

**Proposal for the City of Portland to Become a
Model Employer of Persons with Disabilities**

**prepared by the
Portland Commission on Disabilities
April, 2012**

Introduction

Over the past year, the Portland Commission on Disability has sought to learn about the challenges and barriers that Portland residents with disabilities face in seeking, obtaining, maintaining and advancing in employment. In response, the Commission has considered what role the City of Portland might play and what activities the City might carry out to increase and support employment of residents with disabilities. This proposal reports what the Commission has learned and outlines the Commission's recommendation that the City, as a first step in addressing this issue, become a "model employer" of individuals with disabilities.

Executive Summary

Portland residents with disabilities, an estimated 108,000 persons or 18.5% of the City's population, have been and continue to be underemployed and unemployed at a far greater rate than those without disabilities and appear to be significantly underrepresented in the City of Portland's workforce. Many employed individuals with disabilities continue to be paid sub-minimum wages and endure working conditions most workers would not tolerate. And since the economy began to deteriorate in 2008, workers with disabilities have lost jobs at a far greater rate than the remainder of the workforce.

The cost of underemployment and unemployment is high and can include poverty, inadequate health care, social marginalization, the loss of dignity and self-worth, and dreams deferred and denied. For people with disabilities, the cost is often compounded by the demands of a disabling condition and the barriers and challenges they face in other areas of their lives. Even when employed, many individuals find themselves in work environments where they are isolated and excluded. Moreover, a disproportionate number of people with disabilities are also people of color, who also experience a lack of opportunity and discrimination in the area of employment.

In order to address this inequity in Portland, **the Portland Commission on Disability recommends that the Mayor and Council pass a resolution committing the City to becoming a model employer of individuals with disabilities; and, in partnership with the Commission, to developing, implementing and evaluating a strategic plan for increasing the City's employment of persons with disabilities.** Further, that development of the plan and its implementation include:

- Assessment of the City's current employment of and capacity to employ persons with disabilities.
- Review of the City's present employment policies and practices related to employment of individuals with disabilities to determine where they may need revision or new policies and practices are needed.
- Identification of:
 - The plan's objectives
 - Recruitment, hiring, on-boarding, advancement and retention strategies and activities for achieving the objectives
 - Measurable outcomes and timelines for evaluating the progress made in fulfilling the plan, including metrics on the number and type of individuals with disabilities employed by the City.
- Designation of a senior level manager with overall responsibility for developing and implementing the plan, and for assisting bureau heads in developing and implementing bureau specific strategies and activities.
- Evaluation of the need for a dedicated staff position responsible for coordinating the City's responsibilities under Title I of the Americans with Disabilities Act. In evaluating

this need, consideration be given as to how City may best address the unique needs of different groups of people with disabilities who may employed by the City.

This proposal is modeled after one recently ordered by President Obama and which is being implemented by the federal government, and comparable initiatives being carried out by several cities, including Baltimore and Chicago, and a number of states, including Alaska, California, Massachusetts and Minnesota.

If implemented, this proposal will assist the City in fulfilling the Portland Plan by addressing a continuing and significant inequity through full implementation of the equal employment opportunity provisions of the Americans with Disabilities Act and Oregon law. Increasing its employment of individuals with disabilities will also benefit the City as a representative government unit by diversifying its workforce to better mirror the population as a whole; and benefit the City as an employer by tapping into a labor pool that is highly motivated and productive, and which possesses the unusual experiences and knowledge needed to innovate. This proposal should also help the City address the labor shortage resulting from the retirement of baby boomers. In addition, the proposal should aid Portland's economy and businesses, as people with disabilities and their families are becoming one of the largest consumer markets in the country.

In developing this proposal, the Commission sought and received input from organizations and individuals knowledgeable about employment of people with disabilities and employment in the City, including the Office of Vocational Rehabilitation Services, the Commission for the Blind, the Bureau of Labor & Industry (Civil Rights Division), Disability Rights Oregon, the Oregon Competitive Employment Project, the Portland State University Assistive Technology Center, and City of Portland's Human Resources Bureau.

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Proposal

Issue

The City of Portland, with a combined full and part-time workforce of about 5,700 employees,¹ is one of the largest employers in the Portland metropolitan region. The City pays competitive wages for entry-level to senior positions, provides good healthcare and retirement benefits, and offers the opportunity for advancement.

People with disabilities comprise an estimated 18.5% of Portland's population, or about 108,000 persons. This number is increasing and is expected to continue to increase with the graying of baby boomers and the infirmities of age.^{2 3}

It is difficult to determine the extent to which the City's workforce reflects the numbers and composition of Portland's disability population. Reportedly, the City employs about 70 persons with disabilities in maintenance and landscaping positions⁴ through contracts the City is required by federal and state law to have with "qualified rehabilitation facilities" for delivery of certain services and goods.⁵ However, there little other data available on the City's hiring, retention and advancement of persons with disabilities, including the number and percent of persons with disabilities in the City's workforce; nor more refined metrics, including information related to type of disability and the numbers of persons in different types and levels of positions.⁶ The City's policies and procedures for recruiting, hiring, advancing and retaining persons with disabilities also appear to be limited.⁷ The City has a staff position dedicated to fulfilling its responsibilities under Title II of the Americans with Disabilities Act (ADA) and ensuring access to City facilities and services, but it does not have a position dedicated to implementing the City's equal employment opportunity responsibilities under Title I of the ADA and the related provisions of Oregon law.

