

Independence, Empowerment and Security

The Consortium for Citizens with Disabilities

Employment and Training Task Force

Statement of Principles on Employment of People with Disabilities

In 2014, 34.4% of US civilians with disabilities ages 18-64 living in the community were employed, compared to 75.4% for people without disabilities – a gap of 41 percentage points. Almost thirty percent (28.1%) of US civilians with disabilities of working-age in 2014 were living in poverty compared to the overall national poverty rate of 14.5 % for US civilians of working-age without disabilities. The labor force participation rate for working-age people with disabilities increased from 30.1 percent in April 2015 to 31.6 percent in April 2016 (up 5.0 percent; 1.5 percentage points). For working-age people without disabilities, the labor force participation rate increased only slightly from 75.9 percent in April 2015 to 76.1 percent in April 2016 (up 0.3 percent; 0.2 percentage points). The labor force participation rate is the percentage of the population that is working or actively looking for work. Such vast disparities should be recognized as a crisis when this country faces an impending worker shortage and millions of Americans with disabilities are excluded from the labor market. CCD offers the following principles to draw attention to the broad array of steps that should be taken to minimize employment barriers, improve employment outcomes and reduce dependence on federal income support programs for all people with disabilities.

1] Support and enforce the Americans with Disabilities Act – The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including employment. Very often, qualified individuals with disabilities only need accessible workplaces and simple job accommodations in order to lead productive work lives. The Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC) possess important tools for enforcing the ADA and policies that derive from that law such as the Supreme Court's Olmstead decision. But funding for EEOC enforcement against discriminatory practices has declined over the years resulting in a significant decrease in numbers of discrimination complaints resolved. Issues related to the definition of disability, decisions on the reasonable accommodation process, illegal medical examinations and inquiries, or "direct threat" arguments go unresolved. Moreover, legislation that seeks to undermine the ADA can create impediments to employment for people with disabilities. Policies that support DOJ and EEOC disability rights enforcement and protect the integrity of the ADA are essential for people with disabilities to be part of America's workforce.

2] Educate, encourage and assist employers to hire, retain and promote people with disabilities throughout their workforce – People with disabilities want to be able to work to achieve the American dream just like anyone else. To do that, policies and programs should enable employers to understand the business case for inclusion of people with disabilities through positive images, objective assessments, workplace accommodation resources, as well as tax incentives to support diverse hiring. Lastly, stigma and attitudinal barriers to employment need to be overcome through a systematic communications campaign to promote public awareness and expand jobs for people with disabilities.

3] Make the federal government the "gold standard" in employment of people with disabilities - Over the years, special hiring authorities and various executive orders have been put in place to expedite and increase the hiring of federal workers with disabilities. Section 501 of the Rehabilitation Act prohibits employment discrimination against people with disabilities in the federal sector and Section 503 requires affirmative outreach and hiring of people with disabilities by federal contractors. Yet these programs are underutilized and little understood. Coupled with federal dollars that support and require segregated programs for individuals with disabilities, the result has been an uneven track record in federal sector employment of people with disabilities, especially for those with significant disabilities. Policies must ensure proper utilization and awareness of these programs along with monitoring and oversight of their effectiveness and implementation.

4] Ensure that education and training promotes opportunities and self-determination for transition age youth with disabilities – Over the years, federal programs like the Workforce Innovation and Opportunity Act (WIOA) and Individuals with Disabilities Education Act (IDEA) have provided significant resources and opportunities for young adults. However, there still exists an opportunity gap due to a disconnection between schools, vocational rehabilitation, and other youth programs, coupled with the daily challenges students face toward overcoming society's low expectations. Youth with disabilities in transition deserve a system that promotes full inclusion, removes barriers to transition to post-secondary education, and ensures greater collaboration between federal agencies, states, and local school districts.

5] Ensure that the employment supports, workforce development and vocational rehabilitation systems work so that all people with disabilities have opportunities to achieve competitive, integrated employment – Workforce investment, education, economic development and Medicaid systems should be aligned and adequately resourced to support a comprehensive, accessible and high quality workforce development and employment support infrastructure that creates the opportunity for competitive integrated employment for people with disabilities, including those with significant disabilities. Vocational rehabilitation counselors and workforce center staff, who are the first points of contact for individuals with disabilities and their families, must be trained in how best to serve individuals with significant disabilities by keeping abreast with best practices. Employment services and supports provided by local and state workforce development systems and Medicaid agencies should be based upon individual’s informed choices and a presumption of employability in integrated settings.

6] Recognize the value of and promote opportunities in self-employment and entrepreneurship for people with disabilities - Self-employment and entrepreneurship represent viable employment options for people with disabilities, who are twice as likely to be self-employed than those without disabilities. These employment strategies offer economic self-sufficiency, independence and flexibility and should be encouraged throughout the job exploration and development process. Federal agencies, including the Departments of Labor (DOL), Education (DoED) and Housing and Urban Development (HUD) along with the Small Business Administration (SBA) should expand opportunities for entrepreneurial individuals with disabilities by broadening availability of financing, business supports and contracting preferences, removing asset limits and other barriers that exist in federal programs, conducting research and providing technical assistance to employment providers on developing self-employment opportunities and outcomes.

7] Ensure access to health care so that people with disabilities can work and live in their communities – The Affordable Care Act’s assurance of physical and programmatic access to health care as well as its prohibitions against discriminatory insurance practices offer vital protections for working people with disabilities. However, more can be done – through elimination of Medicare’s homebound rule, expansion of Medicaid buy-ins and federal matching, tax incentives and reform of long term care insurance policies – to enable people with disabilities to participate in the workforce without fear of losing health care coverage.

8] Improve employment opportunities for people with disabilities on Social Security disability benefits – Numerous studies and analyses have pointed to the many barriers to employment and approaches needed so that beneficiaries of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) have greater opportunities to return to work. Congress and the Social Security Administration (SSA) should simplify and improve the complex array of work incentives and eliminate the financial penalties to work in both SSDI and SSI.

9] Improve employment opportunities for veterans with disabilities – Veterans with disabilities have access to an array of employment and vocational programs from the Department of Veterans Affairs (VA) [for those with service-connected disabilities], to Social Security Employment Networks, to state vocational rehabilitation agencies to America’s Job Centers. Congress must monitor policies that promote coordination of these programs and leverage existing resources to ensure veterans with disabilities avail themselves of all programs to which they are entitled. Moreover, Congress should explore ways to remove the “cash cliff” work disincentive for low income veterans with non-service-connected disabilities.

10] Ensure affordable and accessible housing and local and inter-city transportation solutions for people with disabilities - People with disabilities cannot obtain and retain employment if they must struggle constantly to find and afford a place to live, making enforcement of fair housing laws and support for low and moderate income housing programs essential for successful employment. Similarly, if people with disabilities have no means for getting to where the jobs are, that too is a barrier to employment. To that end, government policies and programs need to ensure not only that traditional bus, rail, air and para-transit systems are accessible to people with disabilities but that new modes of transportation comply with the law as well.