



# The EEO Status of Workers with Disabilities in the Federal Sector

A Supplement to the  
Fiscal Year 2018 Annual Report on the Federal Workforce

U.S. Equal Employment Opportunity Commission

## Executive Summary

Section 501 of the Rehabilitation Act of 1973, as amended (The Rehabilitation Act), prohibits discrimination against persons with disabilities (PWD) in the Federal sector. In addition, it mandates that federal agencies integrate affirmative action program plans as part of ongoing agency personnel management programs, with the goal of hiring, placement, and advancement of PWD.

As a part of its regulatory obligations, the U.S. Equal Employment Opportunity Commission (EEOC) issued a final rule on January 17, 2017, titled *Affirmative Action for Individuals with Disabilities in the Federal Government*, "...to clarify the obligation that the Rehabilitation Act of 1973 imposes on federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability" (82 FR 654). This final rule went into effect on March 6, 2017, making fiscal year (FY) 2018 the first complete fiscal year in which this rule was effective.

This report a) Identifies current trends for workers with disabilities in the Federal sector; and b) Creates a baseline for measuring the effects of the new final rule. Specifically, the EEOC studied the Federal sector participation rates of PWD and persons with targeted disabilities (PWTD), the Federal sector employment stages of PWD and PWTD, and the ways that federal agencies are improving accessibility for PWD. Below are principal findings and recommendations.

### A. Findings

- 1. Regarding the participation of PWD and PWTD in the Federal government, this report found:**
  - 1.1. A large percentage of the federal workforce did not identify their disability status.
  - 1.2. The overall participation rate of PWD and PWTD has increased since FY 2014, but federal agencies still need to improve their PWD and PWTD participation rates.
  - 1.3. Men in the Federal government were more likely than women in the Federal government to be PWD or PWTD.
  
- 2. Regarding the employment stages of PWD and PWTD in the federal workforce, this report found:**
  - 2.1. Among permanent hires, the Federal government exceeded its 2% goal for hiring of PWTD, but agencies failed to meet the 12% goal for PWD.
  - 2.2. PWD and PWTD were less likely than persons with no disabilities to be in federal leadership positions.
  - 2.3. Despite being less likely to hold leadership positions, PWD and PWTD were promoted at a rate similar to what would be expected based on their participation rate.
  - 2.4. Harassment (non-sexual) and reasonable accommodations were the most commonly alleged issues in disability-based complaints.
  - 2.5. Disability-based complaints and settlements increased from FY 2014 to FY 2018.
  - 2.6. For both voluntary and involuntary separations, PWTD were the most likely to separate from federal employment, and PWD were more likely to separate than persons without disabilities.

2.7. For involuntary separations, disparities by disability status were larger in FY 2018 than in the previous four years.

### 3. **Regarding improving accessibility for PWD in federal workplaces, this report found:**

- 3.1. Agencies are using technology to improve their reasonable accommodation request processes.
- 3.2. Agencies are creating internal and external partnerships to identify best practices for improving accessibility.
- 3.3. Agencies are enhancing their interactions with employees to raise accessibility awareness.

### **B. Recommendations**

Based on the findings above, the EEOC makes the following eight recommendations to improve equal employment opportunities for workers with disabilities in the Federal sector.

1. Federal agencies should act to **increase the number of employees disclosing their disability status** by ensuring the confidentiality of disclosure.
2. To improve hiring rates, agencies should **recruit persons with a broad range of disabilities**.
3. To improve the participation of PWD and PWTD in management, agencies should **ensure the retention of leaders with disabilities and recruit PWD and PWTD for new hires into leadership positions**.
4. Federal agencies should **ensure that they have civil workplaces and provide reasonable accommodations to PWD**.
5. Agencies should generally **work to improve retention rates for employees with disabilities** and conduct research using workforce, climate survey, and exit interview data to **identify the specific types of personnel actions, policies, procedures, and practices related to PWD and PWTD separations**.
6. Agencies that are not already doing so should **ensure their accessibility to PWD and PWTD** by: 1) Streamlining the reasonable accommodations request process; 2) Creating internal and external partnerships to identify best practices; 3) Promoting accessibility issues through interactions with employees; and 4) Implementing specific, measurable, and attainable goals to improve their accessibility, and track the progress.

Including PWD and PWTD is important to improving the diversity of the federal workforce. Their participation in the federal workforce not only contributes to the breadth of knowledge available in the government, but also improves their standing in the greater community and reinforces the government's role as a model employer. The EEOC looks forward to continuing to promote equal employment opportunities for PWD and people in all other protected classes.

**Table of Contents**

Executive Summary ..... i

    A. Findings ..... i

    B. Recommendations ..... ii

Table of Contents ..... iii

List of Tables ..... v

List of Figures ..... vi

Part 1. Introduction ..... 1

    A. Equal Employment Opportunity Protections for Persons with Disabilities ..... 1

    B. The Importance of Improving Equal Employment Opportunities for Persons with Disabilities  
        ..... 3

    C. Overview ..... 4

    D. Limitations ..... 5

Part 2. The Participation of Workers with Disabilities in the Federal Sector ..... 6

    A. The Federal Workforce Participation Rates of People with Disabilities and Targeted  
        Disabilities: FY 2014 to FY 2018 ..... 6

    B. Participation Rates of Persons with Disabilities by Demographic Group ..... 7

        Participation Rates by Sex and Type of Targeted Disability ..... 7

        Participation Rates by Disability Status and Veteran Status ..... 9

        Participation Rates by Disability Status Across Race/National Origin Groups ..... 9

        Participation Rates by Disability Status Across Age Groups ..... 11

Part 3. The Employment Stages of Persons with Disabilities in the Federal Sector ..... 12

    A. Hiring Persons with Disabilities in the Federal Sector ..... 12

        Permanent Hiring Trends by Disability Status ..... 12

        Agencies Meeting Permanent New Hires Goals ..... 13

    B. The Advancement of Federal Employees with Disabilities ..... 14

        Participation in Leadership Positions ..... 15

        Promotions ..... 17

        Viewpoints on Appraisals and Promotions ..... 18

    C. Disability-Based Discrimination Complaints in the Federal Sector ..... 19

        The Top Five Issues Alleged in Disability-Based Complaints in FY 2018 ..... 20

        Disability-Based Complaints Filed from FY 2014 through FY 2018 ..... 20

## The EEO Status of Workers with Disabilities in the Federal Sector

Disability-Based Counseling and Complaint Settlements from FY 2014 through FY 2018 .....	21
Disability-Based Findings of Discrimination from FY 2014 through FY 2018 .....	22
Climate Survey Data Related to Disability-Based Discrimination .....	23
D. Persons with Disabilities Separating from Federal Employment.....	25
Voluntary Separations.....	25
Involuntary Separations .....	26
Part 4. Improving Accessibility for Persons with Disabilities in Federal Workplaces .....	28
A. Improving Reasonable Accommodation Request Processes .....	28
B. Creating Internal and External Partnerships .....	28
C. Involving Employees in Accessibility Improvements .....	29
D. Detailed Facilities Improvements .....	29
E. Detailed Technological Improvements.....	30
F. Promising Implementation Practices .....	30
Part 5. Findings and Recommendations .....	31
A. Findings .....	31
B. Recommendations.....	32
Appendices.....	34
Appendix A: List of Abbreviations .....	34
Appendix B: Glossary .....	35
Appendix C: Data and Methodology .....	39
MD-715 Reports .....	39
EHRI-SDM or EHRI (Enterprise Human Resources Integration – Statistical Data Mart) .....	41
Form 462 .....	41
The Federal Employee Viewpoint Survey (FEVS).....	42
References .....	43

**List of Tables**

Table 2.1. Federal Sector Participation Rates of PWD and PWTD by Sex, FY 2018 (EHRI Status September 2018 Status Data) .....8

Table 3.1. Federal Sector Hiring Rate and Participation Rate by Disability Status (FY 2018 MD-715 Tables B-8 and B-1, All Types of Appointment) ..... 12

Table 3.2. Percentage of Departments, Subcomponents of Departments, and Independent Agencies Meeting Hiring Goals for PWD and PWTD (FY 2018 MD-715 Reports Table B-8 [Minimum 50 Permanent New Hires]) ..... 14

Table 3.3. Promotion Selection Rates and Related Statistics by Disability Status, FY 2018 (FY 2018 EHRI Dynamics file and September 2017 EHRI Status File)..... 18

Table 3.4. Top Five Issues Alleged in Disability-Based Complaints, FY 2018 (Form 462).....20

**List of Figures**

Figure 2.1. Trends in Federal Sector Disability-Related Participation Rates, FY 2014-FY 2018 (MD-715 Table B-1) .....6

Figure 2.2. Participation Rates of PWD by Sex, FY 2018 (EHRI Status September 2018 Status Data) .....8

Figure 2.3. Disability-Related Participation Rates among Veterans and Non-Veterans, FY 2018 (EHRI September 2018 Status Data) .....9

Figure 2.4. Disability-Related Participation Rates by Race/National Origin, FY 2018 (EHRI September 2018 Status Data) ..... 10

Figure 2.5. Disability-Related Participation Rates Across Age Group, FY 2018 (EHRI September 2018 Status Data)..... 11

Figure 3.1. Federal Sector Permanent Hiring Trends, FY 2014-FY 2018 (MD-715 Table B-8) ..... 13

Figure 3.2. Within Disability Status Participation Rates in Leadership Positions (September 2018 EHRI Status Data) ..... 16

Figure 3.3. Promotion Selection Rates by Disability Status, FY 2018 (FY 2018 EHRI Dynamics file and September 2017 EHRI Status File) ..... 18

Figure 3.4. Percent Responding Positively to FY 2018 FEVS Items Related to Appraisals and Promotions by Disability Status ..... 19

Figure 3.5. Annual Disability-Based Complaints, FY 2014-FY 2018 (Form 462) .....21

Figure 3.6. Counselings and Complaints Settled Alleging Disability-Based Discrimination, FY 2014-FY 2018 (Form 462) .....22

Figure 3.7. Number of Decisions with Disability-Based Findings of Discrimination, FY 2014-FY 2018 (Form 462) .....23

Figure 3.8. Percent Responding Positively to Complaint- Related FEVS Items, FY 2018.....24

Figure 3.9. Voluntary Separations Inclusion Rates by Disability Status, FY 2014 - FY 2018 (MD-715 Table B-14) .....26

Figure 3.10. Involuntary Separations Inclusion Rates by Disability Status, FY 2014-FY 2018 (MD-715 Table B-14) .....27

## Part 1. Introduction

The U.S. Equal Employment Opportunity Commission (EEOC or Commission) was established by *Title VII of the Civil Rights Act of 1964*. Its mission is to prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace. The Commission enforces federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

EEOC's Office of Federal Operations (OFO) assures federal agency and department compliance with EEOC regulations, provides technical assistance to federal agencies concerning equal employment opportunity (EEO) complaint adjudication, monitors and evaluates federal agencies' affirmative employment programs, develops and distributes Federal sector educational materials and conducts training for stakeholders, provides guidance and assistance to our Administrative Judges (AJs) who conduct hearings on EEO complaints, and adjudicates appeals from administrative decisions made by federal agencies on EEO complaints. OFO is responsible for periodically publishing progress reports on federal agencies' EEO programs. This report reviews the progress of federal EEO programs in their efforts to advance EEO for persons with disabilities (PWD).

### **A. Equal Employment Opportunity Protections for Persons with Disabilities**

Section 501 of the Rehabilitation Act of 1973, as amended (The Rehabilitation Act), prohibits discrimination against PWD in the Federal sector. In addition, it mandates that federal agencies integrate affirmative action program plans as part of on-going agency personnel management programs, with the goal of hiring, placement, and advancement of PWD. According to this law and related regulations, an individual with a disability is someone:

- With "A physical or mental impairment that substantially limits one or more major life activities";
- With "A record of such an impairment"; or
- Who is "regarded as having such an impairment" (42 U.S. Code §12102.1).

The Rehabilitation Act mandates that the Federal government "plays a leadership role in promoting the employment of individuals with disabilities" (Pub. L. 93-112, as amended through Pub. L. 114-95). The EEOC, along with other federal agencies, has the authority to issue regulations to ensure the fulfillment of this mandate (42 U.S. Code § 12205a.)

The EEOC issued a final rule on January 17, 2017, titled *Affirmative Action for Individuals with Disabilities in the Federal Government*, "to clarify the obligation that the Rehabilitation Act of 1973 imposes on federal agencies, as employers, that are over and above the obligation not to discriminate on the basis of disability" (82 FR 654). This final rule amended 29 CFR 1614.203 and obligates federal agencies to:

- Take steps to gradually increase the number of employees with disabilities and targeted disabilities; and



## The EEO Status of Workers with Disabilities in the Federal Sector

- Provide Personal Assistance Services (PAS) to individuals with targeted disabilities who require assistance to perform basic activities of daily living, like assistance with removing and putting on clothing, eating, and using the restroom (82 FR 654).

For the purposes of this final rule, a targeted disability is a disability designated as a “targeted disability or health condition” on the Office of Personnel Management’s (OPM’s) Standard Form 256 (SF-256) or “that falls under one of the first 12 categories of disability listed in Part A of Question 5 of the EEOC’s Demographics Information on Applicants form” (82 FR 654). Specifically, targeted disabilities include:

- Developmental disabilities, for example, cerebral palsy or autism spectrum disorder;
- Traumatic brain injuries;
- Deafness or serious difficulty hearing;
- Blindness or serious difficulty seeing even when wearing glasses;
- Missing extremities (arm, leg, hand, and/or foot);
- Significant mobility impairments;
- Partial or complete paralysis;
- Epilepsy and other seizure disorders;
- Intellectual disabilities;
- Psychiatric disabilities;
- Dwarfism; and
- Significant disfigurement (OPM, 2016; EEOC, n.d.).

Under the final rule, as part of an agency’s obligation to take steps to gradually increase the number of employees with disabilities and targeted disabilities, its affirmative action plan for the hiring, placement, and advancement of individuals with disabilities (Plan), must set the following goals:

- No less than 12% of employees at the GS-11 level<sup>1</sup> and above, together with employees who are not paid under the General Schedule but who have salaries equal to or greater than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with disabilities;
- No less than 12% of employees at the GS-10 level and below, together with employees who are not paid under the General Schedule but who have salaries less than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with disabilities;
- No less than 2% of employees at the GS-11 level and above, together with employees who are not paid under the General Schedule but who have salaries equal to or greater than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with targeted disabilities; and
- No less than 2% of employees at the GS-10 level and below, together with employees who are not paid under the General Schedule but who have salaries less than employees at the GS-11, step 1 level in the Washington, DC locality, are individuals with targeted disabilities (82 FR 654).

This final rule went into effect on March 6, 2017, making fiscal year (FY) 2018 the first complete fiscal year in which this rule was effective.

---

<sup>1</sup> “GS-11” refers to grade 11 in the General Schedule (GS) pay system.

Further, the EEOC's Strategic Enforcement Plan Fiscal Years 2017-2021 (SEP) includes addressing the following EEO matters for PWD in its strategic priorities:

- Online application systems that are inaccessible to PWD;
- Medical questionnaires for screening job applicants that disproportionately impact PWD;
- Qualification standards and inflexible leave policies that discriminate against PWD;
- Equal pay protections for PWD; and
- Systemic harassment, including harassment based on disability.

OFO's Federal Sector Complement Plan to the SEP further states that OFO will work to 1) improve Federal sector hiring of PWD; 2) remind federal agencies to review the status of person with targeted disabilities (PWTD) hired under Schedule A,<sup>2</sup> and 3) address agencies' failures to accommodate disabilities.

### ***B. The Importance of Improving Equal Employment Opportunities for Persons with Disabilities***

Federal sector EEO for persons with disabilities (PWD) increases the diversity of the Federal government and allows the Federal government to serve as a model employer. With the EEOC's new final rule, the push toward expanding opportunities for PWD continues. Part of the purpose of the Rehabilitation Act is "to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society." The Federal government plays a leadership role in this manner.

