

# National Disability Employment Awareness Month 2021

## Meeting in a Box

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# National Disability Employment Awareness Month

takes place in October to educate people about various disabilities and raise awareness about this pool of often-untapped talent. People with disabilities — both visible and invisible — have made strides in gaining visibility but still face discrimination, especially when it comes to hiring.

This Meeting in a Box is a valuable resource to help you not only understand, but celebrate, people's unique abilities and potential in the workforce. Included in this Meeting in a Box is a historical timeline outlining the victories people with disabilities have achieved, facts and figures on this diverse demographic, and tips and tools on how to improve your company's self-ID rates. You will also learn about common myths and misconceptions about people with disabilities as well as the biggest issues the community faces in the "next normal."



DiversityInc's mission is to bring education and clarity to the business benefits of diversity. It is a prominent diversity, equity and inclusion publication as well as a source of thought leadership and industry analysis, and a valuable resource for companies aiming to be the change they want to see.

## NATIONAL ORGANIZATION ON **DISABILITY**

The National Organization on Disability is a disabled woman-led organization that promotes the full participation of America's 61 million people with disabilities in all aspects of life, particularly in employment. We do this by helping major companies build a more disability-inclusive workforce.

## The Partnership

DiversityInc and NOD have had a close working relationship for more than a decade. The two have advised one another on issues related to disability workforce inclusion, on the criteria for DiversityInc's Top Companies for People with Disabilities" Specialty List, and on NOD's Employment Tracker benchmarking surveys. Companies must complete the NOD survey to rank in DiversityInc's annual Top 50 Companies for Diversity competition. Luke Visconti serves as Chairman and Vice-Chairman, respectively, on DiversityInc and NOD's Board of Directors.

National Disability  
Employment Awareness  
Month

# 2021

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# National Disability Employment Awareness Month in the “Next Normal”

These days, so much is wrapped up in that phrase “next normal” or “new normal.” We use these words as a way to talk about the economy, the marketplace, and the competitive landscape that are all shifting under our feet.

The Next Normal means not necessarily being in an office, but working and collaborating remotely. It’s building resilience and inclusiveness – wherever the place of business might be. As we move into the post-COVID world, business leaders will need to be well prepared for all of this.

It’s not only looking inward at how business is changing, but outward and what can be done to reform the inequities we see. The workplace, according to many analysts, will be fundamentally reshaped as a result of COVID-19.

The next normal workplace will look similar in many ways to the workplace we see today. Remote working, health and hygiene, and digital-centric trends will continue to play a role in the lives of employees well into the future.

This means organizations must reimagine and reform their current structure in order to survive and succeed in the post-COVID era. This may not be easy because research suggests this age will be marked by continuous change.

The next normal is not just about getting people back to work but looking at the long term. How can we make sure that everyone is at the table and everyone is included? In the case of people with disabilities, we need to make sure we provide accessibility and accommodations so that everyone can be successful.

NOD’s mission is to ensure that no ability is wasted, and that all Americans, especially those of us with disabilities, have an opportunity for enterprise, achievement and earnings; and that corporate America knows how to put our talents to work.

When you think about it, “the next normal,” should be to develop the capability to deal with diverse and conflicting situations as the norm. The world is changing, and businesses need to continue to do so as well.

**“Seeking the ‘next normal’ is not a utopian concept. The endeavor should be to develop the capability to deal with diverse and conflicting situations as the norm.”**



Carol Glazer  
President, NOD

# Timeline of Disability Rights

## The Overlooked Civil Rights Issue

The Disability Rights Movement was sparked primarily by people with mobility problems who use wheelchairs – as a result of polio, spinal injuries, or cerebral palsy. There has been relatively little joint work with organizations of or for the blind, deaf, and developmentally disabled. Nevertheless, equal access to education, employment, transportation, health care, and attendant services have been unifying themes. Over the last few decades, the movement has

begun to approach disability in a new way. Rather than the “impairment model,” the modern disability rights movement focuses on the “civil rights model.” This addresses the misconception that because impairment causes disability, unless one is cured, one cannot expect equality. Therefore, as the disability rights movement redefines “disability,” the movement also challenges basic social assumptions about the nature of disability.

