANF officials and case workers will have to forge linkages with other organizations and programs with which they may not have previously worked. Individuals and organizations accustomed to working in either the disability or welfare reform spheres have a great deal to teach and to learn from one another and should be strongly encouraged to do so.*

#### RECOMMENDATION--

--All government agencies should work with states to take advantage of the flexibility available under TANF to develop innovative programs to integrate employment and human services more effectively. Furthermore, promising programs should be evaluated to determine their effectiveness and transferability to other settings.

*ISSUE: Transportation--A number of transportation-related barriers have been identified and must be addressed in order to assist adults with disabilities in making the transition from welfare to work. These issues along with recommendations for action are discussed fully in the summary report of the work group addressing transportation issues.*

#### RECOMMENDATION--

--The Departments of Transportation and Health and Human Services should continue to work together on their Coordination Council to explore ways to make more efficient use of the several systems of human services transportation that exist in any given area. Where necessary, other agencies such as HUD and DOL should be brought into the Council.

*ISSUE: Health Care Coverage--Creating greater access to affordable, comprehensive health care coverage is a vital prerequisite for enabling individuals with disabilities on TANF to gain and sustain employment at living wages. The unique health care needs of disabled and chronically ill individuals frequently necessitate a continuity of health care coverage to maintain self-sufficiency. Lack of such adequate health care coverage is a disincentive for otherwise job-ready persons with disabilities leaving the TANF rolls.*

#### RECOMMENDATION--

--The Executive Branch should utilize its full policy and budgetary expertise to continue to work with Congress to gain passage of legislation this year that enables people with disabilities to be employed and maintain their health coverage. This should be done in a way that is consistent with the Administration's commitment to preserving the budget surplus. (A more detailed discussion of

health care coverage issues as they relate to work disincentives is provided in report number three, along with recommendations for action.)

***ISSUE: Evaluation and Technical Assistance**—New strategies and programs for assisting persons with disabilities to gain employment requires thorough evaluation and assessment of what works and what does not. The dissemination of information on both effective and ineffective approaches is critical to the development of additional programs and the avoidance of common mistakes.*

#### **RECOMMENDATIONS--**

--All government agencies should, with the cooperation and assistance of the states, undertake research and demonstration projects designed to integrate welfare program and employment services more effectively.

--All government agencies should increase federal resources devoted to technical assistance and training on welfare reform and disability issues.

***ISSUE: Increasing Employment Opportunities**—This issue should be addressed in at least four ways: strongly addressing disability issues in welfare reform, working to create new employment opportunities, strongly enforcing applicable civil rights laws, and life course transitions.*

#### **RECOMMENDATIONS for Strongly Addressing Disability Issues in Welfare Reform --**

--The President should actively help the nation understand that "disability" is not synonymous with "unemployable" and should ensure that the rights of persons with disabilities in TANF to reasonable accommodation and opportunities under the ADA and other civil rights legislation are protected.

--The President should encourage federal staff to address disability issues in welfare reform in an explicit manner. For example, the departments of Health and Human Services and Labor could add information on disability to current welfare reform Internet sites.

--All government agencies should continue interagency efforts related to welfare reform and disability issues, with a specific emphasis on exploring ways to help individuals to avoid moving onto welfare.

--All government agencies should work to eliminate use of terms such as "hard-to-serve" and "persons with multiple barriers" in descriptions of persons with disabilities; these terms are offensive and thus counterproductive to assisting persons with disabilities make the transition from welfare to work.

#### **RECOMMENDATION for Working to Create New Employment Opportunities--**

--The Administration should 1) work with states, distressed communities, businesses, foundations, researchers, disability constituencies, and others to facilitate creation of career ladder opportunities for low-income individuals with disabilities in the field of home- and community-based services by preparing those on TANF with disabilities to provide consumer-driven personal assistance and other long-term supports and services for and in partnership with individuals with disabilities; 2) actively promote use of tax benefits by small businesses and micro enterprises owned

and controlled by people with disabilities and other low income individuals residing in communities with high concentrations of people on welfare; and 3) encouraging Empowerment Zones and Enterprise Communities to develop a range of employment and micro enterprise opportunities that would benefit low-income families and individuals with disabilities on TANF.

### **RECOMMENDATIONS for Strongly Enforcing Applicable Civil Rights Laws--**

--**The departments of Justice and Health and Human Services** should have discussions with states, providers, and advocacy groups on how the ADA and Section 504 of the Rehabilitation Act interact with Medicaid programs.

--**The departments of EEOC, Health and Human Services, Justice, and Labor** should explore ways to provide technical assistance to the states and localities in relation to ADA, Section 504 of the Rehabilitation Act, and other civil rights laws in welfare reform implementation.

--**The Administration** should encourage states to extend TANF time limits for adults with disabilities on an individualized basis as a form of reasonable accommodation.

### **RECOMMENDATION for Facilitating Life Course Transitions--**

--**The Administration** should work with states, communities, schools, and others to assist young people with disabilities with the tools they need to believe in themselves and to pursue positive futures; to avoid teen pregnancy, substance abuse and other risk behaviors; to finish high school and go on to college or work; to take full advantage of school-to-work and community and national service opportunities; to experience, learn from, and build on early life successes; and to assume positive control and responsibility for their individual lives and futures.

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## **Members of the Work Group on Personal Responsibility and Work Opportunity Reconciliation Act**

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## Work Group on the Small Business and Entrepreneurial Opportunities

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### *Mandate from Section 2 (c) of the Executive Order*

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*The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.*

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### BACKGROUND

In spite of severe obstacles, people with disabilities have historically shown strong interest in entrepreneurship. Information from the 1990 national census shows that people with disabilities have higher rates of self employment and small business experience than people without disabilities (12.2 percent versus 7.8 percent). Even so, self employment and small business opportunities for people with disabilities are often overlooked by government programs and by many people with disabilities as an avenue from the public rolls to self sufficiency. The Rehabilitation Services Administration (RSA) reports that in 1996 only 2.6 per cent of 225,000 vocational rehabilitation clients with successful closures became self employed or started a small business. However RSA's own demonstration programs on self employment have reported self employment rates between 20 and 30 per cent, substantially above the reported rate of vocational rehabilitation self employment or small business closures.

There are two broad categories of people with disabilities of concern regarding self-employment and small businesses ownership: 1) those who already have businesses and need contacts, counseling, and technical assistance regarding procurement and opportunities to be awarded contracts, and 2) those who want to become self-employed or small business owners and face a multitude of barriers, both their own and those of the "system." People with disabilities face a range of impediments as they try to be competitive in this environment. Not only do they encounter the same financial, legal, and resource acquisition problems experienced by all entrepreneurs, they also must surmount the many disability-related barriers to success described in this document. It seems clear that with the most optimistic outlook, a meaningful addressing of the challenges of changing the systemic barriers to helping disabled persons who wish to become self-employed or small business owners will not be easy and will take time.

### EFFORTS ALREADY UNDERWAY

**Public Sector:** The following summary highlights existing public sector activities that directly or indirectly address the mandate.

**Vocational Rehabilitation.** The RSA Strategic Plan for Employment has as one of its core strategies development of greater opportunities for self-employment, small business, home-based, and other entrepreneurial opportunities. As noted above, of all vocational rehabilitation clients who achieved employment outcomes, 2.6% were individuals who had a self-employment outcome. Another 318 individuals (.15% of total) achieved an employment outcome under the state-operated business enterprise program (see discussion of Randolph-Sheppard program below).

**Randolph-Sheppard Vending Facility Program.** The Vending Facility Program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through operation of vending facilities on federal and other property. In 1997, state licensing agencies report 3,090 vendors in 3,427 vending facilities across the country. The total earnings of all vendors in 1997 was \$81.9 million, and the national average earnings of the vendors was \$27,889.

**Special Projects and Demonstrations.** RSA operates a discretionary grant program to fund innovative approaches to delivery of vocational rehabilitation services, and under this program, RSA is currently funding seven special projects and demonstrations to increase consumer choice. None of these projects initially planned to focus on self-employment; however, a significant number of project participants requested this option. While the number of participants seeking self-employment varies by project, in general, about 20-30% of project participants achieved or are currently working towards self-employment.

**Institute on Rehabilitation Issues.** The RSA-sponsored Institute on Rehabilitation Issues (IRI) annually convenes a study group to conduct an in-depth examination of topics of current interest to persons working in the field of rehabilitation and to produce a publication of their findings. This year, the study group focused on "People with Disabilities in Self-Employment and Small Business Development." The examination covered an overview of the current status of small business in the U.S., the current status of the vocational rehabilitation system related to self-employment outcomes, recommendations regarding training of vocational rehabilitation staff and consumers in self-employment or business ownership issues, successful models of self-employment, and an in-depth discussion of the implications of self employment for the vocational rehabilitation system and national disability policy.

**National Institute on Disability Rehabilitation Research** currently has several research initiatives which focus on employment statistics, policies, and vocational rehabilitation practices and outcomes relevant to self-employment options for people with disabilities.

**Rehabilitation Act Reauthorization.** The 1998 amendments to the Rehabilitation Act (contained in the Workforce Investment Act) highlight self-employment and business ownership as potential employment outcomes. In addition, the law includes a new category of services--provision of technical assistance and other consultative services to eligible individuals who are pursuing self employment or establishing a small business.

**The U.S. Small Business Administration (SBA)** was created by Congress in 1953 to help America's entrepreneurs form successful small enterprises by offering financing, training, and advocacy for small firms. In addition, the SBA works with thousands of lending, educational, and training institutions nationwide to provide procurement assistance, loan guarantees, and small



business start-up and expansion counseling and training. As a result of its involvement with the Task Force, the SBA has reviewed its programs with regard to greater use by people with disabilities and has made the following commitments:

- To develop and implement program initiatives to increase the number of federal procurement opportunities, including 8(a) contracts, for people with disabilities.
- To make its programs and services more accessible to people with disabilities.
- To expand its Pre-Qualification Loan Program to increase lending to entrepreneurs with disabilities.
- To develop small business on-line training materials, in accessible formats, to assist firms in understanding and complying with the Americans with Disabilities Act (ADA).
- To implement a study to identify barriers and develop a focused outreach program to assist disabled veterans to consider entrepreneurial opportunities and achieve success in business.

**The President's Committee on Employment of People with Disabilities** recently established a project to promote self employment and small business opportunities. Its activities included contracting with World Institute on Disability to convene a Blue Ribbon Panel on Small Business, Self-Employment, and Disability in Chicago from July 29 to 31, 1998, and contracting with Job Accommodation Network (JAN) to take lead in providing information and referrals regarding small business and self-employment for people with disabilities.

**Committee for Purchase from People Who Are Blind or Severely Disabled** is an independent federal agency responsible for administering the Javits-Wagner-O'Day (JWOD) program. Its mission is to use the purchasing power of the federal government to provide people who are blind or have other severe disabilities with employment and training that will develop job skills as well as prepare them for employment options outside the JWOD program, including self employment or small businesses. The Committee's primary means of achieving this objective is to direct the government to procure commodities and services that are provided by state, local, and private nonprofit organizations which employ persons who are blind or have other severe disabilities for at least 75% of their direct labor workforce.

**The Department of Labor's Office of Small Business Programs (DOL, OSBP)** administers three programs that could assist people with disabilities who are small business owners: 1) DOL's procurement-related utilization of small, small disadvantaged, and small women-owned businesses and minority colleges and universities; 2) DOL's central source for compliance assistance information and referral services for small entities; and 3) DOL interaction with and support of minority colleges and universities. After a review of its programs and practices to find ways to increase opportunities for people with disabilities who own small businesses, OSBP has committed to develop a contact list of associations representing small businesses owned by persons with disabilities as well as self-employed persons with disabilities, to include these associations in all information dissemination efforts targeted to small firms, and to seek information from such associations on kinds of issues, access, and formats to consider for effective communications with entities owned or headed by disabled persons.

**Federal Reserve Bank** has some district offices that have partnered with community organizations to link banks with self-employment programs that target services to disabled entrepreneurs and, in turn, to link these with state vocational rehabilitation agencies.

**Private Sector:** A number of existing private sector resources can be expanded and leveraged to address the mandate, including micro enterprise programs. With over 450 programs around the country, micro enterprise development programs represent a burgeoning industry that provides a range of services to entrepreneurs, including training and technical assistance, business incubation, mentoring, financing programs and links to financial institutions, access to markets, and economic literacy and asset-development training. A dozen or so of these programs target services to people with disabilities through collaborations with banks, state vocational rehabilitation agencies, and private firms, among others. Lending institutions are supporting economic development in the disability community by working with targeted micro enterprise programs to help capitalize small businesses run by disabled entrepreneurs. Foundations, such as the Mott Foundation and the Levi Strauss Foundation, and banks, such as the Bank of America and Wells Fargo Bank are providing funds for economic development, in general, and micro enterprises for people with disabilities, in particular. Comerica Bank in Detroit is developing a loan fund specifically for entrepreneurs with disabilities. Also, a growing number of universities, and non-profit disability organizations, including trade associations, independent living centers, and other service providers--in efforts that tend to be unrelated to one another--are providing direct services, and conducting related public policy and advocacy that address the mandate.

## **BARRIERS AND RECOMMENDATIONS**

Although a number of services and resources exist for entrepreneurs with disabilities, significant attitudinal, architectural, technology, programmatic, and policy barriers prevent people with disabilities from accessing them. In addition, critical service gaps and lack of coordination among various programs and providers sharply reduce opportunities for would-be entrepreneurs. Below are the primary barriers facing people with disabilities in becoming self-employed and/or operating a small business. Instrumental in identification of these barriers were findings of the National Blue Ribbon Panel on Self Employment, Small Business, and Disability, a July 1998 meeting of specialists with expertise in facilitating self employment and small business opportunities for people with disabilities, including representatives of government agencies and private non-profit organizations as well as financiers and individuals and organizations of individuals with disabilities who are successful in self employment or small business.

**ISSUE: Attitudinal Barriers**--Attitudes are the most pervasive of the many barriers to economic activity by people with disabilities. Negative and or inaccurate beliefs about disability as well as self-employment have created tremendous barriers to progress both in the public and private sector. These erroneous beliefs inform policies and programs and often severely limit opportunities.

### **RECOMMENDATION--**

--All government agency staff should undergo in-depth training on disability awareness and cultural competence as well as training on specific programs, i.e., vocational rehabilitation, independent living, assistive technology, etc.

**ISSUE: Systemic Work Disincentives**--People with disabilities who seek economic security through self-employment or owning of small businesses face severe and unique financial penalties during transition from public benefits to self-sufficiency, including potential loss of cash benefits from Social Security or Supplemental Security Income disability programs; health care benefits associated with cash programs; and housing, food stamps, and other subsidies.

## RECOMMENDATION--

--**Re: Loss of Benefits**--The Task Force should continue to develop return-to-work provisions that will ensure a smooth, financially secure transition from dependence on public programs to the independence that results from successful entrepreneurship. At the same time, the beneficiary's ability to return to the rolls quickly and easily if the business fails must be protected.

--**Re: Health Care Coverage**--Among the most critical issues to be addressed is access to affordable and comprehensive health care coverage that meets the needs of people with disabilities and their dependents.

--**Department of Health and Human Services (HHS's) Assistant Secretary for Planning and Evaluation** should develop demonstration projects to determine methods for providing comprehensive, affordable health insurance to entrepreneurs with disabilities.

