The passage of the Americans with Disabilities Act (ADA) of 1990 marked a milestone in securing significant civil rights protections for people with disabilities. While previously enacted laws addressed various disability discrimination issues in a piecemeal fashion, the ADA is considered the most comprehensive disability rights legislation in U.S. history. The ADA ensures equal opportunity/nondiscrimination in employment and access to state and local government offices and services, including public education, public transportation, public accommodations (businesses open to the public) and telecommunications.

In examining the 25-year ADA-era, evidence suggests that people with disabilities have not experienced the increases in access to employment and the opportunities intended by the landmark legislation. Employment for people with disabilities continues to lag significantly behind employment rates for people without disabilities. Government, with the support of the business community, is currently increasing its policy efforts to bridge the employment gap in both public and private sectors. This “101” report seeks to aid legislators and legislative staff in navigating the topic when talking with constituents, engaging in public forums and with the media, and drafting disability employment policy. It was developed by NCSL as part of its partnership in the Employer Assistance and Resource Network on Disability Inclusion (EARN).
INTRODUCTION TO DISABILITY AND EMPLOYMENT

An often-quoted disability statistic is that nearly one in five Americans has a disability. That statistic from the 2010 U.S. Census does not provide context as to the severity of the disability, an important distinction for the purposes of employment policy considerations. In the United States, according to data from the American Community Survey, roughly 39.2 million individuals identify as having a disability that impacts a major life activity. This means 12.6 percent of the population, or one person in eight, has a substantial disability. Of working-age (21-64) non-institutionalized Americans, 10.8 percent report having a disability that seriously impacts a major life activity, including their ability to work. Thus, when considering disability employment policy, a more useful statistic is the following: Roughly 10.6 million, or one in 10, working-age (21-64) non-institutionalized Americans have a substantial disability that may impact their ability to work.

For the purposes of legal status and protections through the ADA, disability is understood broadly to be any physical or mental impairment which substantially limits one or more major life activities; a history of such an impairment; or being regarded as having such an impairment. Major life activities are any physical or mental function that is generally deemed essential to an individual’s day-to-day routine. They involve physical movement, communication, cognitive processes such as performing manual tasks, seeing, hearing, eating and walking. Major bodily functions such as those of the immune, circulatory and respiratory systems, are also considered major life activities. Whether an impairment substantially limits a major life activity is determined without regard to the effects of mitigating measures such as medications, prosthetics (including limbs), and hearing aids and cochlear implants.

The ADA also covers a person who does not currently have an impairment, but has a record or history of one, such as remission from cancer. In addition, it covers an individual who faces discrimination because they are regarded as having a disability. For example, this provision covers an individual who is perceived to have a cognitive disability even though he does not.

What Does This Mean for Employment Policy?

The ADA prohibits employment discrimination by a covered entity; i.e., an employer, employment agency, labor organization or joint labor-management committee. The term employer includes public (state and local) and private businesses that have 15 or more employees. Covered entities must maintain employment practices that are nondiscriminatory to applicants and current employees with disabilities. Any individual with a disability that meets the essential qualifications of a job position, with or without reasonable accommodation, is termed a “qualified individual” and is protected from employment discrimination based on disability.

People First Language and Disability

People first language is designed to place the individual’s personhood before his or her disability. Using people first language conveys the understanding that people are more than their disability. The Centers for Disease Control and Prevention (CDC) recommends avoiding language that implies that people with disabilities have limitations, deserve pity or are only their disability. The following are examples of people first language:

Say…
A person who has a disability
A person without a disability
A person who uses a wheelchair
A person is hard of hearing

Don’t Say…
The disabled, the handicapped
A normal person, a healthy person
A person who is confined to a wheelchair
A person who suffers a hearing loss

According to the CDC, people first language is about respecting people with disabilities. If it is unknown how someone prefers to talk about their disability, it is best to use people first language.
The ADA also restricts covered entities from discrimination against an applicant or current employee who does not have a disability because of her relationship with a person who does have one. For example, a company cannot deny employment to an applicant who is qualified for the job posting on the grounds that her husband is HIV positive.

To promote access to employment for people with disabilities, the ADA requires covered entities make available reasonable workplace accommodations. These include modifying physical buildings for wheelchair and mobility access, providing assistive technologies and communication aids, and removing barriers to the application or employment process. Reasonable workplace accommodations include, but are not limited to:

- Ensuring large font options are available in printed documents for employees with low vision and audio versions of printed documents are available for employees who are blind
- Providing handheld magnifiers or digital stand magnifiers for employees with low vision, but who may need to read printed material
- Ensuring office and meeting spaces have enough room to accommodate a service animal sitting at the employee’s feet
• Providing on-site American Sign Language services or Video Remote Interpreting to assist with in-person communication in the workplace, as well as providing employees with hearing disabilities access to Video Relay Services to aid in communication with outside parties

