

**For the
Office of Management and Budget, Executive Office of the President
Washington, D.C.**

Methods and Leading Practices for Advancing Equity)
and Support for Underserved Communities Through Government)

**DEAF IN GOVERNMENT,
IN RESPONSE TO THE PUBLIC NOTICE SEEKING COMMENTS ON
THE REQUEST FOR INFORMATION – METHODS AND LEADING PRACTICES FOR
ADVANCING EQUITY AND SUPPORT FOR UNDERSERVED COMMUNITIES
THROUGH GOVERNMENT**

Deaf In Government (DIG) respectfully submits this request for information (RFI) in response to the Office of Management and Budget, Executive Office of the President (OMB) Notice of Proposed Priority in the above-referenced matter.¹

DIG STRONGLY SUPPORTS THE INTENT OF THE REQUEST FOR INFORMATION

Deaf In Government (DIG), a 501(c)(3) non-profit organization, serves as a support group for local, state and federal employees who are deaf or hard of hearing and as a resource for government entities. We advocate for the recruitment, retention, and career advancement of deaf and hard of hearing federal employees; educate agencies about the vital role of communication access service provisions such as sign language interpreters and Communication Access Realtime Translation (CART) captioning; and work to ensure equal opportunity access to federal government services for members of the public who are deaf and hard of hearing.

Because deaf and hard of hearing federal employees and public individuals are an underserved population, this RFI fits squarely within our mission. Thus, DIG fully supports the intent of the 5 areas of the RFI and looks forward to working with OMB to expand the use of equity-assessment methods and approaches across the Federal Government, as agencies develop agency Equity Action Plans (due to the Domestic Policy Council by January 19, 2022) outlining steps they will take to address identified gaps in equity for both deaf and hard of hearing federal employees and members of the public.

*GROUPS WHO HAVE BEEN TRADITIONALLY UNDERREPRESENTED; EQUAL
TREATMENT AND OUTREACH*

¹ <https://www.federalregister.gov/documents/2021/05/05/2021-09109/methods-and-leading-practices-for-advancing-equity-and-support-for-underserved-communities-through>

We encourage OMB to expand its definition of “traditionally underrepresented groups” to include: gender identity or expression, racial identity, religious affiliation, sexual orientation, socioeconomic status, **deaf or hard of hearing status**, disability status, age, geographic locale (rural vs. urban), to expand the use of equity-assessment methods and approaches across the Federal Government to ensure the maximum participation from the widest variety of society.

Adding “deaf or hard of hearing status” would recognize the communication barrier unique to the deaf and hard of hearing population, as opposed to the physical barriers most people with disabilities experience but most deaf and hard of hearing people generally do not. Without adequate reasonable accommodation that addresses this communication barrier, such as an American Sign Language (ASL) interpreter or captioning, Deaf people cannot comprehend and participate in daily and workplace communications, which impacts their ability to attain education, gain and keep employment, access vital health care, and many other activities.

Should OMB seek data on DIG membership self-identified demographics to aid in implementing intentional outreach efforts, please do not hesitate to contact us.

FEDERAL LAWS AND REGULATIONS PERTAINING THE HIRING AND RETENTION OF PEOPLE WITH DISABILITIES

DIG requests that existing federal laws, executive orders, and regulations that direct the federal employment and retention of people with disabilities, especially deaf and hard of hearing people, be enforced and/or reinstated. They are:

- **Section 501 of the Rehabilitation Act of 1973** establishes that the federal government may not discriminate against people with disabilities in the workplace. Various laws and regulations also require federal agencies to attain model employer status for people with targeted disabilities. Specifically, the Rehabilitation Act provides that affirmative action program plans must be an integral part of ongoing agency personnel management programs, with the goal of hiring, placement, and advancement of persons with disabilities².
- **Section 504 of the Rehabilitation Act of 1973** states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" 29 U.S.C § 794(a) any program or activity that either receives Federal financial assistance or is conducted by any Executive agency. Each Federal agency has its own set of Section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have Section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodations for employees with disabilities; program

² 29 U.S.C. § 791(b). The Equal Employment Opportunity Commission's (EEOC) regulations similarly establish that the federal government become a model employer of individuals with disabilities, and give full consideration to the hiring, placement, and advancement of qualified individuals with disabilities. 29 C.F.R. § 1614.203(a). Moreover, federal agencies must promote the full realization of equal employment opportunity through a continuing affirmative program for people with disabilities. 29 C.F.R. § 1614.101(a).

accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations.

