

2011

Kicking Down the Door to Employment I: Of Mentors and Schedule A

Myra Wilder

American University Washington College of Law

Jo Linda Johnson

William Phelan

Ollie D. Cantos VII

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/jgspl>



Part of the [Legal Education Commons](#)

Recommended Citation

Wilder, Myra, Jo Linda Johnson, William Phelan, and Ollie D. Cantos VII. "Kicking Down the Door to Employment I: Of Mentors and Schedule A." *American University Journal of Gender Social Policy and Law* 19, no. 4 (2011): 1105-1124.

This Symposium is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in *Journal of Gender, Social Policy & the Law* by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact fbrown@wcl.american.edu.

KICKING DOWN THE DOOR TO EMPLOYMENT I: OF MENTORS AND SCHEDULE A

BEGIN TRANSCRIPT*

MYRA WILDER: Good morning everybody, on this wonderful rainy March day. I would like to say thank you to all of you for coming out and joining us for this conference. This is our fourth time doing it, as Dean Jaffe said, and we are very excited, and we hope that you take something away from this panel as well as the others that will be occurring later on in the day. But without further ado, I would like to get in to our panel. As you know, kind of over arching theme of our conference this year is employment. As we all know, the legal profession was hit pretty badly with the economic crisis of 2008, and law students are struggling, in terms of finding employment after graduation. To further that, law students with disabilities tend to have additional hurdles in finding gainful employment after graduation. And even though we just celebrated the 20th anniversary of the Americans with Disabilities Act last year, there are still some employers out there who just don't get it and hear that an applicant has a disability and assume that he or she may not be capable of doing the job that they're applying for.

So this panel is going to focus on two things. The first thing is the Schedule a Process. Some of you may be quite familiar with it, some of you may not be familiar with it, and some of you may have in between knowledge about it. And we're going to talk about the scheduling process. Because we are here in Washington D.C., there are many, many opportunities, in terms of hiring in the federal sector, and we wanted to inform you about the process, so that you could take it back to your students and say there is another means, another medium if you will, in which you can find employment after graduation. To add on to that, we

* Panel: Myra Wilder, Senior Academic Counselor, American University Washington College of Law (moderator); Jo Linda Johnson, Director, Training & Outreach Division, Office of Federal Operations, United States Equal Employment Opportunities Commission; William Phelan, ABA Commission on Mental and Physical Disability Law; and Olegario "Ollie" D. Cantos VII, Civil Rights Attorney, U.S. Department of Justice.

also know that mentors are important. I have a mentor. I'm sure everyone in here has had a mentor or multiple mentors during their career, who has helped guide them along the way and guide them in the process of opportunities of employment, maybe getting involved in different activities. We want to share and talk with you about telling your students and encouraging your students that they should really take advantage of many individuals in the field who want to mentor them and who want to help them, in terms of getting employment, and also in having access to other opportunities. So with that being said, and just as an administrative matter, this panel is being transcribed. So when we get to the question and answer period, I would just ask that number one, you approach the microphone when you have a question, and secondly, also state your name before you ask your question so that it can be properly recorded by our transcriber. So I would like to introduce our panelists. We have a wonderful panel, who is going to discuss the topics that we're focusing on today. To my immediate right is Jo Linda Johnson. Jo Linda is the Director of Training and Outreach at the U.S. Equal Employment Opportunity Commission, and she is our Schedule A guru. To Jo Linda's right is Bill Phelan. Bill is the special projects and technology coordinator for the ADA Commission on mental and physical disability law. For those of you who are on the 3-D list serve, Bill comprises that and sends it out to us every day. And then to Bill's right is Ollie Cantos VII, he is a civil rights attorney at the U.S. Department of Justice, and he is also heavily involved in the ABA Commission's mentorship program.

So I'd like to throw out some questions to all three of our panelists, and I want this to be as interactive as possible. So if you have a question, please feel free to come forward. We are, however, going to leave plenty of time at the end for questions and answers. But first, to Jo Linda, I know about Schedule A. I've heard about Schedule A from various career service professionals. I don't know the ins and outs of it. And so to you I would like to ask, what is Schedule A, and what should we, as service providers—as we're defined by the government—do to inform our students know about the Schedule A process?

JO LINDA JOHNSON: Good morning everybody. It's a good question. It's an easy question to answer. Schedule A hiring authority that is available to federal agencies, and it is simply one mechanism that someone can be hired into the federal government. There are lots of tools that the federal government uses. We like to complicate things, as opposed to just interviewing and hiring people. We have all of these hiring authorities, is what they're called, and Schedule A is just one of them. It's specifically for individuals with disabilities. It doesn't specifically define what is a disability, which I think is a good thing. It keeps it loose, it keeps

it open, which allows employers to be flexible in how they choose to define it. But it simply says if you are an individual with a physical or mental disability, you could be hired using this hiring authority. And what that means is, you don't have to go through the traditional competitive process. In the federal government, if you are hired through the competitive process, it involves applying as you would for any other job, but internally, our internal mechanisms involve ranking, creating a list that we call a certificate or cert list, having employers be defined by certain rules as to who they can choose from that certain list. It's a very time consuming process, and Schedule A allows you to avoid that process entirely. So we call it a noncompetitive hiring authority, meaning you can bypass that process.