• Purchasing office equipment that allows for height adjustable work surfaces to accommodate different wheelchair heights and limb mobility

• Shifting heavy-load lift and carry responsibilities to other staff and offsetting this redistribution of tasks with another comparable task for the employee needing that accommodation

• Ensuring employee has access to quiet, low stimuli workspace if requested

• Providing the employee with a written description of weekly or daily job duties

• Allowing for the use of paper notebook, digital personal data assistant or other task and scheduling assistance devices for employees with difficulty remembering or creating new memory

• Establishing flexible hours, extended breaks, and work-from-home procedures to assist those who have difficulties with concentration and decision-making

• Maintaining consistent job tasks for employees who have difficulties coping with rapid change
• Allowing personal care attendants or job coaches to accompany employees to work

Accommodations are developed in a dialogue between the employer and the employee with a disability. Many accommodations are low-cost. Employers are not required to make accommodations that would place a substantial financial burden—also known as an undue hardship—on them, but are instructed to look for less costly or less disruptive alternative accommodations.

The ADA provides for employment nondiscrimination compliance through the Equal Employment Opportunities Commission (EEOC). While the U.S. Department of Labor’s Office of Disability Employment Policy does not have enforcement responsibilities under the ADA, it is charged with helping employers understand their responsibilities under it and maintains a robust online resource catalogue for employers. The online resource catalogue, housed at AskJAN.org, offers information and guidance on workplace accommodations for specific disability conditions.
Did You Know?

- Nationally, there is a **42.3 percent gap in employment** for people with disabilities. Working-age (21-64) non-institutionalized Americans with disabilities are employed at a much lower rate than their peers without disabilities: 34.5 percent of people with disabilities compared to 76.8 percent of people without disabilities.

- Nationally, there is a **35.3 percent gap in full-time/full-year employment** for people with disabilities. Working-age (21-64) non-institutionalized Americans with disabilities find full-time/full-year work far less often than working-age adults without disabilities: 21.5 percent of people with disabilities compared to 56.8 percent of people without disabilities.

- Unemployed individuals with disabilities are highly motivated to work. In 2006, the most recent year the question was asked, the General Social Survey reported that **80 percent** of surveyed unemployed people with disabilities wanted to secure employment.

- People with disabilities experience poverty at a higher rate than any other demographic group in the United States. People with disabilities experience poverty at a nationwide rate of **28.2 percent**, more than double the 12.5 percent rate for people without disabilities.

- Educational achievement for working-age people with disabilities trails behind rates for their peers without disability. Only 13.5 percent of people with disabilities in the U.S. have a bachelor’s degree or higher, **less than half the rate for people without disabilities, at 32.1 percent**. Educational achievement for individuals with disabilities skews toward holding a high school diploma only (34.2 percent), making it difficult to participate or advance in the increasingly competitive labor market.

- Workplace accommodations have minimal costs for employers. Thanks in part to technological advances, **more than half of all workplace accommodations cost nothing** and if there is a cost, the accommodation averages $500. In many cases, people with disabilities have already purchased the adaptive technology and assistive devices for personal use.
Relevant Federal and State Policies

Federal Policy


Title V of the Rehabilitation Act (Rehab Act) includes civil rights protections for people with disabilities. Section 501 includes protections against discrimination and affirmative action requirements applicable to federal departments and agencies. Section 503 includes protections against discrimination and affirmative action requirements applicable to specified federal contractors. Section 504 includes protections against discrimination applicable to recipients of federal financial assistance and federally conducted activities. Section 508 requires that federal departments and agencies design, procure, use and maintain information and communication technology systems that are accessible to employees and members of the public with disabilities.

Workforce Innovation and Opportunity Act of 2014

The Workforce Innovation and Opportunity Act (WIOA) of 2014 is a substantial reform measure targeting the existing workforce system and includes amendments to the Rehabilitation Act of 1973. WIOA repeals and replaces the Workforce Investment Act (WIA) of 1998. Title IV of WIOA amends the Rehabilitation Act of 1973 to require state Vocational Rehabilitation (VR) agencies to enter into official partnerships with state Medicaid and intellectual and developmental disability (I/DD) agencies. The Rehab Act, as amended by WIOA, also specifies an employment outcome under the VR program as “competitive integrated employment.” This is defined as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities. The Rehab Act, as amended by WIOA, also instructs state VR agencies to set-aside 15 percent of public VR funds to be used in school to adult transition services. In addition, the Rehab Act, as amended by WIOA, establishes a process for specifying the circumstances under which an individual with a disability may be placed in a job paying a sub-minimum wage. WIOA also moves some disability services and agencies, such as the Centers for Independent Living and the National Institute on Disability and Rehabilitation Research, from the Department of Education to the Administration for Community Living in the Department of Health and Human Services.
**Individuals with Disabilities Education Act of 2004**

The Individuals with Disabilities Education Act (IDEA) of 2004 requires that all children with a disability are entitled to receive a free appropriate public education in the least restrictive environment. The law requires providing special education and related services included in an Individualized Education Program (IEP) for each participating child. IEPs are tailored to the individual needs and contain an education plan, including a transition plan for secondary education or employment at the age of 16.