**While the concept of disability as a strength is not foreign to most of us in the disability rights movement, most Americans still view disability as an impairment to be cured, feared, or “risen above.”**

The first President with visible disabilities, Franklin D. Roosevelt, was elected, but the public was shielded from the extent of his disabilities.

1932



1935

The **Social Security Act** provided cash benefits, medical and therapeutic services for people with disabilities.

The first National Employ the Physically Handicapped Week, which later becomes **National Disability Employment Awareness Month**.

1945

**NDEAM**



1948

Congress passed legislation prohibiting discrimination in federal employment for people with physical disabilities.

Disability rights movement began, encouraged by the examples of the Civil Rights and Women's Rights Movements.

1960s



The **Community Mental Health Act** was passed to help those who were “warehoused” in institutions move back into their communities. While the number of institutionalized people in the U.S. dropped from a peak of 560,000 to just over 130,000, only half of the proposed community mental health centers were ever built.



1963

The **Architectural Barriers Act** was passed, mandating that federally constructed buildings and facilities be accessible to people with physical disabilities. *(This act is generally considered to be the first-ever federal disability rights legislation)*

1968



The Center for Independent Living was founded in Berkley, California and led by disabilities activist Ed Roberts.



1972

The **Rehab Act** established equal access for people with disabilities through removal of architectural, employment and transportation barriers in federal establishments.

1973



The **Education for Handicapped Children Act** of 1975 (later the IDEA) guaranteed a free, appropriate, public education for all children with disabilities in the least restrictive environment.



1975

During the 504 Protest, San Francisco activists held a 28-day sit-in calling for federal civil rights for people with disabilities. The measure was signed that year.

1977



1981

United Nations commemorated the first **International Year of Disabled Persons**. Alan A. Reich became the first person to address the U.N. **General Assembly from a wheelchair**.



The **National Organization on Disability (NOD)** was founded by Alan Reich to continue the momentum to promote disability inclusion.

1982



1984

**Voting Accessibility for the Elderly and Handicapped Act** ensured equal access to the polls.

The **Deaf President Now** protest went on for 8 days at Gallaudet University in Washington, D.C. The movement succeeded in finally getting a president reflective of the student body.

1988



1990

President George H.W. Bush signed the **Americans with Disabilities Act (ADA)** into law, enshrining equal access and non-discrimination.

**American Association of People with Disabilities** was created, advocating for legal rights for people with disabilities.

1995



1996

**Mental Health Parity Act** banned health plans from imposing unwarranted dollar limits on mental health benefits.

President Clinton signed the **Internet Accessibility Law**, giving people with disabilities access to all electronic and information technology in the federal sector.

1998



1999

The Supreme Court's **Olmstead Decision** affirmed the right to live in the community rather than in state-run institutions. Renowned Civil and Women's Rights jurist Ruth Bader Ginsburg wrote the majority opinion.



**ADA Amendments Act** clarified and broadened the term “disability.”

2008



2012

The first ever **Global Accessibility Awareness Day** was celebrated, inspired by web developer Joe Devon's blog post.

**ABLE Act** allowed people with disabilities to have saving accounts that wouldn't hinder their Medicaid & Social Security Income benefits. The Section 503 rule change to the Rehab Act required federal contractors to begin affirmative hiring of people with disabilities with a goal of 7% workforce.

2013



2018

As part of the **FAA Reauthorization Act of 2018** the U.S. Department of Transportation began requiring that airlines track the number of reports they receive of mishandled wheelchairs and scooters.

