

**WRITTEN TESTIMONY OF ROBERT SILVERSTEIN, POLICY AND LEGISLATIVE  
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**BEFORE THE HOUSE COMMITTEE ON  
STATE GOVERNMENT FINANCE AND ELECTIONS**

**REGARDING H.F. No. 2017 RELATING TO ADVISORY TASK FORCE ON STATE  
EMPLOYMENT AND RETENTION OF EMPLOYEES WITH DISABILITIES  
RECOMMENDATIONS ADOPTED, AND REPORT REQUIRED**

My name is Robert "Bobby" Silverstein. I am the policy and legislative counsel for the [State Exchange on Employment & Disability](#) (SEED), a principal in the Washington D.C. based law of Powers, Pyles, Sutter, & Verville, PC, and the former staff director and chief counsel to the U.S. Senate Subcommittee on Disability Policy. During my tenure in the Senate, Congress enacted 20 bipartisan, consensus pieces of legislation, including the landmark Americans with Disabilities Act.

SEED is a unique state-federal collaboration that supports state and local governments in adopting and implementing inclusive policies and best practices that lead to increased employment opportunities for people with disabilities, and a stronger, more diverse and inclusive American workforce and economy. SEED's novel approach to addressing workforce development policy includes partnering with organizations that represent state and local policymakers and designing customizable options that account for state-driven interests and stakeholder needs on priority issues related to disability employment. SEED partners include the Council of State Governments, National Conference of State Legislatures, and the National Governors Association, among several others.

Across the country, state and local policymakers are aligning workforce investment, education, and economic development in support of a comprehensive and high-quality workforce development system. Workforce development includes initiatives designed to enhance employment opportunities for people with disabilities. Recognizing this need, CSG and NCSL, as members of SEED, came together to establish the National Task Force on Workforce Development for People with Disabilities.

The goal of the National Task Force was to explore key policy issues around the employment of people with disabilities, identify key themes, and provide policy options for states. These policy options would then serve as the foundation for a disability employment policy framework for state and local policy makers. The outcome of this

effort by the Task Force was a 2016 report titled [Work Matters: A Framework for States on Workforce Development for People with Disabilities](#).

Recent disability-inclusive policies (2016-present) adopted in other states, including executive orders and legislation, are identified by the SEED Team. In other words, through **January 31, 2022**, the SEED team has identified examples of state policies for enhancing the recruitment, hiring, advancement, and retention of people with disabilities.

My written testimony focuses on the policies included in H.F. 2017 that reflect the themes described below and then identifies specific examples of policies adopted by other states that support and are consistent with these themes.

### **MAJOR THEMES IN H.F. 2017**

The major themes embedded in H.F. 2017 are:

- 1) **State as a Model Employer.** The state should be a model employer of people with disabilities and ensure that diversity, equity, and inclusion initiatives include and facilitate equal employment opportunities and proactive efforts (affirmative action) concerning applicants and employees with disabilities.
- 2) **Digital Accessibility.** Websites, mobile apps, online systems and other forms of information and communication technology should be accessible to and usable by people with disabilities (digital accessibility).
- 3) **Implementation Strategies.** To maximize implementation of equal employment and affirmative action initiatives, state policies should reflect the adage that “what gets measured and reported and has consequences gets done” and designate an individual and/or office to be responsible for facilitating and monitoring implementation of these initiatives and has sufficient resources and staff to carry out specified responsibilities.
- 4) **Awareness and Training.** Managers and supervisors as well as employees with disabilities should be aware of and receive training regarding policies, practices and procedures that facilitate the application and employment of people with disabilities, including the 700-hour on-the-job demonstration experience, processes for providing reasonable accommodations, and the use of the reasonable accommodation fund.

- 5) **Alternative Noncompetitive Hiring Process.** The 700-hour on-the-job demonstration experience should be considered an alternative noncompetitive hiring process for classified positions for qualified people with disabilities and updated to enhance its efficacy and use by state agencies.
- 6) **Reasonable Accommodations.** To ensure that applicants and employees with disabilities are provided opportunities that are as genuine, effective, and meaningful as those provided to others, there is a need to improve the reasonable accommodation process and the use of the reasonable accommodation fund and its critical function of removing cost considerations from the interview and selection process.

