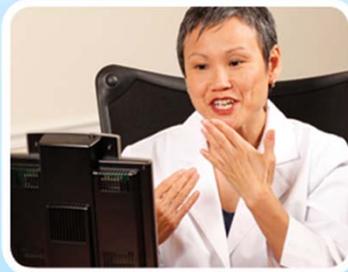
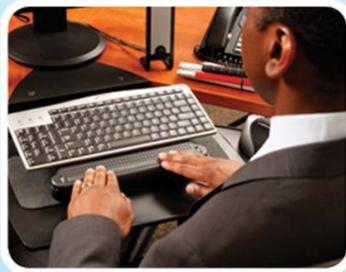




Computer/Electronic
Accommodations
Program



Recruiting, Hiring & Retaining Individuals with Disabilities



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Director, CAP

January 14, 2015

Webinar hosted by the Job Accommodation Network (JAN)

Overview

- **The Rehabilitation Act of 1973, as amended (Rehab Act)**
- **Federal Sector:**
 - Hiring
 - Recruiting
 - Retaining
- **Closing**



Rehabilitation Act

Prohibits discrimination on the basis of disability by the federal government, federal contractors and by recipients of federal financial assistance.

- Requires that employers provide reasonable accommodation(s) to qualified applicants and employees with disabilities, where needed;
- Requires federal agencies to establish “*affirmative action*” programs for the hiring, advancement and retention of persons with disabilities;
- Prohibits employers from making improper disability-related inquiries or requiring improper medical examinations;
- Requires that employers keep the medical information of all employees confidential;
- Requires that employers comply with anti-harassment standards; and
- Prohibits retaliation by employers.



Hiring



Support. Equip. Empower.

Affirmative Hiring

Contrary to popular belief...

Affirmative action is alive and well (as it pertains to individuals with disabilities)

- It **is** legal for federal agencies to give an advantage to individuals with disabilities in hiring, promotion, or other employment decisions
- Agencies are to set hiring goals for individuals with disabilities and individuals with targeted disabilities
- Agencies should affirmatively recruit individuals with disabilities to apply for vacancies, to increase the number of individuals with disabilities in agency applicant pools
- Agencies are allowed to indicate in a job announcement that it is seeking to recruit or hire individuals with disabilities who are qualified



Executive Order 13548

July 26, 2010

Increasing Federal Employment of Individuals with Disabilities

- Hire an additional 100,000 individuals with disabilities over 5 years
- Each agency shall develop an agency specific plan
 - Designate a senior-level agency official to be accountable for enhancing employment opportunities
 - Include performance targets and hiring goals for individuals with disabilities and individuals with targeted disabilities
 - Increase agencies' retention and return to work for individuals with disabilities and work-related injuries and illnesses
 - Increase accommodations and accessibility: physical and virtual
 - Increase use of Schedule A Hiring Authority [5 CFR 213.3102(u)]
 - Information on the Executive Order, supporting model strategies and other related disability employment resources:
www.opm.gov/disability



Competitive Service vs Excepted Service

- Competitive Service includes all civilian positions:
 - that are subject to Title 5, United States Code;
 - that are not specifically excepted from Civil Service laws by statute, by the President, or by OPM; and
 - that are not in the SES.
- This includes most positions in the Executive branch of government.



Competitive Service vs Excepted Service

In filling competitive service jobs, agencies can generally choose from:

- A competitive list of eligibles (administered by OPM or agency HR professionals under direction from OPM).
- A list of eligibles who have civil service status.
- A list of eligibles that qualify for a special noncompetitive appointing authority established by law or executive order.



Competitive Service vs Excepted Service

- The most common method for entering the Competitive Service is to be selected after competing with other individuals from the general public.
- Successful candidates are generally given a career conditional appointment.
- If initially appointed under a career conditional appointment, individuals performing successfully for three years receive competitive career status. This status affords one a greater degree of protection should there be a reduction in force (RIF).



Competitive Service vs Excepted Service

- Excepted Service includes most of the positions in the Legislative and Judicial branches; and
- Consists of all positions in the Executive Branch that statute, the President, or OPM has specifically excepted from the competitive service or the Senior Executive Service.
- Excepted service agencies set their own qualification requirements and are not subject to the appointment, pay, and classification rules in Title 5, United States Code.



Competitive Service vs Excepted Service

- There is some overlap between the excepted service and the competitive service.
- Positions that would ordinarily be in the competitive service are in the excepted service while they are occupied by someone who was appointed under an excepted appointing authority (Schedule A for persons with disabilities, for example).



