



Addressing the Data Gap in Disability Employment

BY SAIGE DRAEGER

As states look to increase the number of people with disabilities employed in the public sector, many policymakers are recognizing the need to collect disability-related employment data. Such data—particularly the number of people with disabilities—is integral to establishing a benchmark to properly assess the effectiveness of policies and programs, and to identify potential employment barriers. Encouraging employees to self-identify as having a disability through legislation, such as state-as-a-model-employer policies, can help states build robust and accurate data collection systems, allowing policymakers the information they need to address employment disparities in their state.

Self-identification refers to an applicant or employee providing information about his or her disability status for reporting and data collection purposes. An individual's decision to self-identify is entirely voluntary and kept confidential. Often collected on anonymous surveys or through optional questions

on job applications, these metrics also highlight barriers to employment people with disabilities face and offer employees the opportunity to communicate accommodation and training needs.

Benefits to self-identification include streamlining accommodation requests necessary to perform essential job functions, contextualizing behavior to a supervisor and being able to take care of health conditions during work hours. This information also helps explain any gaps that may exist in an applicant's employment history.

Despite these benefits, challenges remain in getting people with disabilities to self-identify. Many have expressed concerns about discrimination, decreased job responsibilities, an emphasis on disability status instead of work performance, and job termination.

[State-as-a-model-employer \(SAME\) policies](#) seek to actively engage, hire and retain individuals with disabilities, establishing best practices and providing a model for private-sector employers.

Did You Know?

- The current labor participation rate in the United States is around 77%. For people with disabilities, the rate is 37%.
- Nearly 20% of workplace accommodations for employees with disabilities require no additional cost to the employer.
- People with disabilities are more likely to be employed in the public sector than their counterparts without a disability.

As these policies continue to gain traction in state legislatures, inclusive data collection systems that encourage and track disability self-identification will be important for policymakers and agencies looking to increase the number of people with disabilities employed in the public sector.

State Action

Most state efforts to increase or implement data collection systems are tied to SAME legislation, executive orders or task forces created to address employment for people with disabilities. Some states, however, have enacted separate legislation targeting data collection more specifically. At least 12 states have data collection systems in place to track the number of government employees who self-identify as having a disability and publicly share these metrics.

Minnesota Governor Tim Walz last year issued [Executive Order 19-15](#), an Employment First initiative, requiring the executive branch to make efforts to comply with affirmative action practices and reach a hiring goal of 10% for people with disabilities. The directive also requires quarterly reports to the governor on hiring progress in the executive branch, and [posting governmentwide statistics](#) on employment for individuals with disabilities online.

Pennsylvania's [HB 1641](#), enacted in 2018, is another Employment First initiative. It requires state and county agencies—along with any entity providing publicly funded education, training, employment and related services, and long-term services and support for individuals with disabilities—to collect consistent baseline employment data. The bill also enables these agencies to share this non-individualized employment data for the purposes of tracking and assessment.

Washington's [HB 1636](#), passed in 2015, addresses data collection by requiring all state agencies with 100 or more employees to provide annual reports to the legislature on the percentage of individuals with disabilities comprising the agency's workforce. The legislation also requires each covered agency to report to the legislature on opportuni-

ties for internships that would lead to permanent placements in entry-level positions.

Federal Action

As with individual states, the primary method used to count the number of employees with disabilities working for federal agencies and contractors is through self-identification. In 2014, updates to [Section 503](#) of the Rehabilitation Act of 1973 strengthened requirements for federal contractors and subcontractors to affirmatively hire people with disabilities by outlining tangible hiring goals. To measure progress, the 2014 amendments require federal contractors and subcontractors to provide employees and applicants the opportunity to self-identify as having a disability. Further, the Equal Employment and Opportunity Commission (EEOC) published a [final rule](#) in 2017 establishing uniform goals for all federal agencies under section 501 of the Rehabilitation Act. It prohibits hiring discrimination on the basis of disability by federal offices and provides for affirmative action. As part of its final rule, the EEOC underscored the importance of self-identification to federal agencies.

The [Employer Assistance and Resource Network on Disability Inclusion \(EARN\)](#), a resource and technical assistance center funded by the U.S. Office of Disability Employment Policy, published a [report](#) outlining best and emerging practices to facilitate self-identification. These practices range from creating an inclusive general work culture to implementing the agency's self-identification policies and procedures. The report is designed to help both the federal government and private-sector employers enhance data collection and tracking on employees with disabilities.

The federal government also recently worked to bolster data collection in states. In the summer of 2019, then