



Adding Accessibility to Diversity, Equity and Inclusion Initiatives

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On June 25, 2021, President Biden issued [Executive Order \(EO\) 14035: Diversity, Equity, Inclusion and Accessibility \(DEIA\) in the Federal Workforce](#). EO 14035 marks the first time that the term “accessibility” has been included along with “diversity, equity and inclusion” (DEI) to describe an initiative at the federal level for cultivating a workforce that draws from the full diversity of the nation. For the purposes of the EO:

- The term “accessibility” is used generically, i.e., to be applicable to people with and without disabilities and to mean the design of programs and services and the design, construction, development and maintenance of facilities and information and communication technology (ICT) so that all people, including people with disabilities, can fully and independently use them. Accessibility also includes the pursuit of best practices such as Universal Design¹ (which partially overlaps with, but is not exactly the same as “inclusive design”²).
- Accessibility is also used as a “term of art” referring to the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, and a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space. Accessibility as applicable to people with disabilities also includes specific standards and guidelines governing the design, construction use and maintenance of facilities and ICT.

This policy brief discusses the significance of DEIA for ensuring effective and meaningful employment opportunities for applicants and employees with disabilities, and its implications for federal sector employers (as well as for state, local and private sector employers) in proactively recruiting, hiring, advancing and retaining people with disabilities.

More specifically, this brief:

- **Provides** a historical context demonstrating that equal employment opportunity initiatives for people with disabilities have typically been presented in disability-specific pronouncements;
- **Describes** the uniform approach adopted by the Biden Administration under which disability is included generically under DEIA along with other protected classes, e.g., race, ethnicity and gender, and disability-specific policies are also articulated; and
- **Concludes** with a review of the implications for people with disabilities of pursuing this more uniform approach.

HISTORICAL CONTEXT

Previous administrations, and the independent agencies chaired by their appointees, focused on enhancing equal employment opportunity for people with disabilities through the issuance of disability-specific policy pronouncements, including legislation, regulations and EOs.

1 Universal Design (also called inclusive design) is “a process that enables and empowers a diverse population by improving human performance, health and wellness, and social participation” (Edward Steinfeld and Jordana Maisel (2012), *Universal Design: Creating Inclusive Environments*; John Wiley & Sons). In short, Universal Design makes life easier, healthier and friendlier for all. Universal Design increases the potential for developing a better quality of life for a wide range of individuals. It also reduces stigma by putting people with disabilities on an equal playing field. While it does not substitute for assistive technology, Universal Design benefits people with functional limitations and society as a whole. It supports people in being more self-reliant and socially engaged. For businesses and government, it reduces the economic burden of special programs and services designed to assist individual citizens, clients or customers. (Jordana L. Maisel and Molly Ranahan, “[Beyond Accessibility To Universal Design](#),” *Whole Building Design Guide* (Updated April 29, 2022).

2 “Inclusive design describes methodologies to create products [and services] that understand and enable people of all backgrounds and abilities. It may address accessibility, age, economic situation, geographic location, language, race and more.” Unlike in universal design, inclusive design may lead to more than one product or service for a task, each with different audiences in mind. (Alita Joyce, [Inclusive Design](#), Nielsen Norman Group (2022)).

- 1990
○

In **1990**, the landmark [Americans with Disabilities Act \(ADA\)](#) was signed. The ADA makes it illegal for employers, state and local governments and public accommodations to discriminate on the basis of disability.
- 1991
○

In **1991**, the Equal Employment Opportunity Commission (EEOC) issued a [rule](#) implementing Title I of the ADA, which prohibits employers from discriminating against individuals on the basis of disability.
- 1998
○

In **1998**, [EO 13078: Increasing Employment of Adults with Disabilities](#) (PDF) (March 13, 1998) was issued. The EO established a National Task Force on the Employment of Adults with Disabilities.
- 2000
○