### **EXAMPLES OF POLICIES ADOPTED IN OTHER STATES THAT SUPPORT AND ARE CONSISTENT WITH THE THEMES EMBEDDED IN H.F. 2017**

State policymakers have adopted disability-inclusive diversity, equity, and inclusion initiatives (e.g., affirmative action) applicable to state agencies and departments. These efforts include the adoption of hiring goals and preferences, development of employee self-identification policies, and implementation of annual reporting mechanisms and surveys.

#### **HIRING GOALS AND AFFIRMATIVE ACTION PLANS**

**Connecticut** [Public Act No 13-225](#) (2013) specifies that all departments and agencies of state government are mandated to establish, as part of their affirmative action plans, specific annual goals and timetables on (1) the number of jobs that are to be filled through the accommodation of persons with disabilities, and (2) entry-level training for such persons. In addition, under the supervision of the commissioner of administrative services, each department and agency of state government must establish an effective program of accommodation and entry-level training of persons with disabilities. Under the law, such programs must be part of required departmental and agency affirmative action programs. All departments and agencies also are required make a range of training opportunities available to such persons.

**Illinois** requires that state agencies' [affirmative action plans](#) must include a numerical hiring goal for the employment of qualified persons with disabilities in the agency based on the proportion of people with work disabilities in the Illinois labor force and a detailed status report indicating, by each position in state service, the number, percentage, and average salary of individuals employed by, among other things, disability.

In 2021, **Illinois** enacted [HB3914](#), which provides that each state agency and employer shall take positive action when it reasonably believes such action is necessary to rectify discrimination or a disadvantage towards persons having a protected characteristic (marginalized individuals, including people with disabilities). The bill also allows for favorable consideration in the process of recruitment or promotion for persons having a protected characteristic and requires each state agency to take positive action and implement strategies and programs to eliminate and prevent any disparities created by discriminatory administrative rules, policies, and procedures.

In **Iowa**, all executive branch employees are required to read the state's [Equal Opportunity, Affirmative Action, and Anti-Discrimination Policy](#) (last revised 2018), and are expected to sign an acknowledgment indicating that the policy was read and fully understood by the employee.

**Massachusetts** Governor Patrick signed [Executive Order 478](#) (now [Executive Order 526](#)) (2007), reaffirming the executive branch's commitment to the principles of nondiscrimination, equal opportunity, and diversity for hiring and employment. Massachusetts strengthened the executive order by requiring that hiring goals be incorporated in employment guidelines for the executive branch and ensured follow through by creating the [Massachusetts Office on Disability](#).

**Nevada** enacted [AB365](#) (2021), declaring the policy of the state that persons employed by the state be afforded respect, dignity, and equity in the workplace; requiring the Departments of the State Government to prepare and submit a report concerning equity in the workplace annually; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to evaluate annually the effectiveness of any policy intended to encourage equity in the workforce and prepare and submit a report concerning the evaluation; requiring certain regulations adopted by the Personnel Commission of the Division to include requirements for the training of supervisors and managerial employees concerning implicit bias; and providing other matters properly relating thereto.

**New Jersey** [Revised Statutes 11A:7-3](#) states each state agency shall establish goals for minorities, women, and persons with disabilities that are reasonably related to their population in the relevant surrounding labor market.

**Oregon** [Affirmative Action/Diversity and Inclusion Plan Requirements](#) specifies that each state agency will be required to develop and submit its Affirmative Action Plan to the Governor's Office of Diversity & Inclusion/Affirmative Action.

**Vermont** Governor Dean issued [Executive Order 3-43 \(No. 09-02\)](#) establishing the 2002 Governor's Workforce and Equity Diversity Council, which was charged with advising the commissioner of personnel and the secretary of administration on the development and implementation of the state's affirmative action program. The council was also responsible for ongoing coordination of efforts, monitoring of activities against goals and objectives, and compliance with state and federal mandates.

**Washington** Governor Inslee, recognizing that state government is one of the largest employers in the state, issued an [executive order](#) (2013) setting the goal that by June 30, 2017, 5 percent of the state's workforce will be people with disabilities. Under the order, each cabinet-level agency must develop an annual employment plan to address the underrepresentation of people with disabilities in their agency and report progress.

Governor Beshear of **Kentucky** issued [Executive Order 2020-554: Relating to Equal Employment Opportunities and Non-discrimination in Employment, Services, and Contracting](#), which reaffirms the commitment to equal employment opportunity for state employees.