U.S. Supreme Court rejected Domino's appeal to hear their 2016 lawsuit **Robles V. Domino's Pizza** about whether a blind man's failure to be able to order a pizza from its website violated the ADA.

2019



[Click here for a more in-depth look at the disability rights movement](#)



**"Fight for the things that you care about,  
but do it in a way that will lead others to join you."**  
– Supreme Court Justice Ruth Bader Ginsburg  
1933-2020

# Discussion Questions

**How has the Disability Rights Movement  
been different from the Civil Rights  
Movement?**

**How has it been different from the Women's  
Liberation Movement?**

**The LGBT Movement?**

**How has the Disability Rights Movement  
intersected with these other movements?**

# Facts & Figures

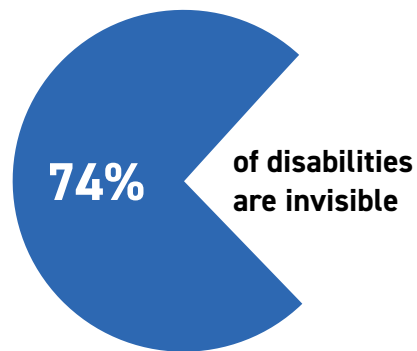
## Disability is Diversity

**33 million** working age adults have disabilities

**5 million** have college degrees

**83%** acquire a disability later in life

**40%** of seniors have a disability



## Global Population

**1.1 Billion** people with disabilities

**3.2%** of the world's population is blind or affected by visual impairment

**6%** of the world's population is deaf or affected by hearing loss

**2.6%** of the world's population has an intellectual disability

**1%** of the world's population uses a wheelchair

# 26%

of the U.S. population are people with mental health, intellectual, or physical disabilities, making it the **single largest minority group in the country.**

# 61

million  
americans

# Workforce

## Non-Institutionalized People 16 and Older in the Workforce

As of August, 2021

With Disability	Without Disability
<b>19.2%</b>	<b>63.9%</b>

As of August, 2020

With Disability	Without Disability
<b>17.9%</b>	<b>61.4%</b>

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# Earnings

Cornell Disability Statistics \*last reported in 2018

## Median Earnings of Non-Institutionalized People 21-64

With Disability	Without Disability
<b>\$40,500</b>	<b>\$49,234</b>

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# Poverty

Cornell Disability Statistics \*last reported in 2018

## Non-Institutionalized Persons 21 to 64

With Disability	Without Disability
<b>26%</b>	<b>10%</b>

# The Business Opportunity

## Market Demand

67.7% labor force participation  
9.2 million current job openings  
9.2 million job vacancies

## Disability Supply

35.6% labor force participation (Kessler Foundation)  
9.8 million working-age PwD (people with disabilities) are unemployed  
6.9 million have college degree but only 45% are employed

## Disposable Income

\$1.90 Trillion PwD globally  
\$1.28 Trillion PwD in U.S.

\$13 Trillion PwD and their friends and family (globally)  
\$7.10 Trillion PwD and their friends and family (in the US)

Source: [Return on Disability](#)

# NOD's Disability Employment Maturity Curve

Where's your company?

### EXPLORATION

Internal discussions  
External scanning  
Associations & conferences  
Surveys & assessments

### COMPLIANCE

Disability inclusion policy  
Hiring & retention  
Community outreach  
Self-ID survey & reporting  
Documented accommodation process

### COMPETENCE

C-suite topic  
Self-ID rates  
ERG/BRG impact  
Local hiring efforts  
Disability inclusion skills & accounting  
Integrated accommodation process

### COMPETITIVE ADVANTAGE

Board-level topic  
Demonstrated business results  
Disability inclusion goals achieved  
Embedded policies & practices  
Accommodation institutional knowledge  
Universally designed workplace  
Disability inclusive employer brand

# NOD's 2021 Disability Employment Tracker

is a confidential annual survey measuring companies' disability and veterans inclusion policies and practices.

