

Disability -  
Data

## TASK FORCE/ DATA COLLECTION EFFORTS ON EMPLOYMENT

### I. Efforts addressing the general population

In response to the Executive Order 13078, the Task Force established the Employment Rate Measurement Methodology (ERMM) Work Group or Statistics Committee. Executive Order 13078 requires Bureau of Labor Statistics, in conjunction with the Bureau of the Census and other agencies, to develop and implement an accurate and reliable methodology for determining the employment rate for adults with disabilities.

BLS currently maintains data on the employment status of other protected classes, such as women, blacks, and Hispanics, and it is necessary to have comparable data on adults with disability in order to track their involvement in the labor market. Also, employment data on adults with disabilities could be used by many federal departments and agencies to help evaluate their efforts towards improving the labor force status of persons with disabilities.

Bureau of Labor Statistics (BLS) and the Bureau of the Census have guidelines on questionnaire pretesting. Pretesting is important because it can determine if there is an understanding of the intent and meaning of the question that is shared by the questions' designers and respondents. In fulfilling the Executive Order, BLS is identifying surveys that might prove useful, and assessing the availability and quality of survey testing.

The Statistics Committee has proposed a plan to develop an employment rate of adults with disabilities. The following represent current Task Force and members research efforts in support of the proposed plan:

- An annotated bibliography was assembled that contains citations covering particular disability questions and entire disability surveys. The annotations contain relevant information on the questions and, particularly, any testing the questions or surveys have undergone. Relevant tests include those conducted by survey methodologists and others, including, but not limited to, cognitive interviews, behavior coding, and interviewer /respondent debriefings. Data from field tests (e.g., record check studies) as well as research studies (and methods) that provide data (and procedures) for evaluating the validity of disability measures discussed. This is completed.

- A concise but comprehensive overview of existing federal employment programs designed for adults with disabilities is underway. This information will provide input to the Committee regarding how to better operationalize what it means to be a person with a disability for purposes of measuring employment of adults with disabilities. To be completed by 1/25/00.

- More detailed materials regarding specific surveys that were identified in the annotated bibliography are currently being collected. This information will be used to specifically determine which set of questions identified in the annotated bibliography are candidates for subsequent cognitive and field testing as described in the Statistics Committee proposed plan. To be completed by 12/21/99.

## **II. Efforts addressing the federal government/federal government contractors**

**A.** Equal Employment Opportunity Commission (EEOC) has the responsibility for monitoring affirmative employment efforts of federal agencies and has prepared instructions for the agencies in "EEO-Management Directive-713: Affirmative Action for Hiring, Placement, and Advancement of Individuals with Handicaps." EEOC now needs to update this goal for persons with targeted disabilities, as it is very dated. The Task Force and EEOC are conducting a research to derive a revised affirmative employment goal for federal civilian agencies for persons with targeted disabilities. To be completed by 3/15/00.

**B.** The Department of Labor, through its Office of Federal Contract Compliance (OFCCP), has the responsibility for enforcing Section 503 of the Rehabilitation Act of 1973, which requires Federal contractors to take pro-active measures to hire persons with disabilities that go beyond the nondiscrimination requirements of Section 503 and the Americans with Disabilities Act. The Task Force is taking steps needed to ensure that data on the availability of persons with disabilities in the workforce are included in the 2000 Census EEO Detailed File. This information will be available in 2003.

10/15

EEOC Man Dir.

Data

Fed Contractors

EEOC Man-Directive

- problems w/ Title VII part
- go ahead w/ Rehab Act
- ? conversion of Crots → EEOC wants to call

No 5.95% figure

? put in interim figure

Data

~~1) amend EEOC form (will  
Existing data collection)~~

2) Make disability an extract of 2000 Data Census  
(Data every 10 years)

McMull/Census analyzing 1990 data to see  
if ~~disability~~ disability data  
will give us good baseline  
→ will take ~~2000~~ couple of months

(2000 data has better questions)

- will tell us what % of people with disabilities are unemployed
- will not tell us what % of ~~people~~ qualified people with disabilities

2) La Plante contract

~~Designing 6 or 7 question module  
that could be added to CPS to  
get an employment rate~~

OR

He is looking @ NIDR (~~the~~ Econ Dept)  
analyzing data → ready in about a year

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3) BLS \$750,000 from Task Force

→ Designing 6 or 7 question module  
that could be added to CPS to get unemployment rate  
monthly CPS survey  
50,000 households/month

→ ? will he also test it?