*(Note: During the last session of Congress, Senators Jeffords and Kennedy proposed legislation that included some of these proposals.)*

**ISSUE: Technical Assistance, Training, Information Needs** --*The lack of entrepreneurial skills and experience (knowing how to operate the business, manage marketing, selling, cash flow, product knowledge, etc.) is one of the most significant barriers for would-be entrepreneurs with disabilities. Mainstream technical assistance, training, and information resources that could bridge this gap are often inaccessible, disorganized, unavailable, or provide information that is inaccurate.*

## RECOMMENDATIONS--

--**Rehabilitation Services Administration (RSA)** is the primary federal agency assisting people with disabilities to achieve self sufficiency through employment. As such, RSA and its state VR agency partners are positioned to provide substantive training and other services that will lead to self employment or to small business outcomes. RSA should develop a major policy initiative supporting self employment and small business as outcomes for people with disabilities. The initiative, which should be similar in scope to the recent successful welfare-to-work program, should direct RSA's state partners to recognize their obligation to present entrepreneurship to their clients as an acceptable outcome at the same time they discuss other employment options. Specifically, RSA should:

- provide technical assistance to state agencies on how to prepare vocational rehabilitation counselors to assist their clients in pursuing self-employment and small business as careers.
- develop a curriculum for vocational rehabilitation counselors and managers that includes the principles of economic development and specific information about how to start a small business.
- encourage state vocational rehabilitation counselors to assist their clients with interests in this area to access business-related training courses and to encourage them to join relevant professional trade organizations.
- encourage state vocational rehabilitation agencies and independent living centers, in partnership with local Small Business Development Centers, to provide direct assistance services to businesses owned by people with disabilities.

- encourage state vocational rehabilitation agencies and independent living centers to partner with other outside organizations and agencies to develop a resource network supporting eligible individual's efforts to start new businesses.

**--President's Committee on Employment of People with Disabilities** should develop a multimedia marketing and education strategy promoting entrepreneurship for people with disabilities, utilizing resources from all government agencies with programs impacting on the ability of people with disabilities to pursue self employment or small business enterprises. The campaign should target several audiences, including people with disabilities, agencies operating programs supporting entrepreneurship, vocational rehabilitation counselors, bankers, and the general public. This strategy should include collection and dissemination of information about best practices currently in use and development of a comprehensive Web site that provides technical assistance for entrepreneurs with disabilities.

**--HHS's Administration on Developmental Disabilities** should either modify existing grant projects or develop new projects researching supported employment as a career choice for people with developmental disabilities.

**--All government agencies** should collect statistics on the numbers of people with disabilities utilizing services or being served by programs, including a subtotal of disabled veterans involved.

**ISSUE: Government Program-Related Barriers**--*Government programs serving people with disabilities often discourage self-employment as a vocational option, are governed by policies that are confusing and have unnecessary and burdensome "red tape," lack coordination with other agencies, and do not have outreach efforts focusing on business people with disabilities. Four specific programmatic barriers include:*

- *Negative vocational rehabilitation policies exist in many states; when procedures exist, they don't present a complete or consistent business development model.*

## **RECOMMENDATIONS--**

**--RSA** should review its regulations and policies and make changes needed to promote self employment and small business ownership.

**--RSA** should identify and encourage replication of exemplary state agency performance evaluation systems that provide incentives for counselors and managers to promote small business opportunities for eligible individuals.

**--RSA** should carefully examine its requirements for case closure and performance indicators relative to individuals who choose self employment or small business ownership as an employment option, revising any requirements or practices that may discourage such outcomes.

**--RSA** should seek statutory changes that will allow state vocational rehabilitation agencies to establish post-employment funds to support businesses owned by people with disabilities during critical periods in the business' growth, including the purchase of services to provide mentoring or other types of technical assistance.

--SBA should undergo additional disability awareness training and training on specific programs, i.e. Pro-Net, technical assistance and vocational rehabilitation, independent living, etc.

--SBA should implement its commitment to a broad outreach program targeting people with disabilities, including providing materials and information in fully accessible formats.

--SBA should expand the scope of Small Business Development Centers to include individuals with disabilities and should direct them to develop working relationships with vocational rehabilitation agencies and counselors.

*• People with disabilities do not qualify as a "disadvantaged group" under government programs designated for members of that group, and businesses owned by people with disabilities have not been encouraged to compete for government contracts as a minority.*

## RECOMMENDATIONS --

--All government agencies should modify their procurement programs to make them available to business persons with disabilities, and this modification should include establishment of outreach programs.

--SBA should implement its commitment to develop an outreach program to encourage, educate, and involve people with disabilities in all its procurement programs: 8(a); Small Disadvantaged Business, HUBZones; PRO-Net; subcontracting; etc.

--Department of Commerce's Economic Development Administration should modify its programs to include people with disabilities who are interested in pursuing self employment and small business opportunities.

--Department of Commerce's Minority Business Development Agency should ensure that its programs include minorities with disabilities interested small business opportunities.

--HHS's Administration on Developmental Disabilities should either modify existing grant projects or develop new projects researching supported employment as a career choice for people with developmental disabilities.

*• Entrepreneurs with a disability often lack access to capital, often do not have satisfactory credit ratings because of their inability to find employment, and they lack assets to use as collateral because the benefit programs that have provided their income do not provide sufficient funds for living expenses and savings. Many income support programs also have rules that severely limit the ability of people with disabilities to accumulate capital.*

## RECOMMENDATIONS--

--SBA should ensure that funding is available for start-ups and for continuation of businesses of people with disabilities. Businesses often need outside financing for growth stages of the business.

--SBA should recognize grants and other funds from state vocational rehabilitation agencies as equity. Pilot programs in one or two states could demonstrate successful models for cooperation between SBA and RSA.

--SBA should increase participation of people with disabilities, including disabled veterans, in all of its loan programs, including loan guarantees and direct loans.

--RSA should seek statutory changes that would allow state vocational rehabilitation agencies and independent living centers to provide equity grants for clients to leverage funds or loan guarantees from the Small Business Administration, banks, venture capital firms, and others.

--**Presidential Task Force on Employment of Adults with Disabilities** should consider mechanisms, such as tax provisions, to allow business persons with disabilities to recover the cost of disability-related work expenses not experienced by business persons without disabilities.

--**Presidential Task Force on Employment of Adults with Disabilities** should further study the issue of capital acquisition for people with disabilities. Particular attention should be given to the effects of poor credit histories and years of poverty-level subsistence on the ability of people with disabilities to access the normal credit markets.

--**Presidential Task Force on Employment of Adults with Disabilities** should consider creative actions such as:

- creating low interest loan funds and grant programs for people with disabilities to fund business start-ups and leverage other resources,
- creating a national investment corporation for people with disabilities,
- expanding the federal Fair Lending Act to include people with disabilities.

*ISSUE: Disability-Specific Barriers--Additional barriers facing business people with disabilities include lack of assistive technology, personal assistance services, accessible transportation, and mentors.*

## RECOMMENDATIONS--

--All government agencies should ensure that their programs and activities meet their legal obligation to ensure effective communication with all people with disabilities. This requirement applies to all forms of communication, including speech, print, telecommunications and electronic media.

--The Department of Commerce's National Telecommunications and Information Administration must aggressively pursue development of telecommunication regulations which direct that all telecommunications modalities are fully accessible to and useable by people with disabilities.

--National Institute on Disability and Rehabilitation Research (NIDRR) should collect information about people with disabilities who are or seek self employment or small business ownership.

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## Work Group on the Review of the Department of Transportation's Policy and Programs

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### *Mandate from Section 2 (d) of the Executive Order*

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*The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.*

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### BACKGROUND

DOT's role in disability, employment, and transportation is to ensure that the nation's disability nondiscrimination and access laws are enforced; to endeavor to lower barriers in transportation wherever possible; to see that new transportation infrastructure, vehicles, and transportation enhancements do not create new barriers and are as accessible as possible; to directly fund accessibility changes where authorized; to ensure that its own facilities are accessible, its employment open, and its disabled employees accommodated and provided with auxiliary aids and services; to research new accessibility issues and solutions; to collect data on disability and transportation; to disseminate useful information; and to encourage its customers, clients, recipients, and stakeholders to employ people with disabilities, lower existing barriers, and avoid creating new ones.

DOT has the primary responsibility for implementing and enforcing the transportation and related requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and the Air Carrier Access Act of 1986 (ACAA). With respect to its own operations and those of its grantees, it is also responsible for carrying out the employment and nondiscrimination requirements of Sections 501, 504, and 508 of the Rehabilitation Act of 1973 (as amended). Therefore it is DOT's responsibility to ensure that all new transportation facilities and vehicles are accessible to and usable by individuals with disabilities; that existing barriers are removed as required by law; and that its facilities are accessible and its programs and practices are nondiscriminatory. Toward that end, DOT conducts research into accessibility issues and technologies; collects relevant data on disability, travel, and employment; and above all, ensures that those entities covered by its accessibility regulations comply with the law.

In a recent survey by Lou Harris for the National Organization on Disability, 30% of adults with disabilities identified inadequate transportation as a problem. However, only 17% of non-disabled adults consider daily transportation a problem in any way, representing a gap of 13 percentage points. Seven out of ten (69%) adults with disabilities say that their disability prevents them in some way from getting around, attending cultural or sports events, or socializing with friends outside their home as much as they would like to, compared to only 64% in 1994, and 56% in 1986. Sixty percent of adults with disabilities feel that access to public transportation has gotten better for people with disabilities over the past four years. Generally speaking, the more severely disabled people are, the more accessibility of transportation is a concern to them.

Given the requirements for accessible public transportation and paratransit service under the ADA, which has been in effect for more than eight years, the results of the NOD/Harris poll may seem puzzling. Shouldn't these requirements have produced appreciable results by now? The answer is

yes--but only to the extent that public transportation service is available in a given community. The ADA requires that all new transit buses acquired since 1990 be accessible; however, it does not mandate the existence of bus service where none is provided or require the replacement of buses. It requires all new subway stations and railcars to be accessible, but does not require the establishment of new stations or subway stations. It requires that all modifications to facilities meet standards for accessible design, but except in the case of key rail stations does not mandate retrofitting of existing facilities. It requires complementary paratransit service for persons with disabilities who cannot use the fixed route system, but only during the same operating hours and within the same service area as the fixed route system, if there is a fixed route system. Sidewalks must have curb cuts, but construction of a sidewalk where none exists is not required.

Persons with disabilities tend to be more dependent on transit service than the general public, and the prevailing development and transportation patterns in the U.S.--dominated by sprawling development patterns and highly dependent on highways and private automobiles--put *all* transit-dependent populations at a disadvantage. The costs associated with purchasing, maintaining, registering, insuring and operating a motor vehicle can be a significant barrier to personal mobility for many people; the costs associated with an *adapted* vehicle are even more so for persons with disabilities. These factors, combined with the fact that the deadline for full compliance with the paratransit provisions of the ADA January 1997 and that the deadline for modifications to key rail stations may in some cases be extended until July 2020, perhaps shed some light on the reasons adequate transportation is still cited as a problem for many persons with disabilities.

### Events Leading to the Current Situation

In 1973, Section 504 of the Rehabilitation Act became law. It prohibited discrimination on the basis of disability by recipients of federal financial assistance. Such recipients included public transit providers. Discrimination was defined to include lack of access in many situations. In 1976, the Urban Mass Transit Administration (UMTA), the predecessor the Federal Transit Administration, issued regulations that required "special efforts" in planning mass transportation facilities to be used by elderly and disabled persons. It also required that new transit vehicles and facilities be accessible to people with disabilities. More stringent regulations were published in May 1979. They required all existing city bus and rail systems to become fully accessible within three years. This included 50% of the buses in fixed-route service. The Americans with Disabilities Act refocused attention on the accessibility of transportation vehicles to people with disabilities. For extraordinarily expensive facilities, the time limit could be extended to 10 years for bus, 30 years for rail, and 5 years for rail cars.

In 1981, the Court of Appeals ruled that the 1979 regulations were ultra vires, beyond DOT's authority under Section 504. Revised final regulations were published in 1986. The rulemaking engendered fierce debate between those who felt that persons with disabilities have the right to be mainstreamed into the rest of society, and those who believed that there were more cost-effective ways of providing transportation for persons using paratransit. ("Urban Transportation Planning in the United States," DOT, 1997) This tension between disability advocates and those concerned about cost of accessibility modifications continues today.

It was thought for a time that Section 504 included airlines also. However, after litigation, the Supreme Court decided they were not. Congress rectified the situation by passing the Air Carrier Access Act of 1986, which provided some of the same protections to air travelers as did Section 504. In 1990, the Americans with Disabilities Act extended Section 504 concepts to many more forms of

transportation, including those which are not recipients of federal financial assistance. However, Congress carved out exceptions in timing and degree for certain modes of transportation where providing access would have meant unusual and expensive retrofitting or new construction. Disability advocates were very active in bringing about greater accessibility for modes of transportation in the United States, and continue to be very active in such areas as accessibility of over-the-road buses.

### **C. Actions Taken by the Work Group**

DOT approached its tasks by assembling a working group led by the Director of Civil Rights and comprising representatives from its nine operating administrations, departmental offices, and groups which represent employees with disabilities. The Office of Civil Rights Senior Policy Advisor has coordinated DOT's efforts. Four meetings were held.

In addition, the Secretary held a "town hall" meeting with all DOT employees, during which employees with disabilities raised important issues regarding accommodation and employment issues. Subsequently, the Secretary met with senior DOT officials and DOT employees with disabilities to discuss these issues. Of primary concern to employees was that the Department had never completed the self-evaluation of its program and physical accessibility as required by Section 504. The Secretary promptly committed to completing this evaluation, and efforts to do so are underway. Employees also cited inconsistencies among the various agencies within DOT with respect to accommodations requested by employees with disabilities (TDD's, Braille printers, large-screen monitors, interpreters, etc.) The Secretary committed to establishing a "Disability Services Center," a central point of contact for all DOT employees and their supervisors that will provide a consistent level of service for accommodations and related technical assistance.

DOT has also increased its visibility with regard to the disability community. High-ranking officials have participated in events such as the annual meeting of the President's Committee on Employment of People with Disabilities, civil rights staff has participated in the Washington, D.C. Abilities Expo, and, in general, DOT staff has begun to incorporate accessibility issues into remarks, presentations and papers at industry conferences and events.

### **EFFORTS ALREADY UNDERWAY**

The Department has many efforts underway that are closely connected to and supportive of Task Force objectives. These efforts largely involve enforcing DOT and ADA regulations, bringing covered entities into compliance, providing technical assistance, and publishing guidelines to assist customers in meeting their responsibilities under the ADA and DOT regulations. The Department also researches safety issues and develops safety standards, including those pertinent to people with disabilities.

***Accessibility of Key Transit Stations.*** The Federal Transit Administration has committed to bring existing key stations into compliance with the ADA. FTA is working with transit properties through informal means, including Voluntary Compliance Agreements (VCA) to achieve full compliance. There are 689 key stations at 33 transit properties. Prior to this initiative, 215 key stations were documented as accessible and 94 were covered by VCAs. As a result of a current initiative, 322 key stations at 21 transit properties are now covered by VCA's committing the properties to full compliance by the year of 2001.

There are a total of 689 key stations at 33 transit properties. These do not include new stations.

FTA's recent initiative included 350 stations at 22 properties. The remaining 11 properties have 339 stations that were either self-certified to be in compliance or are currently covered under an existing time extension, VCA, or letter agreement. Of the 350 stations that were part of FTA's VCA initiative, 322 are covered under the new VCA's. Of the total universe of 689 key stations, only 28 stations at 7 properties are either not self-certified to be in compliance, not covered under a VCA, or awaiting FTA's decision on their requests for time extensions. (The time extension process is only used for stations beyond 2001.) Also relevant is that each month, properties with existing time extensions and VCA's may expire, leaving the grantee in compliance or not. There is also a regularly scheduled key station assessment being done that could find a station out of compliance.