The tracker examines **6** essential inclusion areas to assess how businesses are progressing in their disability inclusion journey:



**231** companies

employing

**8.9** million workers

use the tracker.

Where is your company?

[Take the tracker online](#)



The tracking of self-ID rates is the most widely reported talent outcome among all companies. Only **3.68%** of employees identify as having a disability in 2021, down from 4.09% last year. The Department of Labor sets a target of **7%** disability representation.

## Gaps

Companies continue to show a higher commitment to measuring overall D&I metrics versus tracking of disability metrics

**48%** of companies tracked promotions for employees with disabilities

**85%** of companies tracked promotions for D&I overall

# DiversityInc

## 2021 Top Companies for People with Disabilities



## Hall of Fame Companies for Diversity





# Myth Busting

## Busting commonly held perceptions

### Objectives

- Become aware of your own perception biases and how they lead to the “tyranny of low expectations”
- Become aware of how common misconceptions about disability play out in the workplace
- Learn the basics of “disability etiquette”
- Learn how people with disabilities are often remarkable workers and colleagues

### Questions

- What actions can you take to improve your current and/or future management of individuals with disabilities?
- How does unconscious bias affect our interactions with people with disabilities?
- How do our *misperceptions* influence our *misconceptions* about people with disabilities?
- What steps can you take to ensure accessibility for all team members?

## Perceptions and Assumptions

We know from research that we instinctively categorize people based on observed criteria and then automatically assign “presumed traits to anyone we subconsciously put in those groups.” The advantage is that it saves time and effort, but, it can lead to erroneous assumptions about people.

### Perception Bias

The tendency to form assumptions about certain groups that make it impossible to make an objective judgement about members of those groups

### Stereotypes

Assumptions that are made about a person or groups of people based on a general image we have about that particular group

### How do I avoid unconscious bias?

**Recognize your own biases, increase your exposure to differences, and focus on people.**

# What is a Disability?

**The Americans with Disabilities Act has a three-pronged definition of “disability”;**

1. An impairment that substantially limits a major life activity
2. Having a record of an impairment that substantially limits a major life activity
3. A belief that a physical or mental impairment is present, whether or not that impairment substantially limits a major life activity

## **Did you know?**

**Zoom meetings are not accessible to people with disabilities who are deaf or hearing impaired without an individual who transcribes the conversation in real-time.**

## Common Questions for People with Physical Disabilities

### “If you can’t see, how do you use a computer?”



Not everybody with a visual impairment is blind, but even for those who are, computer use is entirely possible with the help of a screen reader. A screen reader is an assistive technology that converts text, buttons, images and other screen elements into speech or braille. The first thing most people comment on when meeting a screen-reader user is the speed at which the synthetic voice speaks.

## **Did you know?**

**Experienced screen-reader users usually have their reader set at 400 words per minute while most sighted people only read at about 150 words per minute.**

[Click to hear what a screen reader sounds like](#)



Researchers from the Hertie Institute for Clinical Brain Research in Germany have found that, through functional brain imaging, some blind people's brains rewire themselves, giving them extraordinary auditory comprehension.

### Did you know?

Not all documents are screen-reader-accessible. In fact, many PDFs and PPT documents are not accessible.

## “How do you use a phone if you can’t hear?”



While it might surprise some, people who are hard of hearing, deaf, or speech-impaired are fully capable of using a telephone.



A Text Telephone (TTY) or Telecommunication Device (TDD) is a special technology that enables people who are unable to hear or speak, to communicate. Like a direct messaging chat window on a computer, both users type on a keyboard and both users are required to have the technology. If you do not have this device but are trying to call somebody who is deaf, hard of hearing, or speech-impaired, you can make the phone call using TRS (Telecommunications Relay Service). When using a TRS, an operator types whatever you say and the other person can then read the message on their TTY display.

### Did you know?

Less than 3% of 911 call centers around the U.S. can receive text messages.