So to give you an example of how that might work practically and just sort of ignoring the federal government jargon, I recently hired someone on my staff, and I was presented—when I went to HR and said, “I have this position open, advertise for it, find me someone.”—I was presented with three separate lists of people who were eligible to be hired. One was a list of, the cert list, it was their certificate candidates, one was a list of veterans, and one was a list of Schedule A candidates. If I chose the cert list, I had to follow certain rules. If I chose the veterans list, I had to follow certain rules, and those rules are very time consuming. Because I don't like to spend a lot of time doing things, I went through the Schedule A process and hired somebody off the Schedule A list. Which meant that I could just interview the candidate, choose who I want and offer them the job. That is unlike most of the ways that you come into the federal government. All other ways are hindered by lots of different rules and steps in the process. So, it's just a way to come into the federal government that is easier than most.

MYRA WILDER: And so, when our students or if a student comes to me and says, “Myra, I'm looking for a job, I want to work at—I don't know—EEOC or any federal agency.” What do I say to that student so that he or she can begin the process of applying for a job through the Schedule A process?

JO LINDA JOHNSON: The first step under Schedule A is the same as it is for any other job in the federal government. Which is to say, figure out what you want to do and where you want to work. Go to that agency's website and take a look at the jobs that they hire for. Take a look at the type of person they're looking for. In the case of law students, the EEOC is a perfect example of an agency where our major occupation is attorneys. So, that's a good agency for you. Ollie worked for the Department of

Justice. Their major occupation is also, one of their major occupations is also attorney. So you need to find agencies that fit what your experience is and your background is.

From there, find open positions. And again, that's sort of the same process that anyone would take, whether you are a person with a disability or not. Find open positions within that agency. And if you find positions that match your experience level, the next step depends heavily on the agency and how they implement Schedule A, but I'm going to give you sort of the broad brush of how it generically works at most agencies.

When I find an open position, instead of going through the traditional application process, which is almost always USAJOBS.com, for almost all federal agencies. Instead of going that route, I apply directly to that federal agency. So you would send your application directly to the EEOC, to our disability program manager. The disability program manager or the selective placement coordinator, those titles are used interchangeably at federal agencies, receives Schedule A applicants, as opposed to going through the USA JOBS process, and they keep those applications. They screen them, and they provide them to the hiring manager who might be hiring. So the process is the same, in that you're still going to have to prepare a resume. You're still going to have to apply. It's just how you apply and to whom you apply.

MYRA WILDER: I'm going to switch gears for a moment because I want to speak to our two panelists, and again, I'll open the board for questions. To segue now into the mentorship conversation, as I said before, mentors are extremely important, especially, there are so many opportunities out there, and sometimes students just don't know who to go to, in terms of learning about those opportunities.

So I'd like Bill to talk about a wonderful program that the ABA Commission has, it's a mentor/mentee program. And also . . . I asked Bill to give us some statistics, because I know the ABA has compiled some statistics, in terms of employment of not only individuals with disabilities but lawyers with disabilities and to kind of show how important this aspect of mentoring and networking is to our students who are coming out of law school.

WILLIAM PHELAN: I guess I'll start with some statistics, and then I'll get into the ADA's mentor program. As most people in the room here probably know, when it comes to statistics, the numbers, year after year, keep turning out to disappoint the disability community.

First, we have a pipeline problem, and this is before anybody even gets to law school. Some statistics that we see, for example from the U.S.

Census Bureau, state that only 12.3 percent of Americans with disabilities have a bachelor's degree, compared to 30.6 percent of those without disabilities. And as we know, a bachelor degree of some sort is more often than not a prerequisite to getting into law school. So we have a going into law school problem. Then there are some problems when it comes to taking the LSAT, there are some problems with the pipeline, as far as getting through that process and then actually getting into law school.

Now, when students do get into law school, we have two sources of information as to how those populations are fairing. One is from the ADA. The ADA's section on legal education and admission to the Bar does keep a tally of accommodations granted to law students at ADA accredited law schools. For last year, they reported that out of about 157,000 students at ADA accredited law schools, 5200 were granted accommodations.

Now this translates to about 3.4 percent. Now this percentage may be skewed a little bit because a student may be granted an accommodation twice, so that 3.4 percent may actually be lower. And another problem is that this number is for students who come forward and request an accommodation. There are students out there that may have a disability, don't believe they need an accommodation or are too timid or don't know how to request an accommodation, so those populations are ignored. So this is a rough estimate to look at.

NALP has a somewhat better set of statistics, the National Association for Law Placement. In their annual report jobs and JDs for the class of 2009, their survey, they surveyed 40,800 graduating law students from the class of 2009 for whom they knew the employment status of those students. Five hundred and ninety reported having a disability, so that gives us a 1.4 percent of the class of 2009 having a disability.