Governor Edwards of **Louisiana** issued [Executive Order JBE 18-08: State as a Model Employer](#) (2018). The executive order establishes the State as a Model Employer Task Force, whose duties include establishing a five-year plan with annual goals that will enable the state workforce to reach parity with the percentage of working age people with disabilities in Louisiana.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the state to make best efforts to eliminate the disparity in the percentage of individuals with disabilities of working age in the population and the percentage of employees with disabilities in the state workforce and set annual goals for continuing to increase the percentage of individuals with disabilities in the state workforce.

**New Jersey** enacted [AB 5631](#) (2020), which requires that the director of each division ensure that the affirmative action and equal employment goals of each state agency for minorities, women, and persons with disabilities shall be reasonably related to their population in the relevant surrounding labor market areas.

**Virginia** enacted [SB 1530 \(HB 2425 identical\)](#) (2017), which established a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. In 2020, **Virginia** enacted [HB 1098](#) (2020), which updates state policy to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards, and authorities of the Commonwealth. To assist in achieving this policy, it shall be the goal of the Commonwealth to increase by five percent the level of employment of individuals with disabilities by the state by fiscal year 2023.

## **SURVEYS, STUDIES, REPORTING MECHANISMS, AND DATA COLLECTION**

A number of states use surveys and reporting mechanisms to measure progress in hiring people with disabilities.

The **Alaska** Governor's Council on Disabilities and Special Education conducted a [survey of state workers in 2011](#) in order to continue to monitor the representation of employees with disabilities in Alaska state government and solicit recommendations for improvement. Survey findings revealed important information on the state's efforts related to increasing the employment of persons with disabilities, including that they are in fact appropriately represented in the state's workforce. Recommendations offered by the council include increasing training on the ADA for managers and supervisors, increasing flexibility through variable work schedules and job-sharing opportunities, improving workplace accessibility, developing targeted recruitment and retention programs for individuals with disabilities, and offering health and wellness benefits and programs. In addition, in 2019, **Alaska** completed a new survey of employers regarding the employment of people with disabilities. [[Alaskan Employer Perspectives on Hiring Individuals with Disabilities Summary Report 2019](#)]

**Florida** enacted [HB 7003](#) (2016), which modified the state's equal employment policy to provide enhanced executive branch agency employment opportunities for individuals who have a disability. The legislation provides for the compilation of data regarding hiring practices regarding individuals with disabilities and makes such data available on website.

The **Illinois** departments of Human Rights, Human Services and Central Management Services, and the Interagency Committee on Employees with Disabilities and other state agencies conduct an [ongoing online work disability survey](#). The survey gives employees with disabilities an opportunity to self-identify and determine for whom emergency evacuation assistance may be necessary.

**Kansas** Governor Parkinson signed [Executive Order 10-10](#) (2010), requiring the collection of baseline data on people with disabilities followed by annual reporting on the numbers of people employed and their fiscal impact on the state.

In **Maine**, a [2006 Executive Order](#) signed by Governor Baldacci requires a survey of employees to better understand the prevalence of employees with disabilities in state government.

In an effort to collect better baseline data on current employees with disabilities, **Massachusetts** surveyed participants regarding self-identification, disclosure and reasonable accommodation, the employment pipeline, and agency culture.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration, on an annual basis, collect data, based on voluntary self-disclosure, and report initial baseline numbers of state employees with disabilities and report and evaluate the state's progress in increasing the percentage of employees with disabilities in the state workforce.

**Nevada** enacted [AB365](#) (2021), which requires the departments of the state government to prepare and submit an annual report concerning equity in the workplace.

**New York** enacted [S06276](#) (2021), which requires the president of the civil service commission to conduct a study on the employment of persons and veterans with disabilities by the state and make recommendations as to whether the state needs to hire more persons and veterans with disabilities to fill the positions created by sections 55-b and 55-c of the civil service law.

Governor DeWine of **Ohio** issued [Executive Order 2019-03D Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019) directing all state agencies to collect and evaluate self-disclosed data through the state personnel system to be used to measure progress in hiring people with disabilities. This data will be used to develop a strategic plan.

The **Pennsylvania** [Employment First legislation](#) (2018) directs the Office of Administration (OA) to develop a framework for individuals to self-report a disability.

**Texas** enacted [SB 2027](#) (2017), which requires a study to evaluate, by region, training and employment opportunities in the state for individuals with intellectual disabilities.