**ADA Assistance Line.** The Federal Transit Administration has established a toll-free ADA Assistance Line (1-888-446-4511 [Voice]; 1-800-877-8339 [TTY]) and e-mail account ([ada.assistance@fta.dot.gov](mailto:ada.assistance@fta.dot.gov)) within its Office of Civil Rights, where the public can request assistance on accessibility matters relating to transit service. Inquiries received through these channels regarding other modes of transportation are routinely referred to the appropriate DOT agency by FTA civil rights staff.

**Air Carrier Access Act.** On May 22, 1998, DOT released a report on accessible lavatories for single-aisle aircraft. DOT is seeking consensus among air carriers, consumers, airports, equipment manufacturers, oxygen suppliers, and safety regulators on the use of oxygen by passengers on airlines when disabled individuals need special private supplies. This process may include regulatory negotiation. DOT recently showed its commitment to providing guidance and enforcement of the ACAA by issuing regulations on providing reasonable accommodations in seating for mobility impaired passengers.

**Airport Ground Transportation.** The Federal Aviation Administration plans to make increased efforts to monitor airport operators to ensure that buses connecting terminals and parking facilities meet accessibility requirements of DOT ADA regulations. FAA regional offices will remind airports of their obligations under the rule and will inspect buses during site visits.

**Over-the-Road Bus Accessibility.** DOT has issued regulations on over-the-road bus accessibility, which require a phased in system of buses fully accessible to people with mobility impairments. People with disabilities have the right to receive truly equal service, to ride in their own wheelchairs on the bus rather than being carried to a bus seat. Access cannot be restricted merely because a bus company speculates there may be a safety risk. If an accessible bus is requested but not provided, the company must pay compensation to the person with a disability, ranging from \$300 and \$700. Regulations cover large over-the-road carriers such as Greyhound, as well as many other private intercity bus providers, charter bus companies, tour bus companies, airport shuttles, and others.

The regulations will be implemented in stages. By October 2001 (one year later for small operators), fixed-route over-the-road bus companies must provide service in an accessible bus to a passenger who requests it with 48 hours notice. Before those dates, companies must provide boarding assistance onto inaccessible buses, if accessible buses are not available. They must also transport passengers' wheelchairs on those inaccessible buses.

Bus fleets must be made accessible over several years. In the year 2000, all new buses purchased or leased by large fixed-route companies must be accessible. Half the fleets of large fixed-route operators must be accessible by 2006, and the entire fleets by 2012. In certain cases, the Secretary of DOT can grant a time extension beyond the 6 and 12-year dates.

Smaller companies have additional time to comply and they may provide equivalent service instead of acquiring accessible buses. Even so, passengers must be able to travel in their own wheelchairs. Travel time, destinations, and cost must be equal to that of passengers without disabilities.

Passengers must have enough time to use facilities at rest stops. They must have assistance if needed. This is true whether or not the bus is accessible. Rest stops must be accessible if the bus company owns, leases, or controls them, or contracts for their use.

***Transportation Equity Act for the 21st Century.*** DOT will develop programs and outreach materials on the benefits for persons with disabilities of the Transportation Equity Act for the 21st Century (TEA-21). TEA-21 is the newly signed surface transportation infrastructure statute.

- Sidewalk improvements to comply with the Americans with Disabilities Act are specifically made eligible for funding under the Federal Highway Administration's Surface Transportation Program.

- Guaranteed funding for Federal Transit Administration (FTA) programs such as the Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities (49 U.S.C. § 5310) are authorized to increase from \$67 million for FY 1999 to \$91 million in 2003.

- The FTA Urbanized Area Formula program is also authorized for higher funding. This is anticipated to provide additional resources for transit operators to purchase more new transit vehicles, eliminating inaccessible vehicles in their fleets more quickly.

- Like ISTEA, TEA-21 continues a higher Federal matching share (90 percent) for the incremental costs of vehicle related equipment needed to achieve the requirements of the Americans with Disabilities Act. An 80 percent Federal share is provided for most other eligible costs.

- TEA-21 creates the Rural Transportation Accessibility Incentive Program (TEA-21 Section 3038). The program will assist in financing the incremental capital and training costs associated with implementing the Department's Final Rule on accessibility requirements for Over-The-Road-Buses (OTRBs) called for in the ADA. The program is authorized at \$24.3 million over the duration of TEA-21.

- TEA-21 established a new FTA transit enhancements program. In urbanized areas with populations of 200,000 or more, at least one percent of the Urbanized Area Formula funds apportioned each fiscal year shall will be used for activities defined as transit enhancements. Among the eligible activities in this program is "enhanced access for persons with disabilities to mass transportation."

- TEA-21 also redefines transit agency capital expenses in areas over 200,000 population to include a share of ADA paratransit costs.

It should be noted that all funding is subject to the standard budget and appropriations processes.

***Licensing and Disability.*** Many jobs in the transportation industry and infrastructure, such as pilots, air traffic controllers, bus drivers, and interstate truckers, are not available to people with certain medical conditions, such as serious visual impairments and epilepsy. However, waivers and special conditions are sometimes available. The revised medical standards that went into effect in September

1996 eliminated some outdated requirements for vision and hearing to obtain certification, and a separate policy change issued in December 1996 ended the absolute ban on pilots with insulin-treated diabetes mellitus (applies to third-class medical certification applicants only). But regulatory changes aside, improved understanding, diagnosis, and treatment of medical disorders has enabled the FAA to expand the scope of discretionary issuances of medical certification to pilots who have potentially disqualifying conditions.

The Office of Motor Carriers (OMC) of the Federal Highway Administration (FHWA) continues to investigate waivers, exemptions, and pilot programs for interstate commercial truck driver standards. Currently, there are some restrictions on licensing for persons with specific disabilities, such as serious visual impairment, epilepsy, and diabetes. Panels of medical experts are determining whether old restrictions should be continued or whether performance-based standards should be used instead. Issues under review include drivers with epilepsy, diabetes, endocrine problems, vision impairments, and limb loss. FHWA is working with the Department of Justice to address litigation on some of these issues.

**Intelligent Transportation Systems.** DOT is exploring the possible effects of Intelligent Transportation Systems (ITS) on transportation for all users, including people with disabilities. ITS involves the use of technological innovations in electronics, communications, and information processing to improve the efficiency, effectiveness, and safety of surface transportation systems. The Joint Program Office for ITS, the Federal Highway Administration, and the Federal Transit Administration are funding experiments in ITS from which benefits could be extracted for people with disabilities. One such project in Cape Cod, Massachusetts, involves automatic vehicle location (AVL), geographic information systems (GIS), decision support systems (DSS), local area networks (LAN), global positioning systems (GPS), mobile data terminals (MDT), and advanced fare media (smart cards). The system is being evaluated for paratransit and fixed route services, access to jobs (welfare to work), and access to recreational facilities for all transportation systems users, including those with disabilities. DOT is also evaluating a proposal to use ITS to link regional human services transportation and make better use of underutilized transportation assets in providing transportation for former welfare recipients to jobs, job orientation, and job training.

ITS may also make it possible for people with disabilities to occupy jobs from which people with specific disabilities have been disallowed. Intelligent components of vehicle systems, such as "smart" airbags, may make it safer for people who use hand controls and short-statured people to use motor vehicles.

## **BARRIERS AND RECOMMENDATIONS**

**ISSUE: Basic Mobility**—Due to the automobile-dependent nature of our society, basic mobility for most Americans still means the family car. Transit service can fulfill this function where it is available, but the sprawling nature of suburban development often makes transit service impractical to provide or to use. Many people with physical disabilities, even those that appear severely limiting, can and do operate motor vehicles with appropriate adaptive devices. Others may hire another individual to drive their vehicles for them. But adapted vehicles and adaptive driving systems can be prohibitively expensive to purchase, insure, maintain and operate, and certain modifications can only be performed on certain types of vehicles. This tends to limit the availability of the private vehicle as mode of basic mobility.



## RECOMMENDATIONS--

--**The Federal Transit Administration (FTA)** should continue to work with the transit industry to assure that public transit service is accessible to and usable by people with disabilities, as required by federal law.

--**State departments of transportation, human services, and labor** should assist transportation providers in improving and increasing their services. Because public transportation providers are often metropolitan or regional entities, state agencies should use their influence and their knowledge of local needs and resources to effect improvements.

--**Public transportation services** should not be cut back where cuts would deprive former welfare recipients with disabilities of the opportunity to travel between home and work.

***ISSUE: Travel Time, Spatial Mismatch, and Trip Chaining**--The prevailing development patterns in the U.S. place many employment centers and job opportunities in suburban locations that are not well-served by transit, and are not pedestrian-oriented. Housing and commercial development sites are seldom located near each other. This limits the employment opportunities of persons with disabilities who do not have access to personal transportation. In addition, many low-income persons with disabilities live in older, urban areas, making travel to suburban office parks difficult if not impossible. Where transit service is available, the trip often involves multiple transfers and excessive travel times, limited service areas, or limited hours of service. Missed connections and the occasional malfunctioning wheelchair lift compound these difficulties. TEA-21 requires that when evaluating proposed new transit investments for federal funding purposes, DOT should consider factors such as suburban sprawl, improved mobility, land use patterns, and the degree to which mobility to the transit-dependent population is increased.*

## RECOMMENDATIONS--

--**DOT, the Welfare-to-Work Partnership, and corporations** should follow through on the initiatives and ideas developed at the White House Summit on Welfare to Work and Transportation Access, held September 14, 1998. Employers should work together with public and private transportation organizations to find innovative ways such as partnerships to bring workers from old inner cities to the jobs.

--**DOT** should continue its efforts on Access to Jobs and Livable Communities, and **HUD** should continue its efforts on Bridges to Work.

--**FTA** should, when evaluating proposed new transit investments, consider factors such as suburban sprawl, improved mobility, land use patterns, and the degree to which mobility to the transit-dependent population is increased, as specified in TEA-21.

--**The Small Business Administration and other agencies** should work together to encourage job development in neighborhoods near where many welfare recipients live. To help alleviate the problem of especially long and difficult commute times from home to job for people with disabilities, special efforts, including administration initiatives such as Empowerment Zones, Brownfields, and Sustainable Development, should be made to bring jobs to people.

—The Task Force should explore ways that telecommuting could alleviate transportation difficulties for persons with disabilities and to increase employment. People with disabilities should not be left out of the change of the American economy to the benefits of high technology.

*ISSUE: Travel Training—Many people with disabilities, especially those new to the world of work, need to be trained on how to use public transportation.*

#### RECOMMENDATION--

—ED, DOT, public school districts, and metropolitan transit authorities should work together to educate people with mobility and cognitive impairments on how to use public transportation (travel training). This training should begin in school, to aid the transition from school to work.

*ISSUE: Data Collection—More statistical collection and analysis is needed about the use of transportation infrastructure by people with specific types of disabilities, and about potential use by this population if given aspects of transportation were more or fully accessible. It would be useful to conduct research on the availability of financial assistance from a variety of sources for modifications to privately owned cars to accommodate physical disabilities, so that the individuals can drive themselves in their own vehicles.*

#### RECOMMENDATION--

—DOT should add such projects to its research agenda.

*ISSUE: Planning and Coordination of Resources —The DOT/HHS Coordination Council coordinates the efficient provision of human services transportation. Paratransit is very expensive, so the Coordination Council is looking for efficient models from other systems, such as those for the aging. Congress has now required this coordination. The Coordination Council is considering expanding to include other federal agencies, and the name of the Council has recently been changed to "Coordinating Council on Access and Mobility." The new Council's proposed strategic plan includes identifying ways to integrate disability employment issues with transportation coordination. The Council is also considering how human services transportation can be used as a tool for encouraging and creating economic development.*

#### RECOMMENDATIONS--

--DOT and HHS should continue to work together on their Coordination Council to explore ways to make more efficient use of the different systems of human services transportation that exist in any given area. Where necessary, other agencies such as HUD and DOL should be brought into the Council.

--DOT and private sector organizations such as ITS America, in the context of the overall goals of the ITS program, should explore, including as one component, how Intelligent Transportation System (ITS) deployments can be developed and used to link the various human services transportation systems so that they are easy to use, administratively simple for the funding agencies, and cost effective.

--HHS and DOL should continue to work with state human services departments to ensure that their human services work plans include solving transportation problems.

--DOT should work with metropolitan planning organizations (MPOs) to ensure transportation from home to work for people with disabilities is taken into consideration in developing and carrying out regional transportation plans and projects. These plans should include human services transportation and should also include meeting the needs of those who may no longer be eligible for vouchers transportation.

*ISSUE: Access to Voter Registration --The Motor Voter law includes provisions to make voter registration more accessible. Much voter registration under the law takes place at state motor vehicle department buildings (DMVs). DOT's National Highway Traffic Safety Administration has jurisdiction over DMVs.*

## RECOMMENDATION--

--In areas where it has not been ascertained that state DMVs are fully accessible, DOT should conduct compliance reviews and initiate other efforts to determine how accessible the state DMVs are. If a high level of physical and program accessibility does not exist in all state DMVs, DOT will consider issuing subregulatory guidance and exploring other ways to encourage access.

## REFERENCES

Louis Harris & Associates. "Highlights of the N.O.D./Harris 1998 Survey of Americans with Disabilities." Online. National Organization on Disability. Internet. Nov. 1998. Available at: <http://www.nod.org/presssurvey.html#survey>.



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## Work Group on the Estoppel Issue

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### *Mandate from Section 2 (e) of the Executive Order*

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*The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.*

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### BACKGROUND

Many individuals who have applied for or received payments under a disability benefit plan have faced barriers in asserting claims under Title I of the Americans with Disabilities Act. Many courts have concluded that a statement of inability to work made in an application for disability benefits was legally inconsistent with a claim of employment discrimination under the ADA. Such a rule severely undermines one of the ADA's most important objectives--to allow individuals with disabilities to move from dependence on disability benefits programs to independence and economic self-sufficiency.

The primary purposes of the ADA are to eliminate barriers that prevent individuals with disabilities from participating in "the economic and social mainstream of American life" and to provide equal employment and other opportunities for persons with disabilities. By contrast, the Social Security Act, workers' compensation laws, and private disability insurance plans are intended to provide income replacement for individuals who, because of disability, are generally unable to work.

These different policy objectives have resulted in different definitions of individuals who are entitled to protection under Title I of the ADA and individuals who are entitled to disability benefits. Title I of the ADA protects "qualified individuals with disabilities." This definition focuses on the ability of an individual with a disability to perform the essential or fundamental duties of a particular employment position with or without reasonable accommodation. Disability benefit plans, such as those established under the Social Security Act, consider only the individual's general incapacity to work. Unlike the ADA, most disability benefits plans do not consider whether or not an individual could perform a particular job for a particular employer. Nor do many disability benefit plans distinguish between a job's essential and marginal functions. Finally, the effect of reasonable accommodation on a person's ability to do his or her job is generally not considered when determining eligibility for disability benefits and is not considered in the federal Social Security disability programs. It is not inconsistent for an individual to meet both the ADA's definition of "qualified individual with a disability" and the definition of "disability" under a disability benefit plan.

However, courts have dismissed ADA claims brought by individuals who had applied for disability benefits based on inability to work, reasoning that a plaintiff who had asserted on a benefits

application that she or he could not work could not be a qualified individual with a disability under the ADA. Often, plaintiffs in these cases could not work because they had been denied a requested reasonable accommodation. In other instances, employers had encouraged plaintiffs to file for disability benefits upon their termination. Courts rarely considered these or other relevant facts that might have demonstrated that particular plaintiffs were in fact qualified individuals with disabilities under the ADA.