**State Policy**

**Employment First**

*Employment First* refers to various efforts to provide working-age people with disabilities with workforce training and employment opportunities as the preferred outcome, rather than disability benefits or sheltered workshop placements only. Employment First also includes competitive, integrated employment as outlined by WIOA, meaning employment for people with disabilities in workplaces alongside individuals without disabilities with similar wages, tasks, and benefits.

**Return-to-Work**

*Return-to-Work*, along with *Stay-at-Work*, targets situations where an employee has and injury or illness that leads to a temporary inability to perform his or her job duties. The objective of Return-to-Work/Stay-at-Work policies is often to retain injured and ill workers through reintegration into previous positions or reassignment to similar or lower positions. Some state policies specify the level of the position or accommodations that must be offered to an employee upon returning to work. Some also set procedures related to workers compensation benefits and may allow the denial of benefits if an employee refuses to return to work. While these policies largely target temporarily injured or ill workers, they can benefit employees who acquire a long-term disability but are able to secure accommodations or a similar position to remain employed through the Return-to-Work/Stay-at-Work programs.

**People First Language in Statutes**

The terminology surrounding disability has changed significantly over the years. A recent trend for the accepted framework for talking about disability is people first language. As many statutes and laws were written before people first language became the norm, some states have adopted resolutions that direct state agencies to begin using it in all public communications, agency regulations and guidance materials. State statutes have also been adopted requiring all legislation moving forward to use people first language, or in some cases, directing state government to update all existing statues and future legislation to reflect the people first language framework.
Referring to a number of different policy efforts, *State as Model Employer* policies direct state agencies to be leaders in disability employment inclusion. State policy may direct government agencies to develop affirmative action programs, including hiring goals; adopt fast track hiring programs; create a centralized fund to pay for providing reasonable accommodations; and ensure that state websites, online systems and other forms of information and communication technology are accessible to those with disabilities.

Staying current on the research, policy and language surrounding disability can be a demanding task. Navigating the broad and complex landscape of disability issues can be aided by exploring the history of disability in the United States and the trends in disability research and policymaking.
UNDERSTANDING DISABILITY FOR POLICY DEVELOPMENT

A Brief History of Disability Models

Traditionally, specific disabilities have been grouped into larger “families” like Intellectual, Developmental, Cognitive, Mental Health, Sensory or Physical Disabilities in the medical model of disability. Within each disability “family,” different conditions can impact individuals in vastly different ways. Each condition or diagnosis expresses itself in ways specific to an individual, and two individuals with the same disability might have dramatically different abilities and limitations to major life activities.

The “families” categorization has proven to be beneficial in gathering many different disability conditions under umbrella advocacy groups that lobby for accommodations and services and have been instrumental in securing opportunities for their constituents and promoting inclusion and access. This traditional model of disability relies primarily on an examination of the individual’s condition and the presenting severity to determine disability status. This model was reflected in Supreme Court decisions in the 1990s that implemented a strict and limiting definition of disability connected to the severity of the individual’s condition.

Even though many disabilities are obvious through observation and clearly defined in policy, there are non-obvious disabilities that are often much harder to identify and understand for policymakers and employers. However, regardless of an individual’s disability and how apparent or severe it may be, people with various types of disabilities have the shared experience of encountering barriers to full inclusion in society. This has resulted in the cross-disability movement, where people with all types of disabilities bridge disability “family” differences and band together into larger coalitions to advocate for stronger cross-disability rights and inclusion.

Current trends in disability studies and policy research adopt this cross-disability perspective to develop the social construction of disability framework, also known as the social model of disability. This framework considers the interaction between an individual’s condition and the social environment and systems that create barriers to inclusion and access. The social construction of disability model places the emphasis of defining disability on the inaccessibility of social systems. Under this framework, people are understood to have a disability when they are prevented from full participation in all areas of society because of society’s inability to plan for and value a wide variety of ways of functioning in the world. In other words, the emphasis is not on the disability, but rather the barriers the individual faces as a result of it.

Disability Policy Areas

The following seven disability policy areas, while not exhaustive, are representative of major issues of disability inclusion and access to public spaces, education and employment. Each of the seven categories is relevant to all people with disabilities from a cross-disability perspective of seeking greater inclusion in society. Policymakers can explore how each of
these areas relates to access and opportunity gaps between individuals with and without disabilities, as well as access and opportunity gaps between the different disability categories.

Beyond cross-disability access and inclusion, these disability policy areas follow the principle of universal design: that which is good for individuals with disabilities is good for everyone.