Time: 12-18 months

? Has ~~the~~ BLS / CPS agreed to  
apply this?

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\* Task Force will do written

Summary

→ Task Force will present ~~that~~  
and let us know if they need  
our help

# Possible new sources of data

Not new

## 1) EEO #1

Form to employers to get basic demographic data (race, sex) for 30 years - 2 page form  
 Firm specific data → employees 100 or more (50 or more if fed contractors)  
 [EEOC failed several years ago to collect compensation data for pay equity]

## 2) 2000 Census

EEO #1 details file → Job Commerce need for this analysis?  
 Taking data from disability Qs on Census, and do detailed report on / types of disability / employment by local area  
 plus "looking for work" and "discouraged" categories

## 3) OFCCP Data

OFCCP would develop possible new initiatives

Currently = compliance evaluations 4-6% of firms (all federal contractors) → not all on-site  
 6100,000 EEO #1  
 600,000 Firms  
 1,000 Firms

~~Could they collect data on disability?~~

Now ask = for on-site evaluations ask # people for which their company provides an accommodation for  
 → ask what types how many accommodations are provided  
 → do they have affirmative action plan  
 To Do More → need data instrument to be approved by OMB (paperwork reduction act)

What would we want to know? How many people with disabilities ~~are the employees of~~ are employed by the company?

~~OFCCP~~

if could not use for enforcement (not trying to compare other same CPS both for general baseline it to)

## Section 503 enforcement

Dr Anderson committed to make } to figure out  
503 enforcement a priority } what we can do

Henry

- 1) can't through data identifying possible violators
- 2) could articulate to world
  - will vigorously investigate companies
  - tell the world who's leading initiative (setting companies)

Other possible

- 3) Review all action plans and make sure referrals are made to VA or other services



## EXECUTIVE ORDER

### INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

**Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.**

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report

on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

**Sec. 2. Specific activities by Task Force members and other agencies.**

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

**Sec. 3. Cooperation.** All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

**Sec. 4. Judicial Review.** This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

*William Clinton*

THE WHITE HOUSE,

March 13, 1998.

## Strengthening Affirmative Action for Persons with Disabilities

### Background

The Department of Labor, through its Office of Federal Contract Compliance (OFCCP), has the responsibility for enforcing Section 503 of the Rehabilitation Act of 1973, which requires Federal contractors to take pro-active measures to hire persons with disabilities that go beyond the nondiscrimination requirements of Section 503 and the Americans with Disabilities Act. Federal contractors must demonstrate a good faith effort to recruit, retain and advance people with disabilities. In doing so, Federal contractors are required to conduct outreach and engage in a self-analysis of their policies, practices and procedures.

In its enforcement of the Section 503 affirmative action requirements, OFCCP requires employers to establish affirmative action plans involving a number of different elements, including the establishment of appropriate promotion and hiring practices, the invitation to workers to self-identify as members of the protected class, the provision of reasonable accommodations for employees, and the establishment of appropriate outreach and positive recruitment requirements. It does not, however, require employers to set goals and establish time tables for meeting goals for hiring persons with disabilities, as is presently required for women and minorities under E.O. 11246. This process involves an analysis of the utilization of women and minorities by each contractor, relative to their availability in the workforce in the local labor market area. For occupations in an employer's workforce that utilize women and minorities at levels below their availability, the employer must set goals and time tables for remedying this under-utilization. Further, employers are required to report on employment levels for women and minorities on the EEO-1 report, but not required to report the employment of persons with disabilities.