In February 1997, the EEOC published an enforcement guidance, which analyzed the differences between the ADA's purposes and standards and the purposes and standards of the Social Security Act and other disability benefits programs. The EEOC concluded in the guidance that representations made in applications for disability benefits are relevant, but that such representations alone did not determine whether a plaintiff was a qualified individual with a disability under the ADA. In accordance with the guidelines, EEOC filed a number of AMICUS briefs urging the appellate courts to reject the estoppel argument.

Since the issuance of the guidance, most of the circuits that have addressed this issue have concluded that statements made in support of an application for disability benefits are only one piece of evidence to be considered in determining whether the plaintiff is a qualified individual with a disability. While most circuit courts now apply a standard like the one set out in the EEOC's enforcement guidance, many courts are nevertheless concluding that the particular individuals before them are not qualified individuals with disabilities within the meaning of the ADA. *See, e.g., Blanton v. Inco Alloys Intern., Inc.*, 123 F.3d 916 (6th Cir. 1997); *Weigel v. Target Stores*, 122 F.3d 461 (7th Cir. 1997). Other circuit court decisions have remanded cases to the district courts for development of a factual record on the issue of whether particular plaintiffs are qualified individuals with disabilities. *See, e.g., Johnson v. State of Oregon*, --- F.3d ---, 1998 WL 181297 (9th Cir. 1998); *Griffith v. Wal-Mart Stores, Inc.*, 135 F.3d 376 (6th Cir. 1998); *Swanks v. Washington Metro. Area Transit Auth.*, 116 F.3d 582 (D.C. Cir. 1997). It is not yet clear whether and to what extent district courts will apply the standards set out in the EEOC's guidance in the cases that have been remanded.

Additionally, two circuits have applied a higher evidentiary standard than the one set out in the EEOC's enforcement guidance when considering ADA claims by plaintiffs who have also applied for disability benefits. In *Cleveland v. Policy Management Systems Corp.*, 139 F.3d 513 (5th Cir. 1997) the Fifth Circuit held that an ADA plaintiff's claim for disability benefits creates a *rebuttable presumption* that the individual is not a qualified individual with a disability. This means that the burden is shifted to the plaintiff, who has to present other evidence to prove that he or she is in fact a qualified individual with a disability. Since the *Cleveland* decision was issued, not one of the many court decisions in the Fifth Circuit has found an individual who applied for disability benefits to be a "qualified individual with a disability" under the ADA. The *Cleveland* decision is under consideration for *writ of certiorari* before the U.S. Supreme Court. The *writ of certiorari* is a discretionary device used by the Supreme Court to select the cases it wishes to hear. A writ allows the Court to inspect the record of a case tried in a lower court for any irregularities.

The Eighth Circuit held in *Moore v. Payless Shoe Source, Inc.*, 139 F.3d 1210 (8th Cir. 1998) that plaintiffs must produce **strong** countervailing evidence to overcome prior representations made in applications for disability benefits. The court did not explain what type of evidence would be necessary to meet this standard, concluding only that Moore had failed to produce such evidence and was thus not a qualified individual with a disability entitled to the ADA's protection.

## EFFORTS ALREADY UNDERWAY



In July 1998, the Solicitor General filed a brief in support of a petition for writ of *certiorari* in the *Cleveland* case, in response to a Supreme Court order inviting the government to file a brief setting forth its views. The filing of the brief involved a coordinated effort with both the Social Security Administration and the Equal Employment Opportunity Commission. The Solicitor General urged the Supreme Court to agree to review this case because the Fifth Circuit's ruling frustrates the ADA's purposes by denying to most applicants for or recipients of disability benefits the opportunity to pursue meritorious ADA claims. On October 5, 1998, the Supreme Court agreed to review the case this term.

## RECOMMENDATIONS

--**The Social Security Administration** should continue to revise its disability forms in a way that would make it less likely that the courts could conclude that the application for or receipt of benefits under the Social Security Act would preclude an individual from pursuing a claim under the Americans with Disabilities Act and the Rehabilitation Act of 1973.

--**The Task Force**, in conjunction with appropriate federal, state, and professional entities, should initiate research and policy analysis on the claims process for other income support programs for individuals with disabilities (worker's compensation, disability retirement, etc.) to assess whether or not these systems limit an individual's ability to maintain an ADA or Rehabilitation Act claim.

## REFERENCES

Equal Employment Opportunity Commission. *EEOC Enforcement Guidance: The Effect of Representations Made in Applications for Disability Benefits on the Determination of Whether a Person is a "Qualified Individual with a Disability" Under the Americans with Disabilities Act of 1990 (ADA)*, Americans with Disabilities Act Manual (BNA), No. 62 at 70:1251 (Feb. 12, 1997).



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## Work Group on the Measurement of the Employment Rate of Adults with Disabilities

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### *Mandate from Section 2 (f) of the Executive Order*

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*The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.*

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### BACKGROUND

Since the passage of the Americans with Disabilities Act in 1990, policy-makers, analysts, and others concerned with the labor market situation of people with disabilities have been searching for an accurate employment measure for adults with disabilities. The employment rate, as a measure of labor market activity, gauges the impact of legislation and programs that are designed to help persons with disabilities participate as fully as possible in the labor market. The data also would show how the cyclical expansions and contractions of the economy affect employment among those with disabilities as compared to other population groups.

Finding a way to define and measure disability accurately has been a challenge. Compared with other personal characteristics, disability has many dimensions. The definition of disability may rest on individual perceptions, changes in environmental barriers, or changes in the particular impairment or condition.

Efforts to produce a statistically accurate and reliable measure of the employment rate for adults with disabilities have been inconclusive. A cooperative initiative undertaken by the Bureau of Labor Statistics, the Bureau of the Census, the President's Committee on the Employment of People with Disabilities, the Equal Employment Opportunity Commission, and the National Council on Disability designed and tested a very small battery of questions aimed at identifying persons with disabilities. To determine whether or not these questions would identify accurately persons with disabilities, they were inserted into the Survey of Income and Program Participation in mid-1997. The preliminary results of this test, which became available in early 1998, were not encouraging. The test questions did a fair job of identifying persons with severe disabilities, but a very poor job of identifying all persons with disabilities. These results suggested that a different approach might be needed, and the agencies involved in this test began to look for one.

### EFFORTS ALREADY UNDERWAY

In order to obtain data for calculating an employment rate, it is likely that questions identifying persons with disabilities will have to be added to a household survey that collects employment

information. Adding questions to a household survey requires a great deal of research and the systematic efforts of a number of subject-matter, cognitive research, and survey-design specialists.

A research plan is currently being designed to produce statistically reliable estimates of the employment rate of adults with disabilities. It will:

1. Evaluate various definitions of disability that could be used in conjunction with the collection of labor market data.
2. Evaluate existing survey questions and research. This can provide useful information for the design of future questions.
3. Develop survey questions (or modify old ones) based on what has been learned from research.
4. Test and evaluate questions.
5. Determine appropriate host instrument in which to field the questions.

Although some of these activities can be done simultaneously, this is likely to be a long-term effort involving experts in many different fields and a great deal of research and testing. It is possible, therefore, that the task will extend over much of the life of the Executive Order. The project is also likely to require a considerable investment of time, effort, and resources on the part of the agencies involved.

Members are beginning to assist one another in analyzing on-going surveys and making methodological improvements. The Bureau of Labor Statistics (BLS) is assisting the Centers for Disease Control with its employment questions in the National Health Interview Survey. The BLS and the Census Bureau are looking into consistency problems with disability data from the Survey of Income and Program Participation. A comparison of answers to the disability questions seems to indicate an extraordinary amount of change over a year's time in the disability status of the same persons.

In short, benefits to disability statistics research are already beginning to emerge that should ultimately prove useful in fulfilling the mandate.

## **WHAT REMAINS TO BE DONE**

Two avenues will be explored towards obtaining reliable measures of the employment rate of adults with disabilities. For the long term, a research plan will be refined and pursued. This will involve collecting and evaluating existing information on collection of data on persons with disabilities and initiating original research to fill in gaps that are identified. As information is gathered and evaluated, new avenues for research may be suggested, and the research plan may need to be changed to reflect the new data.

In the short term, approaches will be examined to provide interim measures of employment rates for adults with disabilities. At present, two household surveys exist that contain questions on both employment and disability. These are the Survey of Income and Program Participation, and the National Health Interview Survey. Both contain fairly extensive questions on disability, but the questions each contains on employment are based on different concepts. It will take some time to evaluate both the absolute and relative merits of either survey for this task.

## **NEXT STEP--BEYOND NOVEMBER 15**

A great deal of developmental work, namely research and evaluation, remains to be done. Such a research program requires a reliable source of funding and personnel. Therefore, it is recommended that the agencies involved in this effort examine what resources can be devoted to it. Once the research and development work is completed, a reliable source of funding will have to be developed to produce regular estimates of the employment rate for adults with disabilities.





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## Appendix B

### A Demographic Profile of People with Disabilities

*Eight Years After Passage of the American with Disabilities Act—Where Do We Stand in Addressing Disability Issues?* Public Law 101-336, The Americans with Disabilities Act (ADA) of 1990, begins with a statement of Congressional findings that provide the rationale for what President George Bush referred to as “the world’s first declaration of equality for persons with disabilities” (NCD, 1997, p. 179). In assessing where America is today with respect to integration of people with disabilities in society, it is worth re-examining some of the findings cited in Section 2, Findings and Purposes (Public Law 101-336). Selected findings (in *bold italics* below) cited by Congress in support of passage of the ADA are reiterated, along with a brief discussion of where the country is today with respect to the issues highlighted in the findings.

- *Some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older.* At the time that the ADA became the law of the land, the best estimates were that roughly 43 million Americans had disabilities. As the second part of this finding suggested, that number was growing significantly due to aging of the population, as well as to other factors discussed later in this chapter. Estimates of the number of people with disabilities vary significantly, depending on the source cited. Perhaps the most reliable source—Census Bureau data gleaned from the 1994-95 Survey of Income and Program Participation (SIPP)—suggest that there are currently about 54 million Americans with some level of disability (McNeil, 1997). About 26 million of these individuals have disabilities characterized as “severe” using SIPP definitions (McNeil, 1997). These data, suggesting an increase of about 25 percent in the size of the disability population in the first half of the 1990s, can be attributed to the aging of the population.

- *Discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services.* In its 1996 report on *Achieving Independence*, the National Council on Disability (NCD, 1996) cited evidence that discriminatory practices persist in virtually all of the areas cited in this Congressional finding. Relatively low employment rates for people with disabilities may also be partly a function of discrimination.

Census Bureau data indicate that 26.1 percent of people with severe disabilities were employed in the mid-1990s (McNeil, 1997). This compares with a 76.9 percent employment rate for people with disabilities that were not severe and an 82.1 percent employment rate for people without disabilities (McNeil, 1997). Other surveys, most notably the N.O.D./Harris surveys of people with disabilities, suggest that employment rates for people with disabilities are far lower than suggested by the 1994-95 SIPP results. Regardless of the data source consulted, the conclusions are the same, people with severe disabilities are not employed at rates comparable to those of people without disabilities.

- *Unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination.* Various provisions of

the ADA have been phased in over the eight years since its signing, and there is evidence that more funding is needed for enforcement. In 1996, the National Council on Disability specifically noted that "The lack of adequate resources dedicated to enforcement limits the impact of disability laws" (NCD, 1996, p. 5). Specific to employment, Trupin et al., (1997, p. 19) concluded that "... enforcement mechanisms of the ADA have not proven sufficient to begin narrowing the gap in employment rates between people with and without disabilities." Enforcement of existing legislation designed to eliminate disability-based discrimination in all aspects of life, including employment, is clearly inadequate. Enactment of potentially powerful legislative remedies, like the ADA, without commitment of resources to enforcement will not produce desired results. Both public and private assessments of the ADA suggest that the lack of enforcement, particularly with regard to employment, has diminished the impact that this landmark legislation might otherwise have had.

- *Census data, national polls, and other national studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally.* As the nation prepares to enter the 21<sup>st</sup> century, the available data continue to reflect the second-class status accorded people with severe disabilities in American society. People with disabilities generally have lower personal and household incomes than does the general population (Kruse, 1998). People with disabilities are much more likely to be living in poverty and receiving means-tested incomes than are people without disabilities (Kruse, 1998). While questions have been raised about polling methods used and the accuracy of the results, findings from the most recent N.O.D./Harris survey further support the contention that people with disabilities have a lower quality of life than their non-disabled peers (Louis Harris and Associates, 1998). The N.O.D./Harris survey cited evidence of diminished life quality with respect to income levels, education, social activities, and overall satisfaction with life (Louis Harris and Associates, 1998). The relationship between employment and life quality is undeniable. Kruse (1998, p. 20) attributed the diminished socioeconomic status of people with disabilities "largely to lower employment rates."

- *The Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.* Virtually all of the available evidence indicates that, the Nation is not attaining its "proper goals." *Achieving Independence* included the observation, "Public policy continues to send mixed messages to people with disabilities, on the one hand stating independence as a goal and on the other hand constructing significant obstacles to its achievement" (NCD, 1996, p. 4). The lack of clarity of the message sent regarding independence and avenues to its achievement is reflected in the effect that disability has on the work activities of people with disabilities. "The effects of a disability on the work activity of individuals are pervasive and, in a global sense, negative. This is particularly evident in labor force activity rates: persons with severe disabilities participated in the labor market at dramatically lower rates than did persons with no disabilities or moderate disabilities" (Hale, Hayghe, and McNeil, 1998, p. 10). Labor force participation is influenced by the fact that "... disability compensation programs often pay nearly as much as many jobs available to people with disabling conditions, especially given that such programs also provide health insurance and many lower-paying jobs do not. Moreover, disability compensation programs often make an attempt to return to work risky, since health insurance is withdrawn soon after earnings begin and procuring a job with good health insurance benefits is often difficult in the presence of disabling conditions" (Brandt and Pope, 1997, p. 159). The Nation's "proper goals" will not be realized so long as public policy does not promote employment of people with disabilities. As suggested from the following brief discussion, failure to take the steps needed to promote employment of people with disabilities will have a significant economic impact on society.

• *The continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.* An Institute of Medicine report cited data from the 1994 National Health Interview Survey (NIHS) indicating that the loss in wages associated with people with disabilities who could work, but were not, amounted to \$158.7 billion (Brandt and Pope, 1997). This was the equivalent of 2.4 percent of the gross domestic product for 1994 (Brandt and Pope, 1997). Kruse (1997) estimated that employment of one million people with disabilities would result in an annual increase of \$21.2 billion in earned income, along with decreases of \$286 million in food stamp use and \$1.8 billion in Social Security income benefits. These data suggest the high cost that America pays for its failure to address problems that contribute to unemployment and nonemployment of people with disabilities. The American public should demand action in correcting these problems through strategies that promote full employment of all Americans, including Americans with disabilities.