Competitive Service vs Excepted Service

- Positions may be excepted under certain conditions through the use of special appointing authorities - Schedule A, B, C and D.
- These excepted service authorities enable agencies to use alternative procedures for hiring.
- A key factor concerning the excepted service is that employees may have fewer appeal rights (compared to positions in the competitive service) in the event of disciplinary actions or job termination.



Schedule A Hiring Authority

- Regulation: 5 CFR 213.3102(u) (*source: www.gpoaccess.gov*)
- Noncompetitively appoint “persons with intellectual disabilities, severe physical disabilities, or psychiatric disabilities”
- Permanent, temporary, or time limited appointments
- Appointment will be to the Excepted Service
- Job posting not required
- Must meet qualifications
- Expectations of work performance same
- Must accommodate, if necessary



Schedule A Hiring Authority

Candidates must provide appropriate documentation to support placement (“Proof of Disability”) prior to appointment

- Proof of an applicant's intellectual disability, severe physical disability, or psychiatric disability
- No longer are agencies restricted to “Schedule A Certification” issued by a state vocational rehabilitation office
- Agencies may accept documentation from licensed medical professionals, licensed vocational rehabilitation specialists; or any Federal agency, State agency, or an agency of the District of Columbia or a U.S. territory that issues or provides disability benefits.



Schedule A Hiring Authority

Contrary to popular belief...

- A “Statement of Job Readiness” is not required
- A candidate is not required to have a “targeted disability”
 - Targeted disabilities are defined by the EEOC as disabilities targeted for emphasis in affirmative action planning
 - Targeted disabilities include nine categories of disabilities highlighted on left-hand side of OPM Standard Form 256, Self Identification of Disability



Standard Form 256

9 "Targeted disabilities"

SELF-IDENTIFICATION OF DISABILITY (see instructions and Privacy Act information on reverse)

Last Name, First Name, and MI		Date of Birth (mm/yy)	Social Security Number	ENTER CODE HERE _____ >
<p>Definition: An individual with a disability: A person who (1) has a physical impairment or mental impairment (psychiatric disability) that substantially limits one or more of such person's major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. This definition is provided by the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et. seq.).</p>		<p>Purpose: Self-identification of disability status is essential for effective data collection and analysis. The information you provide will be used for statistical purposes only and will not in any way affect you individually. While self-identification is voluntary, your cooperation in providing accurate information is critical.</p>		
<p>Part I. Targeted/Severe Disabilities</p> <p>Hearing 18 - Total deafness in both ears (with or without understandable speech)</p> <p>Vision 21 - Blind (inability to read ordinary size print, not correctable by glasses, or no usable vision, beyond light perception)</p> <p>Missing Extremities 30 - Missing extremities (missing one arm or leg, both hands or arms, both feet or legs, one hand or arm and one foot or leg, one hand or arm and both feet or legs, both hands or arms and one foot or leg, or both hands or arms and both feet or legs)</p> <p>Partial Paralysis 69 - Partial paralysis (because of a brain, nerve or muscle impairment, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including both hands; any part of both arms or legs; one side of the body, including one arm and one leg; and/or three or more major body parts)</p> <p>Complete Paralysis 79 - Because of a brain, nerve or muscle impairment, including palsy and cerebral palsy, there is a complete loss of ability to move or use a part of the body, including both hands; one or both arms or legs; the lower half of the body; one side of the body, including one arm and one leg; and/or three or more major body parts</p> <p>Other Impairments 82 - Epilepsy 90 - Severe intellectual disability 91 - Psychiatric disability 92 - Dwarfism</p>		<p>Part II. Other Disabilities</p> <p>Hearing Conditions 15 - Hearing impairment/hard of hearing</p> <p>Vision Conditions 22 - Visual impairments (e.g., tunnel or monocular vision or blind in one eye)</p> <p>Physical Conditions 26 - Missing extremities (one hand or one foot) 40 - Mobility impairment (e.g., cerebral palsy, multiple sclerosis, muscular dystrophy, congenital hip defects, etc.) 41 - Spinal abnormalities (e.g., spina bifida, scoliosis) 44 - Non-paralytic orthopedic impairments: chronic pain, stiffness, weakness in bones or joints, some loss of ability to use part or parts of the body 51 - HIV Positive/AIDS 52 - Morbid obesity 61 - Partial paralysis of one hand, arm, foot, leg, or any part thereof 70 - Complete paralysis of one hand 80 - Cardiovascular/heart disease with or without restriction or limitation on activity; a history of heart problems w/complete recovery 83 - Blood diseases (e.g., sickle cell anemia, hemophilia) 84 - Diabetes 86 - Pulmonary or respiratory conditions (e.g., tuberculosis, asthma, emphysema, etc.) 87 - Kidney dysfunction (e.g., required dialysis) 88 - Cancer (present or past history) 93 - Disfigurement of face, hands, or feet (such as those caused by burns or gunshot wounds) and noticeable gross facial blemishes 95 - Gastrointestinal disorders (e.g., Crohn's Disease, irritable bowel syndrome, colitis, celiac disease, dysphagia, etc.) 98 - History of alcoholism</p> <p>Speech/Language/Learning Conditions 19 - Speech impairment - includes impairments of articulation (unclear language sounds), fluency (stuttering), voice (with normal hearing), dysphasia, or history of laryngectomy 94 - Learning disability - a disorder in one or more of the processes involved in understanding, perceiving, or using language or concepts (spoken or written) (e.g., dyslexia, ADD/ADHD)</p> <p>Other Options 01 - I do not wish to identify my disability status. (Please read the notes on the next page.) (Note: Your personnel officer may use this code if, in his or her judgment, you used an incorrect code.) 05 - I do not have a disability. 06 - I have a disability, but it is not listed on this form.</p>		