The Task Force proposes that the Administration adopt the goal of strengthening OFCCP enforcement of Section 503 affirmative action requirements, primarily by requiring employers to establish goals and timetables for persons with disabilities. Although the actual use of goals and timetables may not be feasible until 2002 or 2003 when new Census data become available, it is important that this Administration make an explicit commitment to requiring Federal contractors to engage in the same goal-setting process for persons with disabilities as they do for women and minorities. There have been various data concerns raised about the use of goals and timetables for persons with disabilities. Clearly, work needs to continue to resolve these concerns, but these concerns should not delay the commitment.

## The Data

The data on workforce availability that employers currently use to set goals for women and minorities comes primarily from the 1990 Census. For example, the State of Maryland produces an annual publication of affirmative action data to assist employers in evaluating the utilization of females and minorities in the internal workforce. For an employer in a typical county in Maryland -- Allegheny County -- the publication provides persons in the civilian labor force in that county by occupation (major occupational groupings), sex and race/ethnic origin derived from the 1990 Census EEO Detailed Report. The 1990 data on all women and minorities in the local workforce, by occupational grouping, is supplemented by similar data on women and minorities seeking employment through the local Job Service office as of June 30, 1999.

The bottom-line is that the current goal-setting efforts under OFCCP for women and minorities will continue to depend primarily on the 1990 Census data, supplemented by Job Service data, until the 2000 Census EEO Detailed Report comes available in 2002 or 2003. Thus, any possible extension of goal-setting to persons with disabilities involves issues with two different data sets: (1) the feasibility of using 1990 Census data on the workforce availability of persons with disabilities; and (2) ensuring that 2000 Census data on the workforce availability of persons with disabilities is included in the EEO Detailed Report.

An interagency workgroup is currently exploring both of these issues. Census is producing an extract of 1990 Census data of persons with disabilities in the workforce by occupation, in order to assess the feasibility of using this data in an OFCCP goal-setting process. The Workgroup is also actively exploring what needs to be done to ensure that data on persons with disabilities are included in the 2000 Census EEO Detailed Report.

There are several data issues that need to be worked through before it is feasible to use either the 1990 or 2000 Census data for purposes of setting contractor goals. First, it must be determined that the population of persons with disabilities in the Census data conforms, at least roughly, with the population protected under Section 503. This may be a particular problem with the 1990 Census data because of the nature of the questions asked. Second, analysis of the data must be undertaken to determine that there are reasonable levels of availability at the local level to allow the setting of goals to take place. Third, procedures must be developed to take into the possible undercount of employees with disabilities due to the failure of such persons to self-identify. The ongoing analysis of the 1990 Census data will assess issues 1 and 2. Issue 3 will be dealt with over time by developing adjustment factors, if needed, for this problems.

### The Proposed Directive

The President establishes the goal of strengthening the enforcement of Federal contractor affirmative action requirements under Section 503 of the Rehabilitation Act of 1973, primarily by requiring employers to set goals and establish time tables for the employment of persons with disabilities as currently required for women and minorities. To begin taking the steps needed to achieve this goal, the President directs that the following activities be undertaken immediately.

- (1). The Department of Labor, working with EEOC, shall take the steps necessary to expand the current EEO-1 reporting requirement to include persons with disabilities.
- (2). The Task Force, through an interagency work group including the Bureau of Labor Statistics in the Department of Labor, the Census Bureau and other Federal Agencies, shall explore the feasibility of using 1990 Census data to set employer goals for hiring persons with disabilities.
- (3). The Task Force, through the same interagency work group, shall assess the feasibility of using 2000 Census data in a goal-setting process for persons with disabilities, as well as take the steps needed to ensure that such data are included in the 2000 Census EEO Detailed File.
- (4). The Department of Labor, through its Office of Federal Contract Compliance, shall: (a) initiate a dialogue with relevant employer groups to identify and develop solutions to issues associated with setting goals for Federal contractors with respect to employing adults with disabilities, similar to the goals that are currently established for women and minorities under E.O. 11246; and (b) begin developing the regulatory changes needed to implement this requirement for Federal contractors to set goals and time tables for persons with disabilities.
- (5). The Department of Labor shall take steps necessary to strengthen OFCCP enforcement of Section 503 other than implementing the requirement that employers set goals and time tables for employing persons with disabilities.

Tony really wants to do this

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