***The Changing Construct of Disability and Its Implications for Data Collection.*** Although the depth and quality of data on disability and related issues, including employment, continue to improve, enhancements in data collection have not kept pace with an evolving understanding of disability and contributing factors. Historically, disability has been viewed from the perspective of medical pathology and individual functional limitations that result from such pathology. In this traditional model, the approach to reducing the impact of disability rested almost exclusively in “fixing” the person with the disability (DeJong, 1979). With the advent of the independent living and disability rights movements, greater attention began to focus on the role of the environment as a factor in disability. DeJong (1979) documented differences between the traditional view of disability and an evolving view of disability in which the environment played an important role. DeJong contrasted what he called the “rehabilitation paradigm” with what he labeled the “independent living paradigm.” The contrasts are summarized in figure 1, below:

Figure 1: Comparison of Rehabilitation and Independent Living Paradigms		
Item	Rehabilitation Paradigm	Independent Living Paradigm
Definition of problem	Physical impairment/Lack of vocational skills	Dependence on professionals, relatives, etc.
Locus of problem	In individual	In environment; in the rehabilitation process
Solution to the problem	Professional intervention by physician, physical therapist, occupational therapist, vocational rehabilitation counselor, etc.	Peer counseling, advocacy, self-help, consumer control, removal of barriers
Social role	Patient/client	Consumer
Who controls	Professional	Consumer
Desired outcomes	Maximum ADL gainful employment	Independent living

Source: DeJong, G. (1979). “Independent Living: From Social Movement to Analytic Paradigm.” *Archives of Physical Medicine & Rehabilitation*, 60:435-446.

The social construct described by DeJong in his “independent living paradigm” suggests that our thinking about disability must be altered to accommodate a much more complex array of contributing factors than were included in the traditional “medical model” that has guided disability policy for decades. In fact, this realization was articulated in the *Enabling America* report published

by the Institute of Medicine. In the report, the expert panel referenced the three data collection series on which much disability policy is based--the National Health Interview Survey (NHIS), the Current Population Survey (CPS), and the Survey of Income and Program Participation (SIPP). The report also highlighted the fact that "... the design of each of these series predates the development of a more contemporary understanding of the process by which pathologies, impairments, and functional limitations give rise to disability. . . ." (Brandt and Pope, 1997, p. 61).

There is clearly a need for research to develop an appropriate definition of disability which may be used in survey research to measure as accurately and as reliably as possible the numbers and status of people with disabilities. Indeed, in the Executive Order establishing the Presidential Task Force on Employment of Adults with Disabilities, directive (f) mandates that the relevant Federal agencies, "... design and implement a statistically reliable and accurate method to measure employment rate of adults with disabilities. . . ." To fulfill the mandate, researchers must draw upon traditional and contemporary models of disability constructs.

It should be noted that when the Bureau of Labor Statistics develops national employment and unemployment information through the Current Population Survey, it uses specific definitions of activities to determine an individual's employment status. To be employed, for example, one must have done work for pay or profit or worked in a family-owned business for more than 15 hours, even though the respondent did not get paid. Other statistical agencies, such as the National Center for Health Statistics and the Bureau of the Census, have different definitions of employment and other labor-force status. These differences have a basis in the respondents' current military status, the reference period in question, and specific activities that may or may not count as employment.

***What Is Known about People with Disabilities?*** The previous discussion suggests that current data on disability were gathered using measures that do not reflect current understanding of factors that contribute to disability. However, some of the available data are helpful in trying to assess the scope of the problem that the Task Force is facing in its efforts to promote full employment for people with disabilities.

As we prepare to enter the 21<sup>st</sup> century, the number of people with disabilities is growing. Furthermore, the data that are available to guide policy development and implementation suggest that efforts to improve the quality of lives of people with disabilities are not yielding the kinds of results that many expect.

Perhaps not surprisingly, there are significant variations in estimates of the number of people with disabilities, as well as in rates of employment and nonemployment among people with disabilities depending on the data source that one consults. However, the conclusion that any informed reader must reach, regardless of the source of the data on disability that one uses, is that the majority of people with disabilities are not employed.

***Growth in the Number of People with Disabilities.*** Data, reported by the Census Bureau using information from the 1994-95 Survey of Income and Program Participation (SIPP) indicate that approximately one in five, or about 54 million Americans have some level of disability (McNeil, 1997). The report further indicated that about approximately one in ten Americans, about 26 million people, had a severe disability. This represented increases from the figures of 49 million people with a disability and 24 million people reporting severe disabilities when the data were examined three years earlier.

Other important findings from the Census Bureau report dealt with issues of race and ethnicity, health insurance coverage, and perhaps most importantly from the perspective of this report, rates of employment and earnings of people with disabilities.

- **Race/Ethnicity:** The Census Bureau found some differences by race and Hispanic origin in the prevalence of disability within age groups. Within the 22-44-year-old age group, the proportion with a severe disability was 5.6 percent among whites, 11.8 percent among blacks, and 6.7 percent among people of Hispanic origin. In the 45-to54-year-old age group, the severe disability rate was 10.5 percent among whites, 18.4 percent among blacks, and 15.7 percent among people of Hispanic origin.

- **Health Insurance Coverage:** Among people age 22 to 64 years old with no disability, 79.9 percent were covered by private health insurance, while 3.0 percent had only government coverage. In contrast, among people with a severe disability in the same age group, only 43.7 percent had private health insurance coverage, while 39.6 percent had government coverage only.

- **Employment Rates:** The employment rate for people 21 to 64 years of age was 82.1 percent among those with no disability, 76.9 percent among those with a disability that was not severe, and 26.1 percent among those with a severe disability. Data collected three years earlier for people in the same age group showed employment rates of 80.5 percent for those with no disability, 76.0 percent for those with a disability that was not severe, and 23.3 percent for those with a severe disability. The statistically significant increase in the employment rate of people with severe disabilities between 1991 and 1994 is noteworthy.

- **Earnings and Disability:** Census Bureau data also showed that, among those people who were working, the presence of a disability was associated with lower earnings. Also women with disabilities earned less than men with disabilities (McNeil, 1997).

These data suggest that while the growth in the number of people with disabilities has been accompanied by some improvement in rates of employment, there is still a high percentage of people with disabilities who are not working. For people with severe disabilities, nearly three-quarters reported being nonemployed. Data on earning levels suggest that people with disabilities who are employed are likely to be earning less than their non-disabled peers.

*Some Data Suggest That Census Bureau Estimates May Be Low.* Generally speaking, Census Bureau data are thought to be the most reliable estimates of disability rates and related statistical data. However, other organizations also gather data and make estimates of employment rates and other parameters related to disability. Periodically the polling firm of Louis Harris and Associates, working in collaboration with the National Organization on Disability (N.O.D.) conducts a national poll of people with disabilities to gather data on a number of issues related to employment and life quality. The N.O.D./Harris 1998 Survey of Americans with Disabilities did not reveal the gains in employment for people with disabilities suggested in findings reported by the Census Bureau.

The N.O.D./Harris 1998 Survey of Americans with Disabilities found that, among working-age adults with disabilities (ages 18-64), three out of ten (29%) were working full-time or part-time, compared with eight out of ten (79%) of those without disabilities (Louis Harris and Associates, 1998). Furthermore, the findings from the poll suggest that the proportion of working-age adults with disabilities has actually declined since 1986, when one in three (34%) were working (Louis Harris and Associates, 1998). Other selected findings from the 1998 survey also are indicative of a lower quality of life enjoyed by many people with disabilities as compared with people without disabilities.

Among these are:

- Among people with disabilities age 16 to 64 who are not employed, seven out of ten (72%) say they would prefer to be working.
- Two out of three adults with disabilities say that their disability has prevented (41%) or made it more difficult (26%) for them to get the kind of job they would like to have.
- Adults with disabilities who are working full-time are more likely today than in 1994 to say that one of the barriers they have faced in trying to find jobs is that “the jobs I could get don’t pay enough” (47% versus 31%).
- One out of five (20%) of adults with disabilities aged 18 and over has not graduated from high school, compared with one in ten (9%) of adults without disabilities.
- Adults who describe themselves as severely disabled are even more likely not to have completed high school (22% versus 14% of those who describe their disabilities as slight or moderate).
- Fully a third (34%) of adults with disabilities live in a household with an annual income of less than \$15,000 in 1997, compared with only about one in eight (12%) of those without disabilities (Louis Harris and Associates, 1998).

The results of the N.O.D./Harris surveys are questioned by some regarding the sampling processes used, the way in which questions are posed, and the interpretation of the results. Certainly, the methods used in these surveys are different from those used in what some might consider more scientific data gathering done by the Census Bureau and other government agencies and academic institutions. Nonetheless, data from the N.O.D./Harris surveys provide another indicator of the perceptions of quality of life and factors that influence such quality. In fact, the N.O.D./Harris 1998 survey data are consistent with findings from the Census Bureau analyses in supporting the finding that people with severe disabilities are nonemployed at rates far higher than the nonemployment rates for people without disabilities. The findings also provide further evidence that discrimination directed toward and diminished work opportunities afforded to people with disabilities contributes to degradation in the quality of life enjoyed by them.

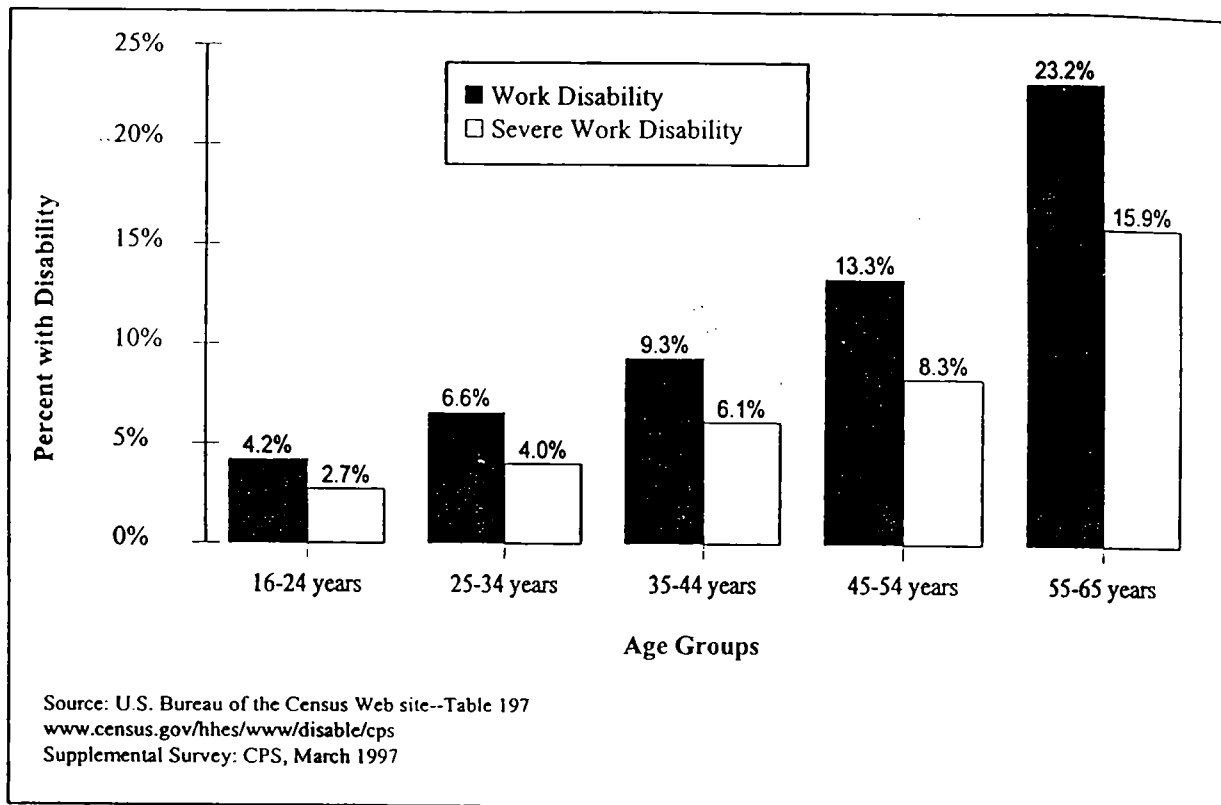
### **The Changing Composition of the Disability Population**

*A “Graying” America.* A contributing factor in the difficulties associated with estimating rates of disability in the overall population and in specific subsets of the population has to do with the changing characteristics of the population. The “graying” of the American population certainly contributes significantly to the growth in the numbers of people with disabilities. As the data from the supplement of the Current Population Survey conducted in March 1997 (summarized in Figure 2) suggest, the implications of an aging population with respect to disability rates are significant.

The rates for both severe and non-severe disabilities increase dramatically as individuals advance through their working years and beyond. These data suggest that there will be increasing numbers of people with disabilities associated with aging, including visual and hearing impairments, severe arthritis, and functional impairments associated with stroke and other cardiovascular diseases. For policy makers and program planners, this trend is further complicated by the fact that the work life of Americans is being extended further and further.



**FIGURE 2: Work Disability and Severe Work Disability Increase with Age**



***Mental Health Problems Appear to Pose Special Challenges with Regard to Employment.*** Sound data on the prevalence and incidence of mental health problems are difficult to secure. LaPlante and Carlson (1996) reported that, based on their analyses of data from 1992, about two million Americans experience disability related to schizophrenia, other psychoses, and non-psychotic mental disorders, including anxiety disorders. Other sources of data suggest that these estimates are low. The National Depressive and Manic-Depressive Association (1998) estimates that 17.4 million adults will experience an affective or mood disorder each year. Estimates available from the National Institute of Mental Health (1998) indicate that, every year, about 1.8 million Americans experience schizophrenia and another 11.6 million (6.3% of the population) experience mood disorders.

Whichever estimates one uses, the conclusion is the same, mental health problems contribute significantly to job-related disability in the United States. This fact is emphasized by data indicating that labor force participation rates for people with mental health problems lag far behind those of people with other types of disabilities (Trupin et al., 1997). Labor force participation rates for people under age 45 with mental health disabilities consistently fall far below rates of all persons with disabilities in the same age group (Trupin et al., 1997).

***A Need for Better Support of Children with Disabilities Who Will Be Entering the Job Market.***

While the “graying” of America poses one challenge with regard to employment and disability, another challenge can be found at the other end of the age spectrum. Data from the 1994-95 SIPP indicate that about 12.7 percent of the 35 million children in the six to 14 age range have some type of disability, with 1.9 percent of children in this age group having a disability classified as severe (McNeil, 1997).

As noted in the following table, the number of children between the ages of 6 and 21 who are served under the federal IDEA, Part B and Chapter 1 Handicapped Program increased steadily from 1990 to 1995. Of particular note are the relatively high numbers of children with specific learning disabilities, speech or language impairments, mental retardation, and serious emotional disturbance. Finally, the dramatic rates of increase in students with orthopedic impairments and other health impairments should be noted.

**TABLE 1: Number of Students Ages 6-21 Served\* During the  
1990-91 through 1994-95 School Years**

Disability Condition	School Year					Change from 1990-91 through 1994-95	
	1990-91	1991-92	1992-93	1993-94	1994-95	Number	Percent
Specific learning disabilities	2,144,017	2,247,004	2,366,487	2,428,112	2,513,977	369,960	17.3
Speech or language impairments	987,778	998,904	998,049	1,018,208	1,023,665	35,887	3.6
Mental retardation	551,457	553,262	532,362	553,869	570,855	19,398	3.5
Serious emotional disturbance	390,764	400,211	401,652	415,071	428,168	37,404	9.6
Multiple disabilities	97,629	98,408	103,279	109,730	89,646	-7,983	-8.2
Hearing impairments	59,211	60,727	60,616	64,667	65,568	6,357	10.7
Orthopedic impairments	49,340	51,389	52,588	56,842	60,604	11,264	22.8
Other health impairments	56,349	58,749	66,063	83,080	106,509	50,160	89.0
Visual impairments	23,682	24,083	23,544	24,813	24,877	1,195	5.0
Autism	NA	5,415	15,580	19,058	22,780	22,780	--
Deaf-blindness	1,524	1,427	1,394	1,367	1,331	-193	-12.7
Traumatic brain injury	NA	245	3,960	5,395	7,188	7,188	--
All disabilities	4,361,751	4,499,824	4,625,574	4,780,212	4,915,168	553,417	12.7

\*The data for 1990-91 through 1993-94 include children 6 through 21 years of age served under IDEA, Part B and Chapter 1 Handicapped Program. For 1994-95, all children ages 6-21 are served under Part B, which includes children previously counted under the Chapter 1 Handicapped Program. Autism and traumatic brain injury were introduced as separate reporting categories in the 1991-92 school year as a result of P.L. 101-476, the 1990 Amendments to IDEA.

