

Disability Issues -- from Carol -- General

PHOTOCOPY
PRESERVATION

DATE: September 24, 1993
TO: Carol Rasco
FROM: Stan Herr
Mike Schmidt
RE: Letter from Christy Compton

We have attached a draft response to the letter that Ms. Christy Compton sent to you on August 27. Ms. Compton is the Chair of the Task Force on Removing Barriers for Deaf and Hard of Hearing Federal Employees.

The letter asked you to consider a draft Executive Order that the Task Force put together on implementing accommodation of disabled Federal employees. As you know, a broader Executive Order has been already been drafted by the Administration on this subject and is currently being circulated for review. Because we already have a draft Order in the works, we thought that the attached response to Ms. Compton's letter would be appropriate.

THE WHITE HOUSE

WASHINGTON

xc: Here

Schmidt (because of your OPM exp.)

SEP 31 1993

**Task Force on Removing Barriers
for Deaf and Hard of Hearing Federal Employees**
6023 N. 21st Street Arlington, VA 22205
301-443-3165 Voice 301-443-7991 TTY

August 27, 1993

Carol H. Rasco, Chairperson
Domestic Policy Council
The White House
Washington, D.C. 20500

Dear Ms. Rasco:

It was a pleasure to read about you in the Washington Post's Style article on August 24, 1993. Phil Calkins, Acting Director, Communication and Legislative Affairs, EEOC, told me how Bobby Silverstein, Senate Committee on Disabilities, forwarded to you our draft Executive Order, which we had hoped would be signed for the ADA anniversary. Although we were disappointed when it was not signed, we certainly understand that the unfortunate floods and resulting problems took priority. (We understand that other priorities prevented the Executive Order from becoming officially released on July 26.)

October is "Employment of Persons with Disabilities Awareness Month," which would be another good opportunity for releasing the Executive Order. Instead of taking up your time with boring details, I have enclosed a copy of our flyer in addition to the draft Executive Order. The graph illustrates the pay grade gap experienced by deaf Federal employees.

Many agencies (including OPM) do not acknowledge that the deaf employee is the only one able to determine if an interpreter is qualified. Other agencies are citing budget problems as justification for not hiring interpreters (in violation of 29 CFR 1614.204). Managers are violating section 501 of the Rehabilitation Act by refusing to promote deaf people because they cannot answer the telephone. If your staff needs names, dates, and other specifics, we will be happy to supply them.

Even if, for some reason unknown to us, the substance of this Executive Order cannot be used, we hope that you will remember us when making domestic policy recommendations. Deaf people have a difficult time obtaining interpreters for not only job-related situations, but for doctors appointments, therapy visits, classroom instruction, dealings with public service employees (police, fire, etc.) and many other situations where people take communication for granted.

Thank you for giving hope to people with disabilities.

Sincerely

Christy Compton

Christy Compton, Chair

Enclosures

Would both
of you look
over this,
give me a
buzz

CHA

Proclamation / → Can

EXECUTIVE ORDER

IMPLEMENTING ACCOMMODATION OF EMPLOYEES WITH DISABILITIES

WHEREAS, the United States Government has a strong history of protecting the rights of employees with disabilities through such laws and regulations as Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. Subchapter 791, and 29 C.F.R. Section 1613.703; and

WHEREAS, the Americans with Disabilities Act of 1990 strengthens and clarifies the rights of the over 43 million Americans with disabilities by further opening the doors of opportunity and inclusion; and

WHEREAS, the responsibility of implementing the Americans with Disabilities Act challenges the United States Government to demonstrate pro-active non-discrimination and accommodation of people with disabilities.