Government at all levels, disability advocacy groups and those in academia who work in the field of disability studies, are moving to adopt the social construction of disability model as a conceptual foundation and policy framework. National researchers and data collectors, including the U.S. Census Bureau, have also undertaken efforts that reflect the social construction of disability model in order to determine disability status. This is reflected in the new categories for disability that refer as much to societal barriers to access as they do to the severity of the person’s condition.
<table>
<thead>
<tr>
<th>Disability Policy Area</th>
<th>Cross-Disability Relevance</th>
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<tbody>
<tr>
<td><strong>Competitive, Integrated Employment</strong></td>
<td>People with disabilities benefit from having jobs where they work alongside those without disabilities and are paid the same wages for same or similar work. Competitive, integrated employment opportunities provide greater social inclusion and economic security for individuals with disabilities and should be the default, preferred outcome.</td>
</tr>
<tr>
<td><strong>Vocational Rehabilitation, Supportive Employment, and Return-to-Work/Stay-at-Work</strong></td>
<td>Whether an individual acquires a disability at birth or later on in life, services that help support employment and career development are vital to securing and maintaining life-long employment. Access to vocational training and programs that help someone return to or stay in a position after being injured or acquiring a disability can mean the difference between being gainfully employed and applying for Social Security Disability Insurance or Supplemental Security Income.</td>
</tr>
<tr>
<td><strong>Career Readiness and School-to-Work Transition Planning</strong></td>
<td>Ensuring that people with all types of disabilities have access to comprehensive career readiness programming during secondary education is vital to subsequent employability. School-to-Work transition planning ensures that students with disabilities have work experience, internship opportunities and/or post-secondary plans before graduation.</td>
</tr>
<tr>
<td><strong>Transit and Para-Transit Access</strong></td>
<td>Access to transit systems allows people with disabilities to reliably get to work and participate in a rich social life. While transit accessibility is commonly identified with visual and ambulatory disabilities, individuals from all six disability categories benefit from public and para-transit systems that are accessible and inclusive.</td>
</tr>
<tr>
<td><strong>Communication and Assistive Technology in the Workplace</strong></td>
<td>Advances in information and communication technology, including websites and online systems, and assistive technologies have made the workplace much more easily accessible to those with disabilities. These technologies allow individuals with all types of disabilities, not just those with visual and hearing disabilities, greater opportunities to succeed in employment.</td>
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<tr>
<td><strong>Physical Barriers, Building Access, and Workplace Accommodations</strong></td>
<td>Ensuring the accessibility of physical spaces and the availability of reasonable workplace accommodations means that people with all types of disabilities will feel more welcome and valued in the workplace. In many instances, improving accessibility to physical buildings and making reasonable workplace accommodations benefit both employees and customers with disabilities.</td>
</tr>
<tr>
<td><strong>Flexible Hours and Extended Medical Leave Policies</strong></td>
<td>Flexible hours and extended medical leave policies support individuals with all types of disabilities in securing and maintaining employment. These types of policies allow employees with disabilities to manage their physical, mental and emotional health without threatening their employment and livelihood.</td>
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</table>
**Disability Etiquette:**
**Interacting with People with Disabilities**

The following six categories of disability capture distinct areas of social interaction:

- Visual Disability
- Hearing Disability
- Ambulatory Disability
- Cognitive Disability
- Self-Care Disability
- Independent Living Disability

However, these distinct categories are not meant to be exclusive, and many people may have disabilities that fall under two or more of these categories. The following information provides a brief overview of each of the six categories in order to help policymakers interact with constituents with various categories of disabilities.
**Visual Disability**

Visual disabilities typically fall into two groups:

- **Individuals who are legally blind** (for purposes of disability claims): An individual has a visual acuity of 20/200 with correction or has a field of vision of 20 yards or less. The legally blind designation does not require someone to be totally blind.

- **Individuals with low vision**: Any condition that significantly impedes an individual's visual abilities related to major life activities. Individuals with low vision might have some visual functionality and often use corrective devices and adaptive technology that reads computer text or greatly increases font size.

Conditions that frequently meet the definition of visual disability: blind, cataracts, macular degeneration, cortical visual impairment.

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**Facts and Figures in 2013**

- 2.3 percent of the U.S. population
- Annual median earnings of $35,300 (working age, non-institutionalized)
- Health insurance coverage rate of 78.8 percent (working age, non-institutionalized)
- 17.2 percent receive Supplemental Security Insurance (working age, non-institutionalized)

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**Meeting with Constituents with Visual Disabilities: Tips for Lawmakers**

**Verbalize common body language and non-verbal communication.** Say yes or no instead of shaking your head. Consider using descriptive words you might not ordinarily use to reference emotions, shapes and colors to aid in communication.

**When approaching someone or leaving the room, announce your arrival or departure.** Include both your name and the name of the person with a visual impairment when announcing your arrival or departure so that he or she can keep track of who is present.