SOURCE: U.S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS).

***Programmatic Response to a Changing Disability Milieu.*** Before closing this chapter, it is worth taking a look at the way in which disability-related service programs and support systems are responding to a changing disability environment. In 1997, Trupin and colleagues at the Disability Statistics Rehabilitation Research and Training Center at the University of California San Francisco completed a retrospective review of data on *Trends in Labor Force Participation Among Persons with Disabilities, 1983-1994*.

In the report of Trupin et al. (1997), it was noted that labor force participation rates for persons with disabilities differ "dramatically" across conditions: persons with disabilities caused by impairments and respiratory conditions have high labor force participation rates, while those with disabilities

caused by mental, endocrine, and circulatory conditions have low rates (Trupin et al., 1997). In the concluding paragraph of the report, the following observations are made:

The passage and subsequent implementation of the Americans with Disabilities Act (ADA) of 1990, combined with an improvement in the labor force participation rate of persons with disabilities during the 1980s, raised expectations for further improvement in the employment of such persons during this decade. This report demonstrates that the disparity in labor force participation rates between persons with and without disabilities has, if anything, grown in recent years. Of course, we do not know whether the employment situation for persons with disabilities would have been worse in the absence of the ADA. Nevertheless, the findings reported here suggest that the enforcement mechanisms of the ADA have not yet proved sufficient to begin narrowing the gap in employment rates between persons with and without disabilities (Trupin et al., 1997, p. 19).\*

Disregarding for a moment issues of individual dignity and quality life that are tied so inextricably to one's perceptions of self worth and value to society, the costs to society in allowing a significant portion of our population to remain nonemployed merit some consideration. In another study of employment and disability, conducted by a faculty member at Rutgers University, some projections of the potential economic impact of increased rates of employment among people with disabilities were included. These projections alone offer a powerful argument for more effective and aggressive efforts to promote opportunities for employment of people with disabilities.

Calculations based on the numbers presented here indicate that the employment of an additional one million people with disabilities could be associated with as much as an overall \$21.2 billion annual increase in earned income, \$1.2 billion annual decrease in means-tested cash income, \$286 million annual decrease in use of food stamps, \$1.8 billion decrease in Social Security income, and decrease of 284,000 in the number using Medicaid and 166,000 in the number using Medicare. The magnitudes of these numbers, which should be seen as preliminary estimates that can be refined in future work, combine with the substantial non-monetary benefits of employment to reinforce the search for methods of increasing employment among people with disabilities (Kruse, 1997, p. 28).

***Final Observations Regarding the Changing Face of Disability.*** The data that are available indicate significant and ongoing growth in the number of people with disabilities. Furthermore, it is clear that new approaches to examining disability, the factors that contribute to disability, and the impact that disability has on individuals, families, and the larger society are needed. Data collection approaches have not kept pace with an evolving understanding of disability and related issues.

Notwithstanding shortcomings in the data that we have, the picture that these data paint is not a pretty one. What we see is a significant subset of America's population—Curtis (1989) referred to them as America's "largest minority"—living lives of diminished quality because they are denied employment. Based on data from the 1993-94 Survey of Income and Program Participation (SIPP), Kruse (1997) determined that employment could be clearly ruled out for 160,000 individuals of an estimated 31.1 million working-age people with disabilities. This estimate suggests that nearly 30

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\*When reviewing these observations in view of other data, one should recognize that the employment rate for people with moderate disabilities may have remained steady, or even improved somewhat, while the employment rate for people with severe disabilities remains strikingly low.

million people with disabilities should be employed, contributing members of their communities and of the larger society. Kruse's estimate of a 51.0% employment rate for persons with disabilities, based on SIPP data, varies significantly from the 29% employment rate reported in the N.O.D./Harris 1998 Survey of Americans with Disabilities. However, regardless of the figure used for comparison purposes, the results are the same--a vast majority of people with severe disabilities are not working nor do they have reasonable opportunities to pursue personal dreams or enjoy the promise of the American Dream.

The data cited here paint only a partial picture. Anyone with real concern about his or her fellow Americans and about the health and welfare of the society we live in should look more closely at the sources of the data selectively cited here. What these sources show is that we are not responding well to the challenges posed in providing reasonable opportunities for a decent quality of life for people with disabilities. We are charting a course for change that must yield far better results in the 21<sup>st</sup> Century. The nation simply cannot afford to waste the largely untapped resource of millions of skilled and talented Americans who are denied the right to contribute to and be part of America's progress and prosperity.

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## Appendix C

### Summary of the President's Executive Actions on the Eighth Anniversary of The Americans with Disabilities Act

THE WHITE HOUSE

July 29, 1998

In commemoration of the eighth anniversary of the Americans with Disabilities Act (ADA), the President signed an Executive Memorandum aimed at increasing employment and health care options for people with disabilities. He also announced the release of a letter to Medicaid Directors clarifying that the ADA obligates states to offer appropriate community based services. Finally, to build on these actions, the President is also announcing his commitment to work with Senator Jeffords and Senator Kennedy to pass affordable, feasible legislation to help people with disabilities maintain their health care coverage and return to work. Today, the President met with his Task Force on Employment of People with Disabilities and advocates of people with disabilities. In this meeting, the President:

**Signed A New Presidential Memorandum to Increase Employment and Health Care Options for People with Disabilities.** While the ADA has been critically important to people with disabilities, significant challenges remain. Since 1993, 15 million new jobs have been created. But the unemployment rate among the 30 million working-age adults with disabilities continues to be much higher than that of the general population--close to 75 percent for people with significant disabilities. The President signed an Executive Memorandum that will direct the relevant agencies to:

*Expand Public Education About the Americans with Disabilities Act.* Although more and more Americans are becoming aware of the ADA, too many employers and employees do not know their rights and responsibilities under the ADA. Today, the President is directing the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected, with special attention to small businesses and under-served populations.

*Increase Information About New Medicaid Buy-in Option.* Many people with disabilities are not able to leave Social Security programs to return to work because they will lose their health care coverage. As part of last year's Balanced Budget Act, the President signed into law a new state option to allow individuals with disabilities who return to work, the ability to purchase critically necessary Medicaid coverage as their earnings increase. Today, the President is directing the Secretary of the Department of Health and Human Services to ensure that Governors, state legislators, and state Medicaid directors work with consumer organizations to take advantage of this important option.

**Issuing Letter Clarifying That ADA Obligates States to Offer Appropriate Community Based Services.** Recent court cases, including *Helen L. vs. DiDario*, have interpreted the ADA to require states to provide Medicaid services in the most integrated setting appropriate to people with disabilities. Today, the Health Care Financing Administration (HCFA) is sending a letter to

all State Medicaid Directors clarifying that under these standards, if an individual living in a facility could live in a community with the right mix of support services, reasonable steps should be taken to provide community based services provided it does not fundamentally alter the state program.

**Announcing Support For Policies to Improve Health Options for Working Adults With Disabilities.** The President also announced his strong commitment to work with Senators Jeffords, Kennedy, and other Members of Congress to pass affordable, feasible legislation that helps people with disabilities maintain their health care coverage and return to work. The Jeffords-Kennedy proposal would increase Medicaid options and state resources for people with disabilities. It would also allow all Americans receiving Social Security Disability Insurance to retain their Medicare when they return to work, eliminating a provision in current law that often requires people with disabilities to choose between work and health insurance. The President directs the Administration to utilize all of its policy and budgetary expertise at HHS, the Office of Management and Budget, and the White House to work towards the passage of affordable legislation before the Congress adjourns this year, consistent with the Administration's commitment to preserving the budget surplus.



## Appendix D

### Summary of Disability-Related Legislative Initiatives\*

<b>National Vocational Rehabilitation Act of 1920</b>	Established state/federal system of rehabilitation services.
<b>Social Security Act of 1935</b>	Established federal/state system of health services for "crippled" children; permanently authorized civilian rehabilitation program.
<b>Wagner-O'Day Act of 1938</b>	Authorized federal purchases from workshops for people who are blind.
<b>Randolph-Sheppard Act of 1938</b>	Authorized federal program to employ people who are blind as vendors on federal property.
<b>Vocational Rehabilitation Act of 1954</b>	Authorized innovation and expansion grants, and grants to colleges and universities for professional training.
<b>Wagner-Peyser Act Amendments of 1954</b>	Required federal/state employment security offices to designate staff members to assist people with severe disabilities.
<b>Social Security Amendments of 1956</b>	Established Social Security Disability Insurance Trust Fund and provided for payments to eligible workers who became disabled.
<b>National Defense Education Act of 1958</b>	Authorized federal assistance for preparation of teachers of children with disabilities.
<b>Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963</b>	Provided grants for construction of mental retardation research centers and facilities; provided for training of educational personnel involved with youth with disabilities; authorized grants to states for construction of community mental health centers.

\*Adapted from Kay F. Schriner and Andrew I. Batavia, "Disability Law and Social Policy," *Encyclopedia of Disability and Rehabilitation*, New York: Simon & Schuster Macmillan, 1995, with summaries of legislation enacted since 1995 contributed by Carri George, Rebecca Ogle, Bobby Silverstein, and the Department of Justice's 1997 publication, *A Guide to Disability Rights Laws*. This chart includes laws and amendments to laws significant to the context of this report and is not intended to be exhaustive or all inclusive.

**Mental Retardation Facilities  
and Community Mental  
Health Centers Construction  
Act Amendments of 1965**

Established grant program to cover initial staffing costs for community mental health centers.

**Social Security Act  
Amendments of 1965**

Established Medicaid program for elderly people and for blind persons and other persons with disabilities.

**Elementary and Secondary  
Education Act of 1965**

Authorized federal aid to states and localities for educating deprived children, including children with disabilities.

**Elementary and Secondary  
Education Act Amendments  
of 1966**

Created National Advisory Committee on Handicapped Children; created Bureau of Education for the Handicapped in U.S. Office of Education.

**Fair Labor Standards  
Amendments of 1966**

Established standards for employment of workers with disabilities, allowing for subminimum wages.

**Elementary and Secondary  
Education Amendments of  
1967**

Authorized regional resource centers; authorized centers and services for deaf-blind children.

**Handicapped Children's  
Early Education Assistance  
Act of 1968**

Established grant program for preschool and early education of children with disabilities.

**Vocational Education Act  
Amendments of 1968**

Required participating states to earmark 10 percent of basic vocational education allotment for youth with disabilities.

**Architectural Barriers Act of  
1968**

Required most buildings and facilities built, constructed, or altered with federal funds after 1969 to be accessible.

**Developmental Disabilities  
Services and Facilities  
Construction Amendments of  
1970**

Expanded services to individuals with epilepsy and cerebral palsy; authorized new state formula grant program; defined "developmental disability" in categorical terms; established state-level planning council.

**Urban Mass Transportation  
Act Amendment of 1970**

Authorized grants to states and localities for accessible mass transportation.

<b>Javits-Wagner-O'Day Act of 1971</b>	Extended purchase authority to workshops for people with severe disabilities in addition to blindness; retained through 1976 preference for workshops for people who are blind.
<b>Social Security Amendments of 1972</b>	Extended Medicare coverage to individuals with disabilities; established Supplemental Security Income program for elderly people and for blind persons and other persons with disabilities.
<b>Small Business Investment Act Amendments of 1972</b>	Established the "Handicapped Assistance Loan Program" to provide loans to nonprofit sheltered workshops and individuals with disabilities.
<b>Rehabilitation Act of 1973</b>	Prohibited disability discrimination in federally assisted programs and activities and federal agencies; required affirmative action programs for people with disabilities by federal agencies and some federal contractors; established the Architectural and Transportation Barriers Compliance Board.
<b>Education Amendments of 1974</b>	Required states to establish plans and timetables for providing full educational opportunities for all children with disabilities as condition of receiving federal funds.
<b>Headstart, Economic Opportunity, and Community Partnership Act of 1974</b>	Required that at least 10 percent of children enrolled in Headstart be children with disabilities.
<b>Housing and Community Development Act of 1974</b>	Established Section 8 housing program for low-income families, including individuals with disabilities and/or their families.
<b>Developmentally Disabled Assistance and Bill of Rights Act of 1975</b>	Described congressional findings regarding rights of persons with developmental disabilities; established funding for protection and advocacy systems; added requirement that state plan include deinstitutionalization plan; required states to develop and annually review rehabilitation plans for all clients.
<b>Education for All Handicapped Children Act of 1975</b>	Required states to establish policy assuring free appropriate public education for children with disabilities as condition for receiving Part B funds; established procedural safeguards, procedures for mainstreaming children with disabilities to the maximum extent possible, and procedures for nondiscriminatory testing and evaluation practices.

<b>Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978</b>	Established National Institute of Handicapped Research; established National Council on the Handicapped; authorized grant program for independent living services; replaced categorical definition of developmental disability with functional definition; established minimum funding level for protection and advocacy services.
<b>Civil Rights Commission Act of 1978</b>	Expanded jurisdiction of Civil Rights Commission to disability discrimination.
<b>Department of Education Organization Act of 1979</b>	Established Office of Special Education and Rehabilitative Services in new cabinet-level Department of Education.
<b>Civil Rights of Institutionalized Persons Act of 1980</b>	Empowered Department of Justice to bring suit against states for allegedly violating rights of institutionalized persons with disabilities.
<b>Job Training Partnership Act of 1982</b>	Authorized training and placement services for "economically disadvantaged" individuals, including persons with disabilities.
<b>Education of the Handicapped Act Amendments of 1983</b>	Authorized grants for training parents of children with disabilities.
<b>Child Abuse Prevention Treatment Act Amendments of 1984</b>	Required states' child protection agencies to develop procedures for responding to reports that newborns with disabling conditions were being denied treatment; established conditions for requiring such treatment.
<b>Developmental Disabilities Act of 1984</b>	Shifted emphasis to employment in priority services; required Individual Habilitation Plan for consumers; increased minimum funding for protection and advocacy services.
<b>Rehabilitation Act Amendments of 1984</b>	Established Client Assistance Programs as formula grant programs; made National Council on the Handicapped an independent agency.

**Consolidated Omnibus  
Budget Reconciliation Act of  
1985**

Expanded the definition of “habilitation” for Home and Community-Based Waiver recipients with developmental disabilities to cover certain pre-vocational services and supported employment for previously institutionalized individuals; authorized states to cover ventilator-dependent children under the waiver program if they would otherwise require continued inpatient care.

**Education of the  
Handicapped Act  
Amendments of 1986**

Authorized a new grant program for states to develop an early intervention system for infants and toddlers with disabilities and their families, and provide greater incentives for states to provide preschool programs for children with disabilities between the ages of three and five.

**Handicapped Children’s  
Protection Act of 1986**

Authorizes courts to award reasonable attorneys fees to parents who prevail in due process proceedings and court actions under Part B of the Education of the Handicapped Act.