The Portland Plan equity initiative is welcome and promising, but it does not fully address the equity challenges and needs of Portlanders with disabilities, including employment. These and other factors suggest the City's employment of such individuals lags behind those cities, states and other governmental units that are proactively addressing this issue.

Background

Employment of Individuals with Disabilities

Over the past three decades, people with disabilities have made significant civil rights gains on a number of fronts, including employment. Nevertheless, people with disabilities remain underemployed or unemployed at a far greater rate than those without disabilities. As of May 2011, the national unemployment rate for people with disabilities was 16.9% compared to 9.2% for able-bodied persons.⁸ Other data suggests a much greater inequity. In its most recent report on people with disabilities and work, the U.S. Census Bureau estimated in 2009 that 34.7% of people with disabilities were employed compared with 71.9% of people without a disability.⁹ And unemployment of individuals with significant disabilities is much higher. One estimate puts it at or near 70%.¹⁰

Even when individuals with disabilities obtain employment, they may not be working in regular jobs in the community with competitive wages. Many persons with intellectual or developmental disabilities and persons with psychiatric disabilities work in isolated or segregated job sites performing menial work and enduring conditions that most workers would find intolerable.¹¹ They are also often paid minimum or sub-minimum wages.¹² Only 15% of respondents to a recent 50-state survey of family members of persons with intellectual/developmental disabilities who were working reported that their family member was competitively employed, and only 57% reported that their family member was being paid at least the minimum wage.¹³

The current overall employment situation for people with disabilities is bleak. As the economy has declined, significant numbers of workers with disabilities, like other workers, have been laid off. But the rate of job losses experienced by workers with disabilities has far exceeded those experienced by other workers.¹⁴

The corrosive effects of underemployment and unemployment are well known and include limited and lost income, loss and denial of vitally needed health care, isolation and social exclusion, and the loss of dignity and self-worth.¹⁵ But perhaps the most destructive effect is on the hopes and dreams of people, which are deferred and denied by continuing underemployment and unemployment.

Other Model Employer Initiatives

In seeking to address this problem, President Obama recently issued an executive order establishing the federal government as a model employer of individuals with disabilities.¹⁶ Recognizing that the efforts of past administrations have fallen short, the President outlined specific steps, requirements and metrics intended to ensure that his order is fully implemented.¹⁷ Similar orders and initiatives are being carried out in a number of cities and states:¹⁸

- In Baltimore, Mayor Stephanie Rawlings-Blake recently signed city legislation that gives preference to hiring qualified persons with disabilities, including veterans with disabilities.¹⁹ In addition, the Mayor's Commission on Disabilities has over the past two years:
 - Sponsored a career exposition and a job fair for individuals with disabilities. Over 1,000 persons attended the first event; over 300 the second.²⁰
 - Published a guide on employer incentives for hiring individuals with disabilities.²¹
 - Coordinated an international symposium, "Bridging the Gap between the Disability Rights Movement and Other Civil Rights Movements".²²
- The mayor of Chicago maintains an Office for People with Disabilities, which includes an Employment Services Unit. The unit:
 - Promotes employment of persons with disabilities in partnership with 25 governmental agencies, community organizations and private employers.
 - Aids individuals with disabilities in getting employed by providing benefits planning counseling and job readiness and placement assistance.
 - Hosts events to help youth with disabilities transition from school to work.²³

- In Massachusetts, Governor Deval Patrick has issued a strategic plan for increasing the number of persons with disabilities employed by his state, ensuring retention of workers with disabilities and fostering a supportive environment. The plan follows an earlier executive order that included disability in diversity and affirmative action initiatives.²⁴
- The State of Alaska, in seeking to increase hiring of individuals with disabilities by 10% to 15%, has:
 - Surveyed state employees to better understand representation of people with disabilities in its workforce, use of accommodations, and how to make a more supportive workplace.
 - Improved its provisional hire system.
 - Held job summits and job fairs.^{25 26 27}

Recommendations

The Portland Commission on Disability recommends that the Mayor and Council pass a resolution committing the City to becoming a model employer of individuals with disabilities; and, in partnership with the Commission, to developing, implementing and evaluating a strategic plan for increasing the City's employment of persons with disabilities. Further, that development of the plan and its implementation include:

- Assessment of the City's current employment of and capacity to employ persons with disabilities.
- Review of the City's present employment policies and practices related to employment of individuals with disabilities to determine where they may need revision or where new policies and practices are needed.
- Identification of:
 - The plan's objectives,
 - Recruitment, hiring, on-boarding, advancement and retention strategies and activities for achieving the objectives, and
 - Measurable outcomes and timelines for evaluating the progress made in fulfilling the plan, including metrics on the number and type of individuals with disabilities employed by the City.
- Designation of a senior level manager with overall responsibility for developing and implementing the plan, and for assisting bureau heads in developing and implementing bureau specific strategies and activities.
- Evaluation of the need for a dedicated staff position responsible for coordinating the City's responsibilities under Title I of the Americans with Disabilities. In evaluating this need, consideration should be given as to how City may best address the unique needs of different groups of people with disabilities who may employed by the City.