Now again there are some shortcomings with this set of data as well because it is an employment survey, and it's not a demographic survey. The NALP survey asks about; are you employed, where are you employed at, what type of work are you getting?

So grad students with disabilities also in the NALP survey, they have a lower employment rate than those without disabilities. 7.6 percentage points lower, actually, than law graduates without disabilities for the class of 2009. Only 80.7 percent of the class of 2009 who had disabilities obtained employment after graduation. Their salaries are also lower according to NALP, and median salaries are tens of thousands of dollars lower than people who do not have disabilities and graduate from law school.

This led NALP to conclude that graduates with disabilities were less likely than the class of 2009 as a whole, to actually get and take employment. And they said that another effect is that they usually go into

the government through such mechanisms as Schedule A or public interest law. Because also, we find that a lot of law students with disabilities want to practice disability rights. You usually find that in the nonprofit sector.

So, one thing that we have to realize here is that mentoring can help out. Mentoring can help with both employment and also obtaining employment outside the government and public service sectors, not to say that those are not noble areas to work in.

Now as far as the ADA's program, the ADA's national mentor program for lawyers and law students with disabilities—which our brochure is upstairs, in the room's vestibule for—it started in 2000, here in Washington D.C. The Commission's office is at the ADA's office here in D.C. So we started it with law schools in the D.C. area: American, Catholic, GW, etc., and we mostly teamed up with and looked at employers in the D.C. area, starting with lawyers with disabilities.

The program has grown since then. We've grown in who we seek out as mentees and mentors, both geographically as now, as I mentioned, a national program. We have students in California, every state except Alaska and Hawaii, off the top of my head. There are no law schools in Alaska anyway. So, we've also grown in the mentors that we seek. So we look for mentors who are lawyers with disabilities, but we also look for lawyers who may not have a disability, but in lieu of that, have experience in working with people or mentoring people with disabilities. So from here, we get attorneys who may have children or relatives who have a disability. We also get attorneys who may not have disability, but practice in the field of disability law or social security, things like that. So, that pool has grown.

Three years ago, when I first took over the program, we had about fifty mentors and mentees in the program and only about maybe, twenty-five, twenty-eight active relationships. Since then, the Commission has seen that this is an important asset to the legal profession, and they put a lot of attention into it, and it's grown a great deal since then. Right now, we have about 207 mentees, 146 mentors, and 142 active relationships. So, part of this has been because of the Commission's placing a focus on the program but also trends in America and how, when we talk about diversity and inclusion and eliminating bias, that we think about disability in the equation as well, so the ADA is also focused on the this. So not only when the ADA talks about diversity, they speak about racial and gender diversity, they also talk about disability diversity, LGBT, as well.

So the program, it has been recognized across the country. It has been mentioned in the ADA Journal. It has been recognized by the National Organization on Disability. So, that's sort of where it is today.

Just some background as to how the program operates. You can go to

the ADA's website, the link is in the brochures up there, or you can come to me and I can give you the URL. Or you can even call me or e-mail me, and we can get you signed up. But we take mentees and we ask them about their disability, where they go to law school and also, just on that note, the program has also expanded for mentees with regard to the mentee population, as to who they are.

Not only do we accept law students with disabilities but also prospective law students with disabilities. That is a very sizable population in our program right now. So, we have students who are seniors or juniors in college or have been out of college for a few years and are thinking of going to law school. We also opened up the program to recent law school graduates with disabilities. So up to about maybe three years out of law school, if you're having trouble and you want to use the program for networking, that's fantastic.

So, we ask if you are a prospective law student what your year is, if you're LON, that sort of thing. We also ask you what your area of interest is, legally speaking, what area of the law you are interested in, and also where you are at. And then we ask about what type of mentor you are looking for. Do you want a mentor with your type of disability? Do you want a mentor who practices in your area of interest? Do you want a mentor that is in your location? So, that's what we look at.

The mentors, we ask somewhat the same questions, but primarily, what is your area of legal specialty? What experience have you had with working with people with disabilities, and do you have a disability yourself, and where are you at, and what organization or law firm do you work at? And then, we try to pair up. We always go for the mentees preference, and they have an opportunity in their enrollment form to say, "I want a mentee, forget about disability, the type of disability they have, I want somebody who works in a corporate law department." And we'll go out and use that as our guiding force for making the pair. And the mentor relationships, they formally last with our program, they can last on paper in perpetuity, I suppose. But some say, "Thank you, I'm done, I've moved on." And then, we'll use the mentor to try to match him or her up to another mentee. But most of these relationships just last well into the years. And as I'm sure Ollie can attest to, he's participated in our program, that these relationships are very valuable, and they continue there after the program.

MYRA WILDER: And with that being said, Ollie, I'd like you to discuss your relationship with your mentee, and also to highlight what you've done personally, throughout the course of your career, in terms of networking and using individuals to help you get to where you are. You've

been quite successful in your career thus far. I know that you are very passionate about this, and you want students with disabilities to be successful as well. If you could speak to that, that would be great.

