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A Reflection on Employment Challenges and Opportunities

By: Gary C. Norman, Esq. L.L.M. Candidate 2011 and Commissioner, Maryland Commission on Human Relations

During the summer of 2010, a cohort of local, state, and national stakeholders in disability law and policy convened in the District at a [national summit](#) called Living, Learning, and Earning, to commemorate the passage of the Americans with Disabilities Act of 1990. Among other issues discussed at the summit was the issue of employment of people with disabilities. A critical component of the summit was while more attention is being paid to employment discrimination of people with disabilities, a demand for redress is still necessary. For instance, a summit working paper indicated that, in 2009, only some twenty-two percent of people with disabilities were gainfully employed. This entry will discuss a couple of forward-moving steps by the federal government to address this issue.

Fulfilling a [campaign promise](#) to the disability civil rights community that, if elected, his administration would ensure disability issues and leaders with disabilities would be at the main stage instead of on the back stage, President Obama reinstated an [Executive Order](#) in July 2010 during the ADA celebrations. President Obama (Obama) reinstated, in a commemoration ceremony at the White House, Executive Order 13163 (Order) of the Clinton administration that required the federal government to constitute a model employer, proactively hiring 100,000 people with disabilities during a time span of five years.

Section 2 of the Obama Order requires the Director of the Office of Personnel Management, in consultation with the Department of Labor, the Equal Employment Opportunity Commission, and the Office of Management and Budget, “to design model recruitment and hiring strategies for agencies.” Notably, §2(B) of the Obama Order directs that, within 120 days that the Office of Personnel Management (OPM) formulates and sets forth strategies concerning proactively hiring people with disabilities, each agency will create an agency-specific plan that has, to the fullest extent allowed by law, performance targets and numerical goals for hiring people with disabilities, including specifically such “targeted disabilities” as blindness.

The Order also indicates that such hiring plans, are to parlay the existence of Schedule “A” hiring authority, and are, as a mechanism for increasing the numbers of targeted disabilities in the federal workforce, to maximize the inclusion of people with disabilities in internship and fellowship opportunities. Section 3 of the Order addresses the retention of existing workers with disabilities by, among others, requiring the Director of OPM, in consultation with the Secretary of the Department of Labor and the Chair of the Equal Employment Opportunity Commission (EEOC) to provide assistance to agencies on such issues as the provision of reasonable accommodations.

For example, at the behest of Attorney General Eric Holder, The Department of Justice initiated, in May 2009, an affirmative hiring [plan](#) for legal professionals with disabilities. Another example is that at the national summit there was a showcase panel held called New Directions in

Living, Learning, and Earning, the Deputy Director of OPM, Christine Griffin, facilitated a discussion where she touted supposed reforms to a facet of job applications known as [Skills, Knowledge, and Abilities](#). And in November 2010, the Deputy Director will lead a discussion on the employment of people with disabilities at the regional convention of the American Council of the Blind that will occur in Baltimore County, Maryland. Mentioning the positive steps Departments have undertaken or will undertake, either because of the Order or concomitantly with the Order is relevant.

In my experience as a former Presidential Management Fellow and as a full-time attorney with a disability, an issue that will continuously need to be addressed is the provision of reasonable accommodations, on the one hand, and sensitivity training to people with disabilities, on the other. While certainly all organizations—both private and public sector—have staff and management notable in their dedication to the rights of all persons, including people with disabilities, there are clearly opportunities for improving attitudes about disabled workers. To be sure, the Deputy Director will discuss, at the regional convention, such issues as the provision of reasonable accommodations.

Not to digress, but Pilot and I enjoyed the honor of attending this national summit, participating therein within the dialogue. I emphasize that the summit was indeed a fine learning experience for the [young pup](#) of San Francisco, California.

Time will determine if the Order and affirmative direction of cabinet officials will result in increased numbers of people with disabilities in the workforce. That the government can play a role in addressing including and integrating historically marginalized groups into the social fabric is arguably a fitting role for elected and appointed officials and of the instrumentalities of the people with which they are charged to lead.

I urge our instrumentalities of government to provide for the “common welfare” rather than, except in times of invasion, insurrection, or attack, whether from enemies domestic or foreign, to inflate a military and industrial complex. Even if the Order results in but one new hire with a disability, the employment of people with disabilities will be, as a national conversation, at the forefront. By these conversations, change will, if evadingly, occur.

Post-Script:

To utilize the sentiments of Sir Newton, Leaders always stand on the shoulders of giants.

Recently, a luminary in disability law and policy, Paul Steven Miller, Esq., a former Commissioner of the EEOC, died. According to the JFA Activist Blog, when Mr. Miller graduated Harvard Law School, some forty law firms denied him jobs, one so audacious to write that, because he is a little person, he should be in the circus. Certainly, many barriers, especially in terms of attitude, demand changing. One hopes, however, that these kinds of attitudes, even if somewhat underground these days, will slowly change as we as a people socially evolve.

Posted by The Modern American at [3:50 PM](#)