

STATES AS MODEL EMPLOYERS



Encouraging States to Become Model Employers of People with Disabilities

Use this policy brief to:

- Learn what it means for a state to be a “model employer” of people with disabilities.
- Explore specific best practices that states can implement in their quests to become model, disability-inclusive employers.
- Read about states that have implemented *state as model employer* policies (i.e., “Examples in Action”).
- Find content to inform policymaking, educational and outreach efforts.

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STATES AS MODEL EMPLOYERS (SAME): AN OVERVIEW

While many of the State Exchange on Employment & Disability's (SEED) efforts are geared toward encouraging private sector employers to become more disability-inclusive, state governments themselves are in a position to *lead by example* by becoming model public-sector employers of people with disabilities. After all, state and local governments are usually among the largest employers in their regions, so they have a significant role to play in advancing the recruitment, hiring, retention and advancement of people with disabilities through their own employment policies.

This policy brief identifies examples of State as a Model Employer (SAME) practices, as well as examples of actual SAME policies adopted by state policymakers. These include policies featured in SEED's [Work Matters: A Framework for States on Workforce Development for People with Disabilities](#), as well as numerous more recent policy examples. The brief also includes links to resources that can inform policymakers' efforts to make their state a model employer of people with disabilities.

BECOMING A MODEL EMPLOYER: SAME POLICY RECOMMENDATIONS

Several resources outline the exemplary recruitment, hiring and retention practices that can bolster a state's status as a model, disability-inclusive employer. For example, the National Conference of State Legislatures (NCSL) has developed the following tools and resources for state legislators:

- [Disability Employment State Statute and Legislation Scan](#)
- [Disability Employment Database](#)
- [NCSL LegisBrief – State Policy Options for Employing People with Disabilities](#)

State governments...are in a position to lead by example by becoming model public-sector employers of people with disabilities.

The Employer Assistance and Resource Network on Disability Inclusion (EARN) explores successful policies, practices and strategies for increasing the number of people with disabilities employed by state government. EARN's website includes a page devoted to [state employment](#) of people with disabilities. For more information about States as Model Employers, read EARN's "[A Joint Resolution or Executive Order to Encourage States to be Model Employers of People with Disabilities](#)," a how-to guide for state governments interested in implementing initiatives to increase the employment of people with disabilities. Further, the U.S. Department of Labor's Office of Disability Employment Policy provides [policy assistance to state and local policymakers](#) interested in celebrating National Disability Employment Awareness Month.

This guidance, and the guidance featured in [Work Matters](#), points to several common policy recommendations for states, including the adoption of the following:

- Formal mechanisms (legislation, executive orders);
- Infrastructure (cabinet positions, Task Forces, working groups, advisory committees);
- Comprehensive government-wide strategic plans;
- Diversity and inclusion initiatives (affirmative/positive action);
- Fast-track and other hiring systems to facilitate employment;
- Advancement and retention policies and procedures (reasonable accommodation policies and procedures, centralized accommodation program, telework and stay-at-work and return-to-work policies);
- Accessibility of websites, online systems, mobile apps and other forms of information and communication technology;
- Personal Assistance Services; and
- Disability awareness training of state personnel.

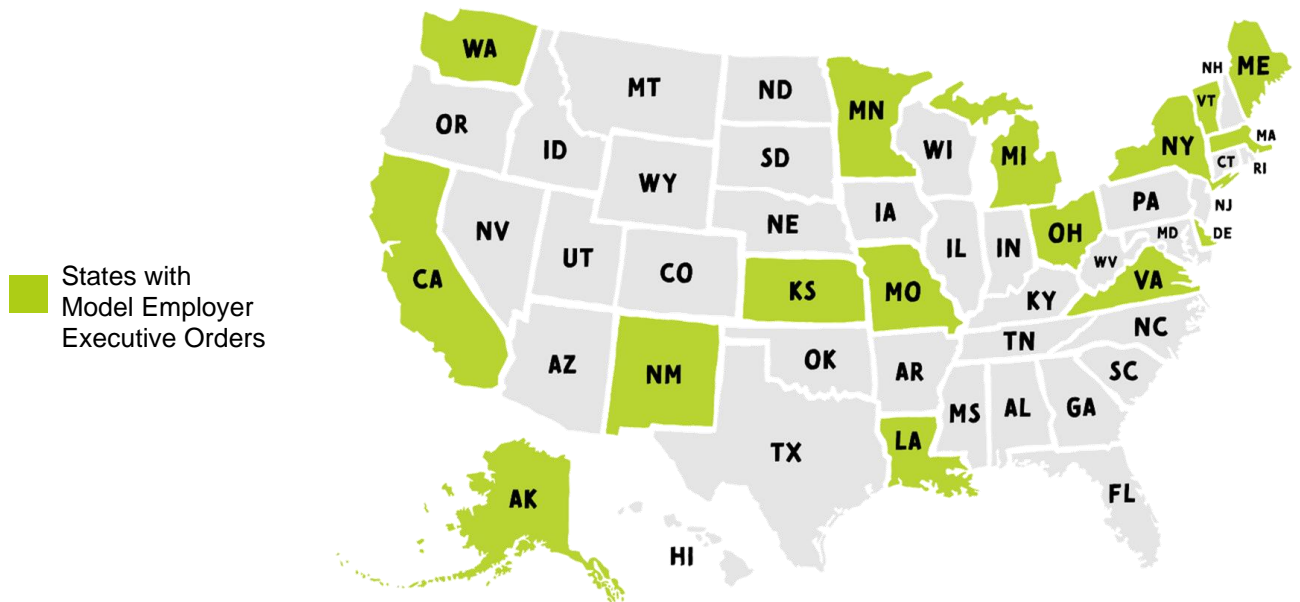
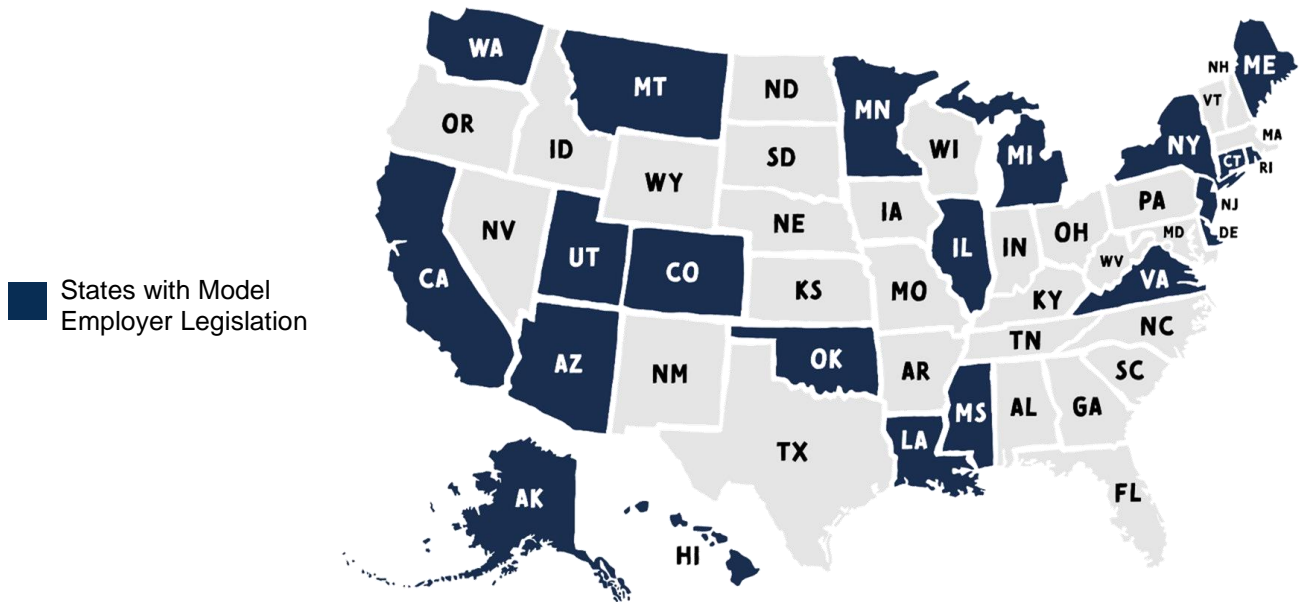
The remainder of this policy brief explores these policy options and highlights examples of states that have put them into practice.

FORMAL MECHANISMS—LEGISLATION AND EXECUTIVE ORDERS

State policymakers may want to consider adopting formal mechanisms (such as executive orders and/or legislation) that commit states to be model employers of people with disabilities.



EXAMPLES IN ACTION: Formal Mechanisms



INFRASTRUCTURES

State policymakers may want to consider creating infrastructures to maximize the likelihood that employment-related and other issues affecting people with disabilities are addressed by government agencies at the earliest stages of policy development, design, implementation and evaluation. By enhancing current state organizational structures through the use of champions for those with disabilities, states can increase the likelihood that disability-specific considerations are incorporated into the policymaking and implementation process from the start. As outlined in *Work Matters*, states have used a variety of strategies to achieve this end, including:

- Cabinet-level positions;
- Interagency working groups;
- Advisory committees;
- Offices; and
- Coordinators.



EXAMPLES IN ACTION: Infrastructures

Cabinet-Level Positions and State Agencies

State policymakers may want to consider creating a cabinet-level position to act as a champion for people with disabilities.