Rationale for Recommendations

The Portland Commission on Disabilities recommends that the City become a model employer of persons with disabilities for the following reasons:

1. It is the right thing to do. Making Portland a model employer of individuals with disabilities will help the City become a place where everyone has access to the opportunities necessary to satisfy their essential needs, advance their well-being, and achieve their full potential.²⁸ The Portland Plan calls for:

- Reduc[ing] disparities across all [Portland] plan areas, starting with the most severe inequities.
- Ensur[ing] accountability and implementation of the equity initiative.
- Ensur[ing] that the City does business in an equitable manner.²⁹

2. It is in accord with equal employment opportunity law. Federal and state laws prohibit discrimination against individuals with disabilities.³⁰ Nevertheless, Portland residents with disabilities continue to be underemployed and unemployed significantly out of proportion to their numbers. The City needs to step up and do its part in addressing this reality.

3. It will benefit the City as an employer and as a representative governmental body.

- **Individuals with disabilities have valuable knowledge and experience.**
 - A City with a diverse and representative workforce is more capable of understanding and addressing the needs and interests of all its residents. As a group, people with disabilities are diverse. Disability is more prevalent among certain groups: 24.3% of African Americans, 24.3% of Native Americans, 20.9% of Latinos, 18.3% of whites, and 16.6% of Asians have disabilities.³¹
 - Innovation doesn't just happen, it requires new ideas and unique talents. People with disabilities bring a wide variety of perspectives and experiences to the workplace, including experience with overcoming challenges and difficulties that most non-disabled persons haven't experienced.³²
- **Individuals with disabilities are highly motivated.** In a national poll, 63% of people with disabilities who are not working reported that they would prefer to work. By comparison, only 42% of people without disabilities not working indicated the same preference.³³
- **Employees with disabilities are productive.** Industry reports, according to the U.S. Chamber of Commerce, "consistently rate workers with disabilities as average or above average in performance, attendance, and safety. When it comes to employee retention and reduced turnover costs, research has found that workers with disabilities are...inclined to remain in their jobs longer than the general workforce. [Moreover, a] 2002 survey of 255 supervisors of employees with disabilities found that supervisors [were] satisfied with the

overall performance and productivity of workers with disabilities and that workers with disabilities perform as well or better than their non-disabled co-workers.³⁴ The U.S. Department of Labor also reports that when compared with their co-workers, workers with disabilities have nearly identical job performance ratings, fewer scheduled absences and lower turnover rates.³⁵

- **Individuals with disabilities represent a largely untapped labor pool that can be used to address existing and future labor shortages.** With baby-boomers aging and retiring, the City needs to be diligent in retaining experienced staff, including those who have or who sustain disabilities. Seasoned workers have the skills and institutional memory needed to provide high quality results. Moreover, the cost of replacing workers is high, ranging from 93 to 200% of an employee's annual salary.³⁶

When the City cannot address its needs with existing staff, it is in the City's interest to tap underutilized labor markets. Based on U.S. Department of Labor projections, employers can expect significant and increasing workforce shortages within the next several years; prior to the recession, large numbers of companies were reporting gaps in their talent pipeline.³⁷ Two good examples of qualified pools of applicants are emerging college students with disabilities and veterans with disabilities.³⁸

- **Most disability accommodations are inexpensive and beneficial.** In many instances, employers do not need to make any accommodations, or accommodations that cost very little.³⁹ The most commonly requested accommodation is a flexible work schedule.⁴⁰ Surveys of employers who use the Job Accommodation Network show that 50% of all accommodations cost less than \$1,000. And most employers surveyed reported that the dollar benefits of making accommodations outweigh dollar costs:
 - 86% of employers indicated they were able to hire and retain qualified employees.
 - 56% of employers experienced increased productivity of all employees.
 - 39% of employers experienced reduced workers' compensation and insurance costs.⁴¹

In addition, many accommodations are simple, easy to provide and useful. For example:

- When A&F Wood, a small manufacturing company in Michigan, reorganized a work station to accommodate an employee with a visual impairment, they discovered a more efficient layout for all employees to use.
- When Walgreens modified their distribution center's supporting technology, making it easier for their employees with disabilities to use, they discovered that the changes simplified tasks for all employees and increased productivity.
- IBM accommodated a traveling salesman experiencing vision loss by providing additional cab fares, thereby retaining a top performer who closes deals.⁴²

5. Employing individuals with disabilities will be good for the City's economy and Portland businesses. People with disabilities represent a large and growing but underutilized market. Fifty-four million Americans with disabilities represent the third largest market segment behind

Baby Boomers and seniors.⁴³ The disabilities market has an aggregate income of one trillion dollars and is expected to double within 15 years.⁴⁴ Of people with disabilities, 73 percent are heads of households, 48 percent are principal shoppers and 58 percent own their own homes. There are approximately 24 million disabled veterans, including over 180,000 service members returning from the wars in Iraq and Afghanistan. Moreover, research suggests consumers favor businesses that employ individuals with disabilities.⁴⁵

There are other benefits to businesses employing persons with disabilities, including:

- The Work Opportunity Tax Credit, which can provide an employer up to \$2,400 per year.
- The Small Business Tax Credit, which can provide up to \$5,000 per year.
- Tax deductions up to \$15,000, for removing architectural and transportation barriers.⁴⁶
- Workers' compensation incentives for re-hiring injured employees and employing other injured workers. These pay for making needed accommodations and assistive technology, and pay workers' compensation premiums for rehired injured workers.⁴⁷

6. Employing people with disabilities will reduce demand for publicly funded services and assistance, including subsistence income and health care. Increasingly, cities are being asked to address social service needs. Reducing need is part of the solution. Work reduces dependency and diminishes the negative effects of many disabling conditions. For instance, research shows that persons with significant psychiatric disabilities who go to work or continue to work have less severe problems than those who do not work.⁴⁸