**If someone has a service animal, do not interact with the animal unless you have obtained permission from its handler.** Service animals are working when accompanying their handlers. Unsolicited petting or other distractions can disorient or endanger both the handler and the service animal.

**Don’t avoid words like “see” and “look” as parts of common phrases.** People who are blind or have low vision use those words as parts of everyday speech, too. For example, it is fine to say, “It is nice to see you.”
Visual Disability: Employment, Education and Poverty Rate Comparisons (2013)


### Visual Disability: Employment, Education and Poverty Rate Comparisons (2013)

<table>
<thead>
<tr>
<th><strong>Employment</strong></th>
<th>Working Age (21-64): with Visual Disability - 40.2 percent</th>
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<tbody>
<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 34.5 percent</td>
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<tr>
<td></td>
<td>Working Age (21-64): without Disability - 76.8 percent</td>
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<tr>
<th><strong>Full-Time Employment</strong></th>
<th>Working Age (21-64): with Visual Disability - 26.4 percent</th>
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<tbody>
<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 21.5 percent</td>
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<td></td>
<td>Working Age (21-64): without Disability - 56.8 percent</td>
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<table>
<thead>
<tr>
<th><strong>Education: High School Only</strong></th>
<th>Working Age (21-64): with Visual Disability - 31.9 percent</th>
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<tbody>
<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 34.2 percent</td>
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<tr>
<td></td>
<td>Working Age (21-64): without Disability - 25.4 percent</td>
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<table>
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<tr>
<th><strong>Education: Some College/AA</strong></th>
<th>Working Age (21-64): with Visual Disability - 30.4 percent</th>
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<tbody>
<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 31.4 percent</td>
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<tr>
<td></td>
<td>Working Age (21-64): without Disability - 32.3 percent</td>
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<table>
<thead>
<tr>
<th><strong>Education: Bachelors or more</strong></th>
<th>Working Age (21-64): with Visual Disability - 13.7 percent</th>
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<tbody>
<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 13.5 percent</td>
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<tr>
<td></td>
<td>Working Age (21-64): without Disability - 32.1 percent</td>
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<tr>
<th><strong>Poverty Rate</strong></th>
<th>Working Age (21-64): with Visual Disability - 30 percent</th>
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<tr>
<td></td>
<td>Working Age (21-64): with any Disability - 28.2 percent</td>
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<tr>
<td></td>
<td>Working Age (21-64): without Disability - 12.5 percent</td>
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</table>
Hearing Disability

Hearing disabilities fall into one of three major groups:

**Conductive:** Full or partial loss of hearing due to damage or obstruction to the outer ear canal. Often conductive hearing loss can be mitigated through surgical or medical treatments.

**Sensorineural:** Full or partial loss of hearing due to damage to the inner ear or neural pathways between inner ear and brain. Surgical and medical interventions often produce little mitigation of sensorineural hearing loss.

**Mixed:** Any configuration of hearing loss with both conductive and sensorineural elements

Conditions that frequently meet the definition of hearing disability: deaf, hard of hearing, auditory neuropathy

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**Facts and Figures in 2013**

- 3.5 percent of the U.S. population
- Annual median earnings of $43,300 (working age, non-institutionalized)
- Health insurance coverage rate of 83.5 percent (working age, non-institutionalized)
- 11.8 percent receive Supplemental Security Insurance (working age, non-institutionalized)

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**Meeting with Constituents with Hearing Disabilities:**

**Tips for Lawmakers**

Ensure you are facing a constituent with a hearing disability and that he or she has an unobstructed view of your face and mouth. Even though many people with hearing disabilities do not read lips, facial cues and body language can aid in communication. When communicating with a constituent with a hearing disability with the aid of a sign language interpreter, focus your interactions, communication and attention on the individual with a hearing disability, not the interpreter.

American Sign Language is not an exact translation of English. American Sign Language (ASL) is its own language and has its own grammar, vocabulary and style. Communication through written English may or may not be effective with people who speak ASL as their primary language; when using written communication methods, try to keep written English sentences short and simple.

Speak at a normal volume when talking to someone with hearing aids. Shouting or a raised voice can be painful to someone with hearing aids and typically does not aid in communication clarity.
Hearing Disability: Employment, Education and Poverty Rate Comparisons (2013)

### Employment
- **Working Age (21-64): with Hearing Disability** - 51 percent
- **Working Age (21-64): with any Disability** - 34.5 percent
- **Working Age (21-64): without Disability** - 76.8 percent

### Full Time Employment
- **Working Age (21-64): with Hearing Disability** - 36.6 percent
- **Working Age (21-64): with any Disability** - 21.5 percent
- **Working Age (21-64): without Disability** - 56.8 percent