- In 2000, President Clinton issued **Executive Order 13163** to promote a model federal workplace that provides reasonable accommodations for: (1) individuals with disabilities in the application process for federal employment; (2) federal employees with disabilities in performing the essential functions of a position; and (3) federal employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. To accomplish these goals, the order requires that executive branch agencies establish effective written procedures for processing reasonable accommodation requests under Section 501 of the Rehabilitation Act of 1973. The purpose of such procedures is to provide employees, as well as supervisors and managers, with an easy-to-understand, step-by-step explanation of the reasonable accommodation process. Each agency (and agency sub-components, if appropriate) may design procedures that best suit its organizational needs, and submit the procedures, and any subsequent modifications, to EEOC for review and comment.
- In 2000, President Clinton also issued **Executive Order 13164** to prompt the addition of 100,000 employees with disabilities to the federal workforce within five years. As a part of Executive Order 13163, each agency was directed to prepare a plan to increase employment opportunities for individuals with disabilities at all levels of and occupations within the federal government. This included utilizing available hiring authorities, expanding outreach efforts, and accommodating individuals with disabilities. However, by 2010, employees with disabilities still only represented five percent of the nearly 2.5 million workforce, and those with targeted disabilities constituted less than one percent.
- Several hiring authorities designed specifically for use by and for people with disabilities are available for the federal hiring process. The broadest of these authorities is the **Schedule A** appointing authority, which allows for non-competitive appointment of individuals with disabilities. 5 C.F.R. § 213.3102(u). This non-competitive appointment authority is an alternative to the traditional, and often arduous competitive process. Schedule A was designed to provide job opportunities to persons with severe physical disabilities, psychiatric disabilities, and/or mental retardation. However, agency officials lack knowledge about how to use/implement the Schedule A appointing authority appropriately.
- In light of the lack of gains in disability employment following Executive Order 13163, in 2010 President Obama issued **Executive Order 13548**, which recommitted the Federal Government's commitment and emphasized greater compliance and accountability, including performance targets, numerical goals and subgoals for individuals that have targeted disabilities (including deafness, blindness, missing extremities, partial or complete paralysis, epilepsy, severe intellectual disability, psychiatric disability and dwarfism). EO 13548 saw significant recruitment and employment for deaf people within the federal government. It did not, however, address the issue of adequate and qualified provision of effective accommodations to retain deaf employees, and very little career advancement opportunities as a result.

INCREASING FEDERAL HIRING, RETENTION, AND ADVANCEMENT OF PEOPLE WITH TARGETED DISABILITIES

DIG has a number of recommendations for increasing the federal hiring and retention of people with targeted disabilities, based on our personal experiences as deaf individuals working in a wide variety of positions within the federal government, and using data the federal government has collected on the hiring of people with disabilities. People with disabilities who work in, or wish to work in, the U.S. government face several intertwined issues: *access, cost, and involvement in decision-making*. After a careful review of these issues, we provide below some suggestions to address the difficulties Persons With Targeted Disabilities (PWTD) face in attaining and retaining federal employment. The data quoted here are the latest available and, unless otherwise stated, come from the EEOC report on the composition of the federal workforce, available at: <https://www.eeoc.gov/federal-sector/reports/annual-report-federal-workforce-form-462-and-md-715-data-tables-fy-2017-and>

