

Governors' Role in Promoting Disability Employment in COVID-19 Recovery Strategies



Impacts of COVID-19 on People with Disabilities

The COVID-19 pandemic has disproportionately affected many who have historically faced significant barriers to employment, including people with disabilities, compounding the economic hardships many with disabilities faced before the pandemic. Traditionally, people with disabilities face persistently lower rates of employment and earn significantly lower wages compared to their peers without disabilities.ⁱ The 2018 American Community Survey found that only 36 percent of people with disabilities were employed, compared to 77 percent of the total population.ⁱⁱ According to a 2019 Census Bureau report, workers with disabilities earn only two-thirds as much as the average worker without a disability. In addition to the increased health risk associated with the pandemic and increased risk of exposure in many in-person workplaces, people with disabilities have been confronted with lost wages, job loss and long-term unemployment.ⁱⁱⁱ Governors and state policymakers must understand these impacts on people with disabilities and ensure that the economic recovery is inclusive of all Americans.

People with disabilities are more likely to have become unemployed due to the pandemic. Historically, people with disabilities generally experience higher rates of unemployment. However, prior to the pandemic, the share of the disabled who were employed was increasing at a faster rate than for people without disabilities, indicating progress in closing the disability unemployment gap.^{iv} However, pandemic-related layoffs have disproportionately impacted people with disabilities. From March to April 2020, the number of employed working-age people with disabilities fell by 20 percent (950,000 people), while the number of employed working-age people without disabilities decreased by 14 percent.^v

People with disabilities who lose their jobs during a recession may be less likely to return. Based on trends observed in previous recessions, it is likely people with disabilities who experience job loss will be slower to recover their previous employment status. During the Great Recession, the employment rate fell more for people with disabilities than it did

for people without disabilities, and the rate of recovery for people with disabilities was slower.^{vi} The current recession brought on by the pandemic, while different than previous recessions, is likely to have a similar impact on post-recession employment rates for people with disabilities.^{vii}

More people may become newly eligible or choose to file disability benefits and claim disability employment supports. During the Great Recession, Social Security Disability Insurance (SSDI) applications increased by 28 percent, and about one-quarter of this historically large increase was attributable to the recession. A large share of these applications were approved, suggesting many workers with a disability left the labor force because of the recession, despite being able and willing to work.^{viii} Return to work incentives have been implemented in an effort to reverse this trend with mixed results. For example, the Social Security Administration's Ticket-to-Work program provides disability insurance beneficiaries with a voucher they can use for free vocational rehabilitation and employment services. While those who participate are more likely to re-enter the labor market, participation in the program is persistently low.^{ix}

During the pandemic, the processing of SSDI claims has slowed due to office closures, so it is too early to know what impact the pandemic will have on claims. Budget shortfalls for the program exacerbated by the pandemic recession are already limiting the number of claim approvals, potentially impacting the program long-term.^x Meanwhile, while labor market participation for people with disabilities has remained relatively consistent so far, the current recession and a prolonged weak labor market, as well as an aversion to face-to-face interaction at work, may make it more appealing for people to claim disability benefits rather than continue to look for work. This could lead to a significant increase in demand for these benefits. Those infected by COVID-19 may have long-term chronic conditions that may qualify them for disability benefits or supports in the future, which would further increase put further pressure on demand.^{xi} Policymakers should note that the labor force participation rate has been relatively steady for people with disabilities so far, indicating that people who are laid off want to go back to work.^{xii} This suggests a small window of opportunity to connect people with the training and resources before they become discouraged and permanently disconnected from the labor market.