### Did you know?

Many people who are deaf or hard of hearing do not know American Sign Language. With the new face mask requirements, those people cannot understand what’s being said. When speaking to somebody who reads lips in order to communicate, wear a clear face mask.

[Click to find out where to buy clear face masks](#) 

## While some employers may say

“I can’t afford to hire somebody with disabilities”.

Actually you can’t afford *not* to...

**1/3** of managers say employees with disabilities have 30% greater tenure and are 35% more dedicated to their work

**2/3** of employers said the average cost of hiring people with disabilities is the same as hiring a person without a disability



**“People with disabilities are incredible problem solvers, as they spend much of each day navigating daily challenges. We constantly show persistence, tenacity and adaptability.”**  
–Carol Glazer, President NOD

# Busting Common Myths

**MYTH** People who use wheelchairs are chronically ill.

**FACT** A person may use a wheelchair for a variety of reasons, none of which are related to an illness.

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**MYTH** It’s rude to ask a deaf person if they can read lips.

**FACT** It’s perfectly fine to ask a deaf person if they can read lips; it is only rude if you do not face them and give your full attention.

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**MYTH** People without disabilities should be responsible for helping or “taking care of” people with visible disabilities.

**FACT** It is polite to offer help if you see someone struggling, but you should always ask first because most people with disabilities prefer to be responsible for themselves.

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**MYTH** You should never ask a coworker displaying signs of mental health issues about their emotional state.

**FACT** If you suspect a colleague is experiencing mental health issues, you should always ask if they are ok the same as if they tripped and fell.

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**MYTH** People with intellectual disabilities have a low IQ and you should communicate with them the way you would with a child.

**FACT** Intellectual or developmental disabilities do not always reflect a person’s intelligence or ability to communicate. They may be the smartest person in the room.

# Self-ID

## Employees need to feel comfortable disclosing disabilities at work.

### Objectives

- Understand the rationale, from both the employer perspective and the employee, to increase rates of self-ID
- Learn the main reasons why people don't want to disclose a disability at work
- Learn how to create a work environment where employees with disabilities feel comfortable self-identifying

### Questions

- What can leaders do to increase self-identification?
- Why aren't more self-ID campaigns successful?
- How does an employer build the trust needed to make workers feel safe disclosing a disability?

## The Case for “Coming Out” as a Person with Disabilities

*Why should your employees care? Why should you?*

According to the U.S. Census Bureau and data from NOD's Disability Employment Tracker, only 4% of employees, on average, disclose their disability to employers. This falls far short of the Department of Labor's 7% goal for federal contractors and the 20% of Americans that have a disability.

At the same time, research shows that employees who disclose their disabilities, or who have visible disabilities, have much greater satisfaction at work than those who do not. This includes the hiring process, accommodations at work and advancement opportunities.

We assume that the greater level of engagement among

workers with visible disabilities is due to these workers getting the accommodations they need to be most productive.

**“Disclosing a disability at work frees up an enormous amount of emotional ‘real estate’ that can be channeled towards greater productivity on the work that matters”**

–DEI Leader of a Fortune 500 Company

For employers, the benefits of a disability-inclusive workforce go way beyond compliance. They extend to greater **diversity of thinking**, higher rates of **productivity, retention and loyalty** among both disabled employees and their colleagues. This also reflects a company's

customer base in the makeup of its workforce. The global disability market comprises an estimated 1.27 billion consumers, almost matching the size of the market in China, with an estimated annual spending power of over \$8 trillion.

With the benefits of disclosure as great as they are, why are self-ID rates so low?

# Self ID

76% of companies track self-ID, only 69% track new hires, and 48% track promotion.

## Why such a focus on self-ID rates?

Self-ID rates are the holy grail and important for a variety of reasons. That's why companies measure Self ID rates more than any other measure (promotions, new hires, retention). The Tracker links the practices that statistically drive highest self-ID rates.