According to the Rehabilitation Research and Training Center on Disability Statistics and Demographics (2020), only 37.5% of PWD living in the community are employed compared to 77.8% of persons without disabilities. Despite a low employment to population ratio, 80% of non-employed working-age PWD want to work now or in the future (Ali, Schur & Blanck, 2011).

Federal sector employment is part of the solution to this problem. Using American Community Survey data, Enayati, von Schrader, Erickson and Bruyère (2019) found that a greater proportion of Federal sector employees than private sector employees had a cognitive, ambulatory, independent living, self-care, vision, or hearing disability. However, as described in Part 2, federal agencies are not yet meeting their regulatory participation rate goals.

One step towards meeting the participation rate goals is increasing the hiring of PWD and PWTD. The Federal government must ensure that its jobs are attractive to PWD. Although FY 2018 FEVS data show that PWD are less likely to recommend their organization as a good place to work, other research has found that PWD may prefer government employment because of its reputation for better health benefits, reasonable accommodations, and more inclusive environment (Ali, Schur & Blanck, 2011; Jans, Kaye & Jones, 2012). However, as shown in Part 3, Federal employers have yet to meet the 12% hiring goal for PWD.

---

<sup>2</sup> Schedule A Appointing Authority is a non-competitive excepted service hiring authority available to federal agencies to hire and/or promote individuals with disabilities noncompetitively. (5 CFR § 213.3102(u)). Hiring managers then do not have to post and publicize the position, and the applicant does not have to go through the certificate process. A proof of disability is required before proceeding. This authority is limited to individuals with an intellectual, severe physical, or psychiatric disability.

Expanding the workforce to include more PWD can lead to broader economic benefits, such as reduced poverty. PWD are more than twice as likely to live below the poverty line (Rehabilitation Research and Training Center on Disability Statistics and Demographics, 2020). Nationwide, PWD are also paid less than persons without disabilities (Rehabilitation Research and Training Center on Disability Statistics and Demographics, 2020), which emphasizes the importance of the EEOC's establishment of employment goals including PWD and PWTD's participation in higher grade levels. These goals may be useful in reducing the differences in participation in leadership positions described in Part 3 of this report.

FEVS data examined in Part 3 of this report shows that PWD had more negative viewpoints than persons without disabilities on topics related to performance appraisals, promotions, and employment discrimination. Previous private sector research had similar results. Research by Schur, Kruse, Blasi & Blanck (2009) using data from a survey of nearly 30,000 private sector employees found that PWD tended to have more negative attitudes toward their jobs and companies. However, they also found that attitudes did not differ by disability status in workplaces highly rated by all employees for responsiveness and fairness. Improving responsiveness and fairness may be one way to improve Federal sector EEO and the retention of PWD.

Accessibility affects all phases of employment. Application portals must be accessible to ensure PWD have the opportunity to be hired. Lack of accessibility can bar PWD from performing their best and affect advancement opportunities, potentially resulting in PWD leaving. However, as described in Part 4, federal agencies are finding creative ways to improve both technological and facilities accessibility.

Pursuant to the Rehabilitation Act, federal agencies must go beyond not discriminating against PWD and empower PWD. The Federal government is the largest employer in the country. Thus, the inclusion of PWD and PWTD in the federal workforce provides PWD and PWTD with numerous job opportunities. The Federal government's proactive business practices may influence other businesses to improve EEO for PWD. The Federal government's strong potential to improve EEO for PWD nationwide warrants the in-depth examination of Federal sector EEO for PWD found in this report.

### **C. Overview**

This report examines the following topics:

- The participation of workers with disabilities in the Federal sector both overall and within demographic groups;
- The employment stages of PWD in the Federal government including hiring, advancement, EEO complaints, and separations; and
- Innovations federal agencies are implementing to improve accessibility for PWD.

The report concludes with a summary of findings and recommendations.

Data sources for this report include:

- Federal Agency Annual EEO Program Status Reports (MD-715 Reports);

- Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints (EEOC Form 462);
- Enterprise Human Resources Integration – Statistical Data Mart (EHRI-SDM) from OPM; and
- The Federal Employee Viewpoint Survey (FEVS) from the Office of Personnel Management (OPM).

See Appendix C for a description of these data. Trends from FY 2014 through FY 2018 are presented where appropriate.

### **D. Limitations**

In FY 2018, the types of disabilities categorized as targeted disabilities in EEOC's Federal sector data collection changed with the advent of the EEOC's final rule, *Affirmative Action for Individuals with Disabilities in the Federal Government*. Therefore, comparisons to earlier years' data were performed with caution.

Similarly, in October 2016, OPM revised the Self-Identification of Disability form. It added more categories of targeted disabilities. Furthermore, in earlier versions of the form, respondents had the choice to select "I do not wish to identify my disability status", but in the October 2016 revision, that category was removed and replaced with "I do not wish to identify my disability or serious health condition." In this report, both categories are referred to as "Disability Status Not Identified." The change affects any longitudinal analysis and interpretation of data drawn from that form.

In addition, using both MD-715 and EHRI-SDM for workforce data may lead to inconsistent numbers as they cover different federal agencies and reporting may be inconsistent. Also, in MD-715 data, those "Reportable Disabilities" include "Targeted Disabilities", but numbers from the EHRI-SDM data allow for the distinction of "Targeted Disabilities" and other disabilities, referred to as "Non-Targeted Disabilities." The data sources are cited throughout the report.

Finally, no comparisons are made between the participation rates of PWD in the Federal government and the general population. The EEOC considered comparing the Federal sector numbers to Current Population Survey (CPS) data on the civilian population with disabilities and the civilian labor force with disabilities. However, the Federal sector's data defines disability differently from the CPS, and no other representative nationwide data using a definition of disability similar to the Federal sector's definition has yet been identified.

**Part 2. The Participation of Workers with Disabilities in the Federal Sector**

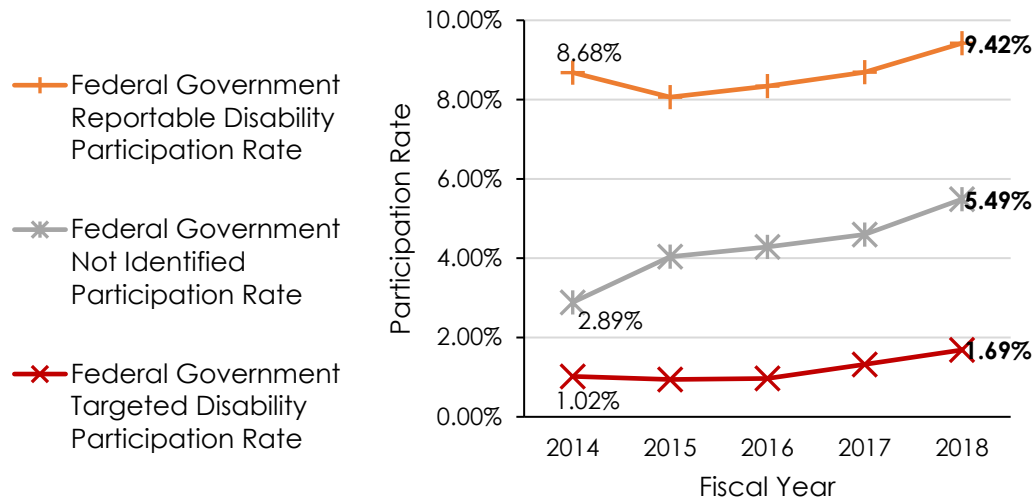
By including workers with disabilities, the Federal government empowers PWD in American society. Part 2 of this report begins by displaying the trends of PWD and PWTB's participation rates in the federal workforce, and then examines demographic differences across disability statuses.

**A. The Federal Workforce Participation Rates of People with Disabilities and Targeted Disabilities: FY 2014 to FY 2018**

Among the over 2.7 million federal employees reported in certified FY 2018 EEOC MD-715 reports, 259,164 (9.42%) were persons who reported having a disability. Of those with a disability, 46,383 (1.69% of the total workforce) had a targeted disability. An additional 150,982 (5.49%) did not identify their disability status.<sup>3</sup>

Figure 2.1 displays MD-715 trend data showing the Federal government participation rates of persons with any reportable disability, PWTB, and people who did not identify their disability status. All three increased between FY 2014 and FY 2018. The participation rates of PWTB and PWTB both dipped in FY 2015, but rebounded by FY 2017, and continued to grow into FY 2018.

Figure 2.1. Trends in Federal Sector Disability-Related Participation Rates, FY 2014-FY 2018 (MD-715 Table B-1)



<b>Governmentwide Participation Rates</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Reportable Disability</b>	8.68%	8.06%	8.34%	8.69%	<b>9.42%</b>
<b>Not Identified</b>	2.89%	4.04%	4.29%	4.60%	<b>5.49%</b>
<b>Targeted Disability</b>	1.02%	0.94%	0.97%	1.32%	<b>1.69%</b>

Note that OPM's Standard Form 256 (SF-256), the form upon which applicants for federal employment and federal employees report their disability status, was revised at the beginning of FY 2017. This revision involved adding new targeted disabilities and changing the meaning

<sup>3</sup> FY 2018 MD-715 Reports Table B-1, Total Workforce: Current FY. Where parent agencies and their subcomponents both certified reports, data from the parent agencies were used.

of not identifying one's disability status, which may have affected employees' responses. If fear or stigma are preventing PWTD or PWD from reporting their disabilities, agencies should address this and ensure confidentiality of the SF-256.

### **B. Participation Rates of Persons with Disabilities by Demographic Group**

Not all demographic groups have the same participation rates as the overall rate for PWD. This section describes how the participation rates of PWD vary by sex, veteran status, race/national origin (RNO), and age.

#### Participation Rates by Sex and Type of Targeted Disability

Within the federal workforce, the participation rates of PWD, PWTD, and persons with various types of targeted disabilities differs by sex. See Figure 2.2 and Table 2.1. In the federal workforce, 9.29% of men have non-targeted disabilities and 7.48% of women have non-targeted disabilities. Also, the participation rates of PWTD (2.07%) and people who did not identify a disability (5.78%) among men were greater than the same participation rates among women (1.63% with a targeted disability and 4.23% who did not identify a disability). These differences by gender in the participation rates of PWD is likely an artifact of the high participation rate of veterans in the Federal government, but other explanations may contribute to this.<sup>4</sup>

For a few disability categories (for example, people who are blind or have serious difficulty seeing, people with epilepsy or other seizure disorders, and dwarfism) women have higher PWTD participation rates than men.

---

<sup>4</sup> For example, the severity of disabilities may differ between men and women, and thus, their ability to qualify for federal employment may differ. Testing these explanations is outside of the scope of this report.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 2.2. Participation Rates of PWTB by Sex, FY 2018 (EHRI Status September 2018 Status Data)

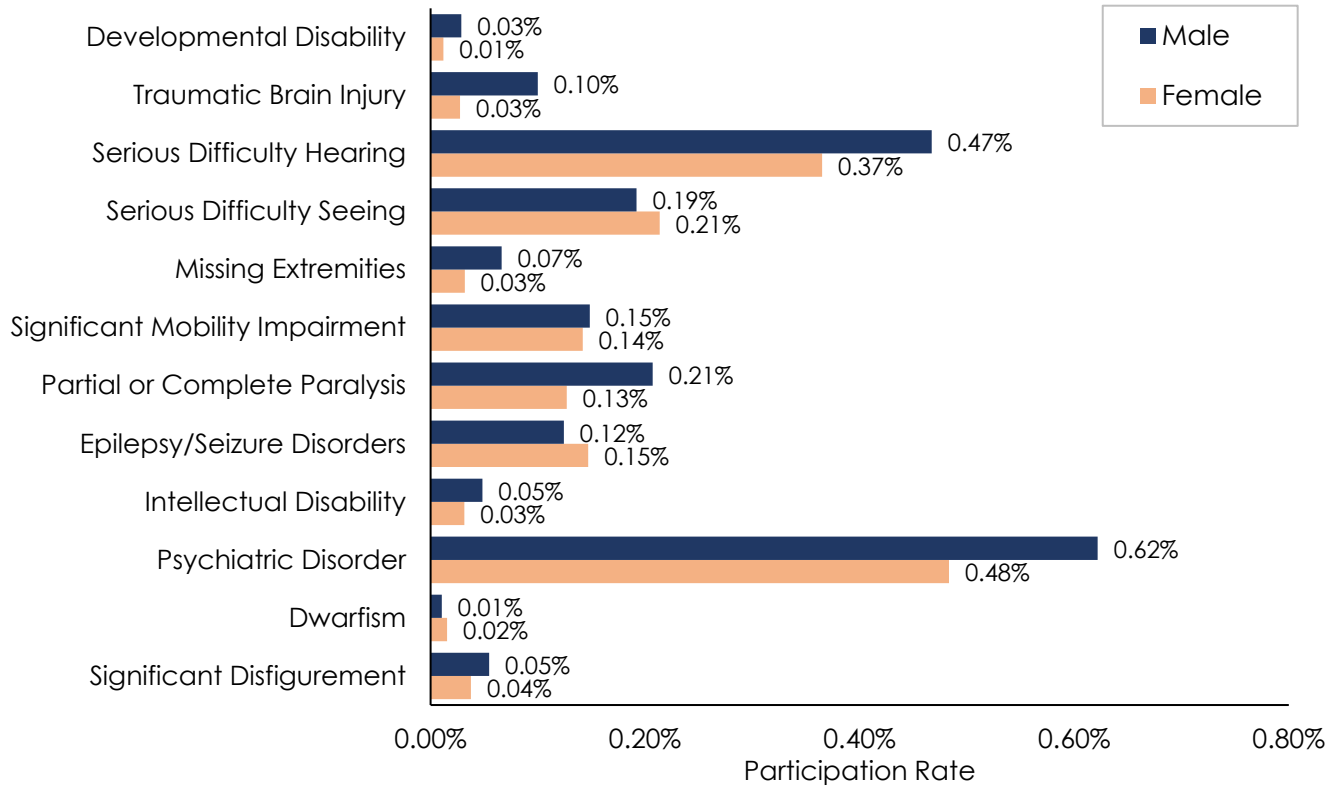


Table 2.1. Federal Sector Participation Rates of PWD and PWTB by Sex, FY 2018 (EHRI Status September 2018 Status Data)

Disability Status	Workforce (#)	Workforce (%)	Male (#)	Male (%)	Female (#)	Female (%)
<b>Total Federal Workforce</b>	2,130,510	100.00%	1,204,536	100.00%	925,974	100.00%
<b>No Disability</b>	1,800,443	84.51%	998,051	82.86%	802,392	86.65%
<b>Disability Not Identified</b>	108,826	5.11%	69,663	5.78%	39,163	4.23%
<b>Non-Targeted Disability</b>	181,204	8.51%	111,907	9.29%	69,297	7.48%
<b>Targeted Disability</b>	40,037	1.88%	24,915	2.07%	15,122	1.63%
<b>Developmental Disability</b>	455	0.02%	345	0.03%	110	0.01%
<b>Traumatic Brain Injury</b>	1,458	0.07%	1,204	0.10%	254	0.03%
<b>Serious Difficulty Hearing</b>	9,006	0.42%	5,626	0.47%	3,380	0.37%
<b>Serious Difficulty Seeing</b>	4,291	0.20%	2,313	0.19%	1,978	0.21%
<b>Missing Extremities</b>	1,092	0.05%	797	0.07%	295	0.03%
<b>Significant Mobility Impairment</b>	3,101	0.15%	1,787	0.15%	1,314	0.14%
<b>Partial or Complete Paralysis</b>	3,668	0.17%	2,493	0.21%	1,175	0.13%
<b>Epilepsy/Seizure Disorders</b>	2,857	0.13%	1,496	0.12%	1,361	0.15%
<b>Intellectual Disability</b>	873	0.04%	582	0.05%	291	0.03%
<b>Psychiatric Disorder</b>	11,964	0.56%	7,490	0.62%	4,474	0.48%
<b>Dwarfism</b>	267	0.01%	125	0.01%	142	0.02%
<b>Significant Disfigurement</b>	1,005	0.05%	657	0.05%	348	0.04%

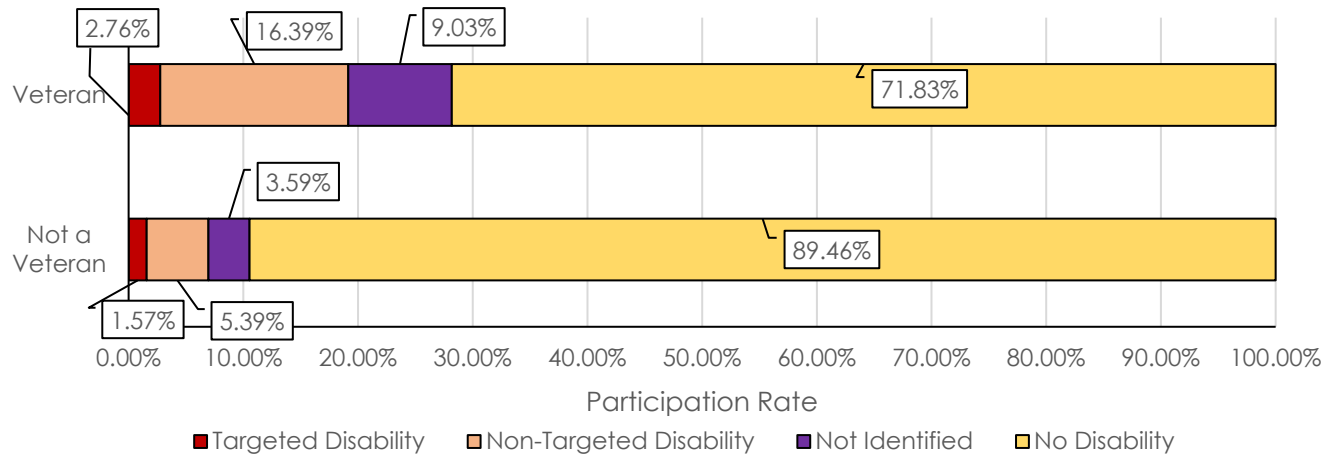


## The EEO Status of Workers with Disabilities in the Federal Sector

### Participation Rates by Disability Status and Veteran Status

Veterans, due to their military experience, are more likely to be PWD, and relatedly, the Federal government provides agencies special hiring authorities for veterans, many of which specifically target veterans with disabilities (Feds Hire Vets, n.d.). Thus, it is not surprising that among veterans the PWD, PWD, and not identifying a disability participation rates are higher than among non-veterans. (See Figure 2.3).