Governor Northam of **Virginia** issued [Executive Order 47](#) (2020) directing the Director of Diversity, Equity, and Inclusion to report to the Governor on the progress of this order and the steps taken to ensure community integration, improve website accessibility, and advance employment of Virginians with disabilities.

**Virginia** also enacted [HB 1098](#) (2020), which requires state agencies to prepare a plan to increase employment opportunities at the agencies for individuals with disabilities. The Secretary shall establish guidelines regarding the development and content of state agency plans and establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals of the Commonwealth established by this section. In addition, the Secretary, in collaboration with the Department of Human Resource Management, shall develop an annual report on the number of individuals with disabilities directly employed by the state agencies. The information shall be included in the annual demographic report of the Department of Human Resource Management. Further, the Secretary shall report on the progress of state agencies toward meeting the employment goals of the Commonwealth to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance *and Appropriations by September 1* of each year.

**Washington** enacted [HB 1636](#) (2015), requiring all state agencies with 100 or more employees to provide an annual report to the legislature with data related to the percentage of individuals with disabilities in the agency's workforce, including the number of new hires employed from the Division of Vocational Rehabilitation services or the Department of Services for the Blind. The legislation also requires that each covered agency report to the legislature regarding opportunities for internships that would lead to permanent placement in entry-level positions.

### **FAST-TRACK HIRING SYSTEMS (SPECIAL APPOINTMENT LISTS, TRIAL WORK PERIODS, AND PAID INTERNSHIPS)**

As another SAME strategy, states have taken systemic steps to increase the accessibility of application processes for people with disabilities. For example, state policymakers have adopted special appointment lists for noncompetitive employment.

In that spirit, states may find inspiration from the Federal Government's "[Schedule A Excepted Service Hiring Authority for Individuals with Disabilities](#)." Schedule A is a hiring authority for federal agencies to use to tap into a diverse and vibrant talent pool without going through the often-lengthy traditional hiring process. Schedule A allows



individuals to apply for a federal appointment through a noncompetitive hiring process. This means that if an individual meets the eligibility status of the appointment and the minimum qualifications for a position, the individual may be hired for the position without competing with the general public.

Another model worth considering is the Federal Government's [Workforce Recruitment Program](#), which connects federal and private sector employers nationwide with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs.

Several states have established excepted service hiring authorities and maintain special appointment lists for noncompetitive appointments. States also authorize trial work periods and paid internships.

The [Alaska Provisional Hire Program](#) allows hiring managers to offer provisional appointment without competitive assessment to applicants with severe disabilities for up to four months with the possibility of transitioning the provisional employee to permanent employment. Provisional hiring into Alaska state agencies does not guarantee a permanent placement at the end of the four-month trial period. Eligible individuals with disabilities become certified for participation in the provisional hiring program through [Alaska's Division of Vocational Rehabilitation](#). The provisional hire program does not establish a hiring preference for individuals with severe disabilities, and the hiring manager can elect to interview the qualified individual before beginning the provisional hire process and stop the provisional hire process at any time.

**Delaware** established a [Selective Placement Program](#) through [legislation and state policy](#). The program provides hiring managers with direct access to place qualified candidates with disabilities into vacant positions, bypassing some of the complicated and time-consuming processes. The [Division of Vocational Rehabilitation](#) (DVR) or the [Division for the Visually Impaired](#) (DVI) certifies the applicant as a person with a disability. In addition, a modest number of positions are dedicated to people with disabilities throughout the state, enabling agencies to provide paid training and work opportunities for applicants seeking the experience and learning that comes with employment. Some of these are short term, limited to a year, while others are longer term and enable a person with a disability to attach to individual state agencies.

**Florida** enacted [HB 7003 \(2016\)](#), which implements programs that incorporate internships, mentoring, on-the-job training, unpaid work experience, situational

assessments, and other innovative strategies that are specifically geared toward individuals with disabilities.

In [Illinois](#), applicants with severe disabilities may be eligible for supported employment during a trial work period, with the possibility of permanent employment thereafter. Also, **Illinois** enacted [SB 726](#) (2019), which establishes a trainee program for persons with a disability and authorizes state agencies to offer at least one position per year to be filled by a person with a disability through an established trainee program, sets forth program requirements.