The statistics on federal employment of PWTD are dismal. According to a January 2008 EEOC report, *Improving the Participation Rate of People with Targeted Disabilities in the Federal Workforce*³, the peak rate of disability employment in the federal workforce was 1.24% in FY 1994—27 years ago. After that peak, the numbers steadily and precipitously dropped, to 0.88% in 2009. An analysis of the data, by individual disabilities, more clearly illustrates the alarming plunge. The number of people with intellectual disabilities decreased more than 32%; those paralyzed, by 35%; and deaf people, by 19%. Only two categories of disability showed a gain—blind people, of 2%, and those with mental illnesses, of almost 20%. However, these gains are not as lofty as they sound, since the baseline numbers were so tiny—specifically, these categories increased by just 1,200 people, in an organization that employed 2.8 million people at the time. This is far from representative of the incidence of PWTD in the general population—about 12%, according to the census (or as high as 19%, if non-targeted disabilities are included)⁴. The EEOC report also drove home the point that even though the federal government grew by 400,000 employees from 2000-2010, during that decade, it lost more PWTD than it hired.⁵ Considering the total number of federal employees with disabilities never exceeded 34,000, the loss of more than 9,000 PWTD during a period of frenzied hiring is a sobering indictment of federal policies toward hiring of PWTD—clearly, much needs to be done for the federal government to attain anything resembling model employment of individuals with disabilities.

In addition, the EEOC has consistently reported that harassment is the most frequently alleged issue in complaints of discrimination filed by individuals on the basis of mental or physical disability. Furthermore, the percentage of EEO complaints alleging harassment based on disability has steadily increased. Complaints involving reasonable accommodation or discipline issues also have been consistently among the most frequently alleged issues.

³ <https://www.eeoc.gov/federal-sector/reports/improving-participation-rate-people-targeted-disabilities-federal-work-force>

⁴ <https://www.census.gov/data/tables/2010/demo/disability/p70-131.html> According to this report, about 3.1% of the population is deaf

⁵ http://www.eeoc.gov/federal/reports/fsp2009/table_a_6.cf

Reasons for the declining number of federal employees with targeted disabilities include:

- (1) the increased use of contractors for positions at lower grade levels, which may disproportionately affect PWTD as their positions are eliminated, because PWTD are most frequently hired into lower grade levels and face challenges that hinder their advancement into higher grades, as reported by OPM and EEOC measurements;
- (2) the reluctance or lack of awareness of managers to use special hiring authorities, such as Schedule A; and
- (3) managers' misperception that PWTD are not likely to be the best candidates or to be qualified to successfully perform professional jobs within their agency.

Furthermore, applicants with disabilities often face biases and misconceptions on the part of hiring managers that affect how their qualifications and skills are judged during interviews—often a critical element of the selection process. Other challenges include vacancy announcements that can be hard to understand, unnecessarily difficult online application processes, or security clearance requirements (PWTD who use a job coach or personal assistant services may not be eligible for a security clearance) can discourage PWTD from applying for federal employment.

DIG notes that federal agencies are not effectively reaching out to and communicating the availability of vacancy announcements to PWTD. Similarly, state and local human service agencies may not be encouraging PWTD to work at all, much less work in the federal government. Finally, it has been suggested that the numbers of PWTD in the federal workforce may, in fact, be greater than reported, because PWTD may be reluctant to self-identify due to fear of harassment, rejection, or discrimination.

DIG has numerous ideas and recommendations on how to increase the number of PWTD in the government, based on the experiences of current and former deaf and hard of hearing federal employees and applicants. It is likely that the same strategies for addressing the challenges and barriers to hiring and retaining deaf and hard of hearing employees in the federal government could be adapted, as appropriate, and used to increase recruitment and retention of other subsets of PWTD. For example, hiring managers and administrators often are concerned about the financial cost of providing communication access services to a deaf or hard of hearing employee. This perception about the potential impact of such costs on office budgets often can be more of a disincentive than the actual cost. Identifying ways to minimize the cost impact on individual agencies and offices would remove a major barrier to hiring and retaining of PWTD. If these, and other, ideas can be successfully implemented for deaf employees, then the same can be done for other PWTD.