Figure 2.3. Disability-Related Participation Rates among Veterans and Non-Veterans, FY 2018 (EHRI September 2018 Status Data)



Veteran Status	Targeted Disability	Non-Targeted Disability	Not Identified	No Disability
<b>Veteran</b>	2.76%	16.39%	9.03%	71.83%
<b>Not a Veteran</b>	1.57%	5.39%	3.59%	89.46%

### Participation Rates by Disability Status Across Race/National Origin Groups

As seen in Figure 2.4, across Race/National Origin (RNO) groups in the Federal government, disability status participation rates varied. Persons of Two or More Races were the most likely to report a targeted disability (2.66% of Two or More Races reported a targeted disability), to report a non-targeted disability (13.13%), or to not identify their disability status (8.5%). Conversely, Asians were the least likely to have a targeted disability (0.99%), to have a reportable disability (5.01%), or to not identify their disability status (3.96%). RNO groups with higher targeted disability participation rates also tended to have higher reportable disability and not identified participation rates.

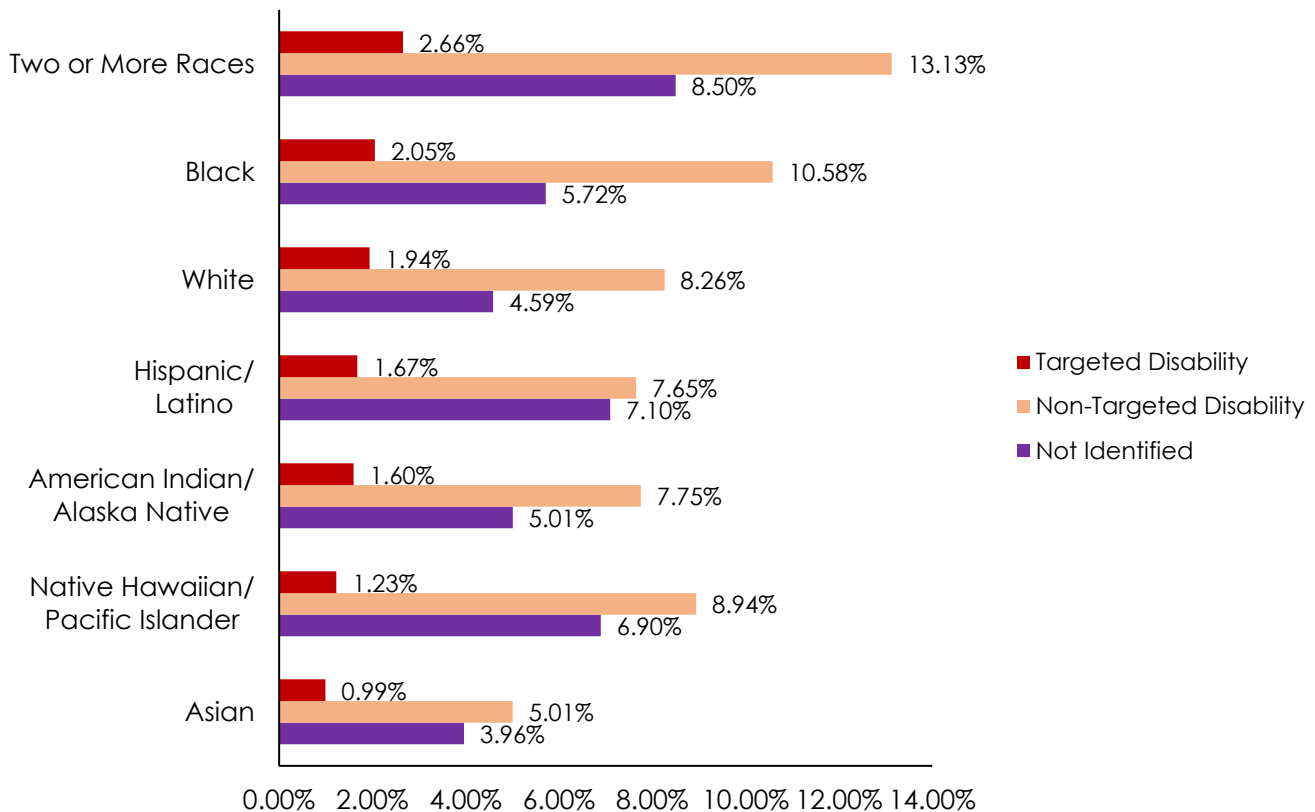
In the U.S. population, disability status varies by race (Centers for Disease Control and Prevention, 2019; Goodman, Morris, & Boston, 2019; Goyat, Vyas, & Sambamoorthi, 2016), so it makes sense that Federal sector participation rates by disability status will also vary by race. Many studies on race and disability do not include a racial category for people of Two or More Races. Future research on disability and race in the general population should consider including the Two or More Races category as this group was the most likely to report having a disability.



## The EEO Status of Workers with Disabilities in the Federal Sector

Beyond having data on persons of Two or More Races, the prevalence of PWD by race in the Federal government differs from the general pattern seen in the U.S. population in another way. The Centers for Disease Control and Prevention (CDC, 2019) reported that the RNO group with the highest prevalence of adults with a disability was American Indian/Alaska Natives (AIAN). In the Federal sector, AIAN identified as having a targeted disability, having a non-targeted disability, and choosing not to identify their disability status all at rates below the governmentwide average. Otherwise the prevalence of PWD governmentwide generally matched the pattern seen in the U.S. population.

Figure 2.4. Disability-Related Participation Rates by Race/National Origin, FY 2018 (EHRI September 2018 Status Data)



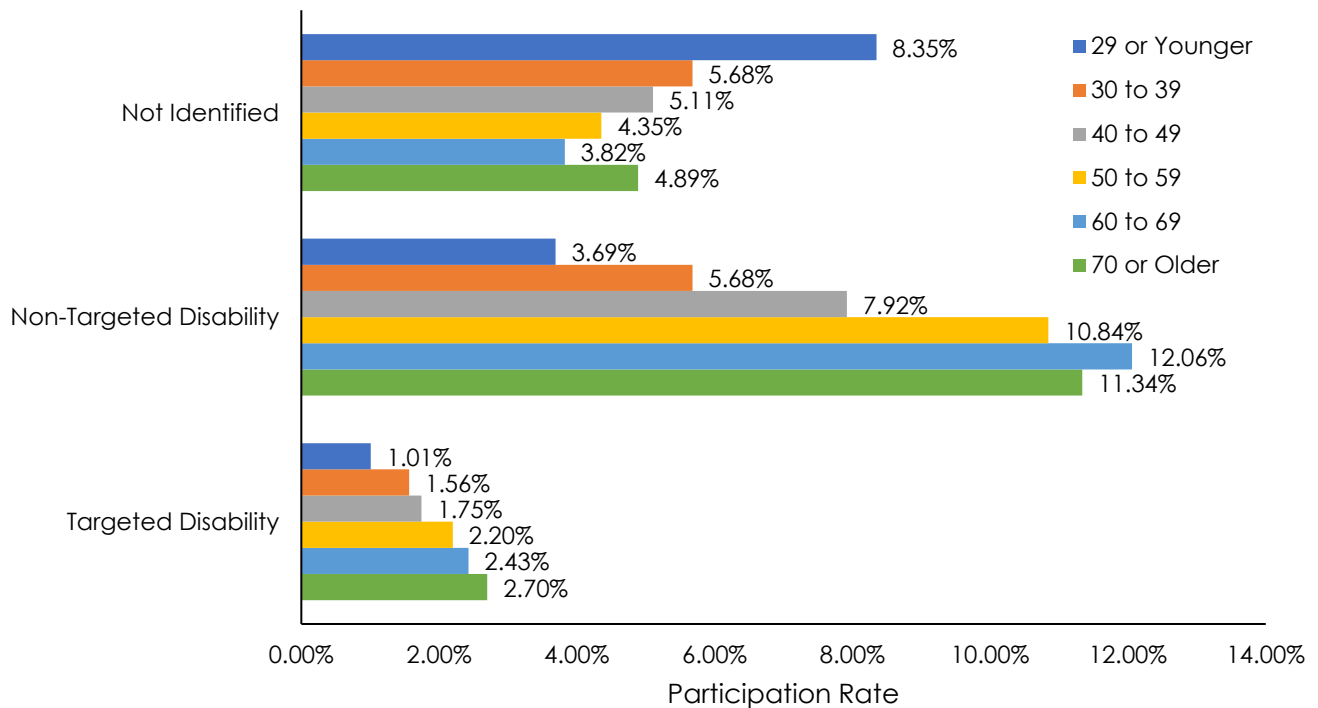
Race/National Origin Group	Targeted Disability	Non-Targeted Disability	Not Identified	No Disability
<b>Two or More Races</b>	2.66%	13.13%	8.50%	75.71%
<b>Black</b>	2.05%	10.58%	5.72%	81.65%
<b>White</b>	1.94%	8.26%	4.59%	85.21%
<b>Hispanic/Latino</b>	1.67%	7.65%	7.10%	83.57%
<b>American Indian/Alaska Native</b>	1.60%	7.75%	5.01%	85.64%
<b>Native Hawaiian/Pacific Islander</b>	1.23%	8.94%	6.90%	82.94%
<b>Asian</b>	0.99%	5.01%	3.96%	90.04%

## The EEO Status of Workers with Disabilities in the Federal Sector

### Participation Rates by Disability Status Across Age Groups

Similar to what is seen in the general population, older workers are more likely to have disabilities and targeted disabilities in the Federal government. (See Figure 2.5). This uniformly applies to targeted disabilities, with older age bands consistently having high participation rates of PWT. Generally, older groups also have higher participation rates of people with non-targeted disabilities and lower participation rates of those not identifying their disability status, but this pattern diverges for the 70 or older age band: Those over 70 are less likely to have a non-targeted disability and more likely not to identify a disability than those 60 to 69 years of age. Further research would be required to determine whether this finding is due to the retirement of older employees with disabilities or other reasons.

Figure 2.5. Disability-Related Participation Rates Across Age Group, FY 2018 (EHRI September 2018 Status Data)



Age	Not Identified	Non-Targeted Disability	Targeted Disability	No Reported Disability
29 or Younger	8.35%	3.69%	1.01%	86.95%
30 to 39	5.68%	5.68%	1.56%	87.08%
40 to 49	5.11%	7.92%	1.75%	85.23%
50 to 59	4.35%	10.84%	2.20%	82.60%
60 to 69	3.82%	12.06%	2.43%	81.69%
70 or Older	4.89%	11.34%	2.70%	81.08%

**Part 3. The Employment Stages of Persons with Disabilities in the Federal Sector**

The participation rates of persons with disabilities (PWD) and persons with targeted disabilities (PWTD) result from employers' hiring practices and employees' patterns of separating from their employers. Between hiring and separation, employees may advance within the organization. They may also experience discrimination that prevents their hiring and advancement, and that may lead to their voluntary or involuntary separation. Part 3 of this report examines the employment of persons with disabilities in the Federal sector, including hiring, participation in leadership positions, disability-based discrimination complaints, and separations from the federal workforce.

**A. Hiring Persons with Disabilities in the Federal Sector**

Hiring is one of the key components affecting the participation of persons with disabilities (PWD) in the workforce. Based on FY 2018 MD-715 data, total hiring of PWD and persons with targeted disabilities (PWTD), including permanent, temporary, and non-appropriated new hires, could be improved. See Table 3.1. For PWTD, the appointment rate, or percentage of hires with a targeted disability, was 1.78% in FY 2018. Although this is below the 2% goal for permanent hires, it is higher than the PWTD total workforce participation rate, indicating that hiring is helping federal agencies improve their PWTD participation rates.

The same does not hold for hiring PWD overall. The 9.15% PWD appointment rate is lower than the 9.42% participation rate and is further from the 12% PWD goal for permanent hires. It is important to note that the not identified appointment rate is substantially higher than the not identified participation rate, but that aligns with the no disability participation rate being over 4% higher than the no disability appointment rate.

*Table 3.1. Federal Sector Hiring Rate and Participation Rate by Disability Status (FY 2018 MD-715 Tables B-8 and B-1, All Types of Appointment)*

<b>Appointment or Participation Rate</b>	<b>Targeted Disability</b>	<b>Any Reportable Disability</b>	<b>Not Identified</b>	<b>No Disability</b>
<b>Overall Hiring Rate</b>	1.78%	9.15%	9.90%	80.95%
<b>Workforce Participation Rate</b>	1.69%	9.42%	5.49%	85.09%

**Permanent Hiring Trends by Disability Status**

EEOC regulations establish that all federal agencies covered by 29 C.F.R 1614.203 must have a 12% permanent hiring goal for PWD and a 2% permanent hiring goal for PWTD.<sup>5</sup> Figure 3.1 shows the percentage of permanent hires reporting having any disability, having a targeted disability, or not identifying their disability status from FY 2014 through FY 2018 based on MD-715 data.

Governmentwide, the percentage of new permanent hires who were PWD decreased between FY 2014 and FY 2018, with the most notable drop-off between FY 2014 and FY 2016.

<sup>5</sup> These hiring goals are with grade bands General Schedule (GS) grades 1 through 10 and GS grades 11 through SES, or equivalent. The FY 2014 through FY 2018 MD-715 reports did not include data on grade bands.

