

Commonwealth of Massachusetts

**Strategic Plan to Make Massachusetts a
Model Employer for People with
Disabilities**

Report of the Disability Task Force on Employment



June, 2009

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This document provides a set of recommendations for affirmatively promoting the hiring and retention of people with disabilities in the Executive Branch¹ of state government. The goal of this document is to establish a solid foundation for policies and practices that can be enforced in the Executive Departments and replicated by all entities throughout the Commonwealth. For purposes of hard copy publication, this document does not contain the broader background and workplan components that will be available on website of the Massachusetts Office of Disability.

Executive Summary

The Commonwealth has a proud history of promoting the well-being of and opportunity for its workers, including assuring strong anti-discrimination protections and supporting opportunities for skill development and advancement. Within his first thirty days in office, Governor Patrick's issuance of Executive Order 478 recommitted the Commonwealth to continued improvement in the recruitment and retention of under-represented groups of people in the workforce, including people with disabilities.² The best available data suggests that 10.4% of the Massachusetts workforce are people with disabilities; and that number is expected to grow, given both the aging of the workforce and increased survival rates of people with disabilities.^{3 4} If the Commonwealth were employing people with disabilities consistent with the composition of the labor force, it would currently be employing approximately 4,800 people with disabilities.⁵

Addressing the significant under-employment of people with disabilities, including older workers aging into disability, is a priority within Governor Patrick's economic development and jobs creation goals for the state; establishing the Commonwealth as a

¹ While the scope of this Strategic Plan is limited to those agencies within the Executive Branch, the hope is that the practices and policies of the Executive Branch will be a useful model to the full range of agencies throughout Massachusetts state and local government.

² The severe under-employment of people with disabilities nationally has prompted many recent public policy developments including a significant 2005 report from the US Equal Employment Opportunity Commission and the passage of federal legislation amending the Americans with Disabilities Act.

³ Houtenville, A.J., Ericson, W.A. Lee, C.G. (2007, March 16) Disability Statistics from American Community Survey (ACS). Ithaca, NY: Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC). Retrieved 9-30-08 from www.disabilitystatistics.org.

⁴ Harrington, P. (2009). Unpublished data based on the American Community Survey presented at the Massachusetts Medicaid Policy Institute forum *Long Term Care Financing in Massachusetts*. January 30, 2009.

⁵ The Executive Branch work force includes 45,990 people, as of September 30, 2008.

model employer of people with disabilities is an important step toward achieving that objective. This document provides a roadmap for change in the Executive Branch by setting forth a strategic plan addressing three over-arching goals:

- Seek to increase the number of people with disabilities employed by the Executive Branch;
- Explore methods to ensure the successful retention and promotion of state workers with disabilities and older workers who age into disability;
- Foster an environment and a workforce able to support and facilitate the employment of people with disabilities.

These goals will be realized through more than 25 objectives that were developed through the work of the Taskforce. Most efforts build upon already existing human resource and talent management practices; some require innovation and the development of new procedures. All offer benefits to those current workers who are or may become disabled and to new workers with disabilities who will enter state employment.

Core to the success of this endeavor will be:

- The ongoing commitment of senior leadership throughout the Executive Branch,
- An appreciation of disability as a challenge across the lifespan, and
- A realization that workers, including older workers with disabilities, are productive members of the Commonwealth's workforce.

Background

The Disability Task Force on Employment was formed in May of 2008 to take a critical look at the Executive Branch's current policies and practices and to research best practices in the public and private sector as they pertain to attracting, hiring, promoting, and retaining people with disabilities. The goal of the Task Force is to make the Executive Branch a model employer by implementing policies and practices that welcome people with disabilities of all ages as valuable contributors to the workforce.

The Task Force itself came about as the result of several simultaneous efforts on many levels. In 2007, the Executive Office of Health and Human Services established a task force on employment of persons with disabilities; in early 2008 the EOHHS Secretariat Goals and, subsequently the Governor's MassGoals efforts both incorporated the establishment of the Commonwealth as a model employer as public policy priorities. At the same time, the disability community through the Employment Now Coalition was meeting to grapple with the unemployment problem and having realized the severity of the issue, other non-profit organizations within the disability community were also addressing this topic.