ACCESS

The first major barrier to employment of PWTD in the federal government is access. "Access" refers primarily to the means by which people obtain and share information they need to

perform the position duties of their jobs and to communicate and participate in activities with their coworkers, supervisors, and the citizens they serve. For most PWTB, access can be physical, as in being able to enter or depart safely from a building or to navigate safely around an office. For people with mobility disabilities, the ADA has ensured that most accommodations are built into public facilities such as availability of elevators, curb cuts, ramps, and modified restroom stalls, to name a few. As a result, there is usually no or minimal cost to the hiring office to bring on board a person with a physical disability and therefore little reasonable explanation for why so few have been hired, apart from deliberate discrimination.

Deafness, however, is not a physical disability but about issues of communication, so deaf people are set apart from others in their workplace by barriers of language and communication more than anything else and “access” for them means something very different. This can include interpreting services, the use of technology, electronic information systems, and handheld mobile devices, among other forms of accommodation to communicate.

Communication happens every day in the workplace. Considering how much interaction happens among coworkers in a typical day – on the phone, by email, instant messaging, in meetings either virtually or in person, over a water cooler – one can see how easy it would be for deaf people to be excluded from this flow of information and by extension the office dynamics. This exclusion comes at a high price in terms of moving up the career ladder – there is not a single self-disclosed deaf or hard of hearing person in the Senior Executive Service, and in 2018 there were only nine deaf GS-15’s, which was the lowest of all PWTB except for those with intellectual disabilities. There have only been three political appointments of deaf people ever in the history of the executive branch.

Many agencies make it difficult for deaf people to obtain the entrée they need by limiting access to electronic technology such as videophones due to concerns about security or an overly narrow reading of Section 504/508 requirements. For example, deaf people in certain federal agencies are not allowed a videophone because “using the phone is not in the job description”. But the phone is not in the job description for most jobs done by hearing people either, yet they all have access to telephones. Another major access issue is the provision of qualified interpreters, which we will address in the section on cost, next.

COST

By far the greatest concern for most deaf federal employees and their supervisors is the issue of the cost of provision of reasonable accommodations, which are required by law but which often come from department or office budgets, building in a disincentive to the hiring manager to appoint deaf and hard of hearing employees. Many accommodations for deaf people, such as videophones or modified electronic systems, can be provided with a one-time expenditure and constitute a negligible obstacle.

Unfortunately, the major stumbling point in providing communication accessibility for deaf employees is the provision of consistent, quality interpreting services and real-time captioning services which tend to come at a high dollar cost; nevertheless, *it is the law* and the costs can

be managed more effectively than they currently are. One major way to approach interpreting costs is by centralizing the expenditure.

Centralizing interpreting/accommodation funds within an autonomous department or agency would require moving the funding mechanism to one central location, but leaving decision making on the hiring of interpreters or provision of other accommodations with the office where the deaf person was located. The closest analogy is the Federal Employees' Health Benefit system, also managed by the Office of Personnel Management (OPM). In that system, OPM sets the minimum standards for insurance companies, which are then free to compete for customers within the vast federal employee pool. In the same way, the General Services Administration (GSA) could set standards for interpreting agencies (the means for doing this is outlined below) and then welcome anyone who can meet those standards to compete for business. Deaf people and their offices would still be able to choose interpreters and interpreting agencies and determine what kind of contracts to offer, but payment arrangements would be made centrally within each agency. This would have the effect of separating the consideration of cost from the provision of accommodation, while ensuring the quality of services. Such a system would reduce the bureaucratic burden on hiring officials to then select the most qualified person for the job, regardless of their deafness or other disability without either knowing or having to care about possible accommodation costs that come with hiring the individual.

INVOLVEMENT IN DECISION MAKING

Involvement in decision making refers to the perennial exclusion of deaf federal employees from decisions that impact their work engagements. Below are some suggestions for how to facilitate more inclusivity, which in turn will have an impact on cost.