NOW, THEREFORE, I, William Clinton, President of the United States, do hereby order and direct as follows:

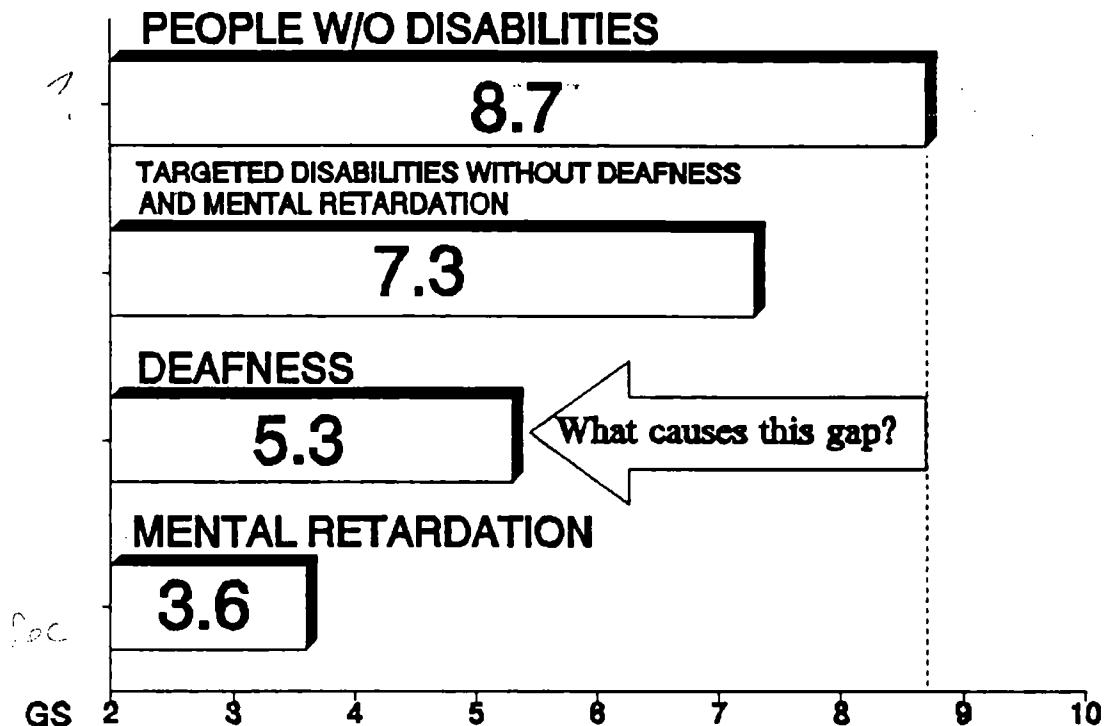
1. No Federal Agency shall discriminate against people with disabilities. Each Agency must re-examine all policies, procedures, and practices that impact people with disabilities, including our employees.
2. Federal agencies shall ensure that sufficient funds are available for reasonable accommodation. "Insufficient funds" may not be used as an excuse for not complying with accommodation requests. All employees are entitled to accommodations that enable them to do their jobs to the best of their ability. Offices that manage the accommodation process shall be well publicized so that employees with disabilities and their managers know where to obtain assistance.
3. Federal agencies must strive to develop incentives for managers to hire people with disabilities. Agencies must balance their recruiting efforts with direction from top management to conduct equitable hiring and promotion activities. The head of each agency shall remind all managers that otherwise qualified applicants with disabilities may not be disqualified because of their disability.
4. Each agency shall establish an Advisory Committee which will meet at least once a month during work hours to discuss issues and make recommendations concerning people with disabilities. A majority of the members shall be employees with various disabilities, with targeted disabilities well represented. Issues under purview of this committee shall include: recruiting, hiring, promotions, accommodations,

training, and facility accessibility. Management shall consult with this committee before making any changes impacting employees with disabilities.