**Employment Opportunities  
for Disabled Americans Act  
of 1986**

Made the Section 1619(a) and 1619(b) work incentives a permanent feature of the Social Security Act; added provisions to enable individuals to move back and forth among regular SSI, Section 1619(a) and Section 1619(b) eligibility status.

**Education of the Deaf Act of  
1986**

Updated statute establishing Gallaudet College and changed name to Gallaudet University; authorized Gallaudet University to operate demonstration elementary and secondary schools for deaf children; established Commission on Education of the Deaf.

**Rehabilitation Act  
Amendments of 1986**

“Severe disability” definition expanded to include functional (as well as categorical) criteria; defined “employability” for first time; added formula grant program for supported employment; renamed research branch the National Institute on Disability and Rehabilitation Research.

**Air Carrier Access Act of  
1986**

Prohibited disability discrimination in provision of air transportation.

**Protection and Advocacy for  
Mentally Ill Individuals Act  
of 1986**

Authorized formula grant program for statewide advocacy services for person with mental illness, provided directly by, or under contract with, the protection and advocacy system for persons with developmental disabilities.

<b>Developmental Disabilities and Bill of Rights Act Amendments of 1987</b>	Raised minimum allotment levels for basic state grant program and protection and advocacy systems; increased minimum allotment for university-affiliated programs, basic state grant program, and protection and advocacy systems.
<b>Technology-Related Assistance for Individuals with Disabilities Act of 1988</b>	Provided grants to states to develop statewide assistive technology programs.
<b>Fair Housing Act Amendments of 1988</b>	Added persons with disabilities as a group protected from discrimination in housing and ensures that persons with disabilities are allowed to adapt their dwelling place to meet their needs.
<b>Omnibus Reconciliation Act of 1989</b>	Included major expansion in required services under Medicaid's Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).
<b>Television Decoder Circuitry Act of 1990</b>	Required new television sets to have capability for close-captioned television transmission.
<b>Americans with Disabilities Act of 1990</b>	Prohibited disability discrimination in employment, public services and public accommodations operated by private entities; requires that telecommunication services be made accessible.
<b>Rehabilitation Act Amendments of 1992</b>	Changed eligibility requirements and procedures for determining eligibility; strengthened requirements for interagency cooperation; strengthened consumer involvement requirements.
<b>Family and Medical Leave Act of 1993</b>	Allowed workers to take up to 12 weeks of unpaid leave to care for newborn and adopted children and family members with serious health conditions or to recover from serious health conditions.
<b>National Voter Registration Act of 1993</b>	Required states to liberalize their voter registration rules to allow people to register to vote by mail, when they apply for driver's licenses or at offices that provide public assistance and programs for individuals with disabilities such as vocational rehabilitation programs.

<b>Goals 2000: Educate America Act of 1994</b>	Provided framework for meeting national educational goals and carrying out systemic school reform for all children with disabilities.
<b>Telecommunications Act of 1996</b>	Required telecommunications manufacturers and service providers to ensure that equipment is designed, developed and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.
<b>Health Insurance Portability and Accountability Act of 1996</b>	Improved access to health care for some Americans by guaranteeing that private health insurance is available, portable and renewable; limiting pre-existing condition exclusions and increasing the purchasing clout of individuals and small employers through incentives to form private, voluntary coalitions to negotiate with providers and health plans.
<b>Mental Health Parity Act of 1996</b>	Included a provision that prohibits insurance companies from having lower lifetime caps for treatment of mental illness compared with treatment of other medical conditions.
<b>Personal Responsibility and Work Opportunity Reconciliation Act of 1996</b>	Required work in exchange for time-limited assistance; Temporary Assistance to Needy Families (TANF) replaced the former welfare programs, ending the federal entitlement to assistance; states, territories, and tribes receive a block grant allocation with a requirement on states to maintain a historical level of state spending known as maintenance of effort.
<b>Balanced Budget Act of 1997</b>	Section 4733 provided a new Medicaid buy-in option for people with disabilities. This provision gives states the option to allow individuals with disabilities who return to work the ability to purchase Medicaid coverage as their earnings increase up to 250% poverty, based on an individual's net rather than gross income.
<b>Individuals with Disabilities Education Act of 1997 (IDEA) Reauthorization</b>	Formally called P.L. 94-142 or the Education of All Handicapped Children Act of 1975, IDEA required public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.
<b>Workforce Investment Act of 1998</b>	Required consolidation of several federal education, training, and employment programs; reauthorized Rehabilitation Act programs through fiscal year 2003 and linked those programs to state and local workforce development systems.





## Appendix E

### Web Sites of Presidential Task Force Members

Name of Agency	Web Site Address
Commerce	<a href="http://www.doc.gov">www.doc.gov</a>
Education	<a href="http://www.ed.gov">www.ed.gov</a>
Equal Employment Opportunity Commission	<a href="http://www.eeoc.gov">www.eeoc.gov</a>
Health & Human Services	<a href="http://www.dhhs.gov">www.dhhs.gov</a>
Labor	<a href="http://www.wdsc.org/disability">www.wdsc.org/disability</a> <a href="http://www.ttrc.doleta.gov/onestop">www.ttrc.doleta.gov/onestop</a>
National Council on Disability	<a href="http://www.ncd.gov">www.ncd.gov</a>
Office of Personnel Management	<a href="http://www.opm.gov">www.opm.gov</a>
Small Business Administration	<a href="http://www.sba.gov">www.sba.gov</a>
Social Security Administration	<a href="http://www.ssa.gov">www.ssa.gov</a>
Treasury	<a href="http://www.ustreas.gov">www.ustreas.gov</a>
Transportation	<a href="http://www.dot.gov">www.dot.gov</a>
Veterans' Affairs	<a href="http://www.va.gov">www.va.gov</a>



## **Appendix F**

### **Glossary of Acronyms Used in This Report**

#### **A, B**

<b>ACAA</b>	Air Carrier Access Act
<b>ADA</b>	Americans with Disabilities Act
<b>ADL</b>	Activities of Daily Living
<b>AFDC</b>	Aid to Families with Dependent Children
<b>APTS</b>	Advanced Public Transportation Systems
<b>AVL</b>	Automatic Vehicle Location
<b>BRIDGE</b>	Building Resources for Individuals with Disabilities to Gain Employment

#### **C, D**

<b>CART</b>	Computer Assisted Real-time Transcription
<b>C.F.R.</b>	Code of Federal Regulations
<b>DHHS</b>	Department of Health and Human Services
<b>DMV</b>	Department of Motor Vehicles
<b>DOD</b>	Department of Defense
<b>DOL</b>	Department of Labor
<b>DOT</b>	Department of Transportation
<b>DSS</b>	Decision Support Systems

#### **E, F**

<b>ED</b>	Department of Education
<b>EEOC</b>	Equal Employment Opportunity Commission
<b>FAA</b>	Federal Aviation Administration
<b>FEPTA</b>	Federal Employees Part-Time Career Employment Act of 1978
<b>FHWA</b>	Federal Highway Administration
<b>FIRS</b>	Federal Information Relay Service
<b>FTA</b>	Federal Transit Administration
<b>FY</b>	Fiscal Year

#### **G, H, I**

<b>GIS</b>	Geographic Information Systems
<b>GPS</b>	Global Positioning Systems
<b>GSA</b>	General Services Administration
<b>HCFA</b>	Health Care Financing Administration

<b>HUD</b>	Department of Housing and Urban Development
<b>IRWE</b>	Impairment Related Work Expenses
<b>ISTEA</b>	Intermodal Surface Transportation Efficiency Act
<b>ITS</b>	Intelligent Transportation System

## **J, K, L**

<b>JOBS</b>	Job Opportunity Bank Service
<b>JTPA</b>	Job Training and Partnership Act
<b>LAN</b>	Local Area Networks
<b>LD</b>	Learning Disabled

## **M, N**

<b>MDT</b>	Mobile Data Terminals
<b>MPO</b>	Metropolitan Planning Organizations
<b>NGA</b>	National Governor Association
<b>NHTSA</b>	National Highway Traffic Safety Administration

## **O, P, Q**

<b>OCR</b>	Office of Civil Rights
<b>OFC</b>	Office of Motor Carriers
<b>OPM</b>	Office of Personnel Management
<b>PRWORA</b>	Personal Responsibility and Work Opportunity Reconciliation Act

## **R, S, T**

<b>RSPA</b>	Research and Special Programs Administration
<b>SGA</b>	Substantial Gainful Activity
<b>SSA</b>	Social Security Administration
<b>SSI/SSDI</b>	Supplemental Security Income/Social Security Disability Insurance
<b>TAG</b>	Technical Assistance Group
<b>TANF</b>	Temporary Assistance to Needy Families
<b>TEA-21</b>	Transportation Equity Act for the 21 <sup>st</sup> Century

## **U, V, W**

<b>U.S.C.</b>	United States Code
<b>VCA</b>	Voluntary Compliance Agreement

## **X, Y, Z**

<b>Y2K</b>	Year 2000
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# Kennedy / Jeffords DRC / JWS

Bridge -

Ticket - \$57m / 5 yr

Health patron - 790

Total = \$149m

Title II -

Title IV - 23 mil / 5 yr <sup>year over 92 mil</sup> no cost in 2001 - No decision as to whether it is mand. or discret.

What is difference b/w KJ Title IV and Bridge

1. Can we fit Bridge w/ Title IV - fit it in w/ \$23 million

Title IV and Title II - are not on the budget yet although Title II was not scored by CBO.

Title IV - has be written in a way where it is not clear mand or disc. CBO cited it - they said it should be clarified.

Issue is: 92 mil must be funded through 4-5 years fully for disaffirming.

SSI - Substantial Gain level - \$500 <sup>earned income per month</sup> for DI + SSI - Not raised since 1990 - SSI would like to raise it to ~ \$700 - Can be done from reg → reg. It is a baseline issue. Cost is \$15 billion.

Joanna - Has background in SGA -

Vocational (ED + DOC) have to have one-steps but disab. community will not want to invest \$ into one-steps.

January 7, 1999

**Serving People with Disabilities in the Universal Re-employment Initiative**

The Universal Re-Employment Initiative is currently financed with increases totaling \$335 million over the FY 1999 enacted level for three Department of Labor programs:

Dislocated worker core services and training:	\$190 million
Employment Service grants additional services:	\$ 73 million
One-Stop Career Center enhancements:	\$ 72 million

**Proposal:** In order to ensure that the Universal Re-employment Initiative meets its goals, which requires the appropriate inclusion of people with disabilities who are seeking work, (1) add \$23 million to the total Initiative for a new total of \$358 million; (2) incorporate the Work Incentives Planning, Assistance, and Outreach Grants (tentative title) into the Re-employment Initiative; (3) finance these grants at \$50 million.

OMB is making \$23 million in new funds available for this purpose. The remaining \$27 million would be derived from within the current \$335 million.

**What do Work Incentive, Planning, Assistance and Outreach Grants do?** Through competitive grants to consortia or partnerships in each state, they work directly with One-Stops, the Employment Service, and State and local Workforce Investment Boards to augment the base programs' capability with new services and information sources for people with disabilities who want to return to work. They will make it possible for each One-Stop, Board, and Employment Service system to reach people with disabilities effectively, providing expertise these entities generally do not now have, including the ability to provide essential information about benefits available for people with disabilities who go to work.

**Rationale.** Among the goals of the Re-employment initiative is ensuring that every American has access to One-Stop Career Centers by 2004. There are an estimated 54 million people with disabilities, many of whom work or want to work; more will have a stronger desire to work upon enactment of the Administration's disability benefits-based initiative for work incentives. The Re-employment Initiative needs to incorporate the Work Incentive Grants if it is to reach its goal and be supported by disability groups.

The Re-employment Initiative already has a small amount, \$5 million, for working with the National Federation for the Blind to develop a talking America's Job Bank to allow the blind to use the AJB independently. The Initiative needs much more to be fully responsive to people with disabilities.

**Sources for the \$27 million:**

- o \$7 million from One-Stops. The remaining \$65 million fully supports the specific items in the Reemployment Initiative. The One-Stop system will be the beneficiary of the full \$50 million, in terms of augmenting each Center's capacity to serve its population of people with disabilities.
- o \$20 million from Employment Services. The second goal of the Initiative, to provide re-employment services to every person who loses their job through no fault of their own, originally was intended to address re-employment of profiled UI recipients with high probability of exhausting their benefits. Our rhetoric is much broader now, focusing on making such services available to any worker. By definition, this must include persons with disabilities.

Initial costing of the initiative was tied to service only to "profiled" UI recipients; with the passing of focus on that limited target group, the amount for this component is now more precisely "what the Budget can afford this year."

The remaining \$53 million increase to the Employment Service to enhance its services will be its first increase in many years. As with One-Stops, the Partnerships funded with Work Incentives Grants will augment ES services and capability and thus its capacity to place, and get credit for, more persons with disabilities than it has otherwise been able to do.

Event

Roth

Jeffords

Kennedy

Grassby

DeWine

BUNNING

MONTYMAN

HARKIN

DINGELL

WAXMAN

BILBRAY

JOHNSON

RAMSTED

BILLEY

BYLAKIS

THURMAN

Title IX - try to get money  
for first year but couldn't  
get \$ after.

Title II - is back in w/ no  
funding - CDR change



Draft January 6th -- T. Kalil

**Curbcuts on the Information Highway:** This new \$35 million initiative will accelerate the development and adoption of information and communications technologies that can be easily used by the 55 million Americans with disabilities. If information technology is accessible, it will significantly improve the quality of life for people with disabilities, enhance their ability to participate in the workplace, and make them full participants in the Information Society. Elements of the initiative include:

- Making the federal government a "model user" of assistive technology and services to increase federal employment of people with disabilities;
- Supporting new and expanded state loan programs to make assistive technology more affordable for Americans with disabilities;
- Investing in research and development and technology transfer in areas such as "text to speech" for people who are blind, automatic captioning for people who are deaf, or speech recognition and eye tracking for people who can't use a keyboard;
- Providing matching funds for industry consortia that work with disabilities community to make key technologies accessible, such as interactive television, hand-held computers, and cellular phones; and
- Providing funding to a private sector organization -- analogous to the Underwriters' Laboratory -- that would test information and communications technologies to see if they are accessible.

Draft January 6, 1999

MEMORANDUM FOR

FROM: TOM KALIL

RE: "Curbcuts on the Information Superhighway"

**Summary:** This memo proposes a Presidential initiative to accelerate the development and adoption of information and communications technologies that can be easily used by the 55 million Americans with disabilities and Americans who have a need for an alternative means of interaction with a computer to improve their productivity. The key idea is that technology should be designed from the beginning to be accessible to people with disabilities and for people who need alternative means of interaction with a computer aside from the standard mouse and keyboard to improve their productivity, which is referred to as "universal design."

Applying the concept of universal design will benefit not only people with disabilities, but also the growing population of workers who need technology that suits their mobile work environments. For example, a blind person who needs to listen to their computer, or a paralyzed person who needs to be able to speak to their computer and have the computer know what to do are the same types of functionality that a physician needs if she is performing a physical exam for which she would like to take notes and both hands are occupied. If technology is accessible, this will significantly improve the quality of life for people with disabilities, enhance their ability to participate in the workplace, make them full participants in the Information Society, and enhance the productivity for people with a need for alternative means of interaction with a computer. However, if information technology is not accessible, Americans with disabilities could be even more isolated and the productivity of Americans may not reach its highest height. Presidential leadership is needed to make information technology accessible to all Americans.