[Maine](#) offers a trial work period of up to one year for candidates certified by vocational rehabilitation. Mandatory interviews can also help otherwise-qualified applicants with disabilities “get a foot in the door” in state Government.

**Maryland’s** [Special Options Eligible List fast track program](#) provides individuals with disabilities the opportunity to engage in training programs with the Division of Rehabilitation Services (DORS) or an internship under [Maryland’s QUEST program](#), administered jointly through the Department of Budget and Management and DORS. Also, **Maryland** enacted [HB 1466](#) (2017), which authorizes the selection of specified disabled veterans for specified positions in the State Personnel Management System using a specified selection process and requires an appointing authority for a specified position in a unit in the executive branch of state government with an independent personnel system to develop a specified selection process for disabled veterans.

**New Jersey** enacted [A5294](#) (2022), which provides fast track hiring and advancement employment opportunities by the state for persons with significant disabilities.

**Nevada** enacted [AB 192](#), which revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. This provision of existing law is commonly referred to as the “700-hour program.” **Nevada** also enacted [SB 50](#) (2019), which further revises the 700-hour program.

**Utah** established the [Alternative State Application Process \(ASAP\) for individuals with disabilities](#) through [HB 17](#) (2010), under which qualified candidates with disabilities may be appointed to fill vacant positions for a six-month trial examination period. Upon completion of the examination period, the worker would then be in the position during the state’s customary probation period.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020) to increase the employment of individuals with disabilities in state government through the use of available hiring authorities, consistent with statutes, regulations, and prior executive orders. **Virginia** also enacted [HB 1098](#) (2020), which also specifies that state agencies shall use available hiring authorities, consistent with statutes, regulations, and prior executive orders. **Virginia** enacted [HB2140](#) (2021), which directs the Department of Human Resources Management to create an alternative application process for the employment of persons with a disability. The process must be noncompetitive in nature and provide an option for agencies to convert positions filled through the noncompetitive process.

## **REASONABLE ACCOMMODATION POLICIES AND CENTRALIZED ACCOMMODATION PROGRAMS**

### *Reasonable Accommodation Policies and Procedures*

States are adopting policies and procedures governing reasonable accommodations.

**California** enacted [AB313](#) (2021), which requires that each state agency develop its own reasonable accommodation policy for individuals with disabilities, consistent with state and federal law, to address requests for reasonable accommodations. The bill also requires the department to develop model policies for equal opportunity employment programs, including a model policy on reasonable accommodation.

**Nevada** enacted [SB179](#) (2021), relating to interpreters; revising the activities for which registration as an interpreter or real-time captioning provider is required; revising the requirements and professional classifications for registration as an interpreter or real-time captioning provider; providing for the establishment of qualifications to serve as a professional mentor and additional professional classifications in the field of interpreting; revising certain terminology related to interpreting; and providing other matters properly relating thereto.

**Tennessee** enacted [HB1578/SB1183](#) (2021), which provides 36 hours of yearly leave for a state employee who is a veteran with a service-connected disability of 30 percent or more to be used to attend appointments related to the service-connected disability.

### *Centralized Reasonable Accommodation Fund*

A Centralized Accommodation Fund (CAF) is a consolidated funding strategy to meet reasonable accommodation requests made by employees and applicants with disabilities, rather than requiring each state agency to pay for accommodations out of

individual agency budgets. By utilizing a centralized accommodation fund to pay for requests, states can ease the administrative and financial pressure on agency hiring personnel worried about the impact of accommodations on agency budgets.

In addition to Minnesota, **Massachusetts** has established centralized funds for accommodating individuals with disabilities.

**Massachusetts** operates a [Reasonable Accommodation Capital Reserve Account](#) designed to supplement existing agency resources. Established in fiscal year 2009, state agencies may make requests for supplemental funding for accommodations to the Massachusetts Office of Disability and Office of Access and Opportunity, which are evaluated. Funds are then disbursed until the reserve account is exhausted for the current fiscal year. In past years, at least \$100,000 has been made available to supplement state agency budgetary resources.

### *Centralized Expertise on Disability Employment*

In a similar vein, several states have centralized their reasonable accommodation *expertise*, providing state agencies with one go-to destination for guidance on disability employment matters.

**Alaska's** [ADA Compliance Program](#) embeds Americans with Disabilities Act (ADA) coordinators in major state agencies and assists employees with accommodation requests.