## Practices that Correlate to Higher Self-ID Rates



**Strategy:** Tracks the ratio of applicants with disabilities to all job applicants and individuals with disabilities hired vs. all new hires



**Talent Sourcing:** Hires candidates with disabilities from community partners



**Talent Sourcing:** Has an application system that is compliant with both 508 and Web Content Accessibility Guidelines



**People Practices:** Has lunch-and-learns focused on disability awareness



**People Practices:** Annually reviews the benefits package with a focus on disability



**People Practices:** Takes action to retain employees who age into disability

There are many reasons for why disclosure rates are so low, but **at NOD, we believe that the answer lies in how much those employees trust their employer**. One common concern is that the information will be used against them. That may explain why, as shown in NOD's Disability Employment Tracker, only 40% of employers who mounted self-ID campaigns, reported an increase in self-ID rates as a result of those campaigns.



**“The critical metric for human capital management is the self-disclosure rate of your employees with disabilities. If it’s below 5% you have a critical problem — a severe lack of trust between your employees and you.”**

—Luke Visconti, Founder and Chairman of DiversityInc

## The Importance of Trust: Edelman Trust Barometer

Twenty years ago, the global communications firm Edelman created the Edelman Trust Barometer to help companies gauge trust by asking: “How much do you trust this institution to do what is right?”

According to Edelman’s research, now is a particularly important time to ask those questions. The global pandemic, economic crisis and mass demonstrations over centuries of systemic racism and injustice have pushed employers to the forefront of societal change. According to Edelman, it’s not enough to issue a statement or a policy, or make an emotional ad. More and more consumers and employees expect brands to act and advocate on the personal and societal issues that affect their lives.

Research from Edelman suggests that in response to racial injustice, brands in the U.S. must first get their own house in order by setting an example within their organization (64%), by reflecting the full diversity of the country in their communications (63%) and by making products accessible

and suitable to all communities (61%). Seventy percent of consumers surveyed by Edelman said that trusting a brand is more important today than in the past (a shared belief among age groups, gender and income).

In summary, Edelman’s data show that it’s not enough for a brand to simply take a stand or declare a commitment to an inclusion practice. Real action is needed. Otherwise a company will be seen as exploitative or opportunists. Does this perhaps explain why self-id campaigns aren’t successful? Clearly, companies have to walk the walk, not just talk the talk.

**As roughly 20% of the population, people with disabilities make up the largest “diversity” segment in the workforce, a segment any of us can join at any time. Yet few people self-identify as having a disability.**

**Some common reasons why employees may be unlikely to self-identify as a person with disabilities:**

- Fear of discrimination or stigma
- A belief that it has no impact on their daily lives
- Unsure what they have to gain by “coming out”
- Many employees don’t know they have a disability
- If a worker lacks trust that their employer will do the right thing when an employee comes out as disabled, self-ID campaigns may well backfire



# So, what are the characteristics of companies that do have high self-ID rates?

According to NOD's Disability Employment Tracker:



## Strategy & Metrics

Senior leaders evaluate where they are and devise a plan of action for improving disability inclusion practices led by a disability champion.



## Climate & Culture

Priority is given to creating employee/business resource or affinity groups that are specific to disability. Moreover — and this is critical — these groups have annual budgets that allow them to take visible and impactful action.



## Workplace & Technology

As new facilities are built, universal design principles should be applied. This will ensure environments, processes, policies, technology and tools work for people of every ability.



## People Practices

HR teams are trained to proactively ask new hires if they need an accommodation in the post-offer and pre-employment stages. These “moments of truth” can make or break how the employee feels about their new employer, which, ultimately, affects retention and turnover rates.



## Recruiter Training

Recruiters, who are on the front line in the pursuit of employees with disabilities, are trained to find and use the company's accommodation process. This helps ensure candidates gain access to the supports needed to be successful and land the job. This process begins well before a job offer is made. It starts with how and where recruiters advertise, accessibility of the interview process, and how everything is communicated in job announcements.