When contracts for interpreting and captioning are to be awarded, the agency's deaf employees should be involved in the contract review committee or rating panel and should be kept apprised of every step of the process. They, along with their hearing coworkers and supervisors, are the ultimate consumers and it is unconscionable to award a contract without primary input and decision-making power from those who will be using the services of the contractor; a situation which, unfortunately, is the current norm among federal agencies. DIG has been unable to identify any other case in federal contracting whereby the people who are the actual consumers of a service are not part of the decision making in securing the service. It is time for federal agencies to include the deaf consumers in the selection process of contractors who provide communication access services.

It is also critical to provide deaf employees the equal opportunity to attend trainings on ascending the career ladder and learning the skills needed to attain promotion, up to GS-15 and including to the SES, in conjunction with DIG or other disability organizations. Current workshops and classes are frequently inaccessible to deaf and other PWT and DIG only meets biannually, which is not often enough for the needs of federal employees who are deaf or hard of hearing. The other challenge is many supervisors do not offer deaf and hard of hearing federal employees the same opportunities as their hearing co-workers. As a result, many PWT

are stuck in the lower ranks of the federal government, with no viable ladder for attaining promotions or otherwise moving up the career ladder within the government.

When people are frustrated and unhappy with their work situation, they leave – as the statistics on PWTD so abundantly illustrates: PWTD have separated from the federal workforce at nearly twice their rate of hire⁶. This costs the government money in two ways: constant recruitment to replace those who leave costs money, time, and effort; and the government loses what it has expended on training, as well as the institutional memory of those who depart. Moreover, PWTD by definition qualify for social welfare benefits, and with the Bureau of Labor Statistics showing that only 21.2% of PWTD are in the Civilian Labor Force (and of those 16.8% are unemployed)⁷ and receiving benefits, the costs of this high attrition rate compound. If the government can recruit and retain more PWTD and become the model employer that it strives to be, this will pave the way for the private sector to do the same and would begin to reduce these costs, which runs into the billions. Compared to that, spending a little more on interpreters or other accommodations up front makes good business sense. A further benefit is that PWTD who are retained in federal employment are taxpayers rather than entitlement beneficiaries.

This proposal is obviously a broad outline and would need to be significantly fleshed out to be viable. **The design of the centralized accommodation fund and standards for interpreting and captioning can be undertaken by a taskforce OMB establishes which comprises of two supervisors who have a history of hiring and supervising large numbers of deaf and other disabled individuals, two deaf federal employees, one at GS13 or above, and one from GS 7 – 12 levels, representatives from DIG, the Registry of Interpreters for the Deaf (RID), the National Association of the Deaf (NAD), one person from the U.S. Access Board, one person from the National Council on Disability, one person from OPM and one person from the EEOC.**

ESTABLISHING THE CENTRALIZED FUND FOR ACCOMMODATIONS

Although DIG recommends that the design of the central accommodations fund be carried out by the above proposed taskforce appointed by the director of OMB, we would like to include several ideas and suggested best practices for consideration by the taskforce as they set about their work:

1. An organization's leadership and culture matters. Even though the requirement to provide reasonable accommodations to disabled employees is long-standing federal law, mid level managers and line supervisors typically still try to sidestep the issue or reduce the type and quantity of services provided due to concerns about costs. To some extent this is understandable as these individuals are partially evaluated based on how well they manage taxpayer monies and stay within budget. However, this approach is counterintuitive in that it frequently ends up costing more than it saves, as outlined

⁶ <https://www.eeoc.gov/federal-sector/reports/improving-participation-rate-people-targeted-disabilities-federal-work-force>

⁷ US Department of Labor, Bureau of Labor Statistics: <http://data.bls.gov/pdq/SurveyOutputServlet>, July 2011 data

above. A better way to address the issue is to consider that deaf employees are full contributing members of the workforce who need some assistance to perform their jobs competently. Accommodations are legally mandated to provide this aid, and the leaders of each organization or unit need to infuse the idea that this is not a “favor” that is being done for the deaf employee but a service needed to obtain maximum productivity out of each work unit.