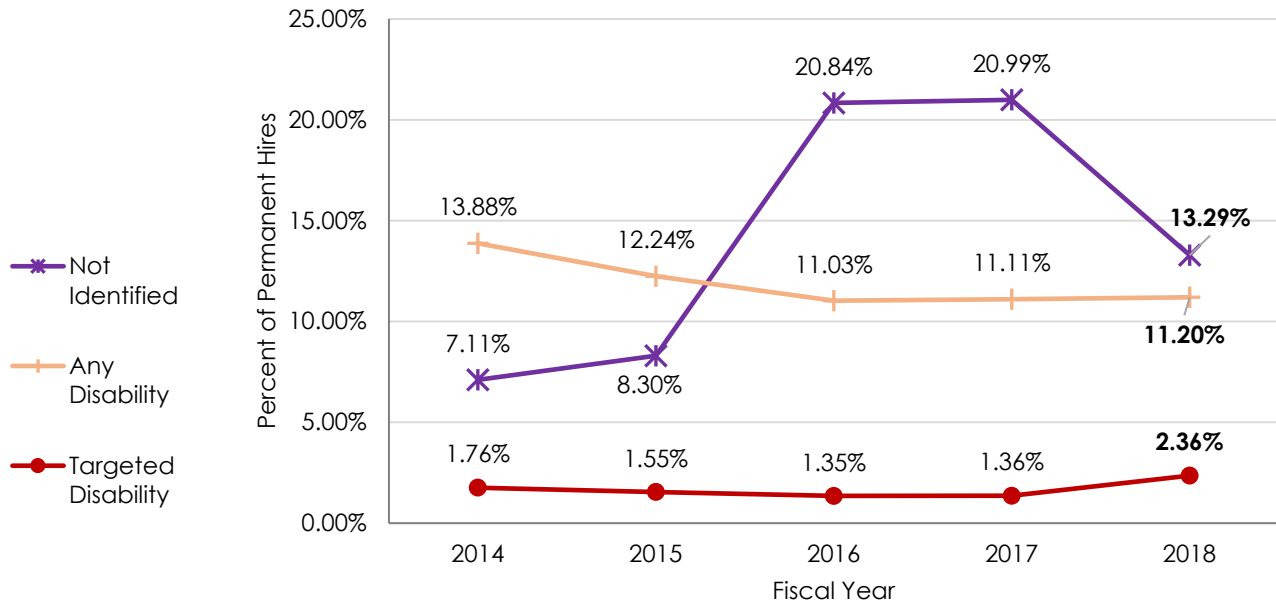
## The EEO Status of Workers with Disabilities in the Federal Sector

However, PWD's participation rate among permanent new hires increased slightly between FY 2016 and FY 2018. Federal agencies must continue working to meet the regulatory goal.

There is a better outlook for the permanent hiring of PWD. Although the PWD permanent hiring participation rate decreased between FY 2014 and FY 2016, in FY 2018, governmentwide numbers show the Federal government exceeding the 2% goal, with 2.36% of permanent new hires being PWD.

However, a notable change in the percent of the permanent hiring participation rate for those who did not identify their disability status is observed between FY 2015 and FY 2016. In FY 2015 the Not Identified rate was 8.30%, but in FY 2016, this rate was over 20%. By FY 2018, the Not Identified rate dropped back to 13.29%, but that still is almost double the same figure in FY 2014 (7.11%). Determining the exact cause of this spike in the Not Identified category is outside the scope of this report; however, emphasizing the confidentiality of the self-identification of disability form may help in the future.

Figure 3.1. Federal Sector Permanent Hiring Trends, FY 2014-FY 2018 (MD-715 Table B-8)



Disability Status	2014	2015	2016	2017	2018
<b>No Disability</b>	79.02%	79.46%	68.13%	67.90%	<b>75.51%</b>
<b>Not Identified</b>	7.11%	8.30%	20.84%	20.99%	<b>13.29%</b>
<b>Any Disability</b>	13.88%	12.24%	11.03%	11.11%	<b>11.20%</b>
<b>Targeted Disability</b>	1.76%	1.55%	1.35%	1.36%	<b>2.36%</b>
<b>Total Permanent Hires</b>	95,915	125,112	137,469	135,345	<b>144,389</b>

### Agencies Meeting Permanent New Hires Goals

The status of each agency is important as personnel actions occur at the agency level. Table 3.2 shows the percentage of cabinet departments, subcomponents of departments, and

independent agencies with 12% of their permanent new hires being PWD or with 2% of their permanent new hires being PWTD. This data comes from FY 2018 certified MD-715 reports for departments, subcomponents, or independent agencies that made at least 50 new permanent hires that year.

The permanent hiring of PWD and PWTD is still a challenge for most civilian Federal government employers. For the 2% hiring goal of PWD, just under half of departments (46.7%) met the goal, but only slightly more than one-third of subcomponents (34.8%) met the goal. Similarly, 40.0% of departments had at least 2% of their permanent new hires being PWTD, but the value for subcomponents of departments was less at 31.9%.

Independent agencies large enough to have hired at least 50 new permanent employees in FY 2018 fared slightly better in their hiring of PWTD; still, only half of those independent agencies (50.0%) met the 2% goal. The performance of these agencies in hiring PWD was in the middle, with 38.9% of independent agencies meeting the 12% goal. Altogether, most federal agencies still have work to do with regard to meeting the hiring goals for PWD and PWTD.

*Table 3.2. Percentage of Departments, Subcomponents of Departments, and Independent Agencies Meeting Hiring Goals for PWD and PWTD (FY 2018 MD-715 Reports Table B-8 [Minimum 50 Permanent New Hires])*

Type of Hiring Goal	Departments	Subcomponents of Departments	Independent Agencies
<b>Hiring at Least 12 Percent PWD</b>	46.7%	34.8%	38.9%
<b>Hiring at Least 2 Percent PWTD</b>	40.0%	31.9%	50.0%
<b>Total Departments, Subcomponents, or Agencies Included in Analysis</b>	15	69	18

**B. The Advancement of Federal Employees with Disabilities**

For persons with disabilities (PWD) to truly have equal employment opportunities, they must have the opportunity to advance and lead within their organizations. This section of the report first examines the participation of PWD and persons with targeted disabilities (PWTD) in leadership, managerial, and supervisory positions within the Federal government. It further explores promotions as a factor traditionally associated with advancement more broadly. When examining promotions, this report compares the number of FY 2018 promotions within targeted disability groups to their participation at the end of the FY 2017. Finally, FEVS data on appraisals and promotions are examined to gain more perspective about how employees with disabilities felt about their opportunities to be fairly evaluated and advance within the Federal government.

### Participation in Leadership Positions<sup>6</sup>

Leadership, managerial, and supervisory positions ("leadership positions") are desirable in part due to their access to greater authority and higher pay.

The importance of EEO for PWD in attaining these positions extends beyond increased authority and pay. Managers from historically disadvantaged protected categories may feel that they themselves had previously been negatively evaluated based on discriminatory factors. Recent research shows that these managers are less likely to evaluate their employees on those discriminatory factors (Castilla & Ranganathan, 2020). The exclusion of discriminatory factors in performance evaluations leads to improved EEO.

Figure 3.2 displays within disability status participation rates in leadership positions as of September 2018. In the table within this figure, darker shaded cells represent the higher participation rates within in each row. A review of EHRI data shows that PWD and PWTD are less likely to hold most leadership positions. Overall, 16.35% of persons without disabilities were in leadership, whereas only 10.70% of PWTD and 13.59% of PWD had achieved that status. Persons who did not identify a disability (12.18%) were also less likely to be in these coveted positions.

Leadership positions vary in their status and responsibilities. See the Glossary in Appendix B, for detailed definitions provided by OPM. This is important to note, as the category of "Supervisor or Manager" positions have greater participation disparities than other types of leadership positions. It is the most common type of leadership position, and leaders in the acclaimed Senior Executive Service (SES) are typically counted in this category. Among persons without disabilities, 12.42% were in the "Supervisor or Manager" category, but only 10.02% of PWD and 7.44% of PWTD were counted among that rank.

Conversely, PWTD and PWD have better chances of participating in the less common "Management Official (CSRA)" positions and "Leader" positions. While 0.75% of the workforce is CSRA Management Officials, 0.83% of PWTD are CSRA Management Officials. "Leader" positions, which are described as "under a wage system or leads a team performing one-grade interval work,"<sup>7</sup> have less authority and lower pay than most other leadership positions, but at least within their workgroups, they have some level of authority, which provides opportunities for further advancement. The EEOC found that people with non-targeted disabilities are as likely to participate as "Leaders" as persons without disabilities (1.07% of each of these groups are "Leaders").

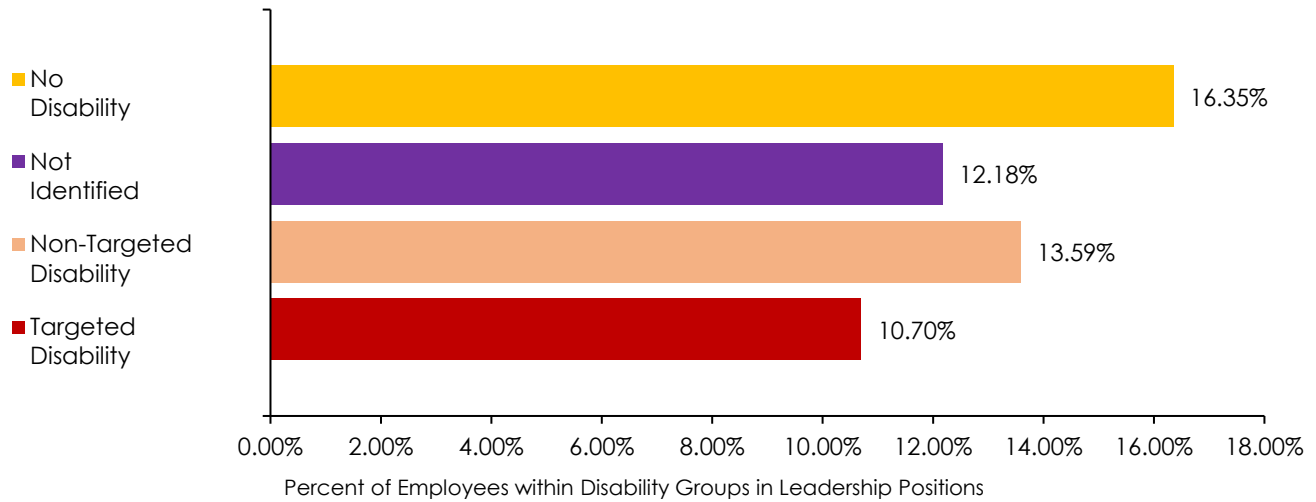
---

<sup>6</sup> See Glossary for definitions of supervisory/leadership status groups. As this subsection, Participation in Leadership Positions, uses EHRI data, statistics related to PWD do not include PWTD.

<sup>7</sup> See Glossary.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.2. Within Disability Status Participation Rates in Leadership Positions (September 2018 EHRI Status Data)



Type of Leadership Position	Targeted Disability	Non-Targeted Disability	Not Identified	No Disability	Total	Total Workforce
<b>All Leadership Positions</b>	<b>10.70%</b>	<b>13.59%</b>	<b>12.18%</b>	<b>16.35%</b>	15.80%	336,743
Supervisor or Manager	7.44%	10.02%	8.50%	12.42%	11.92%	253,997
Management Official (CSRA)	0.83%	0.73%	0.49%	0.77%	0.75%	16,022
Supervisor (CSRA)	0.97%	1.19%	1.12%	1.27%	1.25%	26,560
Team Leader	0.48%	0.59%	1.24%	0.83%	0.83%	17,592
Leader	0.98%	1.07%	0.83%	1.07%	1.06%	22,572
All Other Positions (Non-Leadership Positions)	89.30%	86.41%	87.82%	83.65%	84.20%	1,794,532
<b>Total Workforce</b>	<b>40,063</b>	<b>181,277</b>	<b>108,877</b>	<b>1,801,058</b>		<b>2,131,275</b>

Although the numbers presented above do not account for important predictors of obtaining a leadership position, such as education, tenure, and job performance, they are still cause for concern. Leadership positions are more likely to be in higher grade levels. Federal agencies must aim to have PWD in at least 2% of positions that are grade GS-11 and above and to have PWD in at least 12% of positions that are grade GS-11 and above. Agencies must ensure that their training and leadership development programs are inclusive of all sectors of the workforce to ensure equal opportunities to achieve leadership status.

### Promotions

Promotion is a common way of attaining leadership positions, and promotion rates vary by disability status and type of targeted disability. To analyze differences in promotion rates:

1. **Participation** and **participation rates** by disability status and type of targeted disability at the end of FY 2017 were calculated using the September 2017 EHRI Status data file. This is considered the pool of employees who could be potentially promoted in FY 2018.<sup>8</sup>
2. Next, using EHRI Dynamics data files from all of FY 2018, the **number of promotions** and the **percent of promotions** going to persons in each disability status and to persons with each type of targeted disability were calculated.
3. Within each disability status and type of targeted disability, the **promotion selection rate** was calculated. That is:

$$\text{Promotion Selection Rate} = \frac{\text{Number of Promotions in FY 2018}}{\text{Participation at the End of FY 2017}}$$

Table 3.3 and Figure 3.3 display promotion selection rates by disability status. In Table 3.3, the cells are color coded; dark red indicates a high selection rate, white indicates the median selection rate, and dark blue indicates a low selection rate. Governmentwide, the promotion selection rate was 0.110 in FY 2018, or alternatively, there were 0.110 promotions per employee.

The promotion selection rates of PWTD, PWD, and persons with no disabilities, were like the governmentwide rate. However, persons with their disability status not identified had the highest promotion selection rate in FY 2018 (0.164 promotions per employee).

These data conflict with the earlier finding that persons with no disability and persons with non-targeted disabilities had the highest leadership participation rates in FY 2018. This may be because of differences in promotions rates in previous years favoring persons with no disabilities, different leadership external hiring patterns, or differences in leadership retention by disability status.

The rates shown here are a good sign for the advancement of PWTD, but the disproportionate selection rate of people who did not identify their disability status is a topic for further research.

---

<sup>8</sup> It is acknowledged that employees hired in FY 2018 could also be candidates for promotion in FY 2018 and that employees who separated in early FY 2018 would have fewer opportunities for promotion. The EEOC chose to use the end of FY 2017 workforce for the pool of potential promotees as new federal employees commonly must work at least one probationary year before being promoted.



## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.3. Promotion Selection Rates by Disability Status, FY 2018 (FY 2018 EHRI Dynamics file and September 2017 EHRI Status File)

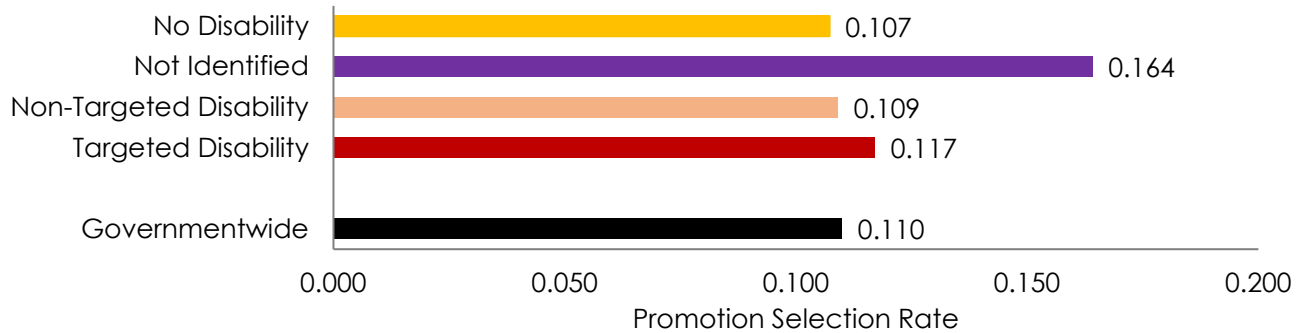


Table 3.3. Promotion Selection Rates and Related Statistics by Disability Status, FY 2018 (FY 2018 EHRI Dynamics file and September 2017 EHRI Status File)

Disability Status	End of FY 2017 Participation (#)	FY 2018 Promotions	End of FY 2017 Participation Rate	FY 2018 Percent of All Promotions	Promotion Selection Rate
<b>No Disability</b>	1,821,478	195,400	85.93%	83.82%	0.107
<b>Not Identified</b>	88,950	14,600	4.20%	6.26%	0.164
<b>Non-Targeted Disability</b>	172,383	18,804	8.13%	8.07%	0.109
<b>Targeted Disability</b>	36,940	4,325	1.74%	1.86%	0.117
<b>Governmentwide</b>	2,119,751	233,129	100%	100.0%	0.110

### Viewpoints on Appraisals and Promotions

EEOC examined FEVS data to better understand employees' perceptions of appraisals and promotions. See Figure 3.4. Most questions on the FEVS have respondents select an answer from a five-point scale, either strongly disagree to strongly agree (strongly agree and agree being a positive responses), or very dissatisfied to very satisfied. When reporting results from this data source, EEOC combined the agree and strongly agree response rates or the satisfied and very satisfied response rates to report the percent responding positively.