Schedule A Hiring Authority

Contrary to popular belief...

- A veteran disability rating of 30% (or of any other %) does not equate to eligibility for Schedule A
- The Schedule A regulation does not require job applicants to provide documentation to support placement during the application process
 - However, agencies may request it at any time during the hiring process
 - It's generally good practice for hiring managers to stay out of the documentation process



Recruiting



Support. Equip. Empower.

Recruiting Talented Candidates

- **Have a game plan.** To build a diverse workforce, agencies must recruit widely. Does your agency go to the right mix of colleges and community events to attract a diverse workforce?
- **Plan ahead.** Recruitment and hiring happens in cycles. What is the cycle of your agency? Review your agency's recruiting schedule and provide input when needed.
- **Set goals.** What are your agency's goals for hiring individuals with disabilities this cycle? Do the recruiters (if you're not one of them) know that?
- **Track success.** Collect data on who applies to your agency, and who is hired. This information may reveal problems in the execution of your agency's plans.



Recruiting Talented Candidates

- Recruiters are the face of your organization.
- Do your recruiters (and managers) know what they can and cannot ask during an interview?
- Do they have the basic skills necessary to communicate effectively with persons with disabilities?
- Are your agency's recruiters clear on the agency's obligations to provide reasonable accommodation?
- Are recruiters well versed on the agency's mission-critical occupations?
- Can they clearly describe job requirements.



Locating Talented Candidates

The following are just a small sample of the resources available:

- **Workforce Recruitment Program (WRP) ***
- OPM Shared Register *
- State Vocational Rehabilitation
- College/University Office of Disability Services
- Career Opportunities for Students with Disabilities (COSD)
- Disability Program Managers/Special Placement Coordinators
- Veterans Employment Coordinators

* = Schedule A eligibility required to participate



Locating Talented Candidates

Workforce Recruitment Program



- The WRP is a recruitment and referral program for college students and recent graduates with disabilities
 - Co-sponsored by the Department of Defense and the U.S. Department of Labor
- Connects employers with highly motivated post-secondary students and recent graduates with disabilities who are eager to prove their abilities
- May be utilized to fill both temporary and permanent hiring needs
- Is a great tool to address the low rate of participation of individuals with targeted disabilities
- OPM designated “Model Strategy”
- Offers access to the **largest pool of Schedule A eligible candidates**



Locating Talented Candidates

How the WRP Works:

- Each fall, trained federal recruiters evaluate candidates from over 250 colleges and universities
- Recruiters assess each candidate's maturity, direction, communication and experience, and assign an overall rating
 - Candidates must receive an overall rating of 3 (out of 5) or higher to be included in the WRP candidate pool
- Candidate information, interview notes and ratings are available to federal employers via the WRP website
 - The candidate pool is updated each December



Locating Talented Candidates

How the WRP Works:

- Participants hired via the WRP become agency (federal) employees and are subject to the same employment policies, benefits, etc. as similarly situated staff
- Some agencies, including DoD, have central funding in place to support hiring within their respective organizations
- For partner agencies, DoD Computer/Electronic Accommodations Program (CAP) will provide free assistive technology to support WRP hires.
- Learn more by visiting www.wrp.gov



Retention



Support. Equip. Empower.

Reasonable Accommodation

- Order 13164 requires agencies to have written reasonable accommodation procedures
- In accordance with the Rehabilitation Act, reasonable accommodations must be made available for:
 - the application process,
 - performing essential functions of the job,
 - benefits and privileges of employment.