People with disabilities face barriers to remaining at work. Even if people with disabilities remain employed, the impacts of COVID-19 may make it hard for them to stay employed. For example, adults with certain disabilities are more likely to have an underlying medical condition that may put them at increased risk of severe illness from COVID-19, and experts estimate adults with intellectual developmental disabilities are three times more likely to die of COVID-19 if infected.^{xiii} These risks may make some people feel unsafe engaging in work that involves interaction with others. Additionally, some disabilities may make it more difficult for people to engage in necessary COVID-19 mitigation practices including social distancing, wearing a mask and heightened hand hygiene.^{xiv} Furthermore, public transit offerings have been restricted in many cities and people with disabilities are more likely to rely on public transportation.^{xv}

The changing nature of work, accelerated by the pandemic, is an opportunity for policymakers to expand supports for new modes of increasingly flexible work, but which without intervention could become increasingly inequitable. Though working at home may be preferable for many people with disabilities, there are barriers and consequences that can make it challenging for some. For example, while people with disabilities earn less on average than their counterparts without disabilities across the board, workers with disabilities doing home-based work face even larger wage gaps as a result of being more likely to be placed in lower-wage, remote positions compared to their peers without a disability.^{xvi} However, if this disparity can be addressed, employers may find home-based workers with disabilities who may have challenges working in-person are a valuable labor pool for re-imagined jobs.^{xvii}

A heightened awareness of workplace safety may pose opportunity for more inclusive workplaces and openness to implementing accommodations. As a result of the pandemic, most all workplaces have been required to modify their operations to promote safety and mitigate the spread of the virus. The changes businesses have made over the past several months may have revealed practices that can make workplaces safer for all and the benefits doing so. Some businesses may become more open to undertaking additional accommodations in the future, which could help to minimize some forms of discrimination against workers with disabilities and encourage employers to implement accommodations beyond what is required through the ADA.

Opportunities to Include People with Disabilities in Workforce Recovery

On January 21, 2021 President Biden signed an executive order on [Ensuring an Equitable Pandemic Response and Recovery](#), which includes explicit consideration of the needs of people with disabilities. Throughout the presidential campaign, the Biden-Harris team [outlined a plan](#) to increase funding for access to computers, broadband, assistive technology and accommodations for remote communications, including expanding the Lifeline program (providing low- or no-cost cellular phone service) and increasing funding for the State Assistive Technology program, in order to increase access to telehealth services, educational programs and telework for people with disabilities.^{xviii} Furthermore, President Biden's [Executive Order on Protecting Worker Health and Safety](#) in combination with OSHA's updated [Guidance on Returning to Work](#) demonstrate the administration's commitment to ensuring that workplaces are accountable for providing safe conditions for all workers. This commitment poses an opportunity for broader policy discussions around this issue and indicates likely support for action at the state level.

Following the lead of the federal focus on disability employment in recovery, Governors may want to consider how to deliberately and explicitly include people with disabilities in their COVID-19 recovery plans. To comprehensively meet the needs of people with disabilities, states should address four critical objectives necessary for a stronger and more equitable post-pandemic future, as outlined in the NGA [State Roadmap for Workforce Recovery](#):

- Expand access to essential support services
- Rapidly connect job seekers to work
- Advance digital skill development
- Enhance job quality for all workers

This memo features actions states can take in each of these areas to ensure their recovery plans create an inclusive post-pandemic economy with high-quality training and employment opportunities for people with disabilities.

1. Expand access to essential support services.

Supportive social services ensure those whose employment has been impacted by the pandemic can maintain health and financial stability through the pandemic. States should ensure that the needs of people with disabilities are considered deliberately in modes of service delivery and in eligibility for services.

- **Ensure service delivery models are accessible.** COVID-19 has changed the way many social services are delivered, as social distancing requirements have led to more services being delivered solely online. States should ensure websites, online systems and mobile apps are accessible to and usable by persons with disabilities consistent with the [Web Content Accessibility Guidelines](#).
 - Throughout early 2020, **New Jersey's** Governor Phil Murphy engaged a broad range of stakeholders, including business communities and residents, to inform the development of [NJ Career Network](#), the state's digital coaching service. This service provides day to day job search strategy and in-platform practice of job search techniques, while also connecting job seekers with support services. Hundreds of users were consulted to help develop, test and improve the site to ensure resources are accessible for people with disabilities.
 - **Connecticut's** [Department of Aging and Disability Services](#) serves clients in coordination with American Job Centers. In response to COVID-19, they have transitioned in-person services to online workshops and virtual conference meetings, while also creating accessible online job fairs and programs allowing participation in weekly virtual orientations, job clubs, workshops and individual conference calls with career counselors.