In **Maryland**, there is a [cabinet-level position](#) tasked with designing, implementing and evaluating policy relating to people with disabilities. The Secretary of Disabilities, as head of the Maryland Department of Disabilities, sits on numerous advisory councils and Task Forces related to disability issues. The department also provides information and referrals to Maryland citizens with disabilities, evaluates relevant state programs and consults with (at least quarterly) and advises the [Maryland Commission on Disability](#).

In **Ohio**, the legislature has established the [Opportunities for Ohioans with Disabilities Agency](#). The [agency](#) is the designated state unit authorized under title I of the Rehabilitation Act (VR agency) and is responsible for programs serving people with disabilities. The agency also consults with and advises other state agencies and coordinates programs for eligible individuals with disabilities.

Interagency Task Forces, Working Groups, Advisory Committees, Offices and Coordinators

State policymakers may want to consider creating **Task Forces, interagency workgroups, advisory committees, offices or coordinators** to reinforce and assess efforts.

Alaska Governor Parnell issued an executive order creating a [State as Model Employer Task Force](#) (2021) within the Governor's Council on Disabilities and Special Education. The Task Force was charged with reviewing best practices and developing strategies to create an inclusive work environment in state government. The Task Force consisted of members from various state agencies, including members from the Governor's Council on Disabilities and Special Education, the State Division of Personnel and Labor Relations, the State ADA Coordinator's office and the State Division of Vocational Rehabilitation.

In **California**, [AB 925](#) (2001) requires the state Health and Human Services Agency and the Labor and Workforce Development Agency to use existing resources to create a sustainable, comprehensive strategy to accomplish various goals aimed at bringing persons with disabilities into employment. The bill requires the "California Governor's Committee on Employment of People with Disabilities" be established in the Labor and Workforce Development Agency, and requires the committee to make grants to counties and local workforce investment boards in order to develop local strategies for enhancing employment

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opportunities for people with disabilities and to fund comprehensive local and regional benefits planning and outreach programs to assist persons with disabilities in removing barriers to work.

Colorado enacted [SB 163](#) (2022) to create the statewide equity office in the Department of Personnel and Administration. Responsibilities include providing best practices and coordinating multi-agency initiatives to ensure fully accessible buildings.

Connecticut enacted [HB 7093](#) (2019) to establish a Task Force to increase employment opportunities for persons with disabilities.

The **Illinois** General Assembly enacted [HB 2782](#) (2017), which created the [Employment and Economic Opportunity for Persons with Disabilities Task Force](#) and authorized the Task Force to administer the state Employment First initiatives and analyze state programs and policies to determine what changes may be necessary to remove barriers to competitive employment and economic opportunity for persons with disabilities.

In **Illinois**, the Governor issued [Executive Order No. 2021-16](#) (2021) establishing the Office of Equity within the Office of the Governor. The Chief Equity Officer is responsible for leading efforts to ensure that the State of Illinois is a leader in equity and inclusion with the goals of eliminating institutional and systemic barriers for the people of Illinois and creating opportunity and access for all of those it serves and employs.

Kentucky Governor Bevin established the [Kentucky Work Matters Task Force](#) (2018).

Governor Edwards of **Louisiana** issued [Executive Order JBE 18-08: State as a Model Employer](#) (2018). The executive order establishes the State as a Model Employer Task Force. **Louisiana** also enacted [HB 446](#), which was signed by the Governor on June 4, 2021, creates and provides for the office of the state ADA coordinator.

Massachusetts Governor Patrick signed [Executive Order 478](#) (2007), which was revoked and superseded by [Executive Order 592](#) (2020), reaffirming the executive branch's commitment to the principles of nondiscrimination, equal opportunity and diversity for hiring and employment. Massachusetts strengthened the executive order by requiring that hiring goals be incorporated in employment guidelines for the executive branch and ensured follow through by creating the [Massachusetts Office on Disability](#).

Massachusetts also enacted [SB 2963](#) (2020), which establishes a permanent commission on the status of persons with disabilities.

Nevada enacted [SB 222](#) (2021), which requires a state agency to designate a diversity and inclusion liaison within the office of Minority Health and Equity in the Department of Health and Human Services to facilitate meetings between diversity and inclusion liaisons and minority groups. Minority is defined as including individuals with disabilities. **Nevada** also enacted [AB 96](#) (2021), creating the Emergency Response Employees Mental Health Commission; prescribing the duties of the Commission relating to emergency response employees who are experiencing mental health issues as a result of the nature of their work.

New Jersey updated 2020 legislation by approving [A 1597/S 1937](#) (2021), establishing a Task Force to Promote Employment by State Agencies of People with Disabilities. The purposes of the Task Force include studying the problem of unemployment and underemployment among individuals in New Jersey with disabilities; reviewing existing programs in New Jersey, other states and private sector companies to recruit and retain in employment individuals with intellectual and developmental disabilities; and assisting in the identification and implementation of strategies to expand efforts of New Jersey State agencies to recruit and retain individuals with disabilities in employment, including by providing guidance and support to agencies and institutions of higher education.

In **New Jersey**, the Governor also issued [Executive Order No. 265](#) (2021), creating the Office of Diversity, Equity, Inclusion, and Belonging in the Governor's Office. The Office is responsible for coordinating the policymaking processes of state agencies with respect to strengthening diversity, equity, inclusion and belonging among those employed by the state; coordinating advice to the Governor on these matters; ensuring that policy decisions and programs impacting diversity, equity, inclusion and belonging are consistent with the Governor's goals and that those goals are being effectively pursued;

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and monitoring implementation of the Governor's policies concerning diversity, equity, inclusion and belonging.

In **New Mexico**, the [Governor's Commission on Disability](#) "serves as a liaison and advisor to the governor and legislature on disability issues." The commission is comprised of statutory and appointed members and is supported by staff members.

New York enacted [A 3130](#) (2022), which establishes the Office of the Advocate for People with Disabilities to advocate on behalf of persons with disabilities and assure that persons with disabilities are afforded the opportunity to exercise all of the rights and responsibilities afforded to citizens of the state of New York.

New York enacted [B 2871](#) (2022), which proposes to establish the Joint Legislative Task Force on Diversity, Equity, Inclusion and Tolerance, and provides for such Task Force's powers and duties.

In **Pennsylvania**, the [Governor's Cabinet and Advisory Committee for People with Disabilities'](#) responsibilities include making suggestions to the governor on policies, procedures, regulations and legislation that help people with disabilities in Pennsylvania.

Tennessee enacted [SB 100/HB 112](#) (2021), which creates the state as a model employer program to ensure that state agencies and departments design and proactively implement best, promising and emerging policies, practices and procedures related to the recruitment, hiring, advancement and retention of qualified individuals with disabilities.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020) that directs the Director of Diversity, Equity, and Inclusion to provide leadership and coordinate across departments and agencies to increase employment of individuals with disabilities within state government. In addition, Virginia [HB 1098](#) (2020) requires the designation of senior-level staff within each state agency to be responsible for increasing the employment of individuals with disabilities within their state agency.

Washington Governor Inslee issued an [executive order](#) (2013) directing the Office of Financial Management to convene a Task Force for the purpose of assisting state agencies with recruitment and retention of persons with disabilities. The Task Force provided: (1) recommendations on how to achieve the employment targets established in the executive order; and (2) guidance and other support to agencies and institutions of higher education on recruitment, retention, accommodations and accessibility for people with disabilities. The Task Force engaged model private-sector companies to share strategies, exchange best practices and provide technical assistance to boost the employment of people with disabilities in all sectors.

Similarly, **Washington** [HB 1783](#) (2020) established the Office of Equity, which shall assist state agencies in applying an equity lens in all aspects of agency decision making, including policy development.

In February 2021, Governor Jay Inslee issued [Executive Order 21-01: Affirming Washington State Business Resource Groups](#), including the Disability Inclusion Network and directed state agencies to provide appropriate and reasonable resources to BRGs so that the groups may carry out the purposes of this order. This includes reasonable accommodations for employees with disabilities to attend meetings and events during work time and, as necessary and available, office supplies, distribution capabilities, meeting spaces and facilities, reasonable storage space for promotional materials and teleconferencing technologies for the BRGs' work.

Making Legislature Accessible

Connecticut enacted [SB 126](#) (2022), an act requiring a study of the accessibility of the state capitol building, legislative office building and related facilities.

Illinois enacted [SB 180](#) (2022), which provides that the General Assembly shall make all efforts to increase the accessibility of the General Assembly for people with disabilities, and provides that the Speaker of the House of Representatives and the President of the Senate shall each appoint an accessibility coordinator who, in consultation with the Architect of the Capitol, shall be responsible for addressing accessibility needs for his or her corresponding house.

STRATEGIC PLANS

State policymakers may also want to consider adopting comprehensive, government-wide strategic plans to guide SAME efforts. Such plans should include reporting to leadership on a regular basis.



EXAMPLES IN ACTION: Strategic Plans

Several states have adopted policies supporting the development of strategic plans for state employment of people with disabilities.

California [Government Code 12803.6](#) requires the Labor and Workforce Development and Health and Human Services agencies to coordinate in developing a comprehensive strategy to meet the employment needs of individuals with disabilities, including ensuring that California is a model employer. [Section 12803.65 of the California Government Code](#) requires the Governor's Committee on Employing People with Disabilities to serve in a consulting and advisory role in the development of this comprehensive strategy on disability employment.