OLLIE CANTOS: Well with this particular program, I was particularly thrilled to be a part of it because I remember during my time in law school, a program of this nature did not exist on a formal level. And so, when I was asked to mentor law students with disabilities, I jumped at the chance. And currently, the mentee that I have, I've been mentoring him for the past four years, from the time that he was in law school through the time that he is now working for an administrative law judge. He, actually, and I have continued to be in regular contact with one another. But as we have worked to build the mentoring relationship, there are a lot of unexpected positive outcomes that come about through the whole process.

First of all, at a professional level, Bob and I have worked on collaborating by sharing information and ideas. He calls me about career development advice as well as strategies for doing well with what he's doing now.

I've also encouraged him, as well as others who I have been mentoring, to look beyond just what they think they're happy doing. Because the other reality is, especially with some law students with disabilities, they may think that because they have a disability, that their options are limited and therefore, they have a tendency to narrow their focus and to focus on what they think they can do, as opposed to dreaming big and thinking about the broader field. And as has been discussed already, there is often a tendency for people with disabilities to want to move into the arena of public interest or to practice disability rights law.

But I've often said that when a person has a disability, in light of the fact that disability is just a characteristic, just because a person has a disability doesn't mean that he or she necessarily wants to practice or should want to practice disability rights law. They could go into something else. It's the same sort of philosophical principle as, how we should not assume that just because a person is part of an ethnic minority group does not necessarily mean they want to go into working with the NAACP or the National Council of La Raza or whatever. Or just because a person is tall, that he or she is necessarily good at basketball or whatever the case might be.

And so one thing that also happens with the mentoring relationship, especially with law students, there are a lot of moments of doubt. There was this one instance with somebody who I had gotten to meet because of Bill, who introduced me to this particular law student. And this student called me, literally crying, and saying that she just couldn't do it anymore and that she really felt like she had done everything she could to survive in

the world of law, as she worked through her studies in law school. But she just felt, at one point psychologically, she just has had it, she just was done. And literally, I was on the phone with her for three and a half hours, just to let her cry and to just vent and to talk through all of these feelings, and then to share with her my honest feeling of how I, myself, was in that situation, where I actually did want to quit, to the point where I think, at the end of my first year of law school, I actually wrote the letter of resignation of enrollment from the school. Because I felt like, hey, you know I have a great philosophy about the ability, of course people with disabilities can do things, but heck, be an attorney? This is just too tough; maybe I should just do something else. But because my law school dean as well as the administration and the faculty embraced me, at times literally, and said, "Look, when we accepted you to Loyola Law School, we accepted you based on the belief that you could finish this thing and that you can be successful. We know that you are having some trouble, but we believe in you and if you just hold, you'll be fine."

And because of the belief that the law school had in me, I ultimately ended up doing okay. But what ended up happening was, because of that experience, when mentees come to me or friends of mentees have come to me because of having feelings of doubt as to whether they could succeed, I, literally, can be honest with them and tell them that what they are going through is what I've been through.

And in like manner, also expanding the point to say that just because people are having difficulty in law school, doesn't necessarily mean it has to do with this disability. Every person, irrespective of whether he or she has a disability, has times of difficulty in law school, whether he or she decides to admit it or not outwardly. And so when it comes to the mentoring relationship, especially with all of you who have the daily opportunity to work with law students, you are going to find students who are gung ho about law school, who really, really want to just take on the world by storm, and you are going to find others who practically feel like they are barely, barely holding on, and at any moment, they are already hanging off the cliff, and at any moment, they are just going to let go, and they are going to plummet.

And that's why your belief in them is so critically important, and tell them to just hold on, just make sure to hold on and don't give up for the wrong reasons. If it turns out that this is not for you, make sure that it is not for you for reasons that have nothing to do with limited belief in your ability to succeed. And that's something that is important to convey to them. And then encourage them to get involved with this program. It is priceless, the relationships that come about with this. Literally, from my experience and I know from those of others, these mentoring relationships can last forever.

I mean, Bob and I, we continue to be real good buddies, and even though we are states apart, we still stay in regular contact with one another. And the great thing is that as time goes on in the way that I am mentoring him, he is looking to do whatever he can, just to be of help. He has always said, "Ollie, if there's anything I can do with anybody you know, just let me know and I'll do whatever I can."