In April 2008, the Human Resources Division and the Office on Disability assumed the lead roles in the effort to fully engage cross-secretariat participation to reach the goal of establishing the Executive Branch of the Commonwealth as a model employer for

persons with disabilities. Understanding that fear of the unknown stymies progress, the participants met throughout the summer to identify existing barriers and to develop a roadmap to:

- Develop best practices;
- Debunk myths and stereotypes;
- Renew the Executive Branch's commitment that people with disabilities are viewed for their abilities;
- Equip our Executive Branch agencies with data, tools and resources that will aid in achieving and maintaining a workforce inclusive of people with disabilities;
- Clarify the purpose, understanding and application of confidentiality requirements;
- Position the Executive Branch to become an employer of choice for people with disabilities, and
- Increase the number of people with disabilities employed by the Executive Branch.

Goals and Objectives

I. Seek to increase the number of people with disabilities employed by the Executive Branch

Historic under-employment of people with disabilities has resulted in limited pools of qualified applicants presenting to the Executive Branch. Furthermore, disparate work experiences for people with disabilities begin early in life when they find themselves under-represented in high school and college vocational training, volunteer, summer job, and work preparedness opportunities. Increasing the number of qualified individuals with disabilities who seek state jobs will require systematic and targeted outreach efforts, structured job training and internship opportunities, improved employment screening processes, and supportive and effective hiring practices. The following objectives and preliminary action steps have been identified to address this goal.

A. Enhance ongoing targeted outreach to and recruitment of applicants with disabilities

1. Convene a focus group of hiring managers and ADA/504 Coordinators to explore the most helpful methods to support them in conducting a robust recruitment effort. Among the issues to be explored must be how best to apportion recruitment/outreach efforts between centralized and agency-based functions.
2. Enhance and better publicize listings of potentially rich sources of qualified applicants with disabilities, including local and national disability organizations. Sources would include independent living centers, college-based student disability organizations, vocational training programs, disability

specific employment websites, veteran groups, and community advocacy groups.

3. Identify and create working relationships with other state governments who are doing model recruitment and outreach efforts. Similar relationships will be established with private employers in Massachusetts who have demonstrated success in this arena. Finally, collaboration will be undertaken with state and federal agencies that have model programs, such as the award winning MCB and MRC internship programs and the Workforce Recruitment Program (WRP) for college students with disabilities.
4. Design an effective outreach and recruitment effort by Massachusetts state government that would establish the Executive Branch as one of the very best work places for people with disabilities. In a parallel and complementary effort, the state will meet with knowledgeable marketers to devise effective strategies for marketing the state as a model employer.
5. Explore the use of transitional and supported employment for people seeking to enter or re-enter state service.

B. Support Internships and other job awareness and training opportunities for people with disabilities

1. Establish outreach and review procedures to assure that high school, trade school, and college students with disabilities are represented in the Commonwealth's student volunteer and job internship programs.
2. Design an internship program whose goal would be to place students with disabilities across the full range of state agencies. Initially, the program could begin with college students, and then be expanded to incorporate high-school age students. Internships may be paid or volunteer.
3. Establish a centralized listing of internship opportunities across Commonwealth agencies to facilitate more equitable access to all student workers, including those with disabilities.

C. Ensure that the hiring process effectively identifies qualified applicants with disabilities by training and supporting managers and others involved in the interview and hiring process.

1. Assure that the overall human resources training improvement process outlined in Goal III adequately addresses components of the recruitment and hiring process to realize improved employment of people with disabilities.

2. Create a clearinghouse of information and resources available to applicants seeking to transition to competitive employment and managers seeking qualified applicants with disabilities, which would be part of a Central Accessibility Center.
3. Review and appropriately revise job descriptions, in order to better reflect the “essential function” concept.

II. Explore methods to ensure the successful retention and promotion of state workers with disabilities and older workers who age into disability

Successfully retaining workers who have disabilities depends upon many work environment and practice considerations. First, people with disabilities must have the ability to identify themselves to managers without fear of stigma, reduced expectations or opportunities. Second, core to the successful ability for these workers to remain in their jobs and to pursue career paths within the state is the extent to which they can rely on the availability of reasonable accommodations, including access to assistive technologies. Similarly, the EEOC and others have found that uncertainty about the management and cost of assistive technology support and the lack of centralized approaches to its use often results in under-utilization of even relatively low cost interventions. Third, lack of worker and management understanding about the successful provision of reasonable accommodations has been shown to function as a major barrier to retention and advancement of people with disabilities. The following objectives and action steps are intended to advance the Commonwealth’s status in this arena.

A. Encourage and support current employees to self-identify as a person with a disability.

The Commonwealth is confident that the existing self-identification process and standards are in compliance with federal/state laws.