Colorado Governor Jared Polis issued [Executive Order 2020-175](#) (2020) directing the Department of Personnel and Administration to lead state action on equity, diversity and inclusion for the State of Colorado and to develop an EDI Universal Policy to guide and direct state agencies in creating long-term strategic plans with the goal of developing inclusive, anti-discriminatory workplace cultures and implementing equitable hiring, compensation and retention practices.

Florida enacted [HB 7003](#) (2016), which requires each executive agency to develop a plan regarding the employment of individuals who have a disability by a specified date.

Governor Edwards of **Louisiana** issued [Executive Order JBE 18-08: State as a Model Employer](#) (2018). The executive order establishes the State as a Model Employer Task Force and directed the Task Force to establish a five-year plan with annual goals.

Louisiana enacted [HB 143](#) (2022), which provides for the development and implementation by state agencies of policies, training and reporting relative to compliance with the requirements of the Americans with Disabilities Act.

The **Massachusetts** Disability Taskforce on Employment published a [strategic plan](#) (2009) that is entirely devoted to implementing state-as-model-employer policy. Elements of the plan include, but are not limited to, increased recruitment efforts, expanded state agency internship opportunities, streamlined reasonable accommodation processes, use of universal design principles in the workplace and disability awareness training for state personnel.

New Jersey enacted [A 5296](#) (2022), which specifies that the Division of Equal Employment Opportunity and Affirmative Action shall, in consultation with the Civil Service Commission, develop a State as a Model Employer of People with Disabilities program, which shall be implemented by each state agency. The purpose of the SAME program shall be to: increase awareness of employment opportunities for persons with disabilities; provide appropriate avenues and remove barriers to the application and hiring process; and create mechanisms to increase advancement and retention rates for persons with disabilities employed in the state workforce. Each state agency shall provide sufficient and qualified staff and sufficient resources and funding for the SAME program, including, as appropriate, the appointment of a disability program manager, selective placement program coordinator and stay-at-work and return-to-work coordinator.

Governor DeWine of **Ohio** issued [Executive Order 2019-03D: Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019), directing all state agencies to collect and evaluate self-disclosed data through the state personnel system to be used to measure progress in hiring people with disabilities. This data will be used to develop a strategic plan.

Tennessee enacted [SB 100](#) (companion bill [HB 112](#)) in 2021, which creates the state as a model employer program to ensure that state agencies design and proactively implement best, promising and emerging policies, practices and procedures related to recruitment, hiring, advancement and retention of

qualified individuals with disabilities. This includes the development of voluntary self-evaluation and other standard forms and templates for the submission and tracking of evaluation reports.

Virginia enacted [HB 1098](#) (2020), which requires each state agency to submit a plan each July 1 to increase employment opportunities for individuals with disabilities at the agency. The Secretary shall establish guidelines regarding the development and content of state agency plans and establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals of the Commonwealth established by this section. All state agencies shall examine existing policies relating to the employment of individuals with disabilities, including a review of recruitment efforts, interviewing criteria, testing procedures and resources to accommodate applicants and workers with disabilities. **Virginia** enacted [HB 1993](#) (March 2021), which requires state agencies to establish and maintain a comprehensive diversity, equity and inclusion strategic plan in coordination with the Governor's Director of Diversity, Equity, and Inclusion.

In February 2021, **Washington** Governor Jay Inslee issued [Executive Order 21-01: Affirming Washington State Business Resource Groups](#), including the Disability Inclusion Network and directed state agencies to provide appropriate and reasonable resources to BRGs so that the groups may carry out the purposes of this order. This includes reasonable accommodations for employees with disabilities to attend meetings and events during work time and providing accessible meetings, publications, websites, trainings, events and safety planning for people with disabilities, in compliance with state and federal law. The mission of each BRG includes promoting state government as an employer of choice that is committed to diversity, equity and inclusion in its workforce by improving outreach and the level of engagement of current employees.

DIVERSITY, EQUITY AND INCLUSION (AFFIRMATIVE/POSITIVE ACTION)

State policymakers may want to consider extending diversity and inclusion initiatives (e.g., affirmative action), making them applicable to state agencies and departments. These efforts may include:

- Adopting hiring goals and preferences;
- Developing employee self-identification policies; and
- Implementing annual reporting mechanisms and surveys.



EXAMPLES IN ACTION: Diversity and Inclusion (Affirmative Action)

Hiring Goals and Affirmative Action Plans

Several states have adopted hiring goals for people with disabilities.

Connecticut [Public Act No 13-225](#) (2013) specifies that all departments and agencies of state government are mandated to establish, as part of their affirmative action plans, specific annual goals and timetables on (1) the number of jobs that are to be filled through the accommodation of persons with disabilities, and (2) entry-level training for such persons. In addition, under the supervision of the commissioner of administrative services, each department and agency of state government must establish an effective program of accommodation and entry-level training of persons with disabilities. Under the law, such programs must be part of required departmental and agency affirmative action programs. All departments and agencies also are required make a range of training opportunities available to such persons.

Illinois requires that state agencies' [affirmative action plans](#) must include a numerical hiring goal for the employment of qualified persons with disabilities in the agency based on the proportion of people with work disabilities in the Illinois labor force and a detailed status report indicating, by each position in state service, the number, percentage and average salary of individuals employed by, among other things, disability.

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In 2021, **Illinois** enacted [HB 3914](#), which provides that each state agency and employer shall take positive action when it reasonably believes such action is necessary to rectify discrimination or a disadvantage towards persons having a protected characteristic (marginalized individuals, including people with disabilities). The bill also allows for favorable consideration in the process of recruitment or promotion for persons having a protected characteristic and requires each state agency to take positive action and implement strategies and programs to eliminate and prevent any disparities created by discriminatory administrative rules, policies and procedures.

In **Iowa**, all executive branch employees are required to read the state's [Equal Opportunity, Affirmative Action, and Anti-Discrimination Policy](#) (last revised 2018), and are expected to sign an acknowledgment indicating that the policy was read and fully understood by the employee.

Massachusetts Governor Patrick signed [Executive Order 478](#) (now [Executive Order 526](#)) (2007), reaffirming the executive branch's commitment to the principles of nondiscrimination, equal opportunity and diversity for hiring and employment. Massachusetts strengthened the executive order by requiring that hiring goals be incorporated in employment guidelines for the executive branch and ensured follow through by creating the [Massachusetts Office on Disability](#).

Minnesota Governor Dayton's [Executive Order 14-14](#) (2014) requires agencies to increase the hiring of employees with disabilities by 7 percent by August 2018, stating that "the percentage of state employees self-identified as having a disability declined from approximately 10 percent in 1999 to less than 4 percent in 2013" and citing accordance with the statewide affirmative action program as required by Minnesota statutes, Section 43A.19. The order requires the development of a model for recruitment and hiring strategies to include training programs for hiring managers and clear benchmarks to ensure implementation.

Nevada enacted [AB 365](#) (2021), declaring the policy of the state that persons employed by the state be afforded respect, dignity and equity in the workplace; requiring the Departments of the State Government to prepare and submit a report concerning equity in the workplace annually; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to evaluate annually the effectiveness of any policy intended to encourage equity in the workforce and prepare and submit a report concerning the evaluation; requiring certain regulations adopted by the Personnel Commission of the Division to include requirements for the training of supervisors and managerial employees concerning implicit bias; and providing other matters properly relating thereto.

New Jersey [Revised Statutes 11A:7-3](#) states each state agency shall establish goals for minorities, women and persons with disabilities that are reasonably related to their population in the relevant surrounding labor market.

Oregon [Affirmative Action/Diversity and Inclusion Plan Requirements](#) specifies that each state agency is required to develop and submit its Affirmative Action Plan to the Governor's Office of Diversity & Inclusion/Affirmative Action.

Vermont Governor Dean issued [Executive Order 3-43 \(No. 09-02\)](#) establishing the 2002 Governor's Workforce and Equity Diversity Council, which was charged with advising the Commissioner of Personnel and the Secretary of Administration on the development and implementation of the state's affirmative action program. The council was also responsible for ongoing coordination of efforts, monitoring of activities against goals and objectives and compliance with state and federal mandates.

Washington Governor Inslee, recognizing that state government is one of the largest employers in the state, issued an [executive order](#) (2013) setting the goal that by June 30, 2017, 5 percent of the state's workforce will be people with disabilities. Under the order, each cabinet-level agency must develop an annual employment plan to address the underrepresentation of people with disabilities in their agency and report progress.

Governor Beshear of **Kentucky** issued [Executive Order 2020-554: Relating to Equal Employment Opportunities and Non-discrimination in Employment, Services, and Contracting](#), which reaffirms the commitment to equal employment opportunity for state employees.

Governor Edwards of **Louisiana** issued [Executive Order JBE 18-08: State as a Model Employer](#) (2018). The executive order establishes the State as a Model Employer Task Force, whose duties include

establishing a five-year plan with annual goals that will enable the state workforce to reach parity with the percentage of working-age-people with disabilities in Louisiana.

Governor Walz of **Minnesota** issued Executive Order [19-15: Providing for Increased State Employment of Individuals with Disabilities](#) (2019) that order best efforts to comply with affirmative action goals and achieve a goal of 10 percent of employment of people with disabilities in the executive branch.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the state to make best efforts to eliminate the disparity in the percentage of individuals with disabilities of working age in the population and the percentage of employees with disabilities in the state workforce and set annual goals for continuing to increase the percentage of individuals with disabilities in the state workforce.

New Jersey enacted [AB 5631](#) (2020), which requires that the director of each division ensure that the affirmative action and equal employment goals of each state agency for minorities, women and persons with disabilities shall be reasonably related to their population in the relevant surrounding labor market areas.