So, the next thing that ends up happening is that because of these mentoring relationships and because of whatever you all do to help facilitate promoting mentoring, what ends up happening is a life-changing series of outcomes that would not happen otherwise, had they not been in mentoring relationship in the first place. I'm just really grateful for the opportunity to be involved in a program like this because we all get to help change lives, the way that all of you do. And all of you who are here are not only to be commended for your daily efforts with this, but also can take pride in realizing that you are the ones who are helping to move along the students who are going to be the attorneys and leaders in this field of the next generation. And with all the statistics that Bill has said about how things have been for us as a disability community within the legal profession, all of us up here on this panel as well as others, would say without hesitation, that irrespective of whatever barriers that may exist, that with persistence combined with working to educate every element of the legal profession, these numbers will eventually change when we work to find ways to persist and to be creative enough to make sure to enable law students with disabilities to become good in their chosen areas of focus, then to become good attorneys and then to blossom in their respective fields, whether they work in public interest or in government or in the corporate sector, making tons of money. Sorry, that's just a little bit of jealousy there for a second that just came out. (Laughter).

I'm just a vet. But just to close up with one last thought with this. It is that, please be on the lookout for, particularly, the most vulnerable of those that you may be working with but at the same time, making sure to hold them accountable and responsible for holding themselves up to the same high standards as everyone else. In other words, just because they may be having difficulty does not mean that it should be tied just to the disability.

They have got to understand that they need to be prepared and must push hard for the same high standards as everyone else, and at the same time, with your support and with their hard work, they will ultimately be able to succeed.

MYRA WILDER: Thank you, Ollie. I think that's a very important message. I'm sure we all have a certain number of students whom we see regularly. I know here at AU we have a number of accommodated

students, and there are some students who receive their accommodations, they go to class, and they're fine. I never see them. I only see them when it's time to take their exam at the end of the semester. But then, I do have maybe a handful of students who do receive more attention from me because they sometimes have that self-doubt and feel as if they're not going to be able to get the jobs that their peers without disabilities can get. And they always feel as if they're trying to overcompensate, if you will. And I always tell my students, "You got into law school. You're extremely intelligent; you wouldn't be here if you were not. Don't allow your disability to be a hindrance to you. You can go and you can work in a big law firm, or you can work at the Department of Justice, you can clerk for a Judge. You can do everything that your peers can do, but don't doubt yourself."

I wanted to go back to Jo Linda and to kind of tie the two together. Once someone gets hired through the Schedule A process, is there anything, institutionally, that you've seen at the EEOC or at other government agencies where there's, kind of, this mentoring aspect that comes along?

JO LINDA JOHNSON: I don't think so, but Ollie might actually be in a better position to answer that. From the EEOC's perspective, we are aware of mentoring programs, and certainly, the federal government as a whole in partnership with a couple of nonprofits, AAPD in particular - and I know you have the former head of AAPD on your next panel - participate in a national mentoring day. But a one day event really doesn't get to what Ollie was speaking of, which is an ongoing relationship to help build the student's confidence up, just as you do, and make them understand that they are certainly capable of doing whatever their peers without disabilities do. So, we don't really. We focus more on the statistics of, obviously, employment discrimination, unemployment, and tying back to some comments that Bill made about the unemployment statistics of individuals with disabilities. We certainly keep track of that for the public sector. We don't have stats on the private sector. But the public sector numbers are not encouraging. Just as you mentioned, they are certainly something that the federal government overall is paying attention to, the EEOC in particular.

I wanted to mention that on the 20th anniversary of the ADA, President Obama signed an Executive Order for the federal government to improve specifically in this area of hiring individuals with disabilities. If you want to know more about that, it's Executive Order 13548. And what that Executive Order says is that the federal government needs to improve in this area, that our statistics with regards to people with disabilities in all occupations is terrible, and we need to do a better job. And so, federal

agencies, I am directing you to improve on your hiring and to improve on your retention of people with disabilities. And so, the EEOC has played a role in that sense, in that we are encouraging agencies to use Schedule A to bring people on, but we also want to ensure that they are following the law once people are brought on, with regard to providing reasonable accommodations. We deal with those types of issues, more so than the mentoring issues.

MYRA WILDER: And do you think that there is a stigma attached to those who were hired through Schedule A, as opposed to those using the cert process that is more paperwork, and I believe, a lengthier process to obtain employment?

JO LINDA JOHNSON: Sure, I think it's fair to say that yes, there is a stigma attached to it. I do a lot of training on various topics, including Schedule A, and it's always the challenge to try and convince a hiring manager in any federal agency that using Schedule A is the way to go. And what I've learned over the years is that the way to approach it is not from the argument of it is morally the right thing to do. It's not from the argument or perspective we really need to do better by individuals with disabilities. It's strictly based on the bottom line. How long is it going to take you to hire someone? I find that they're much more encouraged by that argument than any arguments regarding the person being a person with a disability.

So I think there was a stigma, when a manager, as I described earlier, is presented with those three lists of applicants: one that's a cert list, one that they are very familiar with, the traditional process, and then the separate Schedule A list.

I know that managers sort of sit back and question, "Well how do these folks compare to these folks, and are they the same? Are they as good?" So I think there is a stigma, and the EEOC as well as other agencies, OPM notably, are doing all that we can to encourage managers and supervisors who make hiring decisions and federal agencies to challenge their own personal bias that they may or may not be aware of, and really consider, not the person's physical ability but whether or not they qualify for the job. And if they are, that's all that should matter. If they are not, you can move on to the next candidate.