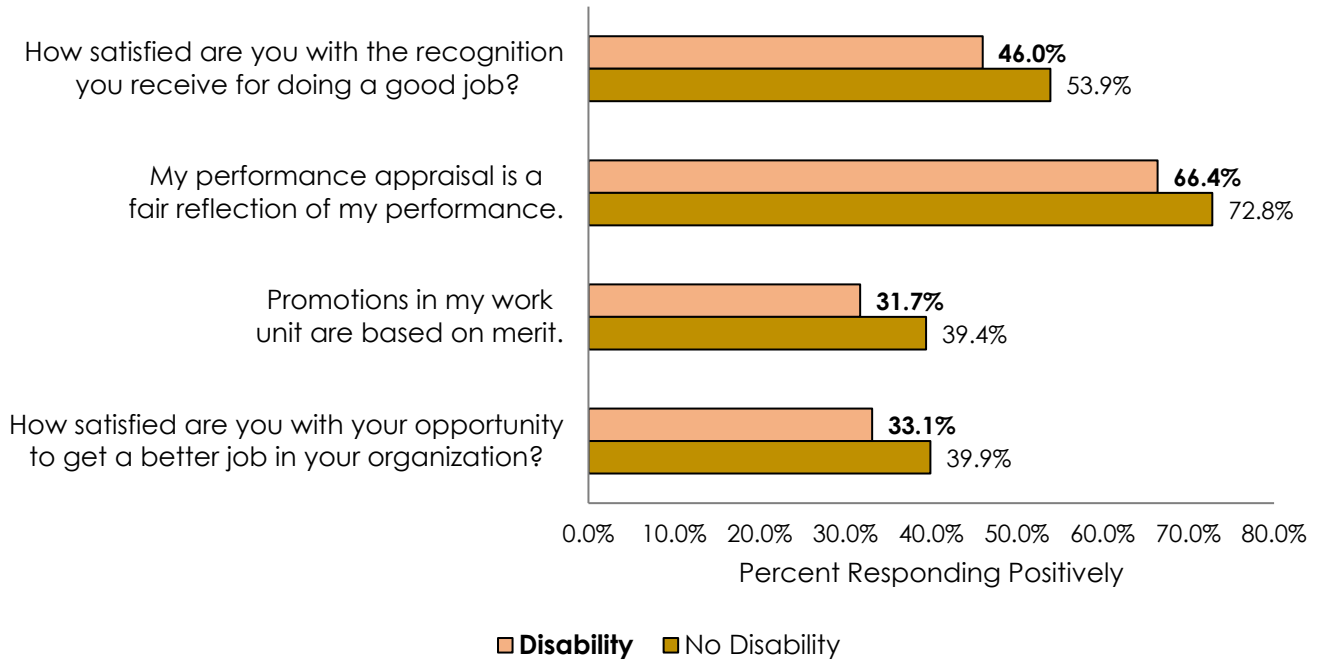
Like other FEVS topics, PWD did not have as positive of a workplace perspective on these topics as persons without disabilities. When reviewing satisfaction with recognition for doing a good job, almost 8% fewer of PWD were satisfied. PWD also were 6.4% less likely to think their performance appraisals were fair reflections of their performance (66.4% vs. 72.8%).

Although both groups expressed negative viewpoints regarding fairness of promotions, PWD were still almost 8% less likely to agree that promotions in their work unit were based on merit (31.7% of PWD agreeing vs. 39.4% of persons without disabilities), and they were almost 7% less

## The EEO Status of Workers with Disabilities in the Federal Sector

likely to be satisfied with their opportunities to get better jobs in their organizations (33.1% of PWD being at least satisfied vs. 39.9% of persons without disabilities). Federal agencies with disparities on these questions should conduct a barrier analysis on these topics.

Figure 3.4. Percent Responding Positively to FY 2018 FEVS Items Related to Appraisals and Promotions by Disability Status



FEVS Item	Disability	No Disability	Difference
<b>Q65: How satisfied are you with the recognition you receive for doing a good job?</b>	46.0%	53.9%	-7.9%
<b>Q15: My performance appraisal is a fair reflection of my performance.</b>	66.4%	72.8%	-6.4%
<b>Q22: Promotions in my work unit are based on merit.</b>	31.7%	39.4%	-7.7%
<b>Q67: How satisfied are you with your opportunity to get a better job in your organization?</b>	33.1%	39.9%	-6.8%

### C. Disability-Based Discrimination Complaints in the Federal Sector

In FY 2018, 4,666 formal EEO complaints, or 28.2% of Federal sector complaints, alleged discrimination based on physical disability, making it the third most common basis of complaints. That same year, 2,479 formal EEO complaints, or 15.0% of Federal sector complaints, alleged discrimination based on mental disability, making it the sixth most common basis of discrimination.

This section details the following:

## The EEO Status of Workers with Disabilities in the Federal Sector

- The top five issues alleged in disability-based discrimination complaints in FY 2018;
- Disability-based complaints from FY 2014 through FY 2018;
- Disability-based settlements from FY 2014 through FY 2018;
- Disability-based findings of discrimination from FY 2014 through FY 2018; and
- Climate survey results related to disability-based discrimination.

### The Top Five Issues Alleged in Disability-Based Complaints in FY 2018

In FY 2018, for both physical disability- and mental disability-based discrimination complaints, the five most-commonly alleged issues were 1) harassment (not including sexual harassment); 2) reasonable accommodations – disability; 3) disciplinary action; 4) terms/conditions of employment; and 5) time and attendance (See Table 3.4). This only slightly differs from the top five issues alleged in all complaints regardless of basis.<sup>9</sup>

Table 3.4. Top Five Issues Alleged in Disability-Based Complaints, FY 2018 (Form 462)

Issue Alleged	Number of Physical Disability-Based Complaints	Number of Mental Disability-Based Complaints
<b>1. Harassment (non-sexual)</b>	2,011	1,252
<b>2. Reasonable Accommodation – Disability</b>	1,546	696
<b>3. Disciplinary Action</b>	1,027	638
<b>4. Terms/Conditions of Employment</b>	771	342
<b>5. Time and Attendance</b>	661	340

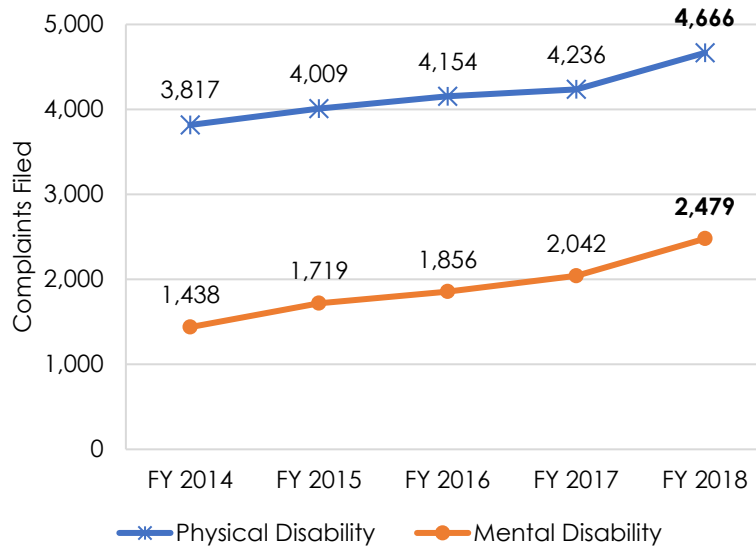
### Disability-Based Complaints Filed from FY 2014 through FY 2018

As seen in Figure 3.5, the number of formal complaints filed alleging discrimination based on physical disability and mental disability increased consistently between FY 2014 and FY 2018. In FY 2018, the number of complaints filed alleging discrimination based on physical disability (4,666) was 22.2% greater than it was in FY 2014. Moreover, the number of complaints filed alleging discrimination based on mental disability in FY 2018 (2,479) was 72.4% greater than in FY 2014. Comparatively, the number of complaints filed across all bases increased far less (15,013 complaints filed in FY 2014 compared to 16,565 filed in FY 2018, a 10.3% increase).

<sup>9</sup> Source: Form 462. The top five issues in all complaint allegations in FY 2018 were 1) non-sexual harassment; 2) disciplinary action; 3) terms/conditions of employment; 4) promotion/non-selection; and 5) reasonable accommodation – disability. Note that a single complaint can allege multiple bases. Thus, according to the main FY 2018 Annual Report on the Federal Workforce, there are fewer complaints alleging the issue of reasonable accommodation – disability than the sum of physical disability-based complaints alleging reasonable accommodation and mental disability-based complaints alleging reasonable accommodation listed above.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.5. Annual Disability-Based Complaints, FY 2014-FY 2018 (Form 462)



Type of Disability	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	% Change from 2014 to 2018
<b>Physical Disability</b>	3,817	4,009	4,154	4,236	<b>4,666</b>	+22.2%
<b>Mental Disability</b>	1,438	1,719	1,856	2,042	<b>2,479</b>	+72.4%

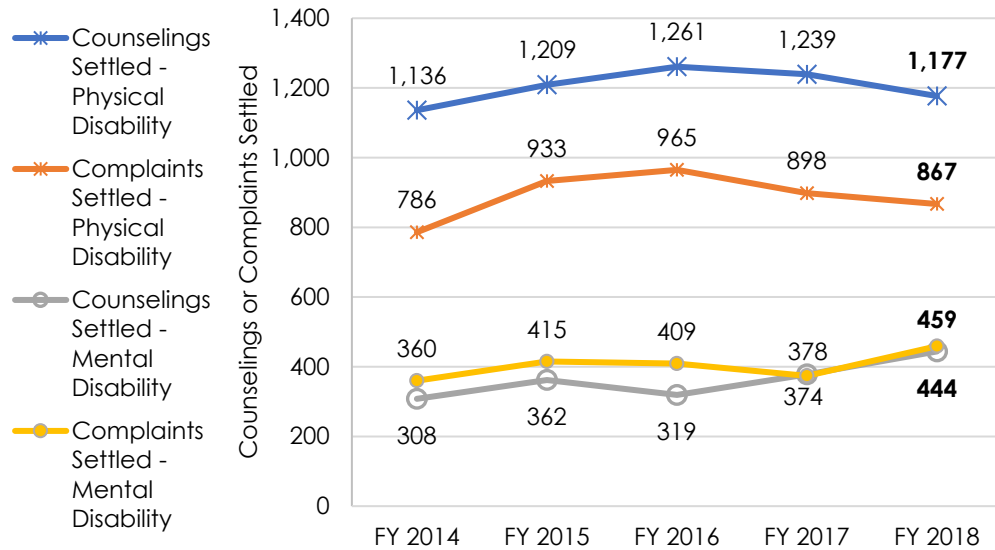
### Disability-Based Counseling and Complaint Settlements from FY 2014 through FY 2018

Figure 3.6 below shows that counseling settlements alleging physical disability-based discrimination increased slightly between FY 2014 and FY 2016 but dropped between FY 2016 and FY 2018 to 1,177 settlements in FY 2018. A similar pattern was seen for complaint settlements; however, in all years there were fewer physical disability-based complaint settlements than physical disability-based counseling settlements. Between FY 2014 and FY 2018, there was a net 3.6% increase in the number of physical disability-based counselings settled, and a net 10.3% increase in the number of physical disability-based complaints settled. These increases were smaller than the increase in the number of complaints filed alleging physical disability-based discrimination.

Consistent with the pattern for complaints, there were fewer mental disability-based settlements than physical disability-based settlements. The number of mental disability-based settlements at the counseling phase was usually, but not always, slightly fewer than the mental disability-based settlements in the complaint phase. The number of settlements in the counseling and complaint phases were closer for mental disability-based settlements than for physical disability-based settlements, particularly in FY 2017 and FY 2018. Mental disability-based counseling settlements saw a 44.2% increase from FY 2014 to FY 2018. Mental disability-based complaint settlements saw a 27.5% increase from FY 2014 to FY 2018. These increases are still smaller than the increase in mental disability-based complaints filed.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.6. Counselings and Complaints Settled Alleging Disability-Based Discrimination, FY 2014-FY 2018 (Form 462)



Type of Settlement	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	% Change from 2014 to 2018
<b>Counselings Settled - Physical Disability</b>	1,136	1,209	1,261	1,239	<b>1,177</b>	+3.6%
<b>Complaints Settled - Physical Disability</b>	786	933	965	898	<b>867</b>	+10.3%
<b>Counselings Settled - Mental Disability</b>	308	362	319	378	<b>444</b>	+44.2%
<b>Complaints Settled - Mental Disability</b>	360	415	409	374	<b>459</b>	+27.5%

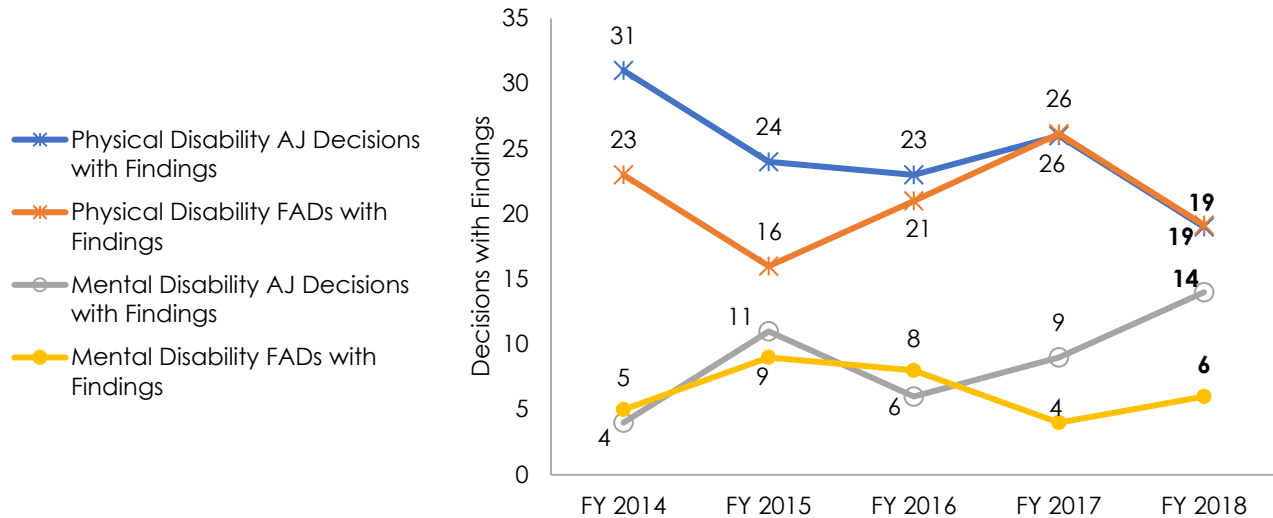
### Disability-Based Findings of Discrimination from FY 2014 through FY 2018

Findings of discrimination are rare in all employment discrimination complaints, including those based on disability. Although Figure 3.7 below shows annual variation in the number of findings of discrimination, this must be interpreted cautiously due to the small number of findings. Just as physical disability-based complaints outnumbered mental disability-based complaints, there were more findings based on physical disability than based on mental disability.