Virginia enacted [SB 1530 \(HB 2425 identical\)](#) (2017), which established a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. In 2020, **Virginia** enacted [HB 1098](#) (2020), which updates state policy to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards and authorities of the Commonwealth. To assist in achieving this policy, it shall be the goal of the Commonwealth to increase by five percent the level of employment of individuals with disabilities by the state by fiscal year 2023.

Surveys, Studies, Reporting Mechanisms and Data Collection

A number of states use surveys and reporting mechanisms to measure progress in hiring people with disabilities.

The **Alaska** Governor's Council on Disabilities and Special Education conducted a [survey of state workers in 2011](#) in order to continue to monitor the representation of employees with disabilities in Alaska state government and solicit recommendations for improvement. Survey findings revealed important information on the state's efforts related to increasing the employment of persons with disabilities, including that they are, in fact, appropriately represented in the state's workforce. Recommendations offered by the council include increasing training on the ADA for managers and supervisors, increasing flexibility through variable work schedules and job-sharing opportunities, improving workplace accessibility, developing targeted recruitment and retention programs for individuals with disabilities and offering health and wellness benefits and programs. In addition, in 2019, **Alaska** completed a new survey of employers regarding the employment of people with disabilities: [Alaskan Employer Perspectives on Hiring Individuals with Disabilities Summary Report 2019](#).

Florida enacted [HB 7003](#) (2016), which modified the state's equal employment policy to provide enhanced executive branch agency employment opportunities for individuals who have a disability. The legislation provides for the compilation of data regarding hiring practices of individuals with disabilities and makes such data available on its website.

The **Illinois** departments of Human Rights, Human Services and Central Management Services and the Interagency Committee on Employees with Disabilities and other state agencies conduct an [ongoing online work disability survey](#). The survey gives employees with disabilities an opportunity to self-identify and determine if emergency evacuation assistance may be necessary.

Kansas Governor Parkinson signed [Executive Order 10-10](#) (2010), requiring the collection of baseline data on people with disabilities followed by annual reporting on the numbers of people employed and their fiscal impact on the state.

In **Maine**, a [2006 Executive Order](#) signed by Governor Baldacci requires a survey of employees to better understand the prevalence of employees with disabilities in state government.

In an effort to collect better baseline data on current employees with disabilities, **Massachusetts** surveyed participants regarding self-identification, disclosure and reasonable accommodation, the employment pipeline and agency culture. (See page 17.)

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In order to increase state government employment of people with disabilities, **Minnesota** Governor Dayton's [Executive Order 14-14](#) (2014) requires state agencies to submit an affirmative action plan with: a policy statement; assignment of affirmative action/equal employment opportunity responsibilities, including a workforce analysis, goals, objectives and timetable for completion; and measures to facilitate implementation and development of internal audit and reporting systems. Technical assistance is provided to each state agency to develop the plans.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration, on an annual basis, collect data based on voluntary self-disclosure, report initial baseline numbers of state employees with disabilities and report and evaluate the state's progress in increasing the percentage of employees with disabilities in the state workforce.

Governor Walz of **Minnesota** issued Executive Order [19-15: Providing for Increased State Employment of Individuals with Disabilities](#) (2019) that orders best efforts to comply with affirmative action goals and achieve a goal of 10 percent of employment of people with disabilities in the executive branch and implement a system for reporting quarterly to the Governor on the progress of hiring individuals with disabilities for the executive branch. The executive order also directed the applicable state agency to compile and post on its website enterprise-wide statistics on the hiring and turnover of individuals with disabilities.

Nevada enacted [AB 365](#) (2021), which requires the departments of the state government to prepare and submit an annual report concerning equity in the workplace.

New York enacted [S 06276](#) (2021), which requires the president of the civil service commission to conduct a study on the employment of persons and veterans with disabilities by the state and make recommendations as to whether the state needs to hire more persons and veterans with disabilities to fill the positions created by sections 55-b and 55-c of the civil service law.

Governor DeWine of **Ohio** issued [Executive Order 2019-03D: Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019) directing all state agencies to collect and evaluate self-disclosed data through the state personnel system to be used to measure progress in hiring people with disabilities. This data will be used to develop a strategic plan.

The **Pennsylvania** [Employment First legislation](#) (2018) directs the Office of Administration (OA) to develop a framework for individuals to self-report a disability.

Texas enacted [SB 2027](#) (2017), which requires a study to evaluate, by region, training and employment opportunities in the state for individuals with intellectual disabilities.

Governor Northam of **Virginia** issued [Executive Order 47](#) (2020) directing the Director of Diversity, Equity, and Inclusion to report to the Governor on the progress of this order and the steps taken to ensure community integration, improve website accessibility, and advance employment of Virginians with disabilities.

Virginia also enacted [HB 1098](#) (2020), which requires state agencies to prepare a plan to increase employment opportunities at the agencies for individuals with disabilities. The Secretary shall establish guidelines regarding the development and content of state agency plans and establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals of the Commonwealth established by this section. In addition, the Secretary, in collaboration with the Department of Human Resource Management, shall develop an annual report on the number of individuals with disabilities directly employed by the state agencies. The information shall be included in the annual demographic report of the Department of Human Resource Management. Further, the Secretary shall report on the progress of state agencies toward meeting the employment goals of the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by September 1 of each year.

Washington enacted [HB 1636](#) (2015), requiring all state agencies with 100 or more employees to provide an annual report to the legislature with data related to the percentage of individuals with disabilities in the agency's workforce, including the number of new hires employed from the Division of Vocational Rehabilitation services or the Department of Services for the Blind. The legislation also requires that each covered agency report to the legislature regarding opportunities for internships that would lead to permanent placement in entry-level positions.

FAST-TRACK HIRING SYSTEMS

As another SAME strategy, states can take systemic steps to increase the accessibility of application processes for people with disabilities. For example, state policymakers may want to consider:

- Adopting special appointment lists for noncompetitive employment;
- Institutionalizing hiring preferences, trial work periods and paid internships;
- Conducting mandatory interviews of qualified candidates;
- Making modifications to civil service exams to accommodate disabilities; and
- Offering expedited certification processes.

Special Appointment Lists, Trial Work Periods and Paid Internships

State policymakers may want to consider authorizing the maintenance of special appointment lists for noncompetitive appointment. State policymakers may also want to consider offering trial work periods and/or paid internships.

In that spirit, states may find inspiration from the Federal Government's "[Schedule A Excepted Service Hiring Authority for Individuals with Disabilities](#)." Schedule A is a hiring authority for federal agencies to use to tap into a diverse and vibrant talent pool without going through the often lengthy, traditional hiring process. Schedule A allows individuals to apply for a federal appointment through a noncompetitive hiring process. This means that if an individual meets the eligibility status of the appointment and the minimum qualifications for a position, the individual may be hired for the position without competing with the general public.

Another model worth considering is the Federal Government's [Workforce Recruitment Program](#), which connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs.



EXAMPLES IN ACTION: Special Appointment Lists, Trial Work Periods and Paid Internships

Several states have established excepted service hiring authorities and maintain special appointment lists for noncompetitive appointments. States also authorize trial work periods and paid internships.

The [Alaska Provisional Hire Program](#) allows hiring managers to offer provisional appointment without competitive assessment to applicants with severe disabilities for up to four months with the possibility of transitioning the provisional employee to permanent employment. Provisional hiring into Alaska state agencies does not guarantee a permanent placement at the end of the four-month trial period. Eligible individuals with disabilities become certified for participation in the provisional hiring program through [Alaska's Division of Vocational Rehabilitation](#). The provisional hire program does not establish a hiring preference for individuals with severe disabilities, and the hiring manager can elect to interview the qualified individual before beginning the provisional hire process and stop the provisional hire process at any time.

Delaware established a [Selective Placement Program](#) through [legislation and state policy](#). The program provides hiring managers with direct access to place qualified candidates with disabilities into vacant positions, bypassing some of the complicated and time-consuming processes. The [Division of Vocational Rehabilitation](#) (DVR) or the [Division for the Visually Impaired](#) (DVI) certifies the applicant as a person with a disability. In addition, a modest number of positions are dedicated to people with disabilities throughout the state, enabling agencies to provide paid training and work opportunities for applicants seeking the experience and learning that comes with employment. Some of these are short-term and limited to a year, while others are longer term and enable a person with a disability to attach to individual state agencies.

ADVANCING DISABILITY-INCLUSIVE EMPLOYMENT POLICY

Florida enacted [HB 7003](#) (2016), which implements programs that incorporate internships, mentoring, on-the-job training, unpaid work experience, situational assessments and other innovative strategies that are specifically geared toward individuals with disabilities.

In **Illinois**, applicants with severe disabilities may be eligible for supported employment during a trial work period, with the possibility of permanent employment thereafter. Also, **Illinois** enacted [SB 726](#) (2019), which sets forth program requirements and establishes a trainee program for persons with a disability and authorizes state agencies to offer at least one position per year to be filled by a person with a disability through an established trainee program.

Maine offers a trial work period of up to one year for candidates certified by vocational rehabilitation. Mandatory interviews can also help otherwise-qualified applicants with disabilities “get a foot in the door” in state Government.