- **Prioritize vaccinating people with disabilities to account for their higher exposure to risk.** Because people with disabilities face higher economic and health risks from the pandemic, they should be considered as a priority for vaccination. This may allow some people with disabilities to feel safe returning to in-person work.
 - Beginning in January 2021, **Ohio** [prioritized](#) people with developmental disabilities in phase 1B of their COVID-19 vaccination plan if they also have one of a specified list of other conditions associated with higher risk of serious symptoms. Many other states prioritize people with developmental disabilities who live in congregate settings.

2. Rapidly connect job seekers to work.

States should help people with disabilities whose jobs have been impacted due to COVID-19 obtain information about available jobs and opportunities to gain skills needed to enter sustainable employment through training.

- **Communicate to employers the value of hiring people with disabilities.** States can work with the employer community to identify the benefits of hiring people with disabilities and identify roles in which people with disabilities may be particularly successful.
 - Governors can recognize [National Disability Employment Awareness Month](#) (NDEAM) through a public proclamation or use their state-of-the-state address to communicate the value of hiring people with disabilities and establish disability employment as a priority.
 - Beginning in the 2017-18 academic year, [Andis Manufacturing has worked](#) with the **Wisconsin** Department of Vocational Rehabilitation and its [Project SEARCH](#) team to identify jobs in which the company was struggling to keep people employed and the skills needed for those jobs. Through the Project SEARCH internship program, the hiring team at Andis developed a greater understanding of the talents and loyalties of employees with disabilities. For instance, they found that students on the autism spectrum were particularly effective in a critical laser operation position and that these workers wanted to stay in those positions longer than other employees had previously.
- **Identify vulnerable industries with high rate of disability employment and establish systems to connect people in those industries with jobs in high-demand industries.** While COVID-19 has led to a significant overall increase in unemployment and has disproportionately impacted some industries, other industries are experiencing high demand for labor. States can identify industries in which many people with disabilities are employed that are at high risk of layoffs and train these workers for jobs in industries that continue to hire.

- Since the onset of the pandemic, **Ohio's** Vocational Rehabilitation agency, Opportunities for Ohioans with Disabilities, has been in regular contact with the Governor's Office of Workforce Transformation to identify the urgent hiring needs of essential businesses like supermarkets, pharmacies, distribution centers and healthcare employers. In response to the disruptions in the labor market brought about by the pandemic, they created an Urgent Jobs list to promote this information to Vocational Rehabilitation staff and job developers to assist participants with disabilities in obtaining employment. They update the list on a weekly basis and distribute it through their [website](#).
- **Train workforce services staff to better serve people with disabilities.** States can develop training for American Jobs Center staff to be better equipped to meet the needs of people with disabilities.
 - In 2020, **South Carolina** introduced a training to develop staff capacity and share common definitions and understanding of who was coming into AJCs. During the pandemic, more than 500 staff have been trained. As a result of these trainings, staff gained a better understanding of how to serve individuals with disabilities, facilitate virtual eligibility and enrollment, better support sector strategies, and use data for case management.
- **Connect people with disabilities with high-quality, inclusive work-based learning opportunities.** States should ensure opportunities like apprenticeships are inclusive of people with disabilities. These opportunities can be valuable ways to gain skills tied to those required in in-demand jobs.
 - In 2019, the **Michigan** legislature enacted [a bill](#) that established a local workforce development board tasked with establishing a peer-to-peer apprenticeship mentoring program for women, minorities and individuals with disabilities. This bill is intended to establish employee resource groups and diversify the workforce by creating high-quality training opportunities and supports for underrepresented communities.

3. Advance digital access and skills development.

The COVID-19 pandemic has highlighted the importance of access to and use of digital tools as much of work, learning and social service delivery has gone virtual to comply with social distancing requirements. It is critical that individuals with disabilities have access to the devices, connectivity and skills necessary to participate.

- **Target resources to connect individuals with adaptive technology for work and learning.** In addition to the devices that everyone needs to participate in the digital economy, some people with disabilities require adaptive technology in order to engage.