2. Generally, the agency’s Equal Opportunity Office should not be put in charge of providing accommodations or running the central accommodation fund for each agency. The EEO is mandated to ensure equal opportunity and is the first stop for complaints about unfair treatment. If deaf employees are dissatisfied with the provision of their accommodations and EEO provides or manages this service, then the deaf employees would have no or limited recourse for complaint due to the inherent conflict of interest. The most logical place for the central fund would seem to be the office of the Secretary, Administrator, Director or equivalent for each autonomous department or agency.
3. It is important that when contracts for interpreting are awarded, these go to contractors that specialize in sign language rather than contractors that started with spoken language and then added a sign language component. In the first instance, many of these spoken language agencies lack the cultural competence to adequately represent American Sign Language or to hire interpreters who have the best skills in the language, leading to high rates of dissatisfaction and rapid turnover in government agencies that contract with them. The factors that aided these companies in translating from, say, Spanish to English, both vocal languages, are quite different and in some cases in direct contrast to those that are needed in voice to ASL translation where you have one vocal and one manual language. Also, contractors that specialize sign language interpreting tend to have the best and most qualified interpreters who have a variety of skill levels to better match that of their clients; provide their own testing for the skills and qualifications of their interpreters; and generally make every effort to maintain rigor and quality in their interpreters.

CHANGE IN THE DOD CAP SCOPE

Since 1990, the Department of Defense (DoD) Computer/Electronic Accommodations Program (CAP), a centrally funded program that provides assistive technology (AT), has been at the forefront of providing assistive technology to allow both DoD and non-DoD agencies employees with disabilities, as well as their employers, to access electronic and information technology.

As information technology has evolved, CAP has continued to offer increasingly productive solutions to reduce or eliminate obstacles for deaf federal employees navigating the information environment. In support of Federal directives, Presidential Executive orders, and working in partnership with both the DoD and non-DoD agencies, CAP has become a recognized leader in reasonable accommodations and providing cutting edge assistive technologies. Over 30 agencies outside of the DoD utilized the centralized DoD-funded accommodation contract service to obtain AT and AT devices for their deaf and PWTED employees.

Effective October 1, 2020 (FY21) CAP announced they will no longer be funded to procure or provide AT and AT devices to Non-DoD agencies. CAP will continue to conduct assessments, provide information, referrals and assist Non-DoD agencies in determining the appropriate AT and AT devices to purchase by their agency. This means the responsibility of procuring AT and AT devices for deaf employees now falls upon the non-DoD agency they work for. **Therefore, AT services need to be included within the task force's implementation of centralized accommodations funding within each agency.**

GSA TERMINATION OF THE FEDERAL RELAY CENTRALIZED CONTRACT

In March 2021, the General Services Administration (GSA) announced the termination of the IDIQ contract GS00Q13NSD3000 known as the Federal Relay, found at:

<https://www.gsa.gov/technology/technology-purchasing-programs/telecommunications-and-network-services/federal-relay-fedrelay>.

The Federal Relay is an essential telecommunications centralized accommodation program that currently provides seven forms of important services that are used by thousands of deaf and hard of hearing federal employees to perform the duties of their positions. There are six services provided as part of the Federal Relay contract as follows: 1) Text Telephone (TTY)/American Standard Code For Information Interchange (ASCII), 2) Speech To Speech (STS), 3) Captioned Telephone Service (CTS), 4) IP Relay, 5) Relay Conference Captioning (RCC), and 6) Video Relay Service (VRS). In addition, the Federal Relay's VRS program also entails the provision of Video Remote Interpreting (VRI).

According to the GSA statement, this contract was terminated because "Federal relay service requirements can be satisfied by the Federal Communications Commission (FCC) Telecommunications Relay Service (TRS) and the GSA Multiple Acquisition Schedule (MAS) Language Interpretation Services Special Item Number (SIN) 541930."