**Elements of the initiative**

**1. Leveraging the government's procurement power to promote accessible technologies**

a. Enforcing Section 508

- The President has signed legislation that strengthens Section 508 of the Rehabilitation Act. The new Section 508 requires Federal agencies to ensure that both employees and members of the public seeking government services "have access to and use of information and data" that is equivalent to people without disabilities.
- Strengthening Section 508 would encourage private sector companies that want to sell to the government to make their products more accessible to people with disabilities.
- The Access Board is charged with developing the standards for accessible technology, and these standards must be incorporated into Federal procurement regulations.
- Clauses in the Assistive Technology Act of 1998 (S.2432) which is an enrolled bill requires State governments to ensure that they meet the accessibility standards for Section 508 in technology procurement.
- The Access Board is required to develop and implement a technical assistance program and training program for Federal entities and State governments.
- As part of their FY 2000 budget submission, the Access Board has requested additional resources to support this new responsibility.

## **2. Making the federal government a model user of assistive technology and services to increase federal employment for people with disabilities**

The Administration should set the following goals with respect to the federal government's use of assistive technology and services:

- Increase the federal employment opportunities for persons with disabilities, and eliminate disincentives to hire persons with disabilities because of budget and FTE caps;
- Make the federal government a leader and a model on assistive technology, universal design, and accommodation services;
- Ensure full compliance with the new Section 508 and Section 504;
- Encourage and support sharing of best practices in accommodation services and assistive technology (accessible software certification, training, ergonomics, dispute resolution, development of accessible custom software); and

- Maintain the locus of responsibility for these issues with the agency head or appropriate designee.

The Administration should avoid any policies that undermine existing agency assistive technology programs, or send a signal to agency leadership that accommodation is something that can be outsourced. Clearly, accommodation is something that needs to be integrated into broader agency policies (e.g. the agency's broader IT strategy).

In order to accomplish these goals, the Administration should:

- a. **Expand the Defense Department's Computer Accommodations Program ("CAP") to make it available to "small" agencies at no cost if they chose to use it:**

The Defense Department's Computer Accommodations Program ("CAP") purchases equipment for DOD employees with disabilities to allow them to keep working if they become disabled, or for new employees just joining the workforce. By using a central \$2 million fund for such purchases, individual offices do not have to bear the cost within their own budgets, and are less likely to be deterred from hiring a person with a disability. CAP is also able to get better prices on equipment through its bulk purchases and expertise. It has a showroom to help employees try out appropriate adaptive devices (CAP makes the decision on what equipment is purchased, not the employee). It has provided over 9,000 accommodations since its inception in 1990. This program is a good example of how employers and employees are taking advantage of new (and increasingly cheap) technology, such as computers for the blind that talk and listen, and alternative computer keyboards for people with dexterity problems, that allow people with disabilities to work. Expanding the program has the strong support of the Administration's appointees with disabilities, in particular for Tony Coelho, chair of the President's Committee on Employment of People with Disabilities.

- b. **Provide resources to Cabinet agencies to increase their investment in assistive technology and services to increase federal employment for people with disabilities**

Currently, when managers are considering hiring prospective employees with disabilities, whether they admit it or not, they weigh the expense of hiring individuals against their available resources. Presently, managers who hire employees requiring accommodations are in effect fiscally penalized because any accommodation costs are charged against their program's salary and expense budgets.

For example, a technician who is blind likely needs a screen reader or speech

synthesizer on a computer to do his or her job. Likewise, if an employee who has a significant disability needs a personal assistant to perform his or her duties, the manager must come up with sufficient funds to pay the researcher and the personal assistant. However, compartmentalized program budgets within federal agencies may not be sufficient to cover these sort of expenses, and managers naturally weigh their hiring decisions against their budgetary resources. Although this is illegal, it is a matter of reality.

Some agencies have created an agency-wide pool of funds to pay for assistive technology as well as another pool to cover the costs of personal assistants, readers, and interpreters. These pools of funds are available, not as a substitute for program-level responsibilities for providing accommodations, but as a resource to augment what the specific program may not be able to cover. For example, when a current employee whose vision and hearing losses are progressing needs a specific piece of software for a computer being purchased, the pool serves as a potential resource only if the organizational unit's budget is insufficient. Or, when a new disabled employee joins a program, and a computer work station is needed, the program purchases the work station, as it would do for any other employee, and relies on the special fund for additional costs, if necessary, such as for specialized software, larger monitors, etc.

The FY 2000 budget includes a cross-agency initiative to establish resources to cover the costs of assistive technology and other services to promote and support employment of individuals with disabilities. Money to be put into a separate account at GSA that is administered by GSA for the large federal agencies' use for acquisition of accessible information technology to accommodate individuals with disabilities at those agencies. The large federal agencies would apply to GSA and justify (in some form) their need for the additional funds. The funds in the account would be multi-year so that no end of year run would talk place on the account. GSA would be assisted by agencies with expertise in this area in defining criteria for sufficient justification.

**c. Encourage the creation of an inter-agency forum to engage in bench-making and sharing of best practices**

Expertise and best practices are distributed across the federal government. Several agencies have won awards and international recognition for their work on assistive technology. The Administration should encourage the formation of an inter-agency forum to promote bench-marking and the sharing of best practices.

**Cost:**

\$2 million at Defense Department to expand CAP program for small agencies.

\$8 million at GSA.

### **3. Investing in basic and applied R&D, technology transfer, and "one-stop" demonstration centers for accessible technologies**

- The Administration could expand its investment in basic and applied R&D and technology transfer that would improve the accessibility of information technology. Currently, the National Science Foundation and the National Institute on Disability and Rehabilitation Research (NIDRR) collectively invest several millions of dollars per year in this area.
- The National Science Foundation would take the lead in funding basic research. NIDRR would take the lead in applied research and in supporting technology transfer and demonstration activities.

#### **a. Basic research**

- The primary goal would be to develop technology that allows people with disabilities to interact with computers, telecommunications equipment, and information services in a way that is convenient for them. This might mean supporting R&D for:
  - Improved speech recognition technology or "eye-tracking" technology for people who can't use a keyboard;
  - "Text-to-speech" or "dynamic braille" for people who are blind;
  - Automatic captioning of multimedia or audio for people who are deaf;
  - A device that recognizes American Sign Language and translates it to speech or text in real-time;
  - Collaboration software that is so good that participants can't tell whether someone in their "virtual" group has a disability;
  - The electronic equivalent of a "guide dog";
  - "Tactile" access to graphical information for people who are blind or low vision;
  - Graphical user interfaces or operating systems that are usable by people who are blind or low-vision; and
  - Storing information so that it can be displayed in multiple formats,

depending on the needs of the user.

**Cost:** This will be part of NSF's increase in investment in long-term computer science research as part of the President's Information Technology Initiative.

**b. Applied research and technology transfer**

- Support applied research in technologies and technology services that allow people with disabilities to use information and telecommunications technology.
- Develop "road-maps" for accessible information and communications technology, based on input from industry, researchers, and disabilities community.
- Expand support for academic researchers and Rehabilitation Engineering Research Centers so that they can work with companies to (upon request) transfer the results of research on universal design and accessibility into upcoming products.
- Identify technologies that may have been developed for other purposes in National Labs or by other federally-supported research and demonstrate their applicability for accessibility. Partner with other organizations such as the Federal Laboratory Consortium.
- Fund several demonstration centers where people will be able see, touch, compare and learn about information and communications hardware/software that has been designed to be accessible. The centers would also demonstrate research prototypes of software and hardware. Center personnel would also have a mandate to conduct outreach to industry and trade shows.

**Cost:**

**4. Developing an "Underwriters Laboratory" for accessible technologies**

- The government could provide start-up funding to a private sector organization -- analogous to the Underwriters' Laboratory -- that would test information & communications technologies to see if they are accessible.
- Bench marking results would be made available on the World Wide Web. Again, this would improve the market for accessible technology, and make it easier for government agencies and other purchasers to buy accessible technology.



- Eventually, this would be self-supporting from user fees.

**Cost:** \$2 million/year. General Services Administration.

## **5. Education and training for universal design**

- The government could provide grants to universities that develop curriculum on universal design. These courses, which would be offered in traditional classroom settings and using distance learning technologies -- would train hardware and software engineers to develop products that are accessible.

**Cost:** This will be part of NSF's increased investment in information technology research.

## **6. Industry consortia for accessibility**

- Last year, President Clinton endorsed the Web Accessibility Initiative, which was funded by industry, the National Science Foundation, the National Institute on Disability and Rehabilitation Research, and the European Community. The Web Accessibility Initiative is working to make the Web accessible for people with disabilities by:
  - Making sure that the evolving Web standards are developed with accessibility concerns in mind;
  - Developing guidelines for accessible Web sites and Web browsers;
  - Raising awareness among people who develop Web sites and Web software about the importance of the accessibility issue.
- The Web Accessibility Initiative was regarded as a significant step forward by the disabilities community because it gave them an opportunity to work cooperatively with industry, and to address accessibility concerns from the very beginning.
- The government could provide matching funds for industry consortia that would work to make other technologies accessible, such as interactive television, small, hand-held computers, and cellular phones.

**Cost:** \$2 million/year. NIDDR.

## **7. Increasing the availability of assistive technology**

Our best option for increasing the deployment of assistive technology would be to expand our support for the 56 State Technology projects in the 50 States, District of Columbia, Puerto Rico and the four island territories. These are currently funded by the Department of Education, and work to reduce barriers to the availability, acquisition, and use of assistive technology devices and services for individuals

with disabilities within their states. Currently, this program is funded at roughly \$30 million/year - down from \$36 million in FY97. It is known as the "Tech Act" program because it is authorized by the Technology Related Assistance for Individuals with Disabilities Act.

**c. Public -Private Loan Program for Assistive Technology**

Lack of funding remains the greatest barrier to consumer access to assistive technology. Testimony from the 1998 public hearings on assistive technology suggest that managed care appears to have decreased financial support to pay for assistive technology. According to National Health Interview Survey data, over 50 per cent of Americans paid for assistive technology out of pocket before the advent of managed care, a situation which has created a hardship for persons of low income. Loan financing programs have proven to be an alternative of great potential relieving some of the financial burden. A consumer responsive loan financing program can provide a dignified and often desirable option to persons with disabilities of low and middle income levels. There are approximately 20 States that operate a loan financing program; these are typically set up with a local or statewide banking institution. Often, the State uses some of its federal grant money for a loan guarantee. The federal funds provide the much needed seed money to establish a loan fund. Using federal funds or other federally supported resources in partnership with a private financial institution is a positive step toward community commitment, investment and general awareness of some of the challenges faces by persons with disabilities and some of the ways to mitigate these obstacles.

**Recommendation:** Through financial support increase the number of States that operate public -private loan financing programs. This will increase the number of individuals with disabilities who are able to access assistive technology services and devices.

**Cost:** \$15 million distributed to States interested in creating or expanding financial loan programs.

**Budget Summary by goal (\$35 million)****1. Enforcement of Section 508**

In baseline.

**2. Government purchase of assistive technology**

\$2 million - expansion of DoD CAP program for small agencies

\$8 million -- GSA

**3. R&D and tech transfer**

\$6 million for NIDRR

Funding for NSF included in broader IT research initiative

**4. Underwriters Laboratory**

\$2 million for GSA

**5. Industry consortia for accessibility**

\$2 million for NIDRR

**6. Education and Training for Universal Design**

Part of NSF increase.

**7. Support for state loan programs for deployment of assistive technology**

\$15 million for NIDRR

**By agency**

Education/NIDRR \$23 million

GSA \$10 million (\$8 million of which for cabinet agencies)

Defense \$2 million

**VICE PRESIDENT GORE EMBRACES REPORT FROM TASK FORCE AND  
TAKES STEPS TO INCREASE EMPLOYMENT OF PEOPLE WITH DISABILITIES**  
**December 14, 1998**

Today, the Vice President accepted "Re-charting the Course," the first report of the Presidential Task Force on Employment of Adults With Disabilities. According to the 1998 Harris Survey of Americans with Disabilities, less than 30 percent of working-age adults with disabilities are employed full or part-time, although 75 percent indicate they would prefer to work. The Vice President commended the Task Force for its powerful and thorough recommendations to create critically needed employment opportunities for people with disabilities. He applauded these proposals and called on the Administration to implement specific recommendations right away.

**The Vice President called on the Administration to immediately implement specific recommendations of the Task Force report.** While many of the recommendations made by the Task Force will require legislation and new funding, the Vice President took steps to immediately implement some of the Task Force's recommendations. The Vice President:

- **Asked the Office of Personnel Management (OPM) to develop a model plan to increase representation of adults with disabilities in the Federal workforce.** To help address this problem, the Vice President asked OPM to develop -- by March 1, 1999 -- a model plan for all federal agencies to increase representation of adults with disabilities in its workforce. This plan will include ways to involve more students with disabilities in federal internship programs, give employees with disabilities options to enhance their leadership skills and advance their careers, and recruit more people with disabilities at all levels of the federal workforce.
- **Requested that the Small Business Administration (SBA) launch a new outreach campaign to help Americans with disabilities start their own businesses.** People with disabilities have higher rates of self-employment and small business experience than the rest of America, yet they too often do not know what assistance they may be eligible for. The Vice President asked SBA to begin implementing right away the Task Force's recommendation to educate people with disabilities who want to start their own business. This major nationwide campaign will provide greater access to entrepreneurial development programs, financial assistance incentives, and government contracting opportunities, including the Section 8 (a) program, HUB Zones, the small disadvantaged business program.
- **Gave the Hammer Award to the Computer/Electronic Accommodation Program (CAP) and committed the Administration to assuring that all Federal employees have access to accessible technology.** The Vice President gave the Hammer Award to the Department of Defense's CAP program, which provides assistive technology to DoD employees with disabilities to ensure that they have the telecommunications and computer technology they need to perform their jobs. Since its inception, CAP has filled over 14,500 requests for accommodations. The Vice President also committed the Administration to assuring the Federal government is a model employer by finding ways to assure that these kinds of assistive technology programs are available to all Federal employees.

- **Reiterated the Administration's commitment to passing a strong enforceable patients' bill of rights to improve the quality of care for people with disabilities.** The Vice President also reiterated that a top priority when Congress returns should be to pass a strong enforceable patients' bill of rights that includes critical patient protections for people with disabilities, including access to the specialists they need, continuity of care protections to assure people with disabilities do not have an abrupt disruption in care, and an independent external appeals process to assure people with disabilities can address grievances with health plans.

**These efforts build on the Administration's longstanding commitment to improving opportunities for people with disabilities.** The Administration has demonstrated a longstanding commitment to improving health, employment, and other opportunities for people with disabilities. The Administration fought hard for the Health Insurance Accountability Act of 1996, which helps people with disabilities keep health insurance by limiting preexisting condition exclusions; the Mental Health Parity Act of 1996, which limits insurance discrimination based on mental illness; and a new state option in the Balanced Budget Act of 1997 that helps people with disabilities to purchase Medicaid when they return to work. The Administration also fought hard for the Jeffords-Kennedy legislation in last fall's budget negotiations that would eliminate some of the health insurance barriers to help people with disabilities return to work and has made a commitment to saving Social Security First. The Vice President is also hosting a summit on January 12th on "21st Century Skills for 21st Century Jobs" which will bring together leaders from business, education, labor, and government to discuss how to help working Americans --including those with disabilities -- get the skills needed to get, keep, and succeed in good jobs.

# Presidential Documents

Title 3—

Executive Order 13078 of March 13, 1998

The President

## Increasing Employment of Adults With Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

### Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

- (1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;
- (2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;
- (3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;
- (4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d)(1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

## Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to



develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

**Sec. 3. Cooperation.** All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

**Sec. 4. Judicial Review.** This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

*William Clinton*

THE WHITE HOUSE,  
March 13, 1998.