Suggested Strategies and Activities for Becoming a Model Employer of Individuals with Disabilities

In seeking to be a model employer of individuals with disabilities and developing and implementing a strategic plan for achieving this goal, the Commission recommends the City consider the following strategies, activities and practices:⁴⁹

I. Conduct an Institutional Readiness Assessment and Obtain Baseline Metrics

In order to develop a viable plan for becoming a model employer, the City needs to evaluate its present policies and practices as they relate to employment of individuals with disabilities. This might be done utilizing an institutional readiness assessment on disability. It is also strongly recommended that the City initiate a process for collecting and analyzing disability metrics on the City's workforce and applicants for City jobs, such as the number of City workers with disabilities, the type of their disabilities, the types and levels of positions held, etc. These baseline numbers are needed to develop a more complete picture of the present situation and to set goals and targets. Going forward, the City will need to continue to collect, report on and analyze such information in order to measure and report on its progress.

It should be added that any process utilized for collecting disability related information will need to be voluntary and preferably done in a manner that preserves the anonymity of the individuals in question.

II. On-boarding

In order to more effectively recruit and hire individuals with disabilities, the City should consider how to develop and refine its capacities in these areas.

A. Recruitment

1. Develop and implement internships or an internship program.
2. Participate in Career Fairs targeting individuals with disabilities.
3. Utilize staff with disabilities as recruiters.

B. Temporary Hires

Identify temporary positions that could provide work experience for individuals with disabilities.

C. Application Process

1. See 3.a. below.
2. Continue to notify applicants and prospective applicants of the availability of accommodations in recruitment materials and interview notices.

D. Interviews

Explore replication of the State of Utah's *Manual on Job and Position Analysis*, which facilitates provision of accommodations, development of interview questions and examination tools that are not discriminatory or discouraging to persons with disabilities, and the determination of essential and marginal functions of jobs.

III. Develop and Maintain a Welcoming Environment

In order to increase its hiring and retention of individuals with disabilities, the City needs to be the kind of place where all people, including those with disabilities, want to work. There are numerous steps the City can take to move forward on this front:

A. Accommodations

1. Review existing policies and procedures for accommodations and refine as needed. Continue to designate and utilize bureau staff to coordinate provision of needed accommodations and ensure that designated staff are provided with the training necessary on current law and rules, new accommodation developments, and best practices.
2. Determine if the City ADA, Title I accommodation policy and procedures is sufficient, and whether:
 - a. The City needs a staff position(s) dedicated to coordinating and supporting implementation of this responsibility (and the City's other equal employment opportunity responsibilities to persons with disabilities under the ADA, Oregon law and City policies). In making this determination, also consider how the City may best address the unique needs of different groups of people with disabilities who may be in its employ
 - b. Timelines needed for responding to accommodation requests and an appeals process for denied accommodations.
- C. Develop a City-wide pool for funding and recycling computer access software, such as screen readers, screen magnification software, and speech recognition software, as well as other types of assistive technology, including adapted keyboards and mice.
- D. Utilize the Oregon State Office of Vocational Rehabilitation Services' expertise to provide technical assistance on accommodations and the Statewide Assistive Technology Project (Access Technologies, Inc.) for assistive technologies.
- E. Make FM loops and assistive listening devices available in every conference room and as needed for staff and customers.
- F. Periodically review emergency preparedness plan and amend to reflect best practices in this area. Continue to include evacuation of individuals with different kinds of disabilities, including mobility issues, in emergency drills and exercises.

B. Retention and Advancement

1. Provide or facilitate the availability of mentors, coaches and/or affinity groups for employees with disabilities.
2. Create and utilize feedback loops, including internal advisory groups and exit interviews to identify best and problematic practices in this area.

C. Supportive Environment

1. Review the impact of workload on retention of individuals with disabilities.
2. Review job descriptions to ensure they reflect only essential functions of the job.
3. Establish positions(s) to serve as support to staff with disabilities in situations where they may experience or have experienced misunderstanding, mistreatment or harassment because of their disability.

D. Staff Growth and Development

1. Develop and provide training to staff to address the following and other issues based on the institutional and individual assessment:
 - a. Best practices for recruitment and retention.
 - b. Bias and stereotypes.
 - c. Participation on diverse hiring panels.
 - d. Response to complaints.
 - e. Accommodations for people with disabilities.⁵⁰

IV. Monitoring Progress and Evaluation

Establish specified outcomes, timelines, metrics and targets for evaluating and reporting on the City's progress in becoming and serving as a model employer of people with disabilities, and demonstrably increasing the employment, retention and advancement of individuals with disabilities.

Appendices

Helpful Disability/Employment-Related Resources

Below are a number of resources that the City and other employers may find useful in recruiting, hiring and employing of individuals with disabilities.

The **Bureau of Labor & Industries (BOLI)** is the Oregon state agency responsible for protecting the rights of workers and citizens to equal, non-discriminatory treatment through the enforcement of anti-discrimination laws that apply to workplaces, including the Americans with Disabilities Act; encouraging and enforcing compliance with state laws relating to wages, hours, terms and conditions of employment, including those applicable to persons with disabilities; educating and training employers to understand and comply with both wage and hour and civil rights law; and promoting the development of a highly skilled, competitive workforce in Oregon through various programs. For more, see www.oregon.gov/boli or contact BOLI at 971/ 673-0761, 800 NE Oregon St., Suite 1045, Portland, OR, 97232, Oregon TTY Relay 711.