Maryland's [Special Options Eligible List fast track program](#) provides individuals with disabilities the opportunity to engage in training programs with the Division of Rehabilitation Services (DORS) or an internship under [Maryland's QUEST program](#), administered jointly through the Department of Budget and Management and DORS. Also, **Maryland** enacted [HB 1466](#) (2017), which authorizes the selection of specified disabled veterans for specified positions in the State Personnel Management System using a specified selection process and requires an appointing authority for a specified position in a unit in the executive branch of state government with an independent personnel system to develop a specified selection process for disabled veterans.

Governor Walz of **Minnesota** issued [Executive Order 19-15: Providing for Increased State Employment of Individuals with Disabilities](#) (2019) that encourages state agencies to use an on-the-job demonstration process authorized by state law and work with agencies to increase awareness of supported work, the on-the-job demonstration process, noncompetitive appointment of disabled veterans, internships and externships available to individuals with disabilities and student worker opportunities for individuals with disabilities

New Jersey enacted [A 5294](#) (2022), which provides fast track hiring and employment advancement opportunities by the state for persons with significant disabilities.

Nevada enacted [AB 192](#), which revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. This provision of existing law is commonly referred to as the “700-hour program.” **Nevada** also enacted [SB 50](#) (2019), which further revises the 700-hour program.

Utah established the [Alternative State Application Process \(ASAP\) for individuals with disabilities](#) through [HB 17](#) (2010), under which qualified candidates with disabilities may be appointed to fill vacant positions for a six-month trial examination period. Upon completion of the examination period, the worker would then be in the position during the state’s customary probation period.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020) to increase the employment of individuals with disabilities in state government through the use of available hiring authorities consistent with statutes, regulations and prior executive orders. **Virginia** also enacted [HB 1098](#) (2020), which specifies that state agencies shall use available hiring authorities consistent with statutes, regulations and prior executive orders. **Virginia** enacted [HB 2140](#) (2021), which directs the Department of Human Resources Management to create an alternative application process for the employment of persons with a disability. The process must be noncompetitive in nature and provide an option for agencies to convert positions filled through the noncompetitive process. In April 2022, Virginia issued [guidance](#) for implementing the Alternative Hiring Process.

Hiring Preferences

State policymakers may want to consider adopting hiring preferences for qualified people with disabilities. This can involve awarding point preferences to people with disabilities on hiring examinations, requiring that individuals with disabilities be hired over individuals without disabilities when the two are substantially equal, providing hiring preferences to disabled veterans and more.



EXAMPLES IN ACTION: Hiring Preferences for People with Disabilities and Disabled Veterans

People with Disabilities

In **Arizona**, under [Ariz. Rev. Stat. §38-492](#), individuals with disabilities are given a five-point preference on examinations, provided the individual would receive a passing grade without preference.

Colorado enacted [SB 095](#) (2021), which establishes a hiring preference pilot program with the Department of Labor and Employment.

Kansas Governor Brownback issued [Executive Order 15-02](#) (2015), establishing a hiring preference for individuals with physical, cognitive and/or mental disabilities and requiring that all state executive branch agencies institute a system for giving hiring preference to individuals with disabilities.

Montana, under [ARM 2.21.14](#), requires that individuals with disabilities be hired over individuals without disabilities when the two are substantially equal in qualifications for an eligible initial hiring position.

Utah enacted [HB 139](#) (2021), which amends provisions related to hiring principles for, among others, individuals with disabilities relating to minimum qualification standards, job descriptions and job postings, and comparable experience.

Virginia enacted [HB 710](#) (2022), which requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills and eligibility requirements for the available position.

Disabled Veterans

In **Arizona**, under [Ariz. Rev. Stat. §38-492](#), individuals with disabilities are given a five-point preference on examinations, provided the individual would receive a passing grade without preference. Individuals with disabilities who are also veterans receive a 10-point preference.

Florida enacted [HB 541/SB 922](#) (2021), which authorizes state and political subdivisions to revise lists of positions that are exempt from veterans' preference requirements; requires each political subdivision to develop and implement veterans' recruitment plan; and modifies point preferences given to veterans and their family members when numerically based selection process is used for hiring.

Nevada enacted [AB 309](#) (2017), which—in addition to providing preference points of veterans, widows and widowers of persons killed in the line of duty while on active duty and widows and widowers of veterans—directs the appointing authority of a state agency to interview a veteran with a service-connected disability who is so certified and is a qualified applicant for the position.

Oregon enacted [SB 184](#) (2021), which modifies laws related to preferences given to veterans in public employment.

In **South Dakota**, under [SB 90](#) (2015), school districts are required to provide veterans a preference in appointment, employment and promotion. The legislation provides that a veteran who has a service-connected disability shall be given a preference over a nondisabled veteran in relation to all public departments and subdivisions and upon all public works of this state and of the counties, municipalities and school districts of this state.

Wisconsin enacted [AB 441](#) (2016), which establishes the Wisconsin Veterans Employment Initiative and creates the Council on Veterans Employment. It requires the Council to advise and assist the Governor and state agencies with the recruitment and employment of veterans, especially those a with service-connected disability rating, to increase veteran employment in state government.

Wyoming enacted [SF 53](#) (2017), which provides to veterans and surviving spouses of veterans an advantage of five percent when a public department uses a numerical scoring system prior to the interview process and ten percent for disabled veterans. When a public department does not use a

numerical scoring system, the advantage given must reasonably approximate the five or ten percent advantage.

Mandatory Interviews

State policymakers may want to consider adopting a mandatory interview option. This involves requiring the hiring authority to offer a qualified individual with a disability an interview, but this does not guarantee that the individual is offered a job.



EXAMPLES IN ACTION: Mandatory Interviews

Kentucky's [HB 338](#) (2019), which revises provisions relating to employment opportunities for service members and their families, relates to interview preference to a competitive classified position.

Maryland enacted [HB 1466](#) (2017), which requires appointing authorities to interview specified disabled veterans under specified circumstances.

The state of **Vermont** operates a [mandatory interview process](#) for state employment, available to any “qualified individual with a disability” as conforming to the Americans with Disabilities Act definition. Applicants may complete a short form indicating their impairment; how their impairment substantially limits major life activities; and provide documentation of impairment(s) and substantial limitations from a doctor, other medical professional or vocational rehabilitation counselor. Upon verification and approval from the state’s Department of Human Resources, qualified individuals with a disability will then be granted mandatory interview status. When applicants with mandatory interview status meet the minimum qualification standards for a posting and apply to that posting, their names are automatically added to the candidate referral list and the hiring authority is required to offer an interview.

Waive or Modify Civil Service Exam; Offer Onsite Accommodations

For many public sector positions, civil service examinations are a hiring requirement. However, certain individuals with disabilities may need onsite accommodations in a test-taking environment. In other situations, these exams may not be appropriate. Given these factors, some state policymakers are waiving or modifying civil service examinations and/or offering onsite accommodations as needed for job applicants with disabilities.



EXAMPLES IN ACTION: Waive or Modify Civil Service Exams and/or Offer Onsite Accommodations

In several states, people with disabilities applying for state employment may have the option of taking a modified civil service exam, or the exam may be waived altogether.

In **California**, an executive order directed state agencies to fill vacancies through the [Limited Examination and Appointment Program](#) (LEAP), which is designed to facilitate recruitment and hiring of qualified individuals with disabilities. In 2015, California passed [SB 644](#), altering LEAP by providing individuals with developmental disabilities with the option to obtain a civil service certification by successfully completing a 512-hour internship with a state agency in lieu of a written test or LEAP readiness examination.

Illinois offers an [Accommodated Testing Program](#) to ensure that applicants with disabilities can access the exams necessary for state government positions. The Accommodated Testing Program provides individuals with disabilities access to a number of on-site examination accommodations at state assessment centers. The [Successful Disability \(SD\) Opportunity Program](#) establishes an alternative

examination process for individuals with disabilities who are consumers of the state's Division of Rehabilitation Services. The SD program provides the applicant with an SD score that replaces standard scoring on civil service exams, places the individual on an SD program list and qualifies the individual for agency hiring considerations when the SD program list is requested. The [Alternative Employment Program](#) establishes a reassignment process for state employees on temporary leave for a disability and who can no longer perform the requirements of their current assignment. Employees on temporary disability leave may request to be reassigned to another state position for which they are qualified to perform a six-month probationary assessment. All three programs are facilitated by Central Management Services and established under statutory language of [Illinois Public Act 96-0078 of 1996](#).

New York operates the [Governor's Program to Hire Individuals and Veterans with Disabilities](#). Under the program, up to 1,200 competitive civil service positions can be reserved for appointment of certified and qualified individuals with disabilities. Individuals with disabilities interested in consideration for Section 55-b appointments can seek eligibility certification with the Employee Health Service of the New York Department of Civil Service. Eligibility is determined by employment history and degree of functional limitation caused by the disability condition and may require a physical examination by a department physician. Once certified, qualified individuals may express interest in entry-level positions directly to agencies and be considered based on qualifications and interviews, forgoing civil service examinations.

Oklahoma's [Optional Program for Hiring Applicants with Disabilities](#), administered by the state's Human Capital Management (HCM) division, provides for an alternative certification process for civil service. Under [Oklahoma Statute §74-840-4.12](#), individuals with disabilities may seek certification from the state Department of Rehabilitation Services, thereby waiving all tests related to civil service eligibility. Upon successful certification, individuals with disabilities may apply to job classifications of interest. HCM then makes eligibility determinations and adds the individual to eligibility lists for the corresponding job classifications, from which agencies can request referrals. Applicants hired through this program are eligible for permanent status in the classified service upon successful completion of a probationary period.