### Education: High School Only
- **Working Age (21-64): with Hearing Disability** - 32.3 percent
- **Working Age (21-64): with any Disability** - 34.2 percent
- **Working Age (21-64): without Disability** - 25.4 percent

### Education: Some College/AA
- **Working Age (21-64): with Hearing Disability** - 33 percent
- **Working Age (21-64): with any Disability** - 31.4 percent
- **Working Age (21-64): without Disability** - 32.3 percent

### Education: Bachelors or more
- **Working Age (21-64): with Hearing Disability** - 17.1 percent
- **Working Age (21-64): with any Disability** - 13.5 percent
- **Working Age (21-64): without Disability** - 32.1 percent

### Poverty Rate
- **Working Age (21-64): with Hearing Disability** - 20.6 percent
- **Working Age (21-64): with any Disability** - 28.2 percent
- **Working Age (21-64): without Disability** - 12.5 percent

**Ambulatory Disability**

Ambulatory disabilities refer to any condition, impairment or diagnosis that impedes a person's ability to walk or climb stairs.

Causes of ambulatory disabilities include physical damage to, or loss of, a limb or multiple limbs, spinal cord injuries, and neurological disorders and brain injuries.

People with ambulatory disabilities might frequently or always use mobility aids like canes, walkers and wheelchairs. Someone who requires periodic use of a wheelchair or ambulatory aid is still understood to have a disability.

Conditions that frequently meet the definition of ambulatory disability: loss of limb, paraplegia or quadriplegia, ALS/Lou Gehrig's Disease, cerebral palsy, multiple sclerosis.

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**Meeting with Constituents with Ambulatory Disabilities: Tips for Lawmakers**

Ensure that there is an accessible entrance to your office or meeting place. People using wheelchairs and walkers need an entrance with a ramp to the door and a clear path 36 inches to 42 inches wide. Checking the route from entrance to meeting space can help prevent an embarrassing and frustrating situation for both you and your constituent.

If a constituent looks like help is needed, first ask if he or she would like assistance, then wait for specific instructions. Don't assume that a constituent having difficulty with a door or maneuvering through a hallway needs assistance. Your constituents with ambulatory disabilities deal with access issues every day and are very self-sufficient. Let them tell you what, if any, assistance they need.

Your constituent will appreciate your efforts to respect their personal space. It might be tempting to place your hand on the shoulder of a person in a wheelchair or grab the arm of someone using a cane or walker as an offer of assistance, but it is respectful to maintain the same level of personal space with them as you would for any other person.

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**Facts and Figures in 2013**

- 7.1 percent of the U.S. population
- Annual median earnings of $37,300 (working age, non-institutionalized)
- Health insurance coverage rate of 85.2 percent (working age, non-institutionalized)
- 21.6 percent receive Supplemental Security Insurance (working age, non-institutionalized)
Ambulatory Disability: Employment, Education and Poverty Rate Comparisons (2013)

Employment
- Working Age (21-64): with Ambulatory Disability - 24 percent
- Working Age (21-64): with any Disability - 34.5 percent
- Working Age (21-64): without Disability - 76.8 percent

Full Time Employment
- Working Age (21-64): with Ambulatory Disability - 14.7 percent
- Working Age (21-64): with any Disability - 21.5 percent
- Working Age (21-64): without Disability - 56.8 percent

Education: High School Only
- Working Age (21-64): with Ambulatory Disability - 34.8 percent
- Working Age (21-64): with any Disability - 34.2 percent
- Working Age (21-64): without Disability - 25.4 percent

Education: Some College/AA
- Working Age (21-64): with Ambulatory Disability - 31.6 percent
- Working Age (21-64): with any Disability - 31.4 percent
- Working Age (21-64): without Disability - 32.3 percent

Education: Bachelors or more
- Working Age (21-64): with Ambulatory Disability - 11.5 percent
- Working Age (21-64): with any Disability - 13.5 percent
- Working Age (21-64): without Disability - 32.1 percent

Poverty Rate
- Working Age (21-64): with Ambulatory Disability - 30.7 percent
- Working Age (21-64): with any Disability - 28.2 percent
- Working Age (21-64): without Disability - 12.5 percent

Cognitive Disability

Facts and Figures in 2013

- 5 percent of the U.S. population
- Annual median earnings of $32,200 (working age, non-institutionalized)
- Health insurance coverage rate of 83.7 percent (working age, non-institutionalized)
- 26.2 percent receive Supplemental Security Insurance (working age, non-institutionalized)

Cognitive disabilities refer to conditions that create difficulty concentrating, remembering or making decisions.

Physical, mental and emotional conditions can all contribute to an individual having a cognitive disability.

Some cognitive disabilities, including many intellectual and developmental disabilities, are acquired at birth or early childhood. Other cognitive disabilities may be acquired later on in life due to brain damage or the emergence of mental health conditions.