Disability.gov contains information about federal, state, and local public and private disability and employment-related resources, including programs, services, laws and benefits on ten main subject areas – benefits, civil rights, community life, education, emergency preparedness, employment, health, housing, technology and transportation. Disability.gov is managed by the U.S. Department of Labor, Office of Disability Employment Policy (ODEP). To access, go to <http://www.disability.gov/employment>

Disability Rights Oregon (DRO) is Oregon's designated rights protection and advocacy system for people with disabilities. DRO assists individuals with legal problems related to their disabilities by: promoting rights awareness; providing information, tools and referrals that empower individuals to advocate for themselves; investigating and addressing abuse and/or neglect; representing individuals in cases where legal expertise is needed; pursuing policy changes that benefit people with disabilities; and, engaging in litigation when necessary. DRO's services are free but limited and targeted. For more, see www.disabilityrightsoregon.org or contact DRO at 503/243-2081 or 800/452-1694 or at 620 SW Fifth Avenue, Suite 500, Portland, Oregon, 97204.

The **Employed Persons with Disabilities Program (EPD)** is an Oregon Medicaid program designed to help individuals with disabilities go to work and continue to work while maintaining their Medicaid health insurance coverage. Individuals eligible for the EPD Program are eligible for Medicaid services including the Oregon Health Plan Plus medical benefits package and long term care (if determined eligible). To learn more about the EPD Program, contact Multnomah County Aging and Disability Services at <http://web.multco.us/ads/contact-us>, 503/988-3646 (voice) or 503/988-3683 (TTY)

The **Job Accommodation Network (JAN)** is a free, expert and confidential source of guidance on workplace accommodations and disability employment issues. JAN offers one-on-one guidance on workplace accommodations, the Americans with Disabilities Act and related legislation, and self-employment and entrepreneurship options for people with disabilities. Assistance is available by phone and online. JAN serves private employers of all sizes,

government agencies, employee representatives, and service providers, as well as people with disabilities and their families. JAN is operated by the U.S. Department of Labor, Office of Disability Employment Policy. For more, contact JAN at www.askJAN.org or 800/526-7234 (voice) or 877/781-9403 (TTY). For info specific to local and state hiring managers, go to <http://askjan.org/empl/index.htm#sta>.

The **Employer Assistance and Resource Network (EARN)** provides public and private sector employers with free, expert consulting services and resources to support the recruitment and retention of people with disabilities. See <http://www.earnworks.com>

The **National Council on Disability** has published a useful and informative report on the federal government's employment of persons with disabilities, including its implementation of related initiatives. In addition, the report contains useful information on best practices and recommendations. See: Federal Employment of People with Disabilities, 2009 at <http://www.ncd.gov/publications/2009>.

The **Oregon Office of Vocational Rehabilitation Services (OVR)** is the state's general vocational rehabilitation (VR) program for individuals with disabilities, and the **Oregon Commission for the Blind (OCB)** the state's VR program for individuals who are blind or visually impaired. OVR and OCB assist individuals with disabilities who have work-related impairments in obtaining or maintaining employment or advancing at work by providing and coordinating provision of the rehabilitative and other services and assistance they need to achieve their identified employment goals. In addition, OVR and OCB work with public and private employers to fill their employment needs by identifying motivated, reliable and dependable job prospects for people with disabilities. OVR operates the Youth Transition Program, a statewide effort to assist youth with disabilities' transition from high school to work or higher education; provides evidence-based supported employment services to individuals with psychiatric disabilities and developmental disabilities in partnership with local mental health and developmental disability programs; and, administers the Work Incentives Network (WIN), a statewide work incentives/benefits planning program. OVR and OCB consult and collaborate with a wide-variety of public and private organizations in the Portland metro area and across Oregon. OVR has five branches in the metro area, including three within the City. OCB's headquarters are in Portland.

For more about OVR, see <http://www.oregon.gov/dhs/vr> or contact OVR at 503/945-5880 or 500 Summer St, NE, Salem, Oregon, 97301. OCB's central and primary office is located in Portland. For more on OCB, see <http://www.oregon.gov/Blind/about-us.shtml> or contact OCB at 971-673-1588 or 535 SE 12th Avenue, Portland, OR 97214.

The **U.S. Equal Employment Opportunity Commission (EEOC)** is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or employee because of various criteria including disability. Information about the ADA, employment discrimination, and best practices in government employment can be found at http://www.eeoc.gov/facts/final-states_best_practices_report.html. For more info, see <http://www.eeoc.gov> or call 1-800-669-4000 (voice) or 1-800-669-6820 (TTY). EEOC publishes "The ABCs of Schedule A" for federal

hiring managers, which other hiring managers and human resource professionals may also find helpful. See http://www.eeoc.gov/eeoc/initiatives/lead/abcs_of_schedule_a.cfm.

