

DISABILITY-RELATED THEMES EMBEDDED IN EXECUTIVE ORDER 14035:

Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce

On June 25, 2021, President Biden issued Executive Order (EO) 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce. The EO establishes the policy that the Federal Government must be a model for diversity, equity, inclusion and accessibility (DEIA), establishes DEIA as a priority for his administration, and establishes procedures to advance these priorities across the Federal workforce. [Section 1]. This document highlights disability-related themes embedded in the EO.

- 1 Inclusion of individuals with disabilities.** The EO makes it explicit that DEIA initiatives and strategic plans (government-wide and agency specific) must include individuals with disabilities. [See particularly, Section 2 (definition of “underserved communities”) 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)]
- 2 Expand scope.** The EO establishes a Government-wide diversity and inclusion initiative and expands its scope to specifically include (and define) “equity” and “accessibility.” [Section 3(a)]
- 3 Require the development and issuance of Strategic Plans and Preliminary Assessment.** The EO prescribes the development and issuance of a Government-Wide DEIA Initiative and Strategic Plan and for each agency, the development and submission of a preliminary assessment and DEIA strategic plan. [Sections 3 and 4]
- 4 Oversee and provide resources and staffing to support the implementation of the strategic plans.** The EO emphasizes the need to provide sufficient resources and staff expertise to support implementation and seek opportunities to establish a position of chief diversity officer or diversity and inclusion officers with sufficient seniority to coordinate efforts to promote DEIA. [Section 4(a)(iii), 4(d), and 4(f)]
- 5 Prescribe roles and responsibilities of the Access Board, the Assistant to the President for Domestic Policy (APDP), the Department of Labor, the Equal Employment Opportunity Commission, the General Services Administration, the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM).** Roles and responsibilities include supporting, coordinating and encouraging agency efforts relating to DEIA planning, implementing and assessing progress.
- 6 Make DEIA a priority component of an agency’s agenda and integrate DEIA into broader agency strategic planning.** The EO establishes an expectation that the DEIA strategic plan will become integrated into the agency’s overall priorities and strategic planning. The EO also prescribes collaboration with the agency’s senior officials. [Section 4(h)]
- 7 Consolidate and coordinate DEIA implementation efforts and reporting requirements.** The EO highlights the need to consolidate and coordinate efforts, including efforts to implement Sections 501, 504 and 508 of the Rehabilitation Act of 1973 and related reporting requirements, including the Management Directive (MD)-715 report. [Section 3(d)]

- 8 Promote and adopt data-driven approaches to advancing DEIA.** Data driven approaches should be used to increase transparency and accountability, to advance policies and promote DEIA while protecting privacy and confidentiality that build on MD-715 reporting process. [Section 3(b)(iv) and 3(e), Section 4(a)(ii) and (a)(iv), and Section 5(a)]
- 9 Measure demographic representation and trends, including intersectional analysis.** The trends should include the agency's overall workforce composition, senior workforce composition, employment applications, hiring decisions, promotions, pay and compensation, professional development programs and attrition rates. Data collection and analysis should allow for the captures or presence of multiple attributes and identifies intersectional analysis. The collection and analysis of data should include data regarding the membership of advisory committee, commission and boards and leadership and professional development programs and the rate of placement in senior position. [Section 5 and Section 8(b)]
- 10 Report progress and establish standards of success.** The EO requires the Government-wide DEIA plan to define "standards of success" based on leading policies and practices [Section 3(b)(i)] and include "measurement of improvement, analysis of the effectiveness of agency programs and descriptions of lessons learned [Section 3(c)]. The EO also prescribes quarterly goals and actions agencies must submit to the APDP, OMB and OPM and an annual report to the President. [Section 4(b) and 4(c)]
- 11 Make progress reports available to the public.** Agencies should make available to the public information on efforts to advance DEIA. [Section 4(c)]
- 12 Identify strategies to advance DEIA and eliminate barriers, including best, leading, and other promising practices.** These strategies should include eliminating barriers to equity in federal workforce functions, including: recruitment, hiring, background investigation, advancement, retention, performance evaluations and awards, employee resource group and affinity group and onboarding programs [Section 3(b)(ii)]. These practices also include:
- Developing a comprehensive framework to address workplace harassment [Section 3(b)(iii)].
 - Increasing the availability of paid internships, fellowships and apprenticeships [Section 6].
 - Strengthening partnerships and recruitment [Section 7].
 - Identifying ways to improve outreach and recruitment for professional development and advancement [Section 8].
 - Implement or increase the availability and use of diversity, equity, inclusion and accessibility training and learning [Section 9].
- 13 Highlight aspects of DEIA particularly applicable to individuals with disabilities.** [Section 10] The EO highlights the following specific topics applicable to individuals with disabilities:
- Federal Government must become a model employer.
 - Accessible information and communication technology must be provided to Federal employees and applicants (and on a case-by-case basis, the provision of assistive technology must be provided as a form of reasonable accommodation).
 - Full compliance with equal employment opportunity and affirmative action in accordance with Section 501, 504 and 508 of the Rehabilitation Act including the process for filing complaints.
 - Schedule A excepted service hiring authority.
 - Self-identification.
 - Reasonable accommodations.
 - Personal assistance services.
 - Accessible buildings and workplaces, and right to file complaints with Access Board.
 - Workforce Recruitment Program.

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