Utah established the Alternative State Application Program (ASAP) for individuals with disabilities in 2010 through [HB 17](#), allowing for on-the-job examinations in lieu of civil service testing. Utah administrative guidance allows for almost all competitive job postings in state government positions to be eligible for ASAP appointment. Interested individuals with disabilities can receive certification by providing documentation of disability and meeting the minimum qualifications of the job posting. Interested individuals are responsible for identifying eligible positions and then contacting the state's recruitment consultant, who in turn works with the agency hiring official to determine if they would like to interview the applicant. Those hired through the ASAP process are placed in a six-month, on-the-job examination position, whereupon successful completion leads to appointment to the position pending a one-year probationary period.

Formal Certification Processes

State policymakers may want to consider adopting formal certification processes under which a state agency, such as the state department of vocational rehabilitation, certifies trained and work-ready candidates for trial work periods, civil service exam exemption or special appointment lists.



EXAMPLES IN ACTION: **Formal Certification Processes**

State vocational rehabilitation agencies, public educational institutions and other agencies within state government already are working with skilled youth and adults seeking to enter or re-enter the workforce. State human resources agencies can make sure they have formalized partnerships with these entities to maximize their pool of potential workers. One step in this direction is ensuring that staff and recipients of vocational rehabilitation services are proficient in the application process for state government jobs.

Some states, such as [Illinois](#) and [Maine](#), have more formal partnerships with vocational rehabilitation agencies, in which the vocational rehabilitation agency certifies trained and work-ready candidates for trial

work periods, civil service exam exemption or special appointment lists. These partnerships can also support human resource professionals in creating inclusive job announcements and qualification standards that encourage applicants with disabilities to apply.

ADVANCEMENT AND RETENTION

In the spirit of continuous improvement, the state as a model employer can enhance efforts to develop professionals with disabilities through career pathways planning that might include the adoption of reasonable accommodation policies, including centralized accommodation funding and/or expertise, telework and stay-at-work and return-to-work policies and processes.

Reasonable Accommodation Policies and Procedures

States are adopting policies and procedures governing reasonable accommodations.



EXAMPLES IN ACTION: Reasonable Accommodation Policies and Procedures/Leave Policies

California enacted [AB 313](#) (2021), which requires that each state agency develop its own reasonable accommodation policy for individuals with disabilities, consistent with state and federal law, to address requests for reasonable accommodations. The bill also requires the department to develop model policies for equal opportunity employment programs, including a model policy on reasonable accommodation.

Minnesota enacted [HB 63](#) (2021). To determine the appropriate reasonable accommodation, the employer, agency or organization shall initiate an informal, interactive process with the individual with a disability in need of the accommodation. This process should identify the limitations resulting from the disability and any potential reasonable accommodations that could overcome those limitations.

Nevada enacted [SB 179](#) (2021), relating to interpreters. It revised the activities for which registration as an interpreter or real-time captioning provider is required, revised the requirements and professional classifications for registration as an interpreter or real-time captioning provider, provided for the establishment of qualifications to serve as a professional mentor and additional professional classifications in the field of interpreting, revised certain terminology related to interpreting and provided other matters properly relating thereto.

Tennessee enacted [HB 1578/SB 1183](#) (2021), which provides 36 hours of yearly leave for a state employee who is a veteran with a service-connected disability, of which 30 percent or more is to be used to attend appointments related to the service-connected disability.

Centralized Reasonable Accommodation Fund

A Centralized Accommodation Fund (CAF) is a consolidated funding strategy to meet reasonable accommodation requests made by employees and applicants with disabilities, rather than requiring each state agency to pay for accommodations out of individual agency budgets. By utilizing a centralized accommodation fund to pay for requests, states can ease the administrative and financial pressure on agency hiring personnel worried about the impact of accommodations on agency budgets.



EXAMPLES IN ACTION: Centralized Reasonable Accommodation Funds

Massachusetts and **Minnesota** have established centralized funds for accommodating individuals with disabilities.

Massachusetts operates a [Reasonable Accommodation Capital Reserve Account](#) designed to supplement existing agency resources. Established in fiscal year 2009, state agencies may make

requests for supplemental funding for accommodations to the Massachusetts Office of Disability and Office of Access and Opportunity, which are evaluated. Funds are then disbursed until the reserve account is exhausted for the current fiscal year. In past years, at least \$100,000 has been made available to supplement state agency budgetary resources.

The [accommodation fund](#) in **Minnesota** has two goals—“to provide equal footing for applicants with disabilities during the hiring process” and “to provide for a more inclusive workplace environment.” The state’s Department of Administration can reimburse up to \$1,000 for current employees’ one-time expenses, recognizing that under the Americans with Disabilities Act (ADA) there is no limit to expenses reimbursed for applicants and ongoing expenses incurred for current employees unless the agency can demonstrate undue burden. In 2016, the legislature authorized \$200,000 for the fund.

Centralized Expertise on Disability Employment

In a similar vein, several states have centralized their reasonable accommodation *expertise*, providing state agencies with one go-to destination for guidance on disability employment matters.



EXAMPLES IN ACTION: Centralized Expertise on Disability Employment

Alaska’s [ADA Compliance Program](#) embeds Americans with Disabilities Act (ADA) coordinators in major state agencies and assists employees with accommodation requests.

Oklahoma passed [HB 2062](#) (2013) to enact a statewide telework program and included language requiring the development of policies and guidance on the use of telework as a workplace accommodation for employees with disabilities.

Governor Walz of **Minnesota** issued [Executive Order 19-14: Providing for State Agency Coordination of the Americans with Disabilities Act](#) (2019) that directs the appointment of a State ADA Coordinator and the appointment of an ADA Coordinator at each agency. The coordinator’s duties include acting as the designated agency resource for information and technical assistance regarding compliance with the ADA, including case-by-case interventions, as required and deliver training and technical assistance.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration to designate a State Disability Employment Coordinator or Coordinators who shall be responsible for advising all state agencies on disability policy and compliance with disability rights laws; collaborating with and supporting all state agencies concerning recruitment, hiring, and retention of employees with disabilities; and training state employees and managers on disability-related issues.

Vermont utilizes a rigorous and streamlined [Request for Reasonable Accommodation](#) process for state employee accommodation requests. Vermont’s process involves a review committee for accommodations exceeding \$500 and when there is a disagreement between department and employee on the reasonable accommodation offered or denial of a request at the department level.

Telework and Broadband

Legislation in several states has authorized employees working in state agencies to telework, or work from home remotely. Most of these state policies simply include telework as a form of reasonable accommodation for applicants and employees with disabilities, with some referencing a guide on [telework as a reasonable accommodation](#) developed by the Equal Employment Opportunity Commission.

In 2020, the Council of State Governments and SEED published an issue brief titled, “[Disability Inclusive Telework for States: State Approaches to Increasing Access and Inclusion](#),” which includes examples of state telework policies and describes policy options for making a state’s telework policy more inclusive of employees with disabilities. One of the key findings of the report was that states must ensure telework is accessible to and usable by its employees with disabilities. Thus, employers must: ensure that employees with disabilities have an effective and meaningful opportunity to participate in telework programs, as mandated by the Americans with Disabilities Act; develop and update all components of a state telework program to consider inclusion and accessibility; and employ telework as a reasonable accommodation for

individuals with disabilities even if a state does not offer a general telework program or otherwise limits eligibility for telework.

The National Conference of State Legislatures, in conjunction with SEED, is actively [tracking developments related to telework](#) for people with disabilities during the COVID-19 pandemic.



EXAMPLES IN ACTION: Telework and Broadband

Several states have implemented telework programs for state agency employees with disabilities.

Alaska (2020) and **Idaho** (2018) revised their telework policies to provide sole discretion to managers to authorize telework and to clarify that this discretion does not cover the provision of reasonable accommodations to qualified state employees with disabilities; those requests should be made through Human Resources staff.

California permits state agencies to offer full-time telework when accommodating people with disabilities.

Delaware (revised 2020) directs that additional or modified accommodations must be provided by state agencies to people with disabilities who decide to change their worksite. On October 4, 2021 (effective April 4, 2022), the Delaware Department of Human Resources issued a policy pronouncement titled "[Alternative Work Arrangement Policy and Procedure](#)."

Mississippi enacted [SB 2810](#) (2022), which provides the terms and conditions for state employees to engage in telework, including establishing protocols for accessibility.

North Dakota allows for a modification or waiver of policies for state employees who work from home as a reasonable accommodation.

Oklahoma (2013) includes several provisions to accommodate individuals with disabilities in state telework. For example, the legislation:

- Establishes a statewide telework assistance program, which provides policies and guidelines to support agency telework, including around "accommodation[s] for employees with disabilities."
- Requires state agencies to employ accessible information technology platforms, and to consult the Department of Rehabilitation Services and individuals with disabilities in reviewing information technology (as well as corresponding trainings and technical assistance).
- Establishes the creation of a central telework website, which provides resources to facilitate effective telework for employees and managers.

Examples of telework policy options benefiting all employees include:

Connecticut developed an [Interim Telework Training Manual for Managers and Supervisors](#).

Maryland (2014) has issued an [Agency Teleworking Implementation Manual](#). On May 30, 2021, the Governor of **Maryland** signed [HB 73](#) (and companion bill [SB 710](#)), which requires local governments to establish telework program, policies and guidelines.

Massachusetts (revised 2020) issued [Telework Policy for Executive Branch Agencies](#).

Minnesota revised (2020) its Telework Policy ([HR/LR Policy No. 1422](#)).