The **U.S. Office of Personnel Management** provides information about the “federal government as a model employer” initiative, including federal government hiring expos, training for federal human resource professionals, marketing to dispel myths about hiring people with disabilities, and initiating a task force to report on innovative practices. See <http://www.opm.gov/DISABILITY/>

The **Work Incentives Network (WIN)** and **Work Incentives Planning and Assistance** program (WIPA) inform and counsel individuals with disabilities about how they may utilize state and federal work incentives and the public benefits they receive to obtain work or continue to work. The loss of benefits and the fear of losing benefits, particularly health insurance, is one of the biggest hindrances to employment of individuals with disabilities. (Without health insurance, most individuals with disabilities cannot work as they have no means to obtain essential health and health-related services.) Research suggests the work incentives and benefits counseling can be very helpful in addressing this issue. WIN is operated by the Oregon Office of Vocational Rehabilitation Services and Oregon’s Centers for Independent Living (Independent Living Resources in the Portland metro area). For more about WIN, see www.win-oregon.com or call 503/947-5469 or contact the Competitive Employment Project at OVRs (see OVRs above). WIPA is operated by Disability Rights Oregon (DRO) (see DRO above).

City Employment-Related Policies and Programs

Statement of Policy

41 C.F.R. 60-741.44(a), - 250.1

It is the policy of the City of Portland not to discriminate on the basis of a physical or mental disability or an individual's status as a disabled veteran, a veteran of the Vietnam era, or any other protected veteran ("Covered Veterans") with regard to recruitment or recruitment advertising, hiring, training, promotion or other terms and conditions of employment, provided the individual is qualified, with or without reasonable accommodations, to perform the essential functions of the job. The City does and will take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities and Covered Veterans without discrimination based upon their physical or mental disability, or veterans' status, in all employment practices as follows:

Employment decisions at the City are based only on job-related criteria. All personnel actions or programs that affect qualified individuals with disabilities or Covered Veterans, such as employment, upgrading, demotion or transfer, recruitment, advertising, termination, rate of pay or other forms of compensation, and selection for training, will be made without discrimination based upon the individual's physical or mental disability or veteran's status.

The City makes, and will continue to make, reasonable accommodations to promote the employment of qualified individuals with disabilities and disabled veterans, unless such accommodations would impose an undue hardship on the City's business.

AAP July 1, 2008 – June 30, 2012

The City of Portland ADA Title II Program

The Americans with Disabilities Act (ADA), enacted on July 26, 2010, provides comprehensive rights and protections to individuals with disabilities in the areas of employment, State and local government services, public accommodations, and telecommunications. The ADA Title II prohibits all state and local governments from discriminating on the basis of disability, but moreover, its goal is to promote quality of opportunity and full participation. The City of Portland works to ensure that every program, service, benefit, activity and facility operated or funded by the City of Portland is accessible to, useable by, people with disabilities. The City continually strives to eliminate barriers that may prevent persons with disabilities from access to or participation in City programs, services, activities, and facilities.

The ADA Title II Program is responsible for overseeing the implementation and local enforcement of the City's obligations under Title II of the Americans with Disabilities Act. The ADA Title II Coordinator for the City of Portland works in the Office of Management and Finance and coordinates the City's efforts to comply to all applicable laws and regulations. The Title II Coordinator of established Bureau ADA Coordinators that work on accessibility and Title II compliance issues within their respective bureaus. The ADA Title II Coordinator is available to answer questions from both the public and City employees about accommodating persons with disabilities and Title II of the ADA.

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Endnotes

¹ Auditor's Report to Residents, City of Portland, Oregon, Fiscal Year 2006.

² This estimate was derived by multiplying the prevalence of disability in the United States (18.5%) times the estimated population of the City of Portland (583,776). The prevalence of disability in the U.S. population has been measured fairly consistently at 18-19 percent. U.S. Census Bureau referenced in Office of Disability, Prevalence and Impact Fact Sheet on U.S. Department of Health and Human Services webpage, 2011. As of 2010, the U.S. Census Bureau estimated the City of Portland's population to be 583,776. Wikipedia, description of the City of Portland, Wikipedia, 2011.

³ U.S. Census data indicates that over 50 million Americans have a disability and between 1990 and 2000, the number of Americans with disabilities increased by 25 percent, outpacing all other subgroups of the U. S. population. Ibid (U. S. Census Bureau, Horner, Baker).

⁴ Diane Seaton, Contracts Administrator, City of Portland, Facilities. It is possible that some number of individuals with disabilities may be employed in other positions but to date we only have information on the maintenance and landscaping positions. Two other points about qualified rehabilitation facilities or QRFs. One, many consider QRFs an anachronism from a time in which most people with disabilities were believed to be incapable of engaging in competitive employment. Two, In many circumstances, individuals employed through QRFs perform menial work in segregated facilities or work sites and are paid sub-minimum wages. More QRFs may be found below. It is to the City's credit and that of the QRFs with which the City contracts that neither is the case with the City workers in question.

⁵ Oregon Revised Statutes, 279.835 – 279.855.

⁶ In reviewing this issue with City staff, the Commission was advised that there is very limited data on the City's employment of individuals with disabilities. There apparently is no comprehensive data on the number of City workers who have disabilities, the number of accommodation requests made by City workers, and the number of ADA discrimination complaints. Kathleen Saadat, Diversity Development/Affirmative Action Manager, presentation made to Portland Commission on Disability' Employment Sub-Committee, February 25, 2011.

The Commission understands that even if the City were to collect and report this information, it likely would be incomplete. Under the ADA, individuals have the right to not disclose they have a disability. Historically, many persons with disabilities have been reluctant to acknowledge their disabilities out of concern for how this information may be used. But having even an estimate of the number of individuals with disabilities in the City's employ would be useful in evaluating the City's present employment-related disability policies, and in evaluating the City's progress going forward.