MYRA WILDER: Bill, you mentioned that in terms of your mentors, you have mentors who are attorneys with disabilities, and you have mentors who are attorneys who do not have disabilities. Do you find that, when you have a mentor and a mentee, do you find that attorneys with

disabilities who are mentors tend to have stronger mentoring relationships with their mentees, as opposed to attorneys without disabilities because maybe they can make a connection? Or do you think that there really is no difference in that, the fact that someone has signed up to be a mentor and wants to help a student is what's most important and what makes the relationship last?

MS. PHELAN: I think it depends on what the mentee wants out of the relationship, as to how the relationship plays out, with regard to the mentor having a disability or not having disability. One of the most important things that we urge both our mentees and our mentors—especially the mentees, however—is to set goals with your relationship, and usually the goals are already predetermined while the mentee is filling out the enrollment form. They can see places where they can put emphasis on whether they want a mentor with a certain type of disability, or they want a mentor who practices in a particular area of the law.

If it's the former, then you're going to see a stronger bond if the mentor has a disability, but we do have a sizable population in our program who do not care. They just want a mentor who practices IP law or practices real estate law or is in their New York City area, so that they can go and network with them. So in that case it doesn't matter, and even if that mentor has a disability and is still in their area of practice, it's just irrelevant sometimes. But that doesn't mean that these aren't important factors in matching up the mentors and mentees and helping to develop the relationship.

MYRA WILDER: And Ollie, because you've had so many mentees, what is your thought on that? Do you think that if a student with a disability requested a mentor and said, "Well, I want to practice IP law, or I want to practice securities law," or whatever the case may be. Do you think that it would be a stronger bond if the mentor had a disability, or do you agree with Bill, that it depends on what the mentee's interest is?

OLLIE CANTOS: I actually think it's more a matter of commitment. The mentor-mentee relationship requires commitment on both ideas. If the mentee was eager for me to mentor him or her and I was just, what we say in California, a flake, and just decided to go off and not really pay attention to the person, then it wouldn't be a successful relationship. Or conversely, if I was eager to be of support to the person but they never return my calls or e-mails, then that wouldn't work either. I'm happy to report that neither of those has actually happened, and in my case, one of my mentees has the same disability, and a mentee with whom I was in active communication

for a long time did not have the same disability, but they have both been fulfilling relationships. And the other thing that's important too, just as it's true in any relationship, is the ongoing commitment to stay in communication on a regular basis, whatever that may be, whether it's every week or every month or every two months, whatever, but to stay in contact and to make sure that each side, both mentor and mentee, gets in touch with the other, not only on a regular basis but on a random basis, just to see how things are going because the more each side works on being a support to the other or works on enhancing the relationship, the more fulfilling it becomes, far beyond the official mentoring relationship itself.

MYRA WILDER: Well, we have about fifteen minutes left in the panel, and I think that we're going to open the floor for questions or comments from all of you. You may have heard something that you wanted to get some additional information on or just make a comment. Again, just as a reminder, before you make your comment or question please approach one of the two microphones and state your name, so that we can have it on the record. So anything that you want to say? Yes.

MS. BEDFORD: Hi, my name is Judy Bedford. My question is about Schedule A employment. What about a person who's disability would only allow them to work part-time? Is Schedule A available to them, and how do you find such jobs? I know it's really hard on USA Jobs to find anything that's not full-time.

JO LINDA JOHNSON: Sure. The short answer is yes, you can use Schedule A to hire individuals for full time employment. An agency can use Schedule A to hire individuals for part-time employment and for temporary appointments. It's available for all of the various appointing terms that we have in the federal government.

The answer to how do you find those is a little more difficult to say. Some jobs are actually advertised as being part-time, but those are definitely in the minority. I don't know that I can offer you any good ways to ferret those out. I think it really depends on the agency. It depends on what they're looking for. At my agency, we certainly have individuals who work part-time, but I can count that on two hands, overall. It's not traditional but that varies from agency to agency. There are others that do part-time work or shift work in a different way, and that's very common. So it varies from agency to agency, but you could certainly be brought on board through Schedule A as a part-time employee.

As a secondary matter, employees who do come on board in any capacity, full time, part time, whatever the case, if their disability makes it

such that they need to change their work schedule, their work terms, that is possible through reasonable accommodation, so that's also available.

MS. BEDFORD: Thank you.

JO LINDA JOHNSON: Sure.

MS. GILLBENDER: Hi, my name is Terri Gillbender. I'm the hiring coordinator for OIL, which is OIL Appellate—hi Ollie—it's a separate department of the Department of Justice, Civil Division. And I wanted to know, Ms. Johnson, how could we obtain a list of Schedule A, both intern students that want to intern voluntarily in our office, as volunteer interns and also laterals, or students that are going to be graduating and want to get experience and then maybe work for one year and return as laterals. How can we have a relationship with you or your office and have that list available to us?