In **2000**, [EO 13163: Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government](#) (PDF) (July 26, 2000) was issued. The EO required each federal agency to prepare a plan to increase opportunities for people with disabilities to be employed in the agency, and to submit the plan to the Office of Personnel Management (OPM).
- 2000
○

Also in **2000**, [EO 13164: Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation](#) (PDF) was issued (July 26, 2000). The EO required federal agencies to establish written reasonable accommodation procedures, and to include a series of detailed requirements in the written procedures.
- 2001
○

On **February 1, 2001**, the [New Freedom Initiative](#) was announced as a comprehensive program to promote the full participation of people with disabilities in all areas of society by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities and promoting increased access into daily community life.
- 2010
○

In **2010**, [EO 13548: Increasing Federal Employment of Individuals with Disabilities](#) (PDF) was issued (July 26, 2010) This EO set a goal of having the Federal Government hire 100,000 people with disabilities within five years and required agencies to set their own hiring goals for people with disabilities and subgoals for people with targeted disabilities.
- 2013
○

On **September 24, 2013**, the [rule](#) implementing [Section 503 of the Rehabilitation Act](#) (nondiscrimination and affirmative action by federal contractors) was updated. The updated rule established for the first time a 7% workforce utilization goal for people with disabilities and required federal contractors to maintain several quantitative measurements and comparisons for the number of people with disabilities who apply for jobs and the number of individuals they hire in order to create greater accountability for employment decisions and practices.
- 2017
○

On **January 3, 2017**, the EEOC updated the [rule](#) implementing [Section 501 of the Rehabilitation Act](#) (nondiscrimination and affirmative action by federal agencies). The updated rule codified a variety of obligations placed on federal agencies by EOs and management directives, and among other things, required each federal agency to take specific steps that are reasonably designed to gradually increase the number of employees who have a disability and the number of employees who have certain targeted disabilities until they meet specific goals set by the EEOC (12% for [reportable disabilities](#) (PDF) and 2% for [targeted disabilities](#) (PDF)).
- 2017
○

On **January 18, 2017**, the U.S. Access Board issued an updated [rule](#) establishing standards and guidelines intended to ensure that ICT covered by [Section 508 of the Rehabilitation Act](#) (and other Acts) are accessible to and usable by people with disabilities (federal employees and the general public).

EXECUTIVE ORDER 14035

[*EO 14035: Diversity, Equity, Inclusion and Accessibility in the Federal Workforce*](#), issued on June 25, 2021, establishes the policy that the Federal Government must be a model for diversity,³ equity,⁴ inclusion⁵ and accessibility,⁶ establishes DEIA as a priority for the Biden Administration, and establishes an expectation that the DEIA strategic plan will become integrated into each agency's overall agenda, priorities and strategic planning.

For people with disabilities, EO 14035 takes a more unified approach than certain previous policies because disability is included in the overall conception of DEIA. The EO explicitly states that DEIA initiatives should include people with disabilities, along with racial and ethnic minorities, women and others belonging to “underserved communities.”⁷ This means that *all* aspects of the EO apply to people with disabilities, including data collection, paid internships, partnerships, recruitment, professional development and advancement, training, learning, onboarding programs and strategic plans (government-wide and agency specific).

In addition, Section 10 of the EO applies specifically to people with disabilities and highlights the expectation that:

- The Federal Government becomes a model employer of people with disabilities;
- Accessible ICT is provided to federal employees and applicants with disabilities (and, where needed, reasonable accommodations are available that will allow qualified individuals with disabilities to perform the essential functions of their positions and access advancement opportunities);
- Federal agencies fully comply with equal employment opportunity and affirmative action in accordance with Section 501 of the Rehabilitation Act;
- ICT and products that are developed, procured, maintained and used by federal agencies are consistent with all standards and technical requirements under Section 508 of the Rehabilitation Act (which requires federal agencies' electronic and information technology to be accessible to people with disabilities, including employees and members of the public);
- Applicants and employees with disabilities have access to information about and understand their rights regarding self-identification, Schedule A hiring authority, reasonable accommodations, personal assistance services and accessible ICT; and
- Buildings and workplaces are accessible, and employees understand their right to file complaints with the U.S. Access Board.