Notably, the number of findings increased for mental disability-based complaints but decreased for physical disability-based complaints during this period. Above it was noted that the number of complaints for both has increased consistently since FY 2014. Although it is possible that this is a statistical anomaly due to the rareness of findings, it is a trend that the EEOC will monitor.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.7. Number of Decisions with Disability-Based Findings of Discrimination, FY 2014-FY 2018 (Form 462)



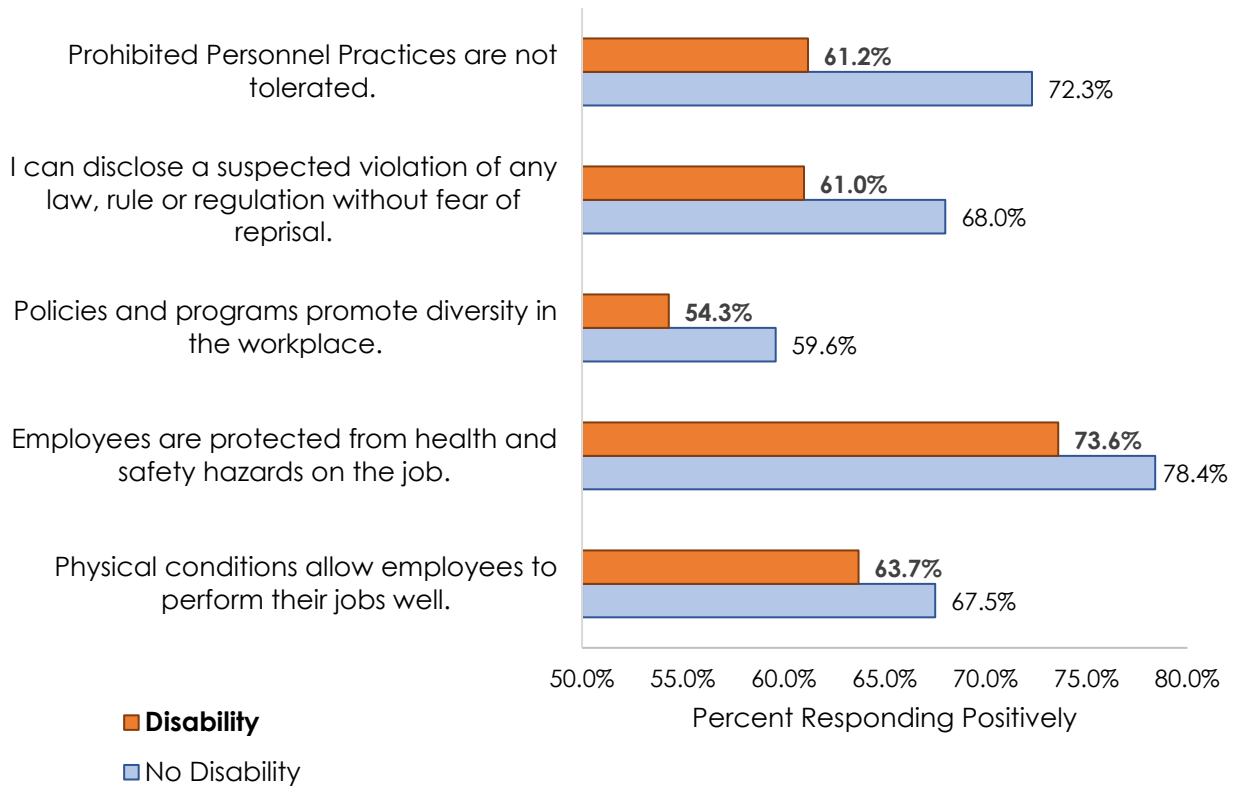
Type of Decision	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	% Change from 2014 to 2018
<b>Physical Disability Administrative Judge (AJ) Decisions with Findings</b>	31	24	23	26	<b>19</b>	-38.7%
<b>Physical Disability Final Agency Decisions (FADs) with Findings</b>	23	16	21	26	<b>19</b>	-17.4%
<b>Mental Disability AJ Decisions with Findings</b>	4	11	6	9	<b>14</b>	+350.0%
<b>Mental Disability FADs with Findings</b>	5	9	8	4	<b>6</b>	+20.0%

### Climate Survey Data Related to Disability-Based Discrimination

To better understand why persons with disabilities might be filing complaints of discrimination, the EEOC analyzed FY 2018 Federal Employee Viewpoint Survey data obtained from the Office of Personnel Management. Figure 3.8 below shows the percentage responding positively to questions related to employment discrimination by disability status. For all five items, PWD less often responded positively. Notably, 72.3% of persons who did not report having a disability believed that their agency did not tolerate prohibited personnel practices, such as discrimination; the same figure for PWD was only 61.2% for a difference of 11.1%. The responses of PWD demonstrated that they more feared reprisal for disclosing a suspected violation of any law, rule, or regulation than persons without disabilities. PWD were less likely to believe that policies and programs promote diversity in the workplace and less likely to believe that employees are protected from health and safety hazards on the job. In addition, PWD were less likely to believe that physical conditions allow employees to perform their jobs well; insufficient reasonable accommodations for PWD may contribute to this difference. To improve EEO, federal agencies should seek to address these issues.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.8. Percent Responding Positively to Complaint- Related FEVS Items, FY 2018



FEVS Item	Disability	No Disability	Difference
<b>Q38: Prohibited Personnel Practices are not tolerated.</b>	61.2%	72.3%	-11.1%
<b>Q17: I can disclose a suspected violation of any law, rule, or regulation without fear of reprisal.</b>	61.0%	68.0%	-7.0%
<b>Q34: Policies and programs promote diversity in the workplace.</b>	54.3%	59.6%	-5.3%
<b>Q35: Employees are protected from health and safety hazards on the job.</b>	73.6%	78.4%	-4.8%
<b>Q14: Physical conditions allow employees to perform their jobs well.</b>	63.7%	67.5%	-3.8%

**D. Persons with Disabilities Separating from Federal Employment**

In 2020, the U.S. Government Accountability Office identified retention of persons with disabilities in the Federal government as challenge to be addressed. For this report, the EEOC used five-year trends of separations from federal employment by disability status and type of separation, voluntary or involuntary.<sup>10</sup> MD-715 Workforce data from FY 2014 through FY 2018 were used.

The voluntary separations and involuntary separations inclusion rates were calculated for three groups: persons with targeted disabilities, persons with any reported disability, and persons with no disability. The inclusion rate is the number of people who separated within a disability status group divided by the number of people in the permanent workforce in that disability status group. For example, for the voluntary separations inclusion rate for PWD, the following equation was used:

$$PWD\ Voluntary\ Separations\ Inclusion\ Rate = \frac{\# PWD\ Voluntarily\ Separating}{\# PWD\ in\ the\ Permanent\ Workforce}$$

When federal agencies conduct barrier analyses, a trigger is identified when the separations inclusion rate of PWD or PWTD is greater than that of the rest of the permanent workforce in their agencies.

**Voluntary Separations**

As seen in Figure 3.9 on the next page, across all five years, PWTD had the highest voluntary separations inclusion rate, followed closely by PWD, and the voluntary separations inclusion rate of persons without disability was substantially lower. In FY 2018, the voluntary separations rate of persons with no disability, PWD, and PWTD were 6.45%, 8.07%, and 8.76%, respectively. In that year, the rates for each of the three groups were slightly higher than their five-year averages,<sup>11</sup> but the differences between the groups in FY 2018 were similar to the five-year average.

In the average year, PWD were 27% more likely to voluntarily separate than persons without disabilities, and PWTD were 37% more likely to separate than persons without disabilities.

Although there are clearly annual fluctuations in the voluntary separations inclusion rate, the rate was highest for all three groups in FY 2015; further, that year had the greatest difference between the rates of PWD and persons without disabilities (1.95%), but the rates for PWD and PWTD were closest together that year (a difference of 0.26%).

There are many valid reasons why the voluntary separations rate of these groups may differ, such as PWD being generally older and older people being more likely to retire. However, federal agencies with a trigger in this category can still explore ways to retain PWD, such as improving their workplace climates, reasonable accommodation programs, and personal assistance services.

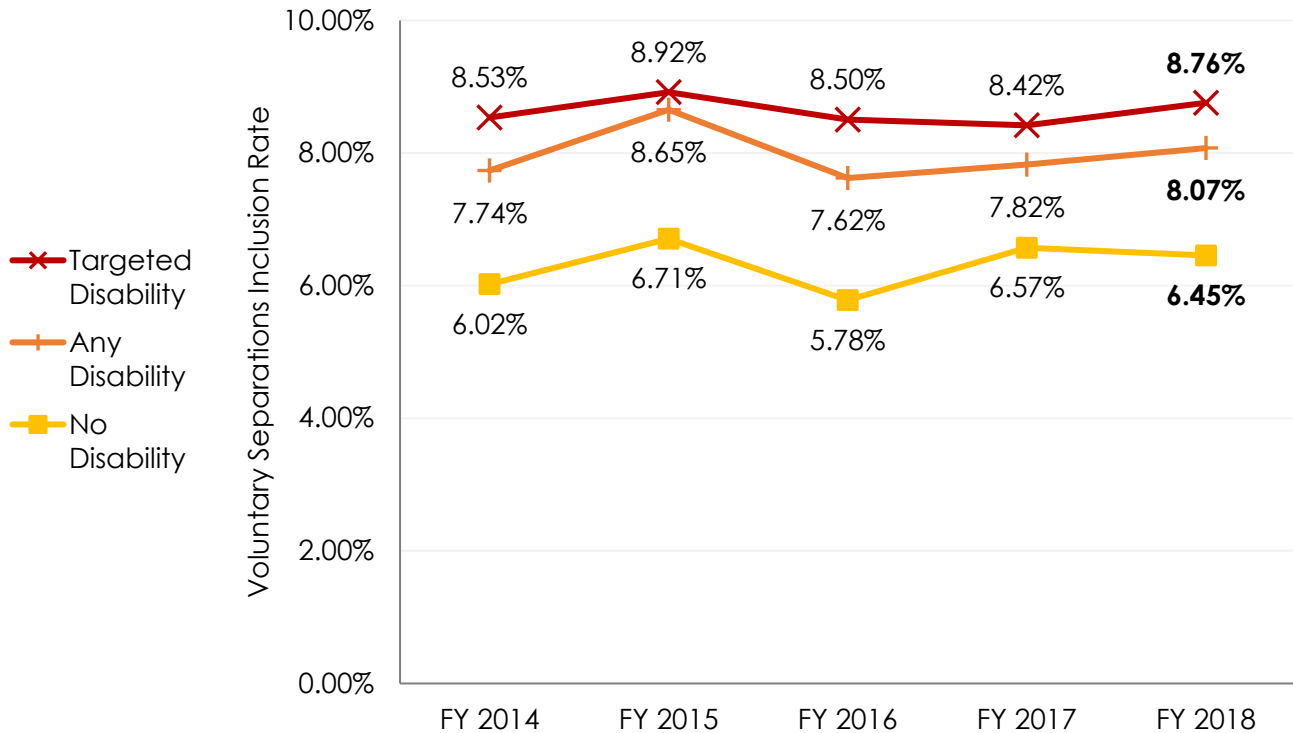
<sup>10</sup> See Appendix B for definitions of voluntary separations and involuntary separations.

<sup>11</sup> Five-year averages were calculated by summing the inclusion rates for FYs 2014 through 2018 and dividing by five.



## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.9. Voluntary Separations Inclusion Rates by Disability Status, FY 2014 - FY 2018 (MD-715 Table B-14)



Fiscal Year	Permanent Workforce	No Disability	Any Disability	Targeted Disability
FY 2014	6.22%	6.02%	7.74%	8.53%
FY 2015	6.89%	6.71%	8.65%	8.92%
FY 2016	5.98%	5.78%	7.62%	8.50%
FY 2017	6.73%	6.57%	7.82%	8.42%
FY 2018	<b>6.66%</b>	<b>6.45%</b>	<b>8.07%</b>	<b>8.76%</b>
<b>5-Year Average</b>	6.50%	6.31%	7.98%	8.63%

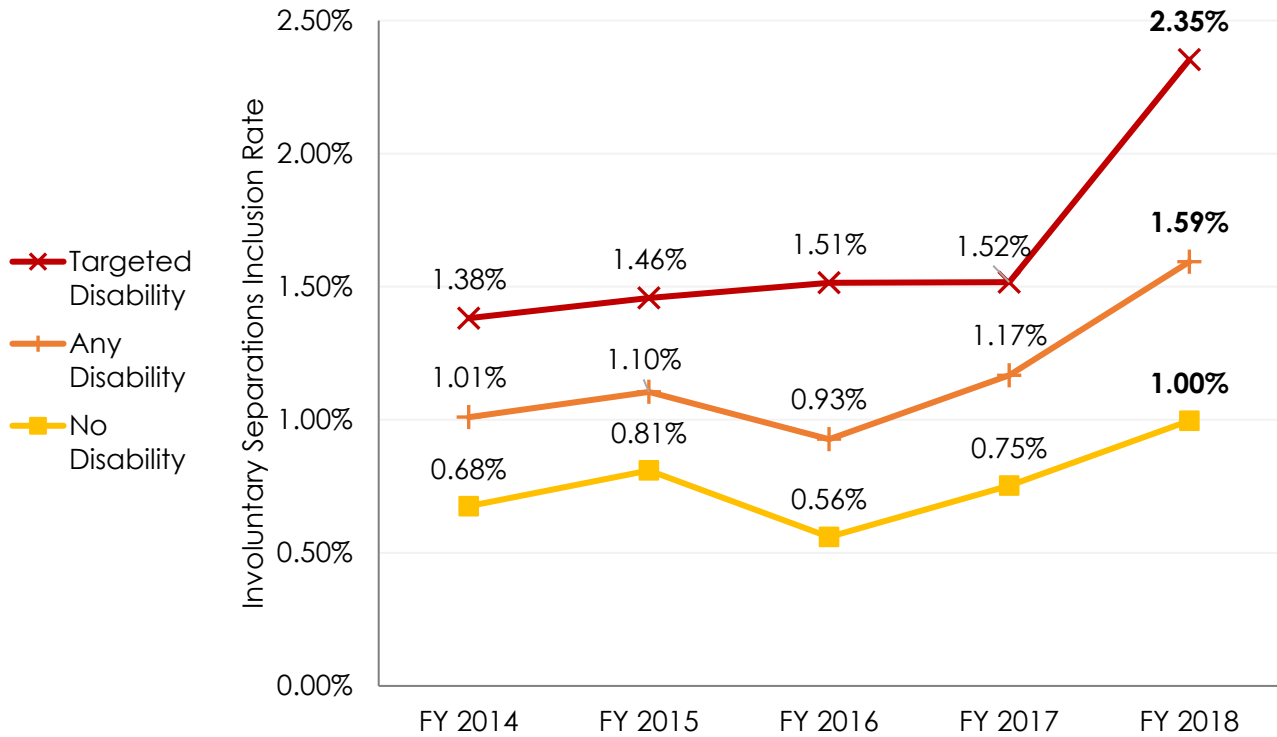
### Involuntary Separations

Regarding involuntary separations inclusion rates, again PWTd separated at a higher rate than PWD, and PWD separated at a higher rate than persons without disabilities (See Figure 3.10). FY 2018 had the highest involuntary separation rates for all three groups, and FY 2018 had the greatest differences between persons without disabilities and PWD or PWTd. Persons without disabilities had an involuntary separation inclusion rate of 1.00% in FY 2018, as opposed to 1.59% for PWD and 2.35% for PWTd that year.

When examining the five-year average, PWD were 53% more likely to separate than persons without disabilities, and PWTd were more than twice as likely to separate when compared to persons without disabilities. It is also worth noting that the involuntary separations rate of PWD and PWTd was increasing at a faster rate than the involuntary separations rate of persons without disabilities in this five-year period.

## The EEO Status of Workers with Disabilities in the Federal Sector

Figure 3.10. Involuntary Separations Inclusion Rates by Disability Status, FY 2014-FY 2018 (MD-715 Table B-14)



	Permanent Workforce	No Disability	Any Disability	Targeted Disability
<b>FY 2014</b>	0.72%	0.68%	1.01%	1.38%
<b>FY 2015</b>	0.85%	0.81%	1.10%	1.46%
<b>FY 2016</b>	0.61%	0.56%	0.93%	1.51%
<b>FY 2017</b>	0.81%	0.75%	1.17%	1.52%
<b>FY 2018</b>	<b>1.06%</b>	<b>1.00%</b>	<b>1.59%</b>	<b>2.35%</b>
<b>5-Year Average</b>	0.81%	0.76%	1.16%	1.64%

The data used here does not delineate the exact causes of the involuntary separations, such as reduction in force, removal, mandatory retirement, etc. Federal agencies with triggers related to involuntary separations must examine ways to ensure that all reductions in force, removals, and mandatory retirements are conducted in an equitable, non-discriminatory manner.