JO LINDA JOHNSON: Sure. I'm actually not the person to have a relationship with. The office that maintains, there is an entity that maintains such a list, and this is actually new. Agencies have been clamoring for a list of Schedule A eligibles for quite some time, and it's only in the last six months that, that's come about. But it's the Office of Personnel Management, OPM.GOV. I can actually give you the name of the person. So send an e-mail to john.benison@OPM.gov and ask him about the Schedule A register of candidates. He maintains a relationship with a search firm that OPM has contracted with to provide candidates who are in all different occupations, the traditional major occupations of the federal government who are also individuals with disabilities and Schedule A eligibles. So, John maintains that list, and he is happy to pass that out to anyone who wants it.

I am aware, actually, that Justice is already using that list. So someone at Justice, specifically in OARM, is actually using that list. So, you might want to talk within your office, and I can ask John, specifically, who it is and try to get that information back to you. That's for laterals.

For interns, and this goes for all agencies, there is a wonderful program that is run out of the Department of Labor and the Department of Defense, they are co-chairs of this program called the workforce recruitment program. You can go to WRP.GOV, and the workforce recruitment program is a program where recruiters across the federal government, no matter the agency that they actually work for, go out and serve as volunteer recruiters for the government overall. They go out and interview students with disabilities, and that includes students at the undergrad level and at the

post graduate level, law schools, graduate schools, medical school, whatever the case may be. They interview the students. They screen the students. They come back, and they do a write up, and they put all that information into a database. And then, employers can go in and actually search for interns.

WRP started as a program specifically for summer interns and school year interns. It has now turned into an employment program, such that, if you looking for new graduates, you can also look there for new entry-level people to hire, but you can also find interns there, and it's a great program. Every year the database varies from about 3,000 to 3,500 students, and plenty of law students, mostly in the D.C. area actually.

MS. GILLBENDER: Okay. Would you repeat that website again?

JO LINDA JOHNSON: Sure, it's WRP.gov, and it stands for Workforce Recruitment Program.

MS. GILLBENDER: Thank you very much.

JO LINDA JOHNSON: You bet.

CHRIS: Hi, Chris. I was wondering if you could briefly discuss a veteran who is applying, who also receives some sort of combat related disability? Maybe the best route that you've seen for them to apply?

JO LINDA JOHNSON: Sure. So veterans actually have a multitude of avenues that they can take to come into the federal government. There are veteran appointing authorities, just like Schedule As, that have hiring appointing authority. There are specific veteran's appointing authorities and veterans with disability appointing authorities.

If I were a veteran with a disability and I had to choose among all of these offerings, I would actually go the route of the veteran's appointing authorities. They afford you more protections and rights once you come into the federal government, as opposed to Schedule A. The processes all work very similarly, in that they all bypass the competitive process and allow you to come in quickly and get to work immediately, which I think is the goal of every applicant and most people who are applying for jobs in the federal government. I think it's been estimated that the average time to get in to the federal government is somewhere around seven months. That's not terrific, and I know that's something that this administration is working to greatly reduce. But when it comes to Schedule A or veteran's appointing authorities, you can be brought on much more quickly. So I

would advise, every agency has a veteran's office within HR, so look for the agency that you want to work for and call up their HR department and ask to speak to their veteran's appointing specialist, and they can help guide you through the process.

CHRIS: Thank you.

JO LINDA JOHNSON: Sure.

MS. MCMENAMIN: Good morning, I'm Susan McMenamin. I'm the Associate Director of Disability Support Services for the George Washington University, and I'm wondering if you could comment on how, within the mentor-mentee relationship, you might address questions about the applicability of accommodations available to the student within their schooling experience, and how that might or might not transfer into their employment venues, or how the student might then need to rethink what would be reasonable accommodations for them in that setting?

WILLIAM PHELAN: I think it would actually start even before law school. If there is a mentor-mentee relationship, the mentor should note that these law students have probably been receiving accommodations well before law school, even well before college. And they have, whether you look at the paper trail or they can just tell you that they are used to getting X, Y, and Z done as an accommodation. So keep that in mind, and usually there should be, ideally, a smooth transition from those being granted in law school. The employer should also recognize it as well.

Now are some employers better than others when it comes to accommodations? Yes. The government is fantastic when it comes to providing reasonable accommodations. Within the legal community, there is still some education to be done. First, awareness, to let them know what a reasonable accommodation is, do this under the law, that kind of a thing. But also, education as to how this does not cost your company thousands of dollars, usually more often than not in fact, and that this is typical for a person with this type of disability to receive this type of accommodation. So I would say, work with the history and sort of roll with that and use that as a way to transition from going to law school to the employment setting.

OLLIE CANTOS: And another resource that can be of help to you is the Job Accommodation Network, as well as to the mentees, and mentors may not know also. It's WWW.JAN.WVU.EDU.

JO LINDA JOHNSON: Actually, they've changed their web address.

OLLIE CANTOS: A new one to memorize.

JO LINDA JOHNSON: Yeah, it's ASKJAN.ORG.