## What are some other leading practices to support employees with invisible diversity traits?

- **Set the tone from the top down**
- **Cultivate trust to boost disability self-ID rates**
- **Disclosure can reveal supportive networks**
- **Tackle stigma head-on to succeed**
- **Take action to advance a culture of authenticity**

# Politics

## Here are some of the most important issues for people with disabilities

### Work and Benefits

Many people with disabilities are unable to fully financially support themselves and rely on benefits like Social Security, Medicare, and Medicaid. People with disabilities who need to work but still rely on benefits constantly worry about earning “too much” and losing benefits – this is often referred to as a “benefits cliff.” **People with disabilities can even still be legally paid below minimum wage:** a loophole allows employers that hold a 14(c) certificate to pay employees with disabilities less than the federal minimum wage (\$7.25/hour).



**“The subminimum wage sends a message to the disability community that their work isn’t as valuable as the work done by able-bodied people.”**

–Senator Tammy Duckworth of Illinois (D)

The National Organization on Disability has been working to support the phase out of the use of 14(c) certificates, as well as the practice of paying subminimum wage. Senators Bob Casey of Pennsylvania and Christ Van Hollen of Maryland plan to reintroduce the Transformation to Competitive Employment Act, which phases-out the subminimum wage for individuals with disabilities while providing supports to providers who currently employ individuals with disabilities at subminimum wages. The House has already reintroduced their version of this bill. In addition, President Biden has proposed including \$2 billion to phase-out the use of 14(c) certificates in a broad economic recovery plan, which Democrats in Congress plan to consider this fall. NOD has been supporting all of these efforts through direct advocacy.

## Long-Term Care

Millions of elderly people and people with disabilities of all ages need some kind of help from others on a daily basis. Traditionally, this has meant moving into some kind of facility, but to remain independent, you have to fight. Funding for Home and Community-Based Services (HCBS) can help support long-term care.

NOD helped to secure additional funding for HCBS through the Centers for Medicare and Medicaid Services (CMS) in the American Rescue Plan Act signed by President Biden in March 2021. In the next broad economic recovery plan, we expect to see additional dollars for HCBS. While HCBS funding is essential, the public and legislators do not fully understand the impact of such funding on enabling employment. We are implementing a messaging campaign to highlight that HCBS ensures that people can get the services they need to live independently and to work.

For example, HCBS funding could be used for direct support staff, including job coaches, so that individuals with disabilities have the supports they need to work effectively. Funding could be used for job developers to help individuals with disabilities understand their options and gain or regain meaningful employment. Elsewhere, funding can go toward assistive technologies that facilitate productive work, transportation to in-person work, or ability to work virtually as many companies plan to remain remote.

While it is clear that HCBS can be used for a variety of ways to support for individuals with disabilities remain in their community, states often overlook that this funding can be used to bolster employment opportunities. As such, we are working with states to explicitly outline how HCBS funding and resources are eligible for employment support for individuals with disabilities.

## Accessibility

Anybody with a disability has at some point experienced a complication or difficulty in their personal or professional life due to inaccessibility. This could mean a physical barrier like restrooms that are too small or a dangerous ramp, as well as inaccessible documents, websites and apps. The ADA has done a lot to make communities more accessible, and we are pleased to see the Biden Administration celebrate the ADA's anniversary and work hard to protect it. Unfortunately, barriers remain, and support for protecting and enhancing the ADA is not unanimous.

## Education

Even 30 years after the Individuals with Disabilities Education Act, parents of children with disabilities still battle teachers and administrators for accommodations. Teachers struggle in the classroom while administrators worry about I.D.E.A. and ADA compliance. Advocates continue to support full funding of the I.D.E.A. Congress is also looking at workforce policies and reviewing how they overlap with education issues.