However, this rationale is incorrect. While the FCC TRS does provide services that match five of the seven Federal Relay programs, the FCC does not provide two of them: RCC and Video Remote Interpreting (VRI). Consequently, the termination of the centralized Federal Relay contract would have the unfortunate result of leaving thousands of deaf and hard of hearing federal employees without RCC and VRI services that they have relied on since 1993. The FCC does not provide these services, therefore, the employees would not be able to substitute FCC services for RCC and VRI when the Federal Relay program is terminated.

The Telecommunications Accessibility Enhancement Act of 1988 "Directs the Administrator of General Services (GSA) to issue regulations, subject to congressional oversight, to assure Federal relay system access to Federal departments and agencies for hearing-impaired and speech-impaired individuals, including Federal employees."

In response to the GSA's announcement, DIG collaborated with the National Association of the Deaf (NAD) and with the support of 8 additional organizations, sent a [DIG Letter to the GSA April 7, 2021](#). This letter was also sent to the EEOC, OMB, OPM, and the White House.

DIG requested that the termination date of May 15, 2021 be extended to November 15, 2021. The GSA has agreed with this extension and those agencies that currently use the Federal Relay centralized services have been informed.

The decentralization of the Federal Relay contract will reveal whether and how each agency picks up the responsibility of providing RCC and VRI services to their deaf and hard of hearing federal employees, who have come to rely on them to perform the duties of their jobs.

Therefore, the RCC and VRI services need to be included within the task force's implementation of centralized accommodations funding within each agency.

CAPTIONING VIDEOS

Go to any federal agency's website and social media and you will instantly notice that their posted videos are often not closed captioned for both the public and for employees. Federal employees are required to attend specific training sessions as part of their employment every year, and most of the (often required) trainings provided online is inclusive of various physical locations throughout the country and world-wide. Yet, deaf employees often cannot access these training videos because they are not captioned. Videos on USAJobs.gov are not captioned for deaf applicants to apply to federal positions.

A recent study⁸ by the Information Technology & Innovation Foundation (ITIF) found that despite legislative requirements, many federal government websites are not accessible for people with disabilities. ITIF, a non-profit think-tank, tested a number of the most popular federal websites and found that 30 percent did not pass an automated accessibility test for their homepage which includes for captioning, and nearly half (48 percent) failed the test on at least one of their three most popular pages. Additionally, one-third of the tested federal websites did not have an easily discoverable page with contact information for users to report accessibility issues. **There should be a mandate throughout the government that every single video, both external and internal, should be closed captioned as a matter of course.**

ACCESS TO VIRTUAL MEETINGS

The sudden transition from in-person meetings to meeting virtually online during the pandemic sent many deaf employees scrambling to decipher how to communicate effectively during virtual meetings. Every video conferencing company has a different design for their platform, meaning some are more accessible than others for deaf and hard of hearing to plug in ASL interpreters and real-time captioning visibly on screen. Federal agencies contract with video conferencing companies for their platforms without requiring them to make their platform accessible for all employees, including those who are deaf and hard of hearing. **There should be a mandate throughout the government that contracts include requirements for video conferencing platforms to be fully accessible.**

SUMMARIZING COMMON OBSTACLES

⁸ <https://itif.org/publications/2021/06/03/improving-accessibility-federal-government-websites>

DIG requests OMB and the White House review and implement the following recommendations provided by the EEOC in their report on “Improving the Participation Rate of People with Targeted Disabilities (PWTD) in the Federal WorkForce”:

Given the federal government's mandate to be a model employer, EEOC undertook this review to examine impediments in the federal sector to the hiring and advancement of PWTD. It is imperative that people with disabilities who can and want to work are supported in their efforts to do so. In the *Findings and Recommendations* section of this report, EEOC addresses some conditions that are deemed to be systemic impediments to the employment of PWTD and incorporates best practices and innovative measures that some agencies have taken to improve the participation rate of PWTD. Several common obstacles are highlighted below:

- There is inadequate coordination between the federal agencies and/or programs that were created specifically to meet the employment needs of individuals with disabilities;
- Within the federal government, unfounded fears, myths and stereotypes persist regarding the employment of people with disabilities. These beliefs may unlawfully influence some employment decisions;
- Few agencies have developed strategic plans to improve the recruitment, hiring and retention of PWTD;
- The federal application process is daunting to most, but especially to individuals with disabilities;
- Agency officials lack knowledge about how to use/implement the Schedule A appointing authority;
- Agency officials lack knowledge about how to appropriately respond to reasonable accommodation requests and how to implement retention strategies for PWTD; and
- There is insufficient accountability among all levels of the federal government in setting and attaining goals to hire people with disabilities. This is the case among the senior leadership of most agencies. This is also true within agencies created to meet the employment needs of PWTD.