**Oklahoma** passed [HB 2062](#) (2013) to enact a statewide telework program and included language requiring the development of policies and guidance on the use of telework as a workplace accommodation for employees with disabilities.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration to designate a State Disability Employment Coordinator or Coordinators who shall be responsible for advising all state agencies on disability policy and compliance with disability rights laws, collaborating with and supporting all state agencies concerning recruitment, hiring, and retention of employees with disabilities, and training of state employees and managers on disability-related issues.

**Vermont** utilizes a rigorous and streamlined [Request for Reasonable Accommodation](#) process for state employee accommodation requests. Vermont's process involves a review committee for accommodations exceeding \$500 and when there is a

disagreement between department and employee on the reasonable accommodation offered or denial of a request at the department level.

## **ACCESSIBLE TECHNOLOGY: WEBSITES, ONLINE SYSTEMS, MOBILE APPS AND OTHER FORMS OF INFORMATION AND COMMUNICATION TECHNOLOGY**

Technology has transformed the way we work, but if the technology in one's workplace is not usable by everyone, it creates an inequitable workplace environment. As such, states are encouraged to consider elevating the importance of accessibility as a primary policy and program consideration in the design, development, and procurement of information and communication technology (ICT) systems, including websites, online systems, mobile apps, and other forms of ICT. Where technical standards for accessibility do not exist, states may want to consider adopting user-centered functional performance criteria for all disability types. Further, where procurement policies exist, states may want to consider including specific procurement policies applicable to ICT accessibility.

A poignant example of accessibility's importance at the state level can be found in the Information Technology and Innovation Foundation's (ITIF) 2020 [report on the accessibility of state unemployment websites](#). It reported that the vast majority of state unemployment websites fail basic mobile and accessibility tests, making it difficult for people with disabilities (who may use assistive technology and/or accessibility features) to apply for unemployment benefits and other employment services.

The Office of Disability Employment Policy's [Partnership on Employment & Accessible Technology](#) is a helpful resource in this regard. It offers tools and guidance to help organizations build and buy accessible products and ensure their workplace technology and digital products are accessible to people with disabilities.

Many states have enacted policy governing requirements and standards for the design, use, and procurement of ICT.

**Alabama's [IT Universal Accessibility Standard](#)** specifies that "Just as environmental obstacles can inhibit individuals with certain disabilities, Internet use can also present obstacles for persons with certain disabilities." The object of the policy is "to advise agencies on the use of the minimum requirements for online accessibility for all State of Alabama web sites that comply with Section 508 of the Rehabilitation Act."

**Arizona**, through state statute, recognizes the need to improve accessibility of ICT in order to "increase the successful employment and access to government services" for

individuals with disabilities. The statute directs each budget unit of the state to ensure that any information technology developed, procured, maintained or used by the budget unit provides accessibility comparable to and in line with the accessibility standards of Section 508 of the Rehabilitation Act.

**California's** IT accessibility policy explains that “it is the policy of the State of California that information and services within State Government, and provided via electronic and information technology, be accessible to people with disabilities.” The policy directs state agencies to comply with all federal and state laws prohibiting discrimination against individuals with disabilities, including laws outlining accessibility requirements for electronic and information technologies. State agencies must ensure that “their agency/state entity public Web sites are accessible to both the general public and that their internal agency/state entity electronic and IT systems are accessible by state employees, including persons with disabilities.” The policy requires all electronic or information technologies developed, purchased, maintained, or used by state agencies comply with the accessibility requirements Section 508 of the Rehabilitation Act. The policy also extends these compliance requirements to state contractors. Further, **California** enacted [AB 434](#) (2017), requiring state agencies to make their respective sites accessible by July 1, 2019. Each state agency is required to achieve conformance with Web Content Accessibility Guidelines (WCAG) 2.0, or any subsequent version, at a minimum Level AA success criterion. Compliance with the requirement will make the website of every state agency accessible to individuals relying on the use of assistive technologies such as screen readers, keyboard navigation, and/or other assistive devices that allow them to access and consume digital content.

**Colorado** enacted [HB1110](#) (2021), which specifies that the Chief Information Officer in the Office of Information Technology shall, consistent with the responsibilities of The Office, promote and monitor the access standards for individuals with a disability in the state's information technology infrastructure, including but not limited to architecture. Each state agency is directed to comply with the access standards for individuals with a disability.