Conditions that frequently meet the definition of cognitive disability: autism spectrum disorder, attention deficit and hyperactivity disorder, traumatic brain injury, Down Syndrome, depression

Meeting with Constituents with Cognitive Disabilities: Tips for Lawmakers

Plan extra time for meetings to accommodate constituents with information processing difficulties. Many cognitive disabilities impede an individual’s ability to take in, process and respond to information. Allow your constituent a pause in conversation to process the information you provide.

Provide constituents a written synopsis of what is discussed in a meeting. Consider providing a physical document at the end of your meeting or following up with an email recapping your conversation, including any assignments or next steps you discussed. This can aid people with cognitive disabilities in remembering a conversation.

Allow for breaks during extended meetings. People with cognitive disabilities might experience concentration fatigue more quickly than others. Periodic breaks will assist in information processing and increase concentration stamina.
Cognitive Disability: Employment, Education and Poverty Rate Comparisons (2013)

Self-Care Disability

An individual with a self-care disability has difficulty dressing or bathing without assistance. This definition includes other personal hygiene tasks like brushing teeth and toileting.

People with self-care disabilities have a wide variety of conditions and may live in assisted living facilities or use a hired personal care attendant or family member to assist with self-care tasks.

Conditions that frequently meet the definition of cognitive disability: Alzheimer’s Disease, ALS/Lou Gehrig’s Disease, multiple sclerosis

Facts and Figures in 2013

- 2.7 percent of the U.S. population
- Annual median earnings of $36,300 (working age, non-institutionalized)
- Health insurance coverage rate of 88.2 percent (working age, non-institutionalized)
- 28.4 percent receive Supplemental Security Insurance (working age, non-institutionalized)

Meeting with Constituents with Self-Care Disabilities: Tips for Lawmakers

A constituent with a self-care disability may be accompanied by a personal care attendant. Personal care attendants are present to assist with daily self-care needs, not communication and information processing. Avoid using the assistant or companion as a communication intermediary.

Constituents with self-care disabilities frequently use mobility devices like wheelchairs or walkers. Anticipate physical building accessibility needs before determining a meeting location. It is appropriate to ask what sorts of space and access considerations your constituent requires when scheduling a meeting.
**Self-Care Disability: Employment, Education and Poverty Rate Comparisons (2013)**

<table>
<thead>
<tr>
<th></th>
<th>Working Age (21-64): with Self-Care Disability</th>
<th>Working Age (21-64): with any Disability</th>
<th>Working Age (21-64): without Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>15.6</td>
<td>34.5</td>
<td>76.8</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>34.5</td>
<td>21.5</td>
<td>56.8</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>76.8</td>
<td>56.8</td>
<td>25.4</td>
</tr>
<tr>
<td><strong>Full Time Employment</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>8.5</td>
<td>21.5</td>
<td>56.8</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>21.5</td>
<td>56.8</td>
<td>25.4</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>56.8</td>
<td>25.4</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>Education: High School Only</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>34.8</td>
<td>34.2</td>
<td>29.1</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>34.2</td>
<td>31.4</td>
<td>32.3</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>29.1</td>
<td>31.4</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>Education: Some College/AA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>29.1</td>
<td>31.4</td>
<td>32.3</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>31.4</td>
<td>32.3</td>
<td>13.5</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>32.3</td>
<td>13.5</td>
<td>32.1</td>
</tr>
<tr>
<td><strong>Education: Bachelors or more</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>10.8</td>
<td>13.5</td>
<td>32.1</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>13.5</td>
<td>32.1</td>
<td>32.8</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>32.1</td>
<td>32.8</td>
<td>28.2</td>
</tr>
<tr>
<td><strong>Poverty Rate</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Working Age (21-64): with Self-Care Disability</strong></td>
<td>32.8</td>
<td>28.2</td>
<td>12.5</td>
</tr>
<tr>
<td><strong>Working Age (21-64): with any Disability</strong></td>
<td>28.2</td>
<td>12.5</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>Working Age (21-64): without Disability</strong></td>
<td>12.5</td>
<td>10.8</td>
<td>8.5</td>
</tr>
</tbody>
</table>

Independent Living Disability

An independent living disability refers to any condition, impairment or diagnosis that produces difficulties in performing errands alone. This includes, but is not limited to, going out in public to shop and visit doctor's offices.

People with independent living disabilities experience difficulties completing the tasks necessary for living alone or apart from guardians, and might need additional support and training in performing daily tasks like catching the bus and paying bills.

Many of the skills necessary to perform activities of independent living are also commonly required skills in the workplace. Independent living disabilities can refer to difficulty in performing tasks, but also to difficulty coping with environmental stimuli present during the performance of tasks.

Independent living disabilities can be related to physical, mental and emotional conditions and may be present from birth or acquired later in life.