⁷ In discussing the City's policies vis-à-vis employment of individuals with disabilities, City staff identified and shared the statements reprinted below in the section entitled "City Policy". City staff assisted the Commission in reviewing and understanding the City's disability-related policies and shared the policy statements reprinted in the section entitled "City Policy". Staff have indicated their wish to work with the Commission to increase the City's employment of individuals with disabilities and address identified challenges and barriers.

⁸ U.S. Bureau of Labor Statistics, June 2011.

⁹ "Disability Among the Working Age Population: 2008 and 2009", American Community Survey Briefs, U.S. Census Bureau, 2010. The estimates given are for the population between

the ages of 16 and 64 years old and does not include individuals living in nursing homes, prisons and active duty military.

¹⁰ Final Report, Best Practices for the Employment of People with Disabilities in State Government, Office of Legal Counsel, U.S. Equal Employment Opportunity Commission, October 31, 2005. More recently, state agencies that serve people with intellectual and developmental disabilities reported that only 22 percent of the individuals they serve participate in integrated (competitive) employment. 2011 grant solicitation from U.S. Department of Health and Human Services, Administration on Developmental Disabilities, Projects of National Significance: Partnership in Employment Systems Change. Also see Still in the Shadow with Their Future Uncertain, A Report on Family and Individual Needs for Disability Supports, The Arc, 2011.

¹¹ Segregated and Exploited: The Failure of the Disability Service System to Provide Quality Work, a 60 page report published earlier this year by the National Disability Rights Network, documents the shortcomings of some sheltered workshops:

Even in the best of situations...sheltered [workshops] do not truly provide a meaningful [employment training] experience for workers with disabilities[, as they were originally intended to do.] Workshop tasks are often menial and repetitive, the environments can be isolating and the pay is often well below the minimum wage. In the worst of situations, the segregated and sheltered nature of the lives of workers with disabilities leaves them vulnerable to severe abuse and neglect...

...At Henry's [Turkey Service, a meat processing plant in Iowa,] as many as 60 men from Texas with intellectual disabilities once lived together, at together, traveled together. All day. Every day.

Henry's wasn't only these men's employer. It also acted as landlord, "caregiver," and was representative payee for their Social Security payments. The housing it provided – a 106-year old cockroach infested, unheated, abandoned school turned bunkhouse – had boarded-up windows and a cracked foundation. Records show that Henry's paid \$600 each month in rent for use of the tax-free bunkhouse. For the privilege of living in the bunkhouse, the company deducted approximately \$10,000 a week from the worker's paychecks.

These 60 men worked alongside men without disabilities. They did the same job and worked the same long hours. Unfortunately they were not treated the same. They were verbally and physically abused, taunted, and humiliated because of their disabilities...

They were not paid the same either. The men's net pay averaged \$.41 an hour although their...co-workers without disabilities earned between \$9 and \$12 an hour. At the end of the month, and after various levies Henry's assessed, the men got to keep approximately \$65...

¹² APSE, a national organization and foundation that promotes integrated employment of persons with disabilities, published a seven-page position paper in 2009 that summarized the sub-minimum wage situation:

Currently, there are approximately 5,600 employers who hold 14(c) certificates[, granted by U.S. Department of Labor (DOL)], which allow individuals with disabilities to pay less than the federal or state minimum wage,] employing approximately 5,600 employers who hold 14(c) certificates, employing approximately 425,000 individuals with disabilities at sub-minimum wage. Approximately 95% of these individuals are employed in sheltered workshops [i.e., segregated worksites]. Approximately three quarters of all workers receiving sub-minimum wages in sheltered workshops have an intellectual or developmental disability. More than half (54%) of workers in sheltered workshops earn less than \$2.50 per hour, with 23% earning less than \$1.00 per hour...

Over the last several years there have been increasing concerns regarding both the oversight and practices of employers holding 14(c) certificates. These include a March 2001 DOL Inspector General's Report that was highly critical of DOL's oversight of 14(c)... DOL officials [have] admitted that holders of 14(c) certificates are still subject to minimal oversight and few potential penalties other than payment of back wages.

United States General Accounting Office, 2001, Labor Officials Admit Atalissa Shortcoming, Des Moines Register, March 10, 2009, referenced in Call to Phase Out Sub-Minimum Wage by 2014, <http://www.apse.org/publications/positions/cfm>, 2009.

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¹⁴ H. Stephen Kaye, The Impact of the 2007-09 Recession on Workers With Disabilities, Monthly Labor Review, October, 2010.

¹⁵ \$195 billion in earnings and taxes are lost each year because Americans with disabilities are unemployed. AAPD, as referenced in Disability, Prevalence and Impact Fact Sheet, U.S. Department of Health and Human Services website, 2011.

In 2000, 8.7 million people with disabilities were poor — a substantially higher proportion (17.6 percent) than was found among people aged 5 and older without disabilities (10.6 percent). U.S. Census Bureau, as referenced in Disability, Prevalence and Impact Fact Sheet, U.S. Department of Health and Human Services website, 2011.

Association for Persons in Supported Employment/APSE, APSE's Call to Phase Out Sub-Minimum Wage by 2014, 2009.

Treasure, Tina and Scott Lay, Business Case for Employment for Persons with Disabilities, Oregon State Independent Living Council, 2005.

Segregated and Exploited: The Failure of the Disability Service System to Provide Quality Work.

¹⁶ Executive Order 13548-Increasing the Federal Employment of Persons Disabilities, July 26, 2010.