5. The head of each Agency shall ensure that ALL agency programs are accessible. Films must be captioned, literature must be available in braille, meetings must be held in accessible facilities, telephone "hot lines" must have comparable TTY lines, etc.
6. Agencies shall ensure that accommodations are ready on the FIRST workday of a new employee with a disability. If special equipment or services must be ordered, the Agency shall rent, contract, or borrow similar equipment or services until the ordered accommodations become available.
7. Agencies shall consult employees with disabilities before accommodations are selected. The employee MUST be a partner in this process as accommodations are an individual and personal choice. If an accommodation is for a specific group of employees, they shall be allowed to jointly determine and participate in the selection process. This method is frequently used to select interpreters and readers.
8. Agencies shall ensure that all deaf and hard of hearing employees are given treatment equal to that received by their hearing peers, which requires inclusion in meetings, training, committees, and other agency activities with an interpreter or other accommodation as requested. The EEOC Report to Congress shows that Federal employees who are deaf have a lower pay grade average than other employees. Agencies shall actively work to eliminate the communication barrier.
9. Agencies shall ensure that all supervisors and managers receive disability awareness training. People with various disabilities shall participate in conducting this training, to ensure that accurate information is presented. Instruction on working with deaf employees shall be included. Agencies shall develop and promote the availability of special training modules on specific disabilities to be offered as requested.

IN WITNESS WHEREOF,....

FEDERAL GOVERNMENT - WIDE AVERAGE GRADE WHITE COLLAR EMPLOYEES DISABILITIES CATEGORIES



This chart shows that the Deaf have the lowest GS average except for the category of Mental Retardation.

The other Targeted Disabilities include:

- Blindness
- Missing Extremities
- Partial Paralysis
- Complete Paralysis
- Convulsive Disorders
- Distortion of Limbs/Spine
- Mental Illness

Statistics are from EEOC Annual Report for FY1990. - G. J. P. 1/24/90

TASK FORCE ON REMOVING BARRIERS FOR DEAF AND HARD-OF-HEARING FEDERAL EMPLOYEES

Did you know that the average grade level of Federal white-collar employees who are deaf is two pay grade (GS) levels below other employees with targeted disabilities and three pay grade levels below the average for the total white-collar Federal work force?

The average pay grade level for all white-collar Federal employees with targeted disabilities except deafness and mental retardation is GS 7.3. However, the average grade level for deaf white-collar employees is GS 5.3. (Source: Report to Congress on the Employment of People with Disabilities, released by EEOC June 11, 1991.) Please see the reverse side for a graphical depiction of this pay discrepancy. Based on 1993 salary rates, the deaf white-collar Federal employees are, on the average, earning \$4,669 less than white-collar Federal employees with other disabilities.

A new Task Force was formed in 1991 to identify the barriers to promotion and eliminate them. Our long term goals are:

- (1) Educate agencies about the reasonable accommodation needs and rights of Federal employees who are deaf or hard-of-hearing.**

Disability Program Managers, Selective Placement Coordinators, EEO Officers and top Departmental officials mean well, but sometimes are not educated or prepared to deal with the accommodation needs of the deaf or hard-of-hearing employee. Information currently available from the Task Force includes: a survey of interpreter services at Federal agencies, Guidelines on Hiring Interpreters, Guidelines for Interpreters, and a quarterly newsletter.

- (2) Promote the empowerment of Federal employees who are deaf or hard-of-hearing.**

The focus is on learning our rights, negotiation skills, assertiveness training, maximizing performance evaluations, and generally improving self-esteem. There are also workshops explaining how the Federal "process" works.

- (3) Establish a network of Federal employees who are deaf or hard-of-hearing.**

Networking enables us to exchange information on interpreters, accessible agencies, successful job-hunting strategies, job announcements, filing grievances, etc.

For additional information, please contact:

Christy Compton, Chair
6023 North 21st Street
Arlington, VA 22205
301-443-7991 TDD

Ken Roth 202-512-0879 TDD
Dudley Cutshaw 202-307-3130 TDD

September 24, 1993

Christy Compton
6023 N. 21st Street
Arlington, VA 22205

Dear Ms. Compton:

Thank you for your kind letter following the article about me in the Washington Post.

While I was already aware that October is "Employment for Persons with Disabilities Month," I do appreciate your concerns about making the Federal workplace more hospitable to employees who are deaf and hard of hearing.

I will also take your information into account as we consider appropriate ways to commemorate that month and to develop effective recommendations pertaining to disability policies.

Sincerely,

Carol H. Rasco
Assistant to the President for
Domestic Policy