Conditions that frequently meet the definition of independent living disabilities: autism spectrum disorder, depression, Alzheimer’s Disease, post-traumatic stress disorder, traumatic brain injury, anxiety disorders

Facts and Figures in 2013

- 5.6 percent of the U.S. population
- Annual median earnings of $34,300 (working age, non-institutionalized)
- Health insurance coverage rate of 87.5 percent (working age, non-institutionalized)
- 29.5 percent receive Supplemental Security Insurance (working age, non-institutionalized)

Meeting with Constituents with Independent Living Disabilities: Tips for Lawmakers

Consider meeting with constituents in a low-traffic, low-noise environment. A constituent with an independent living disability may have difficulty being in crowded and sensory rich places. Meeting with the constituent in a location of his or her choosing is an appropriate and respectful accommodation.

Allow for flexible meeting timing, an appointment window, rescheduling or telecommunication alternatives. Constituents with independent living disabilities might have difficulty arriving on time for a variety of reasons, including reliance on public transit or condition flare-up, and may not be able to leave the house. A constituent may prefer to have a meeting over the phone or through Internet video conferencing.

Ask constituents if they would like detailed directions to the meeting location and an advanced copy of the meeting agenda. Constituents with independent living disabilities may be more at ease and better able to participate when they have time to go over the details of a meeting in advance.
Independent Living Disability: Employment, Education and Poverty Rate Comparisons (2013)

<table>
<thead>
<tr>
<th>Category</th>
<th>Working Age (21-64): with Independent Living Disability</th>
<th>Working Age (21-64): with Any Disability</th>
<th>Working Age (21-64): without Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>15.7%</td>
<td>34.5%</td>
<td>76.8%</td>
</tr>
<tr>
<td>Full Time Employment</td>
<td>7.2%</td>
<td>21.5%</td>
<td>56.8%</td>
</tr>
<tr>
<td>Education: High School</td>
<td>36.5%</td>
<td>34.2%</td>
<td>25.4%</td>
</tr>
<tr>
<td>Education: Some College</td>
<td>28.2%</td>
<td>31.4%</td>
<td>32.3%</td>
</tr>
<tr>
<td>Education: Bachelors</td>
<td>10%</td>
<td>13.5%</td>
<td>32.1%</td>
</tr>
<tr>
<td>Poverty Rate</td>
<td>32.8%</td>
<td>28.2%</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

FURTHER RESOURCES

Federal and State Policy Information

U.S. Department of Labor’s Office of Disability Employment Policy (dol.gov/odep)

The office provides statistics on current labor force participation and unemployment rates for people with disabilities, research on disability employment, and links to educational and technical assistance webinars. It also offers guidance documents for public and private employers and state workforce agencies and other providers that serve people with disabilities. It also is a source of information on the Workforce Innovation and Opportunity Act and Section 503 of the Rehabilitation Act, as well as general updates on federal initiatives to increase the employment of people with disabilities.

U.S. Department of Justice ADA Technical Assistance (ADA.gov)

The DOJ provides resources on the interpretation of ADA Title II (state and local governments) and III (public accommodations), including full text of the ADA as currently amended. Technical assistance includes recent ADA settlement agreements and guidance documents on ADA design standards for accessibility on new construction and building alterations. The website includes an archive of technical assistance documents on a wide variety of disability considerations relevant to state governments.

Disability.gov

This online resource portal managed by the U.S. Department of Labor’s Office of Disability Employment Policy functions as an information and referral service connecting users to disability resources, benefits and service agency websites in 10 subject areas: benefits, civil rights, community life, education, emergency preparedness, employment, health, housing, technology and transportation.

National Conference of State Legislatures (ncsl.org)

The National Conference of State Legislatures (NCSL) continues to expand its policy expertise and legislative research support on disability and employment issues. NCSL is available to provide technical assistance, answer information requests, and connect legislators and legislative staff with relevant resources on disability and employment policy issues.
Resources for Employers

Employer Assistance and Resource Network on Disability Inclusion (AskEARN.org)

AskEARN.org is a service of the Employer Assistance and Resource Network on Disability Inclusion (EARN), funded by the U.S. Department of Labor’s Office of Disability Employment Policy through a cooperative agreement with the Viscardi Center. It is an online resource offering information and guidance to employers interested in recruiting, retaining and advancing employees with disabilities. Resources include publications, recommendations for creating a disability inclusive organizational culture, training and technical assistance materials, and guidance on legal rights and obligations for employers.

Job Accommodation Network (AskJAN.org)

AskJAN.org is an extensive source of free, expert and confidential guidance on workplace accommodations, a key provision of Title I of the ADA. It offers one-on-one guidance to employers and other entities via phone and online, and maintains an extensive database with detailed information on accommodations for a wide range of specific disabilities or disability families. It is also a service of the U.S. Department of Labor’s Office of Disability Employment Policy.

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This publication was developed by NCSL as part of its partnership in the Employer Assistance and Resource Network on Disability Inclusion (EARN)

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**National Conference of State Legislatures**

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