- In the Spring of 2020, **Montana's** Department of Public Health and Human services used [allocated](#) Coronavirus Relief Funding to provide telework assistance grants for people with disabilities to assist their transition to working from home when the pandemic began.
- Since 1992, **Connecticut's** [Tech Act Project](#) has operated out of the state's Department of Aging and Disability to help people with disabilities of all ages and all disabilities, as well as their family members, employers, educators and other professionals have access to assistive technology devices and services. Since 2004, the project has been tasked with increasing access and acquisition of assistive technology across the state.

4. Enhance job quality for all workers.

In order to achieve a sustainable and equitable recovery, it is critical that people are not only connected to employment but that they are placed in quality jobs that provide security and opportunities for growth. States should work with employers to ensure the needs of people with disabilities are accounted for in promoting job quality.

- **Ensure inclusive workplace health and safety policies.** In response to the pandemic, many governors issued an executive order to ensure civil rights protections for qualified persons with disabilities returning to the workplace. Governors can grant explicit protections for people with disabilities and clarify expectations of employers to ensure employers provide adequate accommodations to ensure a safe return to work.
 - **Massachusetts** Attorney General Maura Healey [issued guidance in April of 2020](#) titled Rights of Disabled Persons to Accommodations During COVID-19 Crisis. This guidance detailed what types of accommodations employers must provide for people with disabilities through the pandemic.
 - **Minnesota's** Governor Tim Walz issued an [executive order](#) in May 2020 to protect workers from unsafe working conditions and retaliation through the duration of the public emergency. Protecting Workers from Unsafe Working Conditions and Retaliation During the COVID-19 Peacetime Emergency includes requirements for employers to provide reasonable accommodations to qualified employees with disabilities, including providing protective gear, adjusting schedules or workstations, allowing employees to work from home, or permitting use of leave.
 - **Washington's** Governor Jay Inslee issued an [executive order](#) requiring employers to provide accommodations to high-risk workers, as defined by the CDC. Under this order, employers must also utilize all available options for alternative work assignments to protect high-risk employees, if requested, including telework, alternative work locations, reassignment, and social distancing measures or allow the employee to use all available accrued leave if adequate accommodations are not possible.

- **Become a model employer to expand quality employment opportunities for people with disabilities.** The state can institute a policy or set goals to increase opportunities for quality employment in the public workforce. This not only directly provides opportunities for people with disabilities but also can serve as a model for other employers to follow.
 - o **Oklahoma** passed [House Bill 2062](#) in 2013, revising existing law to include stronger accessibility standards for purchasing and design of all information technology and telecommunication systems. This law required systems to be in conformity with Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to adopt accessible technology systems. The legislation requires that all contracted procurement of technology systems comply with the accessibility standards set forth in the law.
 - o In 2015, **Massachusetts'** Governor Charlie Baker signed [Executive Order 559](#), which established the [Office of Access and Opportunity](#) and created a new deputy chair position responsible for developing comprehensive policy around best practices, removal of barriers and equal employment opportunity for all. The executive order explicitly includes people with disabilities in the list of populations targeted for increased employment in state government and aims to increase the number of contracts and amount earned by Disability Business Enterprise procurement contracts with the state. To accomplish this, the office hosts events that bring together key stakeholders to discuss strategies to expand access and opportunity in specific industries for minority owned businesses including those owned by people with disabilities.
- **Establish incentives for employers to provide more flexibility and supports to workers with disabilities to promote job quality and safety.** This may include ensuring employees have the resources they need to telework or ensuring access to reliable transportation and other supports that enable people to maintain employment.
 - o In response to the pandemic, **Washington's** [Centers for Occupational Health and Education](#) program trained health service coordinators to work directly with medical providers, employers and injured workers to coordinate care and return-to-work activities. Washington's [Stay-at-Work](#) program pays employers 50 percent of injured workers base wages, as well as the costs of certain accommodations if they continue to employ the individual.

Conclusion

In order to achieve a strong and equitable recovery from the impacts of COVID-19, Governors need to ensure the needs of people with disabilities are deliberately considered in their economic and workforce recovery plans. Because people with disabilities face disproportionate consequences of COVID-19, it will be critical to ensure adequate protections and supports are available to them in order to promote opportunities for safe and sustainable work. Governors can take action in the four key areas outlined above to address the challenges brought about by the pandemic, which will support people with disabilities in accessing high quality opportunities for work and achieving sustainable success.

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