### Part 4. Improving Accessibility for Persons with Disabilities in Federal Workplaces

EEOC regulations found in 29 CFR §1614.203(d)(4) require federal agencies to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. Some agencies excel in their efforts to ensure accessibility to persons with disabilities (PWD). In this section, the EEOC highlights innovations that federal agencies are making to improve the accessibility of facilities and technology.

In Part J of their FY 2018 MD-715 Reports, federal agencies had to “[d]escribe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.”<sup>12</sup> The EEOC systematically reviewed and inductively categorized 183 valid responses<sup>13</sup> to identify promising practices. Staff coded the responses, thematically sorted them by groups, and subsequently identified programs, policies, and practices that best illustrated the themes.<sup>14</sup> Common themes identified included:

1. Improving reasonable accommodation (RA) request processes;
2. Creating internal and external partnerships;
3. Involving employees in accessibility improvements;
4. Detailed facilities improvements;
5. Detailed technological improvements; and
6. Promising implementation practices.

Some of the most innovative improvements are described below.

#### **A. Improving Reasonable Accommodation Request Processes**

For a reasonable accommodation (RA) program to be successful, employees of all abilities must be able to access the RA request forms, and the agency must be able to track the requests. Examples of how agencies improved their RA request processes include:

- Implementing Section 508 compliant RA request forms;
- Providing web-based RA request forms; and
- Creating an electronic RA request tracking system to improve efficiency, accuracy, and timeliness.

#### **B. Creating Internal and External Partnerships**

Collaboration within and outside an agency may improve the effectiveness of its disability program. Internal partnerships involving multiple offices and agency leadership may increase

---

<sup>12</sup> Question V.B.3 in Part J of the FY 2018 EEOC Form 715-2.

<sup>13</sup> Responses were considered invalid if they were blank, “N/A”, or “Not Applicable”.

<sup>14</sup> See Appendix C for more details.

the chances that creative policies, procedures, and practices will be implemented. It further reinforces an agency's commitment to upholding disability rights.

External partnerships are important as well. Many agencies face similar challenges, and with the help of external partners, agencies can learn about practices that other agencies successfully implemented to overcome those challenges. Further, sharing resources, such as training and affirmative action plan information, across agencies can improve efficiency.

Examples of ways that disability programs and agencies have fostered partnerships to more broadly improve accessibility for PWD include:

- Establishing accessibility workgroups that include all agency offices;
- Creating a department-wide accessibility group to develop and share best practices;
- Training other agencies on ways to comply with new accessibility regulations;
- Getting leadership involved by:
  - Meeting with senior executives to address conflicts between cybersecurity and accessible videophones; and
  - Briefing leaders at all levels on the importance of 508 compliance.

### **C. Involving Employees in Accessibility Improvements**

Involving employees in accessibility improvements permits creative policies, procedures, and practices to emerge. Such collaboration can also promulgate the spread of knowledge about disability-related procedures across the agency and expose employees to the importance of their colleagues receiving RA and Personal Assistance Services (PAS).

Below are examples of how agencies are involving employees in improving accessibility:

- Training employees on making documents accessible;
- Establishing employee-inclusive workgroups;
- Hosting accessibility events with presentations and vendors that showcase various technologies for PWD;
- Training PWD on how to use accessibility software; and
- Improving the web-presence of the disability program.

### **D. Detailed Facilities Improvements**

When describing their accessibility improvements, many agencies listed their specific facilities-related improvements. Effective facilities improvements included:

- Installing accessible doors;
- Making security checks accessible to employees with electronic medical devices;
- Adding shuttle services for persons with wheelchairs;
- Improving crosswalk technology for persons who are blind or have serious difficulty seeing;
- Updating ramps, lifts, and elevators; and
- Modifying locker rooms, restrooms, and drinking fountains to meet Americans with Disabilities Act standards.

### **E. Detailed Technological Improvements**

Similarly, many agencies listed specific improvements to their technology to enhance accessibility for PWD. Innovative technology improvements included:

- Purchasing and installing of captioning hardware and software for live events;
- Providing hearing impaired employees with tablets to video-chat with interpreters during meetings;
- Remotely installing assistive technology hardware and software for employees assigned to overseas missions;
- Updating acquisitions provisions to ensure solicitations and contract language reflect updated IT accessibility standards;
- Procuring automatic testing software to identify potential accessibility issues in applications; and
- Developing standard operating procedures that state who is accountable for authoring, testing, and ultimately posting 508-compliant content on both internal and public websites.

### **F. Promising Implementation Practices**

Beyond the actions taken by the agencies, the EEOC noted differences in the ways that agencies were implementing their accessibility improvements. Recommendations related to senior leadership involvement and establishing systems to track and report progress are described below.

One general recommendation is that agencies involve senior leadership in their accessibility improvement plans. MD-715 requires that agency heads ensure compliance with MD-715 and “demonstrate commitment to equality of opportunity for all employees and applicants for employment that is communicated through the ranks from the top down.” Further, in research by Bruyère (2000), 90% of Federal sector organizations reported that visible top-management commitment was an effective or very effective means of reducing barriers to employment for PWD. Active involvement of the agency heads and those who directly report to the head increases the chances that accessibility improvements are implemented and shows that the agency prioritizes improving EEO for PWD.

When progress towards goals are monitored and improvements are measured with specific metrics, goals are more likely to be achieved. For the successful completion of accessibility projects, the EEOC recommends that agencies create tracking systems and standardized metrics to monitor their progress towards reaching accessibility goals. Some notable practices that agencies reported include:

- Having checklists for performing accessibility self-assessments;
- Tracking the number of attendees at Section 508 training classes; and
- Establishing specific project numbers for all accessibility improvement projects.

Creating specific, measurable, and attainable goals may assist agencies with impactful progress towards achieving full accessibility and EEO for PWD.

### Part 5. Findings and Recommendations

Including persons with disabilities (PWD) and persons with targeted disabilities (PWTD) is important to improving the diversity of the federal workforce. Their participation in the federal workforce not only contributes to the breadth of knowledge available in the government, but also improves their standing in the greater community and reinforces the government's role as a model employer.

This report has described the status of PWD and PWTD in the FY 2018 federal workforce. It included information on the statutory and regulatory authorities for affirmatively improving the status of PWD in the federal workforce, the varying demographics of PWD in the federal workforce, the hiring of PWD, the participation of PWD in leadership, disability-based employment discrimination complaints, PWD's separations from federal employment, and ways to make federal workplaces more accessible. Below are some of the most important findings and recommendations.

#### A. Findings

##### **1. Regarding the participation of PWD and PWTD in the Federal government, this report found:**

- 1.1. A large percentage of the federal workforce did not identify their disability status.
- 1.2. The overall participation rate of PWD and PWTD has increased since FY 2014, but federal agencies still need to improve their PWD and PWTD participation rates.
- 1.3. Men in the Federal government were more likely than women in the Federal government to be PWD or PWTD.
- 1.4. Veterans in the Federal government were more likely to be PWD.
- 1.5. Persons of Two or More Races and Blacks/African Americans in the Federal government were more likely to have disabilities and targeted disabilities than people of other races.
- 1.6. PWD and PWTD in the Federal government tended to be older.

##### **2. Regarding the employment stages of PWD and PWTD in the federal workforce, this report found:**

- 2.1. Among permanent hires, the Federal government exceeded its 2% goal for hiring of PWTD (2.36% of permanent appointments), but agencies failed to meet the 12% goal for PWD (11.20%).
- 2.2. PWD (13.59%) and PWTD (10.70%) were less likely than persons with no disabilities (16.35%) to be in federal leadership positions.
- 2.3. Despite being less likely to hold leadership positions, PWD and PWTD were promoted at a rate similar to what would be expected based on their participation rate. Therefore, barriers related to access to leadership positions are likely related to other employment actions, such as hiring and retention.
- 2.4. PWD's viewpoints of job appraisals and promotions are more negative than the viewpoints of persons without disabilities.

- 2.5. Harassment (excluding sexual harassment) and reasonable accommodations were the most commonly alleged issues in disability-based complaints.
- 2.6. Disability-based complaints and settlements increased from FY 2014 to FY 2018.
- 2.7. For both voluntary and involuntary separations, PWTD were the most likely to separate from federal employment, and PWD were more likely to separate than persons without disabilities.
- 2.8. For involuntary separations, disparities by disability status were larger in FY 2018 than in the previous four years.

### **3. Regarding actively improving accessibility for PWD in federal workplaces, this report found:**

- 3.1. Agencies are using technology to improve their reasonable accommodation request processes.
- 3.2. Agencies are creating internal and external partnerships to identify best practices for improving accessibility.
- 3.3. Agencies are enhancing their interactions with employees to raise accessibility awareness.

### **B. Recommendations**

Based on the findings above, EEOC makes the following six recommendations to improve the EEO status of workers with disabilities in the Federal sector.

1. Federal agencies should act to **increase the number of employees disclosing their disability status** by ensuring the confidentiality of disclosure.
2. To improve hiring rates, agencies should **recruit persons with a broad range of disabilities**.
3. To improve the participation of PWD and PWTD in management, agencies should **ensure the retention of leaders with disabilities and recruit PWD and PWTD for new hires into leadership positions**.
4. Federal agencies should **ensure that they have civil workplaces and provide reasonable accommodations to PWD**.
5. Agencies should generally **work to improve retention rates for employees with disabilities** and conduct research using workforce, climate survey, and exit interview data to **identify the specific types of personnel actions, policies, procedures, and practices related to PWD and PWTD separations**.
6. Agencies that are not already doing so should **ensure their accessibility to PWD and PWTD** by: 1) Streamlining the reasonable accommodations request process; 2) Creating internal and external partnerships to identify best practices; 3) Promoting accessibility issues through interactions with employees; and 4) Implementing specific, measurable, and attainable goals to improve their accessibility, and track the progress.

Future studies related to PWD should consider explanations for some of the anomalous findings identified in this report. For example, personnel action patterns are unique for persons who do not identify their disability status when compared to PWD and persons without disabilities; it is recommended that this category be analyzed as a unique group. In addition, many previous studies have omitted the Two or More Races category when studying the intersection of race and disability, but the EEOC found that in the Federal government, people of Two or More Races were most likely to have a disability. Researchers inside and outside the Federal government should account for these deviations in future research.

To conclude, the Federal sector should continue to strive towards developing a workforce that broadly reflects the diversity of our society, one that is inclusive of workers with disabilities. This will serve to enhance the capabilities of the Federal government, as well as to empower PWD with economic self-sufficiency, independence, and integration into society.



Appendices

**Appendix A: List of Abbreviations**

<b>Abbreviation</b>	<b>Definition</b>
<b>ADA</b>	Americans with Disabilities Act
<b>AIAN</b>	American Indian/Alaska Native
<b>AJ</b>	Administrative Judge
<b>BLS</b>	Bureau of Labor Statistics
<b>CDC</b>	Centers for Disease Control
<b>CLF</b>	Civilian Labor Force
<b>CPS</b>	Current Population Survey
<b>CSRA</b>	Civil Service Reform Act
<b>EEO</b>	Equal Employment Opportunity
<b>EEOC</b>	U.S. Equal Employment Opportunity Commission
<b>EHRI or EHRI-SDM</b>	Enterprise Human Resources Integration – Statistical Data Mart
<b>FAD</b>	Final Agency Decision
<b>FEVS</b>	Federal Employee Viewpoint Survey
<b>Form 462</b>	Annual Federal Equal Employment Opportunity Statistical Reports of Discrimination Complaints
<b>FY</b>	Fiscal Year
<b>GS</b>	General Schedule
<b>IT</b>	Information Technology
<b>MD-715</b>	Management Directive 715
<b>MD-715 Reports</b>	Federal Agency Annual EEO Program Status Reports
<b>OFO</b>	EEOC's Office of Federal Operations
<b>OMB</b>	U.S. Office of Management and Budget
<b>OPM</b>	U.S. Office of Personnel Management
<b>PAS</b>	Personal Assistance Services
<b>PWD</b>	Persons with Disabilities
<b>PWTD</b>	Persons with Targeted Disabilities
<b>RA</b>	Reasonable Accommodation
<b>RNO</b>	Race/National Origin
<b>SEP</b>	EEOC's Strategic Enforcement Plan
<b>SES</b>	Senior Executive Service
<b>SF-256</b>	Standard Form 256: Self-Identification of Disability

Appendix B: Glossary

Term	Definition
<b>Administrative Judge (AJ)</b>	An official assigned by the EEOC to hold hearings on formal complaints of discrimination and to otherwise process individual and class complaints for the EEOC.
<b>Agency</b>	Military departments as defined in Section 102 of Title 5, U.S. Code and executive agencies as defined in Section 105 of Title 5, U.S. Code, the United States Postal Service, the Postal Regulatory Commission, the Tennessee Valley Authority, those units of the legislative and judicial branches of the Federal government having positions in the competitive service, the National Oceanic and Atmospheric Administration Commissioned Corps, the Government Printing Office and the Smithsonian Institution (including those with employees and applicants for employment who are paid from non-appropriated funds).
<b>Any Disability</b>	Disabilities inclusive of targeted disabilities and non-targeted disabilities. Also referred to as "Reportable Disability." See Disability and Targeted Disability.
<b>Basis</b>	The group protected from employment discrimination. For example, a complainant may allege employment discrimination on the basis of disability, age, gender, race, etc.
<b>Civilian Labor Force</b>	All people age 16 and older who are civilians (not active-duty military) and are either working or actively looking for work.
<b>Competitive Service</b>	Part of U.S. Federal government civil service that requires applicants to compete in open competition under the merit system administered by the Office of Personnel Management.
<b>Disability</b>	Any of the following: <ul style="list-style-type: none"> <li>• "A physical or mental impairment that substantially limits one or more major life activities;"</li> <li>• "A record of such an impairment;" or</li> <li>• "regarded as having such an impairment."</li> </ul>
<b>Disability Status</b>	A status describing whether one has a disability, a targeted disability, no disability, or a "Not Identified" status (did not disclose their disability or whether they had a disability). See Disability, Targeted Disability, and Not Identified Disability Status.
<b>EEO Complaint</b>	A claim of illegal employment discrimination that a federal employee or applicant for federal employment formally files with a federal agency.
<b>Final Agency Decision</b>	A decision made by the agency after a complaint has been made with one of the following outcomes: 1) Dismissal of the complaint for a procedural reason (e.g., the claim was filed too late); 2) Finding no discrimination; or 3) Finding discrimination.
<b>Independent Agencies</b>	Agencies that are not part of a cabinet-level department.

## The EEO Status of Workers with Disabilities in the Federal Sector

Term	Definition
<b>Involuntary Separations</b>	Actions that end employment with an agency that are not initiated by the employee such as reduction-in-force, removals based on misconduct, delinquency, suitability, unsatisfactory performance, or failure to qualify for a conversion to a career appointment, or mandatory retirement.
<b>Issue of Discrimination Allegation</b>	An allegedly discriminatory practice allegedly based on an EEO protected class.
<b>Leader</b>	Position is titled with the prefix "Lead" and meets the minimum requirements for application of the Work Leader Grade Evaluation Guide; or meets similar minimum requirements for leader responsibilities specified by the job standards or other directives of the applicable pay schedule or system. Position is under a wage system or leads a team performing one-grade interval work.
<b>Leadership Positions</b>	Positions classified by OPM as one of the following: 1) Supervisor or Manager; 2) Supervisor (CSRA); 3) Management Official (CSRA); 4) Leader; or 5) Team Leader.
<b>Management Official (CSRA)</b>	Position meets the definition of Management Official in 5 U.S.C. 7103(a)(11), but does not meet the General Schedule Supervisory Guide definition of Supervisor/Manager or the definition of Supervisor in 5 U.S.C. 7103(a)(10). This code does not apply to Senior Executive Service (SES) positions.
<b>Non-Targeted Disability</b>	Any disability as defined above that does not fit into one of the categories of targeted disabilities defined below.
<b>Not Identified Disability Status</b>	Refers to the disability status of a federal employee or applicant who selected "I do not wish to identify my disability or serious health condition" on OPM's SF-256 (Revised October 2016), who selected "I do not wish to identify my disability status" on OPM's SF-256 (Revised July 2010), or who was otherwise coded as such by a federal personnel officer or OPM.
<b>Participation</b>	The number of people in the workforce or in a segment of the workforce. Often refers to the number of people from a particular demographic group within a segment of the workforce.
<b>Participation Rate</b>	1) The percentage of the workforce composed of a particular demographic group; or 2) The percentage of a segment of the workforce composed of a particular demographic group. Compare to "Within Disability Status Participation Rate."
<b>Promotion Selection Rate</b>	The number of employees selected for a promotion within a fiscal year divided by the number of employees at the end of the previous fiscal year.
<b>Reportable Disability</b>	Disabilities inclusive of targeted disabilities and non-targeted disabilities. Also referred to as "Any Disability". See disability and targeted disability.