Virginia [SB 877](#) (2020) specifies that the secretary of administration shall have specified duties related to promoting telecommuting and alternative work schedule policies, including the use of telework alternatives for public and private employees and planning; developing and administering programs and activities by public and private sector employers and incentives for private sector employers to utilize telecommuting; and reporting annually to the General Assembly on telework participation levels and trends of both private and public-sector employees in the Commonwealth.

Governor Tony Evers of **Wisconsin** issued [Executive Order 80: Relating to the Creation of the Governor's Task Force on Broadband Access](#) (2020). The Task Force must research and recommend forward-looking broadband policies and initiatives that address state broadband goals and needs and report to the Governor and Legislature annually on recommendations for facilitating the deployment and adoption of broadband in Wisconsin.

Several states have enacted legislation regarding broadband, including authorizing grant programs—**Florida** enacted [HB 1239](#) (2021); **Hawaii** enacted [HB 1191](#) (2021); and **Maryland** enacted [SB 824](#) (2021).

Stay-At-Work/Return-To-Work Programs, Policies and Practices for State Employment

Disabilities may develop and vary in effects throughout a state employee's tenure. As model employers, states should recognize that disabilities may change in their impact over time or develop suddenly as a result of illness or injury. States can intervene early through stay-at-work and return-to-work programs with their own employees through the administration of health insurance, disability insurance and other benefits such as employee assistance programs (EAPs).

To assist on this front, the Council of State Governments (CSG) developed a [Stay-at-Work/Return-to-Work Toolkit](#), a resource designed to help state officials increase the employment retention and labor force participation of individuals who acquire and/or are at risk of developing work disabilities whether on or off the job.



EXAMPLES IN ACTION: *Stay-at-Work/Return-to-Work Policies*

Delaware [enacted legislation](#) establishing a return-to-work program for its state employees and appointed a [return-to-work coordinator](#) tasked with helping state workers stay at work or return to work after injury or illness.

New Jersey bills [SB 844](#) and [AB 1980](#) were approved in 2019. They permit a partial return-to-work for workers on temporary disability insurance who can work on a part-time basis.

Utah Governor issued [Executive Order 2021-08: Expanding Return to Work and Returnship Opportunities in Utah](#) (2021). The EO directs each state agency to review all procedures, policies and rules to identify new ways to provide meaningful returnship opportunities to those returning to the workforce and report to the Governor's office how many returnships have been filled. "Returnships" include assisting and connecting individuals to meaningful skills, training, employment and work-based learning opportunities.

Vermont's [Invest Employee Assistance Program](#) includes help with disability-related accommodations to stay at work.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020) directing state agencies to increase efforts to accommodate individuals with disabilities within state government employment by increasing the retention and return-to-work of individuals with disabilities.

ACCESSIBLE TECHNOLOGY: WEBSITES, ONLINE SYSTEMS, MOBILE APPS AND OTHER FORMS OF INFORMATION AND COMMUNICATION TECHNOLOGY

Technology has transformed the way we work, but if the technology in one's workplace is not usable by everyone, it creates an inequitable workplace environment. As such, states are encouraged to consider elevating the importance of accessibility as a primary policy and program consideration in the design, development and procurement of information and communication technology (ICT) systems, including websites, online systems, mobile apps and other forms of ICT. Where technical standards for accessibility do not exist, states may want to consider adopting user-centered functional performance criteria for all

disability types. Further, where procurement policies exist, states may want to consider including specific procurement policies applicable to ICT accessibility.

A poignant example of accessibility's importance at the state level can be found in the Information Technology and Innovation Foundation's (ITIF) 2020 [report on the accessibility of state unemployment websites](#). It reported that the vast majority of state unemployment websites fail basic mobile and accessibility tests, making it difficult for people with disabilities (who may use assistive technology and/or accessibility features) to apply for unemployment benefits and other employment services.

The Office of Disability Employment Policy's [Partnership on Employment & Accessible Technology](#) is a helpful resource in this regard. It offers tools and guidance to help organizations build and buy accessible products and ensure their workplace technology and digital products are accessible to people with disabilities.



EXAMPLES IN ACTION: Requirements and Standards for Accessible Technology

Many states have enacted policy governing requirements and standards for the design, use and procurement of ICT.

Alabama's [IT Universal Accessibility Standard](#) specifies that “just as environmental obstacles can inhibit individuals with certain disabilities, Internet use can also present obstacles for persons with certain disabilities.” The object of the policy is “to advise agencies on the use of the minimum requirements for online accessibility for all State of Alabama web sites that comply with Section 508 of the Rehabilitation Act.”

Arizona, through state statute, recognizes the need to improve accessibility of ICT in order to “increase the successful employment and access to government services” for individuals with disabilities. The statute directs each budget unit of the state to ensure that any information technology developed, procured, maintained or used by the budget unit provides accessibility comparable to and in line with the accessibility standards of Section 508 of the Rehabilitation Act.

California's IT accessibility policy explains that “it is the policy of the State of California that information and services within State Government, and provided via electronic and information technology, be accessible to people with disabilities.” The policy directs state agencies to comply with all federal and state laws prohibiting discrimination against individuals with disabilities, including laws outlining accessibility requirements for electronic and information technologies. State agencies must ensure that “their agency/state entity public web sites are accessible to both the general public and that their internal agency/state entity electronic and IT systems are accessible by state employees, including persons with disabilities.” The policy requires all electronic or information technologies developed, purchased, maintained or used by state agencies comply with the accessibility requirements Section 508 of the Rehabilitation Act. The policy also extends these compliance requirements to state contractors. Further, **California** enacted [AB 434](#) (2017), requiring state agencies to make their respective sites accessible by July 1, 2019. Each state agency is required to achieve conformance with Web Content Accessibility Guidelines (WCAG) 2.0, or any subsequent version, at a minimum Level AA success criterion. Compliance with the requirement will make the website of every state agency accessible to individuals relying on the use of assistive technologies such as screen readers, keyboard navigation and/or other assistive devices that allow them to access and consume digital content.

Colorado enacted [HB 1110](#) (2021), which specifies that the Chief Information Officer in the Office of Information Technology shall, consistent with the responsibilities of The Office, promote and monitor the access standards for individuals with a disability in the state's information technology infrastructure,

ADVANCING DISABILITY-INCLUSIVE EMPLOYMENT POLICY

including, but not limited to, architecture. Each state agency is directed to comply with the access standards for individuals with a disability.

Hawaii enacted [SR 5](#) (2021), which directs the Disability and Communication Access Board, in collaboration with the office of enterprise technology services, to convene a working group on accessible government documents. In 2022 **Hawaii** enacted [SB 2144](#), which requires the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group composed of stakeholders, to develop and publish electronic information technology accessibility standards to be implemented by all state entities.

The **Illinois** [Information Technology Accessibility Act](#) (2007) requires state agencies and universities to ensure that their web sites, information systems and information technologies are accessible to people with disabilities.

Indiana specifies that if a contractor provides any information technology-related products or services to the state, the contractor shall comply with all IOT standards, policies and guidelines. The contractor agrees that all hardware, software and services provided to or purchased by the state shall be compatible with the principles and goals contained in the electronic and information technology accessibility standards adopted under Section 508 of the Federal Rehabilitation Act of 1973.

Kentucky recognizes the relationship between full participation in the workplace and community and the need to ensure accessible ICT, legislating that individuals with disabilities have a right to full participation of life in the commonwealth, which includes the use of advanced technology by employees, program participants and members of the public.

Maine's [State Web Accessibility and Usability Policy](#) reasserts the state's commitment to the "Guiding Principles of Universal Access to Information" for all Maine's state government web sites.

Governor Walz of **Minnesota** issued [Executive Order 19-15: Providing for Increased State Employment of Individuals with Disabilities](#) (2019) that orders the applicable state agency to collaborate with Minnesota IT Services to provide advice and guidance for updating hiring tools to ensure accessibility and usability for all people with disabilities applying for state jobs. The executive order also directs state agencies to use best efforts to comply with accessibility standards and provide information and communication technology content, tools and resources that are accessible to and usable by employees with disabilities.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration to ensure that the state's web-based hiring portal is accessible for applicants with disabilities.

New Hampshire [Web Accessibility Initiative](#) requires all state agencies to develop and maintain web and mobile sites that follow universal access standards that conform to regulations from Section 508 of the Rehabilitation Act. The New Hampshire initiative also applies to all web and mobile state job applications, seeking to remove barriers to application and hiring for individuals with disabilities.

New York updated its [Policy on Accessibility of Information and Communication Technology](#) (2019). The policy is based on Section 508 of the Rehabilitation Act, including WCAG 2.0 A and AA. **New York** explains the benefits of accessible ICT: "The benefits of the policy [establishing minimum accessibility requirements] will be a more fully inclusive state workforce and increased availability of governmental services to all members of the public."

Ohio updated its Web Accessibility Policy. Governor DeWine issued [Executive Order 2019-03D: Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019) that directs the Office of Information Technology, in consultation with the state ADA Coordinator, to conduct an annual review of the state's web-based hiring portal to ensure it is accessible to applicants with disabilities.

Utah enacted [HB 284](#) (2019), which authorizes the Department of Technology Services to coordinate with executive branch agencies to provide basic agency website standards that address common website design and navigation standards.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020), which directed the Virginia Information Technology Agency to work with other state

agencies to improve the accessibility of the Commonwealth's websites for Virginians with disabilities and encourage similar efforts in the private sector.