3 For purposes of the EO, the term “diversity” means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures and beliefs of the American people, including underserved communities.

4 For purposes of the EO, the term “equity” means the consistent and systematic fair, just and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

5 For purposes of the EO, the term “inclusion” means the recognition, appreciation and use of the talents and skills of employees of all backgrounds.

6 For purposes of the EO, the term “accessibility” means the design, construction, development and maintenance of facilities, ICT, programs and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space and the pursuit of best practices such as Universal Design.

7 See Section 2 (definition of “underserved communities” includes people with disabilities) and Section 10 (Advancing Equity for Employees with Disabilities). See also Sections 3(b)(ii), 4(a)(i), 6(a)(v), 7(a) and 9(a).

Further, the EO highlights the need to consolidate and coordinate efforts, including efforts to implement Sections 501, 504 and 508 of the Rehabilitation Act and related reporting requirements, such as Management Directive (MD) 715 reports.

[The Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF) (November 2021) provides vision and mission statements, establishes five operating principles, outlines DEIA priorities, details roadmaps for advancing DEIA, provides an example maturity model⁸ to support growth and outlines steps to create a comprehensive framework to address workplace harassment.

The “Overview and Background” of the *Government-Wide Strategic Plan* make it explicit that DEIA includes “underserved communities” which in turn includes people with disabilities. Throughout the document, numerous references are made to “underserved communities” and “people with disabilities.” For example:

- Under “DEIA Roadmap for Agency Action,” reference is made to “the Federal Government should be a model employer where all employees, including employees from underserved communities are treated fairly and thrive in an inclusive work environment.” [page 11]
- Under “Diversity Roadmap,” reference is made to “assessing whether recruitment materials are effective in attracting a broad range of talent, including individuals from underserved communities.” [page 11]
- Under “Equity Roadmap,” reference is made to “evaluating leadership and career development programs to increase access to opportunities, including for members of underserved communities.” [page 12]
- Under “Inclusion Roadmap,” reference is made to “investing in an infrastructure that provides the timely and effective accommodations for people with disabilities” and “training supervisors and management officials on the requirements and processes for providing reasonable accommodations and increasing accessibility.” [page 13]
- Under “Accessibility Roadmap,” reference is made to the fact that the “Federal Government must consistently design, construct, develop, and maintain facilities, technology, programs and services so that all people, including people with disabilities, can fully and independently use them.” [page 13]

CONCLUSION

By including accessibility alongside diversity, equity and inclusion, the Biden Administration is sending two interrelated messages to federal agencies acting in their capacity as employers, as well as to state and local governments acting as employers and private sector employers, regarding initiatives to cultivate a workforce that draws from the full diversity of the nation.

The first message is that people with disabilities need to be included, along with racial and ethnic minorities, women and other underserved communities, in diversity, equity and inclusion initiatives. This means that leadership commits to ensuring that a disability perspective is reflected at the initial DEIA design stage (not as an afterthought); during the implementation stage; and at the evaluation, assessment and continuous improvement stages. This also means that people with lived disability experience and those with disability-related expertise are at the table when decisions impacting DEIA are being made.

⁸ The Maturity Model is an example tool for agencies to consider employing to assess the effectiveness of DEIA within their workforce policies and culture. See Section 5 and Appendix II of the [Government Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (PDF).

Second, disability-specific aspects of equal employment opportunity are included in DEIA initiatives in order to ensure that the opportunities provided to people with disabilities are as effective and meaningful as those provided to others. Effective and meaningful opportunity includes the provision of reasonable accommodations to applicants and employees with disabilities on a case-by-case basis and the design, procurement, use and maintenance of facilities and ICT that are accessible to and usable by applicants and employees with disabilities.