OLLIE CANTOS: And that website has information about different accommodations as applied to persons with different types of disabilities. So, it's a good resource for everyone.

JO LINDA JOHNSON: And just to add on to that, I appreciate that Bill said the federal government is fantastic. EEO statistics would say otherwise. We have some work to do as well. Private employers have work to do and so does the federal government. But the EEOC has lots of resources on our website that I would encourage you, as a service provider, to become familiar with and encourage your students with disabilities to become familiar with.

We have information on reasonable accommodation. Our policy guidance on this issue is written in a question and answer format, so that it sort of helps to narrow down, if this is your issue, here is the answer, from both an employee and an employer perspective.

What we have seen, particularly with entry-level employees, is the accommodations you receive in school, law school, graduate school, college, whatever the case may be, don't often translate when it comes to employment. The fact that you need more time on a test, what does that really mean when it comes to on the job work? So it is very helpful, and I would emphasize what Ollie said. It is very helpful for individuals with disabilities to pick up the phone, call JAN, and say, "This is the type of disability I have. This is what worked for me in law school. This is what I hope to do. What do you think I might need?" Because students often don't have any idea what they will need when they come on the job, so JAN is a fantastic resource for that. And then at the end of the day, it's incumbent upon the employer and the employee to work together to figure that out.

MS. MCMENAMIN: Thank you very much.

MS. HASTINGS: Hi, my name is Dolly Hastings. I have a quick question for Jo Linda. As more agencies move to this category rating system and do away with the traditional cert list, do you see any problems with Schedule As there?

JO LINDA JOHNSON: I hope not but that remains to be seen. The

category rating system is still very new, and OPM is still trying to work out the kinks. OPM and EEOC, though not traditionally having a great relationship, we do now, and we are working very closely together to make sure that these types of issues are smoothly transitioned as they move forward in their hiring reform. So, it's hard to say just yet. I think agencies are still using Schedule A, and we encourage them to use it more. I don't foresee a problem, but we don't know yet.

MS. HASTINGS: Okay, thank you.

MS. BROOKS: My name is Lisa Brooks, and I guess this question is directed more so to Ms. Johnson. Regarding the Schedule A definition, it says, "Severe mental and physical disability." I know you said that it's not really defined, but when it says, "Severe," is that just language that the applicant is expected to tell their doctor that they have to note that it's severe?

JO LINDA JOHNSON: I think that's a fair way to translate it. There is not a lot of guidance around how to define whether or not you are a person with a severe physical or mental disability for purposes of Schedule A. For purposes of employment discrimination, for purposes of disability benefits, SSA, SSI, and SSDI, those definitions all are clearly laid out. But Schedule A comes from an executive order back in 1979 that was very loose in its language. It was designed simply to help individuals who had severe, and at the time what they meant by that were obvious, disabilities. And the reason why they focused on obvious is because if employers can see that the person has a disability then they were more likely to discriminate against that person. That's what the statistics showed at that time.

So the language from that executive order way back when, it's limited, and it's what the regulations for Schedule A are based on. The EEOC's position, and we took this position in the documents that you have up in the lobby. We wrote five guides on the ABC's of Schedule A, and they are all essentially the same information. They're just five guides for different audiences.

We took the position that agencies should be as flexible and as generous in their interpretation of severe physical or severe mental disabilities as they are comfortable being because, frankly, we know from statistics that people with disabilities are not being hired at a large rate.

MS. BROOKS: Thank you.

JO LINDA JOHNSON: Sure.

MS. MALON: This is Paula Malon from the University of Arizona. With agencies being able already to access Schedule A for attorney positions, is there a special subset of Schedule A that we would refer our students with disabilities to, or would it be this special hiring register, or what recommendation would you have for us?

JO LINDA JOHNSON: Sure, that's a good question. Schedule A is a generic term used for various appointing authorities, and there are twenty-four subsets of that big umbrella title, Schedule A. All attorneys who are hired into the federal government, for example, are hired under Schedule A. So they are Schedule A hiring for attorneys. All doctors that are hired into the federal government are hired under Schedule A. So when you have a student with a disability who's looking for appointment under the Schedule A authority for people with disabilities, they should refer to it as such, Schedule A for people with disabilities. The specifics of our site is in here, I think it is 2133102 U. They don't actually have to cite the reg. It's enough to say that I'm interested in employment through the Schedule A for individuals with disabilities, and most HR personalities will understand that distinction.

MYRA WILDER: Well, we have run out of time. I would like to thank our panelists for what I believe to be a great discussion.

(Applause)

I'll be able to take a lot of information back to my students, and I hope that all of you will as well. And there are again, it's important for our students to take advantage of every single opportunity that's available to them. And so, I know now that I have additional information that I can relay to all of them as it relates to mentoring and using Schedule A to find employment within the federal government. So, thank you to Jo Linda and Bill and Ollie. I thank you for all coming out, for coming out to share this information with us, and thank you again.

(Applause)

END TRANSCRIPT