The state of **Washington** adopted new [accessibility standards](#) based on WCAG 2.1. In addition, **Washington** enacted [HB 1329](#) (2022), which concerns public meeting accessibility and participation.

Inclusive Procurement Policies and Processes

As states pursue more accessible and equitable workplaces, inclusive procurement policies are increasingly important. Such policies can ensure that all resources, services, products and technologies acquired by state and local governments are fully accessible. As one example, states may want to consider giving a competitive advantage to bidders who can show that they have implemented accessibility policy related to their offerings and solutions.

In 2015, the National Association of State Chief Information Officers (NASCIO), established a workgroup to identify strategies for increasing the procurement by states of accessible websites, online systems and other forms of ICT. The workgroup concluded that state government procurement officials/offices are not focusing enough attention on encouraging/requiring vendors to adopt governance systems that facilitate the design of accessible ICT services and products. Later that year, NASCIO published a two-part series identifying strategies for improving the procurement by state agencies of accessible information technology (IT). The initiative is referred to as Policy-Driven Adoption for Accessibility (PDAA). Parts 1 and 2 of that series offer helpful guidance on accessible IT procurement in the public sector:

- [Part 1: Accessibility in IT Procurement Part 1: Issues, Challenges and a New Approach \(July 2015\)](#)
- [Part 2: Accessibility in IT Procurement Part 2: The PDAA Components \(August 2015\)](#)



EXAMPLES IN ACTION: Inclusive Procurement Policy

A number of states have implemented policies and practices to ensure that the ICT they procure is accessible to all users.

Indiana's boilerplate for state contractors includes a provision requiring all contractors ensure that their hardware, software and services adhere to Section 508 of the Rehabilitation Act and [IC §4-13.1-3](#). The state is permitted to terminate a contract with any contractor that fails to comply with these requirements.

Kentucky's access clause specifies that all alternative and nonvisual access standards must include the following minimum specifications:

- Effective, interactive control and use of technology, including the operating system, applications programs and format of the data, shall be readily achievable by alternative and nonvisual means;
- The technology equipped for alternative and nonvisual access must be compatible with IT used by other individuals with whom the individual with a disability must interact;
- Alternative and nonvisual access technology must be integrated into networks used to share communications among employees, program participants and the public; and
- The technology for alternative or nonvisual access must be able to provide equal access to telecommunications or other interconnected network services used by persons who are not disabled.

Massachusetts provides accessibility contract language required in any solicitations issued by executive department agencies for new systems or major upgrades of existing systems. The language includes:

- Mandatory vendor compliance with the state's Enterprise Information Technology Accessibility standards and MassIT Web Accessibility Standards, Version 2;
- Coordination between a vendor and state agency in identifying and providing accommodation to "all prospective attendees at [the vendor] training" who may require accommodation;

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- A list of specific assistive technology (including class, brand and version) and specific desktop configuration “against which [vendor’s] deliverables will be tested under this agreement”; and
- Required cooperation between the vendor and the agency in resolving interoperability problems that arise during the term of the maintenance agreement, as qualified.

Additionally, the program provides:

- The Generic Assistive Technology and Information Technology Environment List, as mentioned in its accessibility contract language, which outlines rules for testing specific IT devices and services;
- Supplemental Web Accessibility Testing Criteria 1.0, which provides a checklist for vendors to submit to the procuring agency;
- Required terms for accessibility for IT contracts, in the form of a slide show presentation, outlines the required contract language and other standards for executive department agencies; and
 - MassIT-issued waiver from accessibility requirements that outlines exemptions on the basis of due diligence, cost or undue burden or a prospective roadmap for meeting such standards in the future.

[Minnesota](#) enacted statutory language that pertains specifically to nonvisual technology access standards, to be included “in all contracts for the procurement of information technology by, or for the use of, agencies, political subdivisions, and the Minnesota State Colleges and Universities.”

[Nebraska](#)’s Commission for the Blind and Visually Impaired, the Nebraska Information Technology Commission, and the chief information officer developed a Nebraska Technology Access Clause stating all “future information technology products, systems and services, including data, voice and video technologies, as well as information dissemination methods, will comply with the [Nebraska Technology Access Clause] to the greatest extent possible.” The clause requires:

- Availability of effective, interactive control and use of technology, including applications and programs, for individuals with disabilities; and
- All accessible IT is compatible with technology used by other individuals with whom the individual with a disability must interact, able to be integrated into communications networks and capable of providing equivalent access to interconnected network services used by the general population.

[Minnesota](#) is launching a [PDAA pilot program](#), asking a number of vendors to complete a self-evaluation and use the feedback to analyze the model and determine next steps.

The [Texas](#) Department of Information Resources has developed a comprehensive framework and project plan to guide the organization’s IT accessibility program and initiatives using the PDAA tool ([PDAA Additional Information Request](#)).

PERSONAL ASSISTANCE SERVICES

Personal assistance services include assistance with performing activities of daily living that an individual would typically perform if he or she did not have a significant disability, and that is not otherwise required as a reasonable accommodation. For example, personal assistants might help individuals with disabilities remove and put on clothing, eat and use the restroom.

Currently, reasonable accommodation policy under Title I of the ADA and most state antidiscrimination laws do not require employers to provide personal aids and devices, including personal assistance services. However, for some individuals with significant disabilities, the lack of personal assistance services means that employment is not feasible.

In recognition of this gap in policy, the [regulations](#) implementing the affirmative action provisions of Section 501 of the Rehabilitation Act, which, among other things, make a federal agency a model employer of people with disabilities, includes a new provision requiring the implementation of personal assistance services policies.

Several states are now considering the adoption of similar personal assistance services policies for state agencies.



EXAMPLES IN ACTION: Personal Assistance Services

Florida adopted the [James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program](#). The program provides personal care attendants and other support and services necessary to enable specified persons with significant and chronic disabilities to obtain or maintain competitive and integrated employment, including self-employment.

Ohio established the [personal care assistance program](#). In order to maintain employment, look for employment or participate in training for employment, some Ohioans with severe disabilities may require a personal care attendant/aide to assist them with activities of daily living (ADLs). OOD's PCA Program provides partial reimbursement to eligible individuals so that they may hire an attendant/aide. OOD's PCA Program does not hire attendants/aides; rather, OOD provides the funding so that eligible individuals may hire the attendant/aide who may best meet their needs.

Massachusetts established the [MassHealth Personal Care Attendant Program](#). The program helps people with permanent or chronic disabilities keep their independence, stay in the community, and manage their own personal care by providing funds to hire personal care attendants (PCAs). The PCA consumer (the person receiving PCA services) is the employer of the PCA, and is fully responsible for recruiting, hiring, scheduling, training and, if necessary, firing PCAs.

New Jersey enacted [SB 3455](#) (2022), which revises eligibility requirements for State Workability Program and Personal Assistance Services Program.

DISABILITY AWARENESS TRAINING FOR STATE PERSONNEL

While states may have robust policies and procedures to attract and retain employees with disabilities, it is important to offer training to direct supervisors and other employees regarding these policies to maximize implementation. Such training typically explores policies and procedures pertaining to applicants and employees with disabilities such as reasonable accommodation procedures and disability etiquette.



EXAMPLES IN ACTION: Disability Awareness Training

Several states have implemented policies requiring disability inclusion training for supervisors and other state employees.

Florida enacted [HB 7003](#) (2016), which implements a mandatory training program for human resources personnel and hiring managers.

Illinois enacted [SB 1136](#) (2019), which requires each state agency to send at least one hiring manager to be trained each year about hiring people with disabilities.

In **Massachusetts**, state agencies must attend [two levels of awareness training](#); the first involves diversity awareness and is completed in the first six months of employment, and the second—disability awareness—is completed within the first year of employment.

Governor Walz of **Minnesota** issued two executive orders. [Executive Order 19-15: Providing for Increased State Employment of Individuals with Disabilities](#) (2019) directed the creation of a plan for accessible training programs for agency hiring managers and supervisors, human resources personnel, Affirmative Action Officers and ADA Coordinators. [Executive Order 19-14: Providing for State Agency Coordination of the Americans with Disabilities Act](#) (2019) orders the delivery of training and technical assistance to agency managers and supervisors on, among other things, interviewing and accessing information on state disability resources.

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Governor Parson of **Missouri** issued [Executive Order 19-16](#) (2019) ordering the Office of Administration and the State Disability Employment Coordinator or Coordinators shall ensure that all state employees participate in initial and periodic disability awareness training to build and sustain a culture of inclusion in the workplace, which will include discussion of rights to reasonable accommodation in the workplace.

Nevada enacted [AB 365](#) (2021), which requires the training of supervisors and managerial employees concerning implicit bias.

Governor DeWine of **Ohio** issued [Executive Order 2019-03D: Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019). The executive order includes a provision directing applicable agencies to ensure that all state employees participate in regular disability etiquette and awareness training.

Rhode Island enacted [H 7737](#) (2022), which requires the Office of Diversity, Equity and Opportunity (ODEO) to create and for all state and municipal employees to receive annual training in cultural competency.

The [State Exchange on Employment & Disability \(SEED\)](#), an initiative funded by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP), assists states in developing effective and inclusive workforce policies that promote disability employment. Recognizing that every state and locality is unique, SEED offers policy options and resources policymakers can tailor to meet their needs and goals. The policy options in this brief are not intended to influence policymaking, but rather serve as an informational reference and not for public distribution. To this end, SEED partners with leading intermediary organizations that serve as trusted sources of information to state and local policymakers.