## Safety

While safety has always been a concern for people with disabilities, the COVID-19 pandemic and the resurgence of police violence have only complicated this issue. There are no reliable national statistics for how many people with disabilities are killed by police each year. However, Time magazine and other reputable sources estimate that between one-third and one-half of people killed by police have disabilities.

## The ways Congress and the Administration can make the biggest difference in disability employment include:

1. Restructuring benefits and healthcare to remove disincentives
2. Increasing employer incentives
3. Ending subminimum wage
4. Supporting Home and Community Based Services, including for employment



**“Ensuring that people with disabilities have access to equal employment opportunities isn’t only about civil rights. It is a bipartisan issue. America’s success in the world depends on how well we inspire and put to use the talents and energies of every person in this country.”**

–Governor Tom Ridge, Chairman NOD

# Current legislation

## addressing the injustices people with disabilities



### The Raise the Wage Act (S. 150)

Sets forth a schedule of annual increases in the federal minimum wage for individuals with disabilities and eliminates special certificates for the payment of subminimum wages to such individuals.



### The Disability Integration Act (S. 117)

Prohibits government entities and insurance providers from denying community-based services to individuals with disabilities that require long-term service or support that would enable those individuals to live in the community and lead an independent life.



### Better Care Better Jobs Act (S. 2210)

- Increase the federal funding match to states for home and community services by 10%, including additional funds to improve service-delivery systems that would make them more widely available and help eliminate those long-standing waiting lists.
- Add funding to states for other improvements, including programs to increase care workers' pay and benefits, and require establishing of state ombudsman programs specifically to monitor home and community service quality.
- Permanently protect married couples from the need to impoverish themselves to qualify for Medicaid-funded services.
- Make the successful "Money Follows The Person" program permanent — which would continue to help people actually leave congregate care and return to more independent living in their own homes.



### Disabled Access Credit Expansion Act of 2021 (S. 2481)

- Increase the maximum Disabled Access Credit available to small businesses for accessibility improvements from the current limit of \$5,000 up to \$10,125.
- Broaden the definition of "small business" for this credit from the current criteria of \$1 million gross receipts or less up to \$2.5 million or less per year.
- Appropriate an additional \$1 million to the U.S. Department of Justice ADA Mediation Program, to help resolve ADA complaints before they become lawsuits.
- Require the Justice Department to report annually on the kinds of inquiries they receive on its ADA information hotline.



## The Transformation to Competitive Employment Act (H.R. 873)

Grants states and other eligible entities assistance in transforming their business and program models to support individuals with disabilities, prohibits subminimum wages to disabled individuals and phases out existing subminimum wages over a six-year period.



## Supplemental Security Income Restoration Act (H. R. 3763)

- Increase the current maximum monthly SSI benefit from \$794 per month up to at least 100% of poverty level.
- Increase the amount of assets SSI recipients can have and remain eligible for the benefit, from the current \$2,000 up to \$10,000 for individuals, and from \$3,000 up to \$20,000 for married couples.
- Increase the amount of income SSI recipients can earn and remain eligible for the benefit, up to \$399 per month from working and \$123 per month from other income sources.
- Eliminate the SSI marriage penalty and increase benefits for married couples.
- Eliminate benefit reductions that are currently triggered by in-kind help from friends or family.



## Disability Employment Incentive Act (H.R. 3765)

- Raise the maximum available Work Opportunity Tax Credit for hiring a disabled worker, from the current limit of \$2,400 up to \$5,000, as well as adding add a tax credit of up to \$2,500 for employers that retain a disabled worker for a second year after hiring.
- Raise the maximum Disability Access Expenditures Tax Credit available to small businesses, for expenses related to improving accessibility, from the current limit of \$5,000 up to \$10,000.
- Raise the maximum Architectural and Transportation Barrier Tax Credit available to all businesses for accessibility improvements from \$15,000 to \$30,000.

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