Highlighted below are several of the recommendations agencies should consider to improve the hiring and advancement of PWTD.

It is recommended that partner agencies consider:

- Establishing a cross-agency task force among partner agencies and private organizations, with the goal of improving the hiring, promotion, and advancement of PWTD in the federal government;
- Appointing a single disability coordinator to serve as a point of contact for all agencies and the public, as well as a clearinghouse of information on PWTD in the federal government;
- Developing disability training multimedia for distribution to all management officials in the federal government;

- Publishing guidance for applicants on how to prepare an application for a federal job. Such guidance should include tips on how to use USAJOBS and how to write effective Knowledge, Skills and Abilities (KSA) responses;
- Developing a single online application bank to store the resumes of PWTD, by job category/occupational series; and
- Establishing an award to recognize agencies that have increased the percentage of PWTD in their work force.

It is recommended that *all* agencies consider:

- Establishing numerical hiring goals for PWTD on an annual basis, and incorporating those goals into the strategic mission of the agency. Indeed, this task is *required* by EEOC Management Directive 715;
- Providing annual mandatory training on disability for all management officials. This training should include information on the agency's current hiring goals, special hiring authorities (including Schedule A), reasonable accommodation, and advancement/retention strategies for PWTD;
- Developing procedures and timelines for ensuring management accountability, as well as verification that goals are obtained;
- Ensuring that a diversity element is included in senior leaders' performance appraisals, making EEO a critical element; and
- Issuing a policy statement from the agency head, emphasizing the agency's policy of providing equal employment opportunity for applicants and employees with disabilities, and encouraging managers to increase their use of special hiring authorities to fill vacancies.

CONCLUSION

If the recommendations presented in this RFI are implemented, they will significantly help increase the recruitment and retention rate of deaf employees and their ability to move up the career ladder of federal employment; the government will dually save money over current levels of spending on accommodations and by providing jobs for qualified deaf individuals who become taxpayers instead of entitlement benefit recipients; and the federal government will become the model employer it strives to be, as detailed in President Obama's Executive Order # 13548. Government leaders at all levels must embrace the call for the federal government to be a model employer for all groups, including PWTD. Agencies must take affirmative steps to address supporting deaf employees within their workforce.

DIG is available to discuss this proposal and to help in the design and implementation of the centralized fund for accommodations in whatever configuration the OMB and White House deems most suitable. DIG formally requests the Biden Administration restart the efforts by both the Clinton and Obama administrations to increase the hiring and retention of people with disabilities in the federal government. Importantly, DIG formally requests the Biden

Administration appoint both the first deaf officials in Senior Executive Service (SES) and multiple deaf political appointees throughout the government.

DIG reiterates our strong support for the intent of advancing equity and support for underserved communities through government and stands ready to serve as a partner and ally to ensure to move the federal government toward becoming the employer of first choice for deaf federal employees and to serve the public, including citizens who are deaf and hard of hearing. If you require any further information or coordination, please contact us at learning@deafingov.org.

Sincerely,

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Organizations in support of DIG's RFI include:

Cerebral Palsy and Deaf Organization (CPADO)
Communication Service for the Deaf (CSD)
Conference of Education Administrators of Schools for the Deaf (CEASD)
Deaf Seniors of America (DSA)
National Association of the Deaf (NAD)
Registry of Interpreters for the Deaf, Inc (RID)
Telecommunications for the Deaf and Hard of Hearing, Inc (TDI)