1. Enhance and promote existing multi-step education and support campaign to facilitate the self-identification of current employees with disabilities. Upgrade and disseminate employee and management education materials. Increase emphasis on employee education about the self-identification process during orientation and inform them of the existence and role of the ADA Coordinator. Establish uniform dates for Executive Branch agencies to offer the invitation to self-identify.
2. Review work processes to ensure employee confidentiality is maintained.
3. Collaborate with ITD to refine methods of collecting and extracting data from HR/CMS, to ensure the ability to successfully track progress on the employment of persons with disabilities.

B. Assure appropriate and timely assessment and provision of reasonable accommodations, including access to assistive technology, for employees with disabilities

1. Review current policy and guidance on Reasonable Accommodation to determine adequacy and recommend modifications, if needed. (This includes at least ODEO and ITD policy and guidelines.)
2. Heighten awareness of the policy and guidelines among job candidates, employees and management. Assure adequate knowledge of resources available to facilitate compliance with the policy and guidelines.
3. Establish a Central Access Center, to foster prompt and effective accommodation for new employees with disabilities and for newly disabled existing employees. Among other things, determine the need to centrally fund certain reasonable accommodations, including assistive technology support.
4. Establish mechanisms for evaluating the timeliness and effectiveness of responses to requests for reasonable accommodations, including access to assistive technologies.

C. Establish targeted human resource management strategies to support the retention and appropriate promotion of employees with disabilities

1. Complete a study of the Executive Branch's practices around retention and promotion of persons with disabilities.
 - Gather and analyze the Executive Branch's turnover for this target group to determine if it deviates from the average turnover.
 - Explore enhancements to job postings.
2. Analyze best practices from other states, private employers, and the federal government with a view towards establishing a meaningful and successful mentoring program.
3. Review existing management performance measures that can adequately reflect competencies and practices in this arena.

III. Foster an environment and a workforce able to support and facilitate the employment of people with disabilities.

There is nothing more central to the successful recruitment and retention of employees with disabilities than the assurance of a welcoming, supportive work environment.

A. Seek to increase the knowledge and awareness of all Executive Branch employees regarding disability.

B. Foster full knowledge by agency and human resource directors of all applicable legal, regulatory and administrative requirements and practices related to applicants and employees with disabilities.

HRD will conduct a needs assessment with all Agency Heads, Agency Managers, HR Staff and ADA/504 Coordinators⁶. This instrument will measure basic knowledge, understanding and application of the laws and policies to workplace issues, including at least the following areas:

- Legal requirements of discrimination laws in the workplace,
- What is meant by a “Qualified” individual with a disability?
- Creating a Welcoming Environment and Overcoming Workplace Barriers,
- Reasonable Accommodation/Job Modification,
- Essential and non-essential job functions, and
- Appropriate pre-employment inquiries and examinations.

The results of the survey will be used to generate topics for a series of training sessions to begin with a one-day session during the winter of 2009.

C. Seek to expand participation in ongoing training to maintain and improve manager skill sets in this arena.

To cover additional topics, keep current with changes in the law and policy and increase access to resources, the one-day training will be followed by additional training, to occur one day every 6 months, over the next two years. Explore option of supplementing the program of in-person trainings with remote learning efforts. Examples of other topics to be covered in future trainings might include: Hiring and Interviewing; Writing Job Descriptions and Determining Essential Functions; Accessing Resources; Employee’s and Employer’s Responsibilities under the FMLA and ADA; Managing in a Unionized Environment; Disability, Accommodating Employees with Psychiatric Disabilities in the Workplace; Working with returning Veteran’s with disabilities.⁷

D. Increase the use of Universal Design principles and ensure compliance with Title II obligations including the ADAAG in the physical environment.

In personnel policies and procedures, ensure that people with disabilities or those who age into disability, can find easy access in a workplace already designed to anticipate differing needs of workers over time.

⁶ ADA/504 Coordinators are already subjected to competence-based training before they are allowed access to disability related human resources data. The instrument used covers most, if not all, of the areas discussed below.

⁷ The Office on Disability offers a series of audio conferences dealing with these topics, featuring national experts.

E. Work with the AAB to ensure employee areas are included in all relevant Commonwealth architectural access regulations, contained in 521 CMR.

This has been proposed by the Board's Regulations Review Subcommittee and the Subcommittee is awaiting approval.

Acknowledgments

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