Reasonable Accommodation

- Benefits and privileges of employment include, but are not limited to, employer-sponsored:
 - Training,
 - services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and
 - Parties or other social functions (e.g., parties to celebrate retirements and birthdays, and company outings)
- It's about equal access

All federal agency programs, training, events, and any other activities must be fully accessible to all employees and any guests.



Reasonable Accommodation

Common Types:

- Purchasing equipment or modifying existing equipment, as well as making written materials accessible through alternative formats, readers, or other means.
- Providing sign language interpretation, CART, or other means for effective communication.
- Making changes to facilities or work areas.
- Job restructuring.
- Altering when and/or how a task is performed.
- Allowing an employee to work from home or a remote location.
- Modifying a workplace policy.
- Modifying a supervisory method.
- As a last resort, reassignment to a vacant funded position for which the individual is qualified.



Reasonable Accommodation

- An agency is required to make a reasonable accommodation of a known mental or physical limitation of an individual with a disability who is qualified unless to do so would cause an *undue hardship*.
 - Undue hardship means significant difficulty or expense;
 - Determined based on overall resources of the agency and workplace operations;
 - An agency probably won't be able successfully to assert cost as a defense, since cost will be evaluated in light of agency's entire budget;
 - Agency has burden of establishing undue hardship.
- As a general rule, *the individual with the disability* is responsible for informing the agency that an accommodation is needed.



Reasonable Accommodation

What must an employer do after receiving a request for reasonable accommodation?

- The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation (aka “the interactive process”).
- The employer may ask the individual relevant questions that will enable it to make an informed decision about the request.
- This includes asking what type of reasonable accommodation is needed.
- Contact your Disability Program Manager for assistance.



Reasonable Accommodation Resources

- Job Accommodation Network (JAN) is a free and confidential service sponsored by the Office of Disability Employment Policy (ODEP), U.S. Department of Labor
 - www.askjan.org
- Computer/Electronic Accommodations Program (CAP) is a DoD program that provides assistive technologies at no cost to federal employees at partnering agencies
 - Wounded Service Member (WSM) Initiative
 - Public Accessibility and Communication (PAC) Initiative
 - CAP Technology Evaluation Center (CAPTEC)
 - CAP Webinar Series / Training
 - Submit request online at www.cap.mil



Step 1: Get Started Now!



The screenshot shows the CAP website homepage. At the top left is the CAP logo and the text "Computer/Electronic Accommodations Program". To the right is a search bar with "Search CAP" and a "Search" button, and a shopping cart icon with "You have 0 selected solutions", "Request Solutions", and "View" buttons. Below the header is a navigation menu with "CAP Customers", "Accommodation Solutions", "Programs", "Training & Outreach", and "About CAP". The main content area features a large blue banner for "Online Training: 'Accommodating an Aging Workforce'" with a sub-header "What is the aging workforce?" and an illustration of three people. Below the banner are four numbered buttons (1, 2, 3, 4, 5). The page is divided into several sections: "Request an Accommodation" with a "Get Started NOW!" button; "Explore CAP" with buttons for "Webinars", "Request Form", and "CAP FAQ's"; "Need Assistance?" with contact information; and "Recent News & Upcoming Events" with a "Recent News" section containing two news items.

CAP Computer/Electronic Accommodations Program

Need larger text?

Search CAP

You have 0 selected solutions

CAP Customers Accommodation Solutions Programs Training & Outreach About CAP

Online Training: "Accommodating an Aging Workforce"

The number of federal workers over age 60 is increasing. Learn more about assistive technology for the aging workforce in CAP's new online training, "Accommodating an Aging Workforce."

1 2 3 4 5

What is the aging workforce?

Request an Accommodation

Ready to place a request for an accommodation? [Start here](#). Need to [browse assistive technology](#), or help to determine the appropriate accommodation to meet your needs? We can help!

Explore CAP

Webinars Request Form CAP FAQ's

Need Assistance?

Contact us from 8am-5pm Eastern Time by phone at (703) 614-8416, (571) 384-5629 VP, or anytime by email at cap@mail.mil.

Stay Connected to CAP

Recent News & Upcoming Events

Recent News

- [End of Fiscal Year \(FY\) 14](#): CAP is unable to fulfill requests for accommodations for the remainder of this fiscal year, which ends September 30th, 2014.
- [CAPtions Summer 2014](#): The CAPtions Summer 2014 newsletter is now available.



Closing

- Rehabilitation Act
- Executive Order 13548
- Hiring and the use of Schedule A
- Recruiting and the Workforce Recruitment Program
- Retention through providing accommodations to qualified candidates
- Computer/Electronic Accommodations Program (CAP)
 - Support
 - Equip
 - Empower