¹⁷ Ibid. The order notes that President Clinton signed a similar order but few steps were taken to carry it out. Consequently, President Obama's order calls for the development and use of agency-specific plans, measurable outcomes and numerical targets; and charging of specific officials with responsibility for carrying out the plans and reporting the results.

¹⁸ Sarah Barnett and Kathy Krepico, States as Model Employers: Strategies for Moving People with Disabilities Into Careers in State Government, in Brief, Issue Brief of the National Technical Assistance Center to Promote Leadership for Increasing the Employment and Economic Independence of Adults with Disabilities, 2011.

¹⁹ Mayor's Commission on Disabilities, FY 2011 Goals and Accomplishment, City of Baltimore website, August 2011.

²⁰ Ibid.

²¹ Joe Chin and Mark Huslage, Employment Committee., Mayor's Office of Community and Human Development, Commission on Disabilities., Employer Incentives for Hiring People with Disabilities, 2009.

²² Ibid. The two-day symposium involved over 150 national and international disability scholars, advocates and governmental officials, including Chai Feldblum, Commissioner, U.S. Equal Employment Opportunity Commission and Russlynn H. Ali, Assistant Secretary, U.S. Department of Education, Office of Civil Rights.

²³ City of Chicago website, www.cityofchicago.org/city/en/depts/mopd.

²⁴ Barnett and Krepico, States as Model Employers.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Portland Plan, 2010.

²⁹ Ibid.

³⁰ Americans with Disabilities Act of 1990, as amended in 2008, 42 U.S.C. 12101 et. seq. and Oregon disability law, ORS 659.400 et. seq.

³¹ U.S. Census Bureau (as referenced in the Oregon Business Leadership Network (PowerPoint presentation), 10 Key Statistics About Disabilities and Business, Willi Horner-Johnson, Ph.D. & Lucy Baker.

³² www.earnworks.com website, U.S. Department of Labor, Bureau of Labor Statistics, Office of Disability Employment Policy. Also referenced by earnworks: “[D]iverse teams that include employees with disabilities are creative, with increased synergies that contribute to the development of more efficient and effective business processes”, Leveraging Diversity to Improve Business Performance”, Human Resource Management, Winter 2004.

³³ NOD/Harris 2004 Gaps Survey.

³⁴ Darlene Unger, Employers’ Views of Workplace Supports: Virginia Commonwealth University Charter Business Roundtable’s National Study of Employers’ Experience with Workers with Disabilities, as referenced in Disability: Dispelling the Myths. How People with Disabilities Can Meet Employer Needs, Center for Workforce Preparation, U.S. Chamber of Commerce, 2005.

³⁵ A recent DePaul study of 314 employees across several industries indicated that participants with disabilities had fewer scheduled absences than those without disabilities, that all participants had nearly identical job performance ratings.

Anecdotal and survey research indicate that employees with disabilities maybe less likely to leave a company than their nondisabled counterparts. For example, Hire Potential found that their placements stayed on the job an average of 50% longer than those without disabilities and Marriott employees hired through their Pathways to Independence Program experienced a 6% turnover rate versus the 52% rate of their overall workforce.

As cited in www.earnworks.com, July 2011.

³⁶ www.earnworks.com, July 2011.

³⁷ Society for Human Resource Management report, as referenced by earnworks.com,

³⁸ Nationally, nearly 2.2 (11%) of emerging college students have a disability and over 180,000 veterans, including an increasing number of war on terrorism vets, posses disabilities.

³⁹ as referenced in Disability: Dispelling the Myths

⁴⁰ “A March 2003 Work Trends report found that the vast majority (73%) of employers reported that their workers did not require accommodations”, as cited in Disability: Dispelling the Myths Marian Vessels, ADA & IT Information Center for the Mid-Atlantic Region, as cited Disability: Dispelling the Myths.

⁴¹ As reported in earnworks.com, July 2011.

⁴² earnworks.com, July 2011. In another example, also from [earnworks](http://earnworks.com): Fortune magazine reported that after Carolina Fine Snacks, a small business in Greensboro, North Carolina started hiring people with disabilities, employee turnover dropped from 80% every six months to less than 5%, productivity rose from 70 to 95%, and absenteeism dropped from 20 to less than 5%.

⁴³ MarketResearch.com, as cited by earnworks.com

⁴⁴ Friedman, Hershey H, Tomas Lopez-Pumarejo and Linda Weiser Friedman., The Largest Minority Group: The Disabled, www.earnworks.com

⁴⁵ Siperstein, Gary N, Neil Romano and Amanda Mohler, A National Survey of Consumers Attitudes Towards Companies that Hire People with Disabilities, Journal of Vocational Rehabilitation, 2005, as referenced in www.earnworks.com.

⁴⁶ www.earnworks.com (July 2011) notes the following incentives: Employers may be eligible for \$2,400 to \$15,000 in tax credits to help cover the cost of accommodations made for

employees with disabilities and to make workplaces accessible. These include the IRS Code Section 44, Disabled Access Credit (Small Business Tax Credit); IRS Code Section 190, Barrier Removal Tax Deductions (Architectural/Transportation Tax Deduction); and, the Work Opportunity Tax Credit (WOTC). Also see “Tax Benefits for Businesses Who Have Employees” at IRS website: www.irs.gov; Employer Incentives for Hiring People with Disabilities, a guide produced by the Baltimore Mayor’s Commission on Disabilities, City of Baltimore website.

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⁴⁹ These strategies and practices were identified in consultation with the Oregon Office of Vocational Rehabilitation Services.