## The EEO Status of Workers with Disabilities in the Federal Sector

Term	Definition
<b>Schedule A</b>	Schedule A is a special appointing authority that agencies can use to non-competitively appoint individuals, including eligible veterans, who have a severe physical, psychiatric, or intellectual disability.
<b>Section 508</b>	A part of the Rehabilitation Act of 1973 which requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities.
<b>Separation</b>	An end of employment with a federal agency.
<b>Standard Form 256</b>	"Self-Identification of Disability", a form from OPM used to identify people with disabilities for federal employment purposes which allows individuals to voluntarily identify that they have a disability, and for many disabilities specify what that disability is.
<b>Subcomponent</b>	A subordinate unit of a larger federal agency that enjoys a certain amount of autonomy from its parent agency. Also known as a subordinate reporting component. In this report, the parent agencies referred to are cabinet-level departments.
<b>Supervisor (CSRA)</b>	Position meets the definition of Supervisor in 5 U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the General Schedule Supervisory Guide. This code does not apply to Senior Executive Service (SES) positions.
<b>Supervisor or Manager</b>	Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide or similar standards of minimum supervisory responsibility specified by position classification standards or other directives of the applicable pay schedule or system. This is also the code most commonly used for Senior Executive Service (SES) positions.
<b>Targeted Disability</b>	<p>One of the following disabilities:</p> <ul style="list-style-type: none"> <li>• Developmental disabilities, for example, cerebral palsy or autism spectrum disorder;</li> <li>• Traumatic brain injuries;</li> <li>• Deafness or serious difficulty hearing;</li> <li>• Blindness or serious difficulty seeing even when wearing glasses;</li> <li>• Missing extremities (arm, leg, hand, and/or foot);</li> <li>• Significant mobility impairments;</li> <li>• Partial or complete paralysis;</li> <li>• Epilepsy and other seizure disorders;</li> <li>• Intellectual disabilities;</li> <li>• Psychiatric disabilities;</li> <li>• Dwarfism; or</li> <li>• Significant disfigurement.</li> </ul>

## The EEO Status of Workers with Disabilities in the Federal Sector

Term	Definition
<b>Team Leader</b>	Position is titled with the prefix “Lead” and meets the minimum requirements for application of the General Schedule Team Leader Grade-Evaluation Guide; position leads a team of General Schedule employees performing two-grade interval work.
<b>Type of Appointment</b>	Refers to whether a new hire is appointed to a permanent, temporary, or non-appropriated position.
<b>Within Disability Status Participation Rate</b>	Within a disability status group, the percentage of people in a type of position, such the percentage of persons with targeted disabilities who are managers.
<b>Voluntary Separations</b>	Actions that end employment with an agency that are initiated by the employee such as voluntary resignation and non-mandatory retirement.

### **Appendix C: Data and Methodology**

#### **MD-715 Reports**

Equal Employment Opportunity Management Directive 715 (MD-715) issued by the EEOC applies to all executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5, U.S.C. (including those with employees and applicants for employment who are paid from non-appropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the Federal government having positions in the competitive service. These agencies must file EEOC Form 715 with the EEOC. MD-715 Reports are more formally known as the Federal Agency Annual EEO Program Status Reports.

MD-715 Reports contain 10 "Parts" labeled A through J, and two additional sections of Workforce Distribution Tables, one section on workforce distributions by race/ethnicity and sex and one section on workforce distributions by disability including by type of targeted disability. The workforce distribution tables by disability and Part J were used for this report. These sections of the MD-715 Report and how they were used are described below.

A notable difference between the MD-715 data and EHRI-SDM data (described separately below) is which agencies are covered. The inclusion of USPS in MD-715 report data makes results coming from the two data sources differ. In addition, when reporting MD-715 data, "Disability" includes targeted disabilities and non-targeted disabilities. Where this report uses EHRI-SDM data, it separates the two.

#### ***Workforce Tables: Distributions by Disability***

In the years covered by this report, there were 14 different workforce distribution by disability tables that an agency may have needed to complete. Depending on an agency's total workforce size, it may have had to complete and submit to the EEOC more or fewer workforce tables. In addition, subcomponents of larger parent agencies may have had to file independent reports depending on the size of the subcomponent's workforce. Again, the number of workforce tables that subcomponents must complete and file with EEOC vary by the size of the subcomponent.

The workforce data from parent agencies on MD-715 Reports should incorporate information on the workforce of all their subcomponents, even those that file independent reports. For the workforce data, where certified data from the parent agency was available, data from the parent agency's report was used. If the parent agency neglected to file a report in a particular year, data from subcomponents' certified reports were used. More generally, failure of agencies to submit and certify data from year to year may contribute to annual fluctuations in the governmentwide data.

For national security reasons, intelligence agencies do not report the number of employees in their workforce distribution tables, but rather only participation rates in the form of percentages. Thus, workforce data from MD-715 in this report exclude data from intelligence agencies.

Many of the workforce tables distinguish between permanent and temporary employees. Thus, it is important to note where the permanent workforce data was used as compared to total workforce data that includes permanent, temporary, and non-appropriated employees.

Data from the following tables and fields from those tables were used in this report. The number of reports used from each table for each year is listed as well.

- Table B-1: Total Workforce – Distribution by Disability, Total Workforce: Current FY
  - FY 2014: 150 reports
  - FY 2015: 156 reports
  - FY 2016: 153 reports
  - FY 2017: 137 reports
  - FY 2018: 140 reports
- Table B-8: New Hires by Type of Appointment – Distribution by Disability
  - FY 2014: 141 reports
  - FY 2015: 153 reports
  - FY 2016: 151 reports
  - FY 2017: 132 reports
  - FY 2018: 137 reports
- Table B-14: Separations by type of Separation – Distribution by Disability<sup>15</sup>
  - FY 2014: 91 reports
  - FY 2015: 110 reports
  - FY 2016: 107 reports
  - FY 2017: 94 reports
  - FY 2018: 96 reports

### *Part J: Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities*

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

Part J includes a variety of Yes/No, numeric, and open-ended questions. For this report, one open-ended question/item was used: "Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology."

In Part 4 of this report, responses to the question, "Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology", were used to identify promising practices. EEOC staff systematically read and inductively categorized responses to identify promising practices. To begin, staff members independently read each response, highlighted

---

<sup>15</sup> Did not include agencies with no separations nor inconsistent data.

potential key words, and, as key words were identified, created codes that applied to multiple responses. The staff members each read all responses twice to independently validate the initial coding.

Then, the staff members collaboratively combined the codes into the following initial themes:

1. No action taken
2. Accommodations requests and complaints
3. Partnerships
4. Employee's needs and viewpoints
5. Facilities improvements
6. Technology improvements
7. Agency resources
8. Policies and plans
9. Unique innovations
10. Other

Then one staff member reviewed all the responses again, ensuring that all responses that fit into these themes were coded as such. These initial themes were then refined to the final overarching themes:

1. Improving Reasonable Accommodations Request Processes
2. Creating Internal and External Partnerships
3. Involving Employees in Accessibility Improvements
4. Detailed Facilities Improvements
5. Detailed Technological Improvements
6. Promising Implementation Practices

### [EHRI-SDM or EHRI \(Enterprise Human Resources Integration – Statistical Data Mart\)](#)

The EHRI-SDM or EHRI is a quarterly data set of personnel employed at the end of the quarter (Status data) and personnel actions (Dynamics data) provided to EEOC by OPM.

#### [Status](#)

The September 2018 (end of FY) EHRI Status dataset was used to track participation rates by demographic groups and to track participation in leadership positions. In the analysis of promotions, September 2017 data was used as the baseline for the pool of potential promotees. Each observation in the dataset represents one employee. Where data was missing on a relevant variable for a particular analysis, the observation was excluded from that analysis.

#### [Dynamics](#)

EHRI-SDM Dynamics data includes one observation for each personnel action in agencies that report to OPM. For this report, all FY 2018 files were combined for calculating promotion selection rate. Only promotions personnel actions were examined. Where data was missing on disability status, the observations were excluded from the analysis.

#### [Form 462](#)

EEOC Form 462, formally known as the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints, is completed annually by federal departments and



agencies covered by EEOC regulation 29 C.F.R. § 1614.103(b) and submitted to the EEOC. It includes annual agency-level data on EEO counselings, complaints, settlements, findings of discrimination, and alternative dispute resolution. The reports cover the fiscal year running from October 1 through September 30.

Data from Form 462 was used to measure disability-based discrimination complaints in the Federal sector in Part 3 of this report. For each year, data from the following numbers of agencies were used:

- FY 2014: 295
- FY 2015: 299
- FY 2016: 273
- FY 2017: 267
- FY 2018: 267

### The Federal Employee Viewpoint Survey (FEVS)

The Office of Personnel Management Federal Employee Viewpoint Survey (OPM FEVS) measures employees' perceptions of whether, and to what extent, conditions characteristic of successful organizations are present in their agencies. The OPM FEVS serves as a tool for employees to share their perceptions in many critical areas including their work experiences, their agency, and leadership (U.S. Office of Personnel Management, 2020). At the EEOC's request, OPM provided data from the FY 2018 FEVS delineated by reported disability status at the governmentwide level.

Most questions on the survey have respondents select an answer from a five-point scale, either strongly disagree to strongly agree (strongly agree being a positive response), or very dissatisfied to very satisfied.

When reporting results from this data source, EEOC combined the satisfied and very satisfied response rates or the agree and strongly agree response rates to report the percent responding positively.

### References

- Affirmative Action for Individuals with Disabilities in Federal Employment. 82 FR 654 (2017). <https://www.govinfo.gov/app/details/FR-2017-01-03/2016-31397>.
- Ali, M., Schur, L., & Blanck, P. (2011). What types of jobs do people with disabilities want? *Journal of Occupational Rehabilitation*, 21, 199–21.
- Bruyère, S.M. (2000). *Disability Employment Policies and Practices in Private and Federal Sector Organizations*. Ithaca, NY: Cornell University, School of Industrial and Labor Relations Extension Division, Program on Employment and Disability.
- Castilla, E. J., & Ranganathan, A. (2020). The Production of Merit: How Managers Understand and Apply Merit in the Workplace. *Organization Science*.
- Centers for Disease Control and Prevention. (2019, October 21). *Infographic: Adults with disabilities: Ethnicity and race*. [www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html](http://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html).
- Enayati, H., Von Schrader, S., Erickson, W., & Bruyère, S.M. (2019). Minimizing discrimination and maximizing inclusion: Lessons from the federal workforce and federal subcontractors. In S.M. Bruyère (Ed.), *Employment and Disability: Issues, Innovations, and Opportunities* (pp. 33-63). Labor and Employment Relations Association.
- Entire Executive Civil Service. 5 CFR § 213.3102 (2020). [https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=5:1.0.1.2.22#se5.1.213\\_13102](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=5:1.0.1.2.22#se5.1.213_13102).
- Equal Opportunities for Individuals with Disabilities. 42 U.S.C. Chapter 126 (2018). <https://www.govinfo.gov/content/pkg/USCODE-2018-title42/html/USCODE-2018-title42-chap126.htm>.
- Federal Sector Equal Employment Opportunity. 29 CFR § 1614 (2020). [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr1614\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29cfr1614_main_02.tpl).
- Feds Hire Vets. *Special hiring authorities for veterans*. Retrieved July 31, 2020, from [www.fedshirevets.gov/job-seekers/special-hiring-authorities/](http://www.fedshirevets.gov/job-seekers/special-hiring-authorities/).
- Goodman, N., Morris, M., & Boston, K. (2019, February) *Financial inequality: Disability, race and poverty in America*. National Disability Institute. [www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf](http://www.nationaldisabilityinstitute.org/wp-content/uploads/2019/02/disability-race-poverty-in-america.pdf).
- Goyat, R., Vyas, A., & Sambamoorthi, U. (2016). Racial/ethnic disparities in disability prevalence. *Journal of racial and ethnic health disparities*, 3(4), 635-645. DOI: 10.1007/s40615-015-0182-z.
- Jans, L. H., Kaye, H. S., & Jones, E. C. (2012). Getting hired: Successfully employed people with disabilities offer advice on disclosure, interviewing, and job search. *Journal of Occupational Rehabilitation*, 22(2), 155–165.

- Kruse, D., Schur, L., & Ali, M. (2010). Projecting potential demand for workers with disabilities. *Monthly Labor Review*, 133(10), 31–79.
- Rehabilitation Act, [As Amended Through P.L. 114–95, Enacted December 10, 2015]. (2015). P.L. 93-112. <https://www2.ed.gov/policy/speced/leg/rehab/rehabilitation-act-of-1973-amended-by-wioa.pdf>.
- Rehabilitation Research and Training Center on Disability Statistics and Demographics. (2020). *2019 Annual report on people with disabilities in America*. Durham, NH: Institute on Disability. University of New Hampshire. Retrieved September 29, 2020 from <https://disabilitycompendium.org/sites/default/files/user-uploads/2019%20Annual%20Report%20---%20FINAL%20ALL.pdf>.
- Schur, L., Kruse, D., Blasi, J., & Blanck, P. (2009). Is disability disabling in all workplaces? Workplace disparities and corporate culture. *Industrial Relations: A Journal of Economy and Society*, 48(3), 381-410.
- U.S. Equal Employment Opportunity Commission. (n.d.) *Demographic Information on Applicants*. [https://www.eeoc.gov/sites/default/files/migrated\\_files/federal/2017-approved-Applicant-Form.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/federal/2017-approved-Applicant-Form.pdf).
- U.S. Equal Employment Opportunity. (2016). *Strategic Enforcement Plan Fiscal Years 2017-2021*. <https://www.eeoc.gov/us-equal-employment-opportunity-commission-strategic-enforcement-plan-fiscal-years-2017-2021>.
- U.S. Equal Employment Opportunity Commission. (2013). *Office of Federal Operations and Office of Field Programs Federal Sector Complement Plan to the Strategic Enforcement Plan*. <https://www.eeoc.gov/office-federal-operations-and-office-field-programs-federal-sector-complement-plan-strategic>.
- U.S. Government Accountability Office. (2020). *Disability employment: Hiring has increased but actions needed to assess retention, training and reasonable accommodation efforts* (Report No. GAO-20-384). Washington, DC: U.S. Government Accountability Office.
- U.S. Office of Personnel Management. (August 2016). *Standard Form 256 (revised August 2016)*. U.S. Office of Personnel Management. [https://www.opm.gov/forms/pdf\\_fill/sf256.pdf](https://www.opm.gov/forms/pdf_fill/sf256.pdf).
- U.S. Office of Personnel Management. (2020). *Federal Employee Viewpoint Survey – About*. Retrieved September 29, 2020 from <https://www.opm.gov/fevs/about/>.
- Vocational Rehabilitation and Other Rehabilitation Services. 29 U.S.C. Chapter 16 (2018). <https://www.govinfo.gov/content/pkg/USCODE-2018-title29/html/USCODE-2018-title29-chap16.htm>.