**Hawaii** enacted [SR5](#) (2021), which directs the Disability and Communication Access Board, in collaboration with the office of enterprise technology services, to convene a working group on accessible government documents.

The **Illinois** [Information Technology Accessibility Act](#) (2007) requires state agencies and universities to ensure that their web sites, information systems, and information technologies are accessible to people with disabilities.

**Indiana** specifies that if a contractor provides any information technology related products or services to the state, the contractor shall comply with all IOT standards, policies and guidelines. The contractor agrees that all hardware, software and services provided to or purchased by the state shall be compatible with the principles and goals contained in the electronic and information technology accessibility standards adopted under Section 508 of the Federal Rehabilitation Act of 1973.

**Kentucky** recognizes the relationship between full participation in the workplace and community and the need to ensure accessible ICT, legislating that individuals with disabilities have a right to full participation of life in the commonwealth, which includes the use of advanced technology by employees, program participants, and members of the public.

**Maine's** [State Web Accessibility and Usability Policy](#) reasserts the state's commitment to the "Guiding Principles of Universal Access to Information" for all Maine's state government web sites.

Governor Parsons of **Missouri** issued [Executive Order 19-16](#) (2019) directing the Office of Administration to ensure that the state's web-based hiring portal is accessible for applicants with disabilities.

**New Hampshire** [Web Accessibility Initiative](#) requires all state agencies to develop and maintain web and mobile sites that follow universal access standards that conform to regulations from Section 508 of the Rehabilitation Act. The New Hampshire initiative also applies to all web and mobile state job applications, seeking to remove barriers to application and hiring for individuals with disabilities.

**New York** updated its [Policy on Accessibility of Information and Communication Technology](#) (2019). The Policy is based on Section 508 of the Rehabilitation Act, including WCAG 2.0 A and AA. **New York** explains the benefits of accessible ICT: "The benefits of the policy [establishing minimum accessibility requirements] will be a more fully inclusive state workforce and increased availability of governmental services to all members of the public."

**Ohio** updated its Web Accessibility Policy. Governor DeWine issued [Executive Order 2019-03D Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019) that directs the Office of Information Technology, in

consultation with the state ADA Coordinator, to conduct an annual review of the state's web-based hiring portal to ensure it is accessible to applicants with disabilities.

**Utah** enacted [HB 284](#) (2019), which authorizes the Department of Technology Services to coordinate with executive branch agencies to provide basic agency website standards that address common website design and navigation standards.

Governor Northam of **Virginia** issued [Executive Order 47: Expanding Opportunities for Virginians with Disabilities](#) (2020), which directed the Virginia Information Technology Agency to work with other state agencies to improve the accessibility of the Commonwealth's websites for Virginians with disabilities and encourage similar efforts in the private sector.

The state of **Washington** adopted new [accessibility standards](#) based on WCAG 2.1.

## **DISABILITY AWARENESS TRAINING FOR STATE PERSONNEL**

While states may have robust policies and procedures to attract and retain employees with disabilities, it is important to offer training to direct supervisors and other employees regarding these policies to maximize implementation. Such training typically explores policies and procedures pertaining to applicants and employees with disabilities such as reasonable accommodation procedures and disability etiquette.

Several states have implemented policies requiring disability inclusion training for supervisors and other state employees.

**Florida** enacted [HB 7003](#) (2016), which implements a mandatory training program for human resources personnel and hiring managers.

**Illinois** enacted [SB 1136](#) (2019), which requires each state agency to send at least one hiring manager to be trained each year about hiring people with disabilities.

In **Massachusetts**, state agencies must attend [two levels of awareness training](#); the first involves diversity awareness and is completed in the first six months of employment, and the second—disability awareness is completed within the first year of employment.

Governor Parson of **Missouri** issued [Executive Order 19-16](#) (2019) ordering the Office of Administration and the State Disability Employment Coordinator or Coordinators shall ensure that all state employees participate in initial and periodic disability awareness



training to build and sustain a culture of inclusion in the workplace which will include discussion of rights to reasonable accommodation in the workplace.

**Nevada** enacted [AB365](#) (2021), which requires the training of supervisors and managerial employees concerning implicit bias.

Governor DeWine of **Ohio** issued [Executive Order 2019-03D Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities](#) (2019). The executive order includes a provision directing applicable agencies to ensure that all state employees participate in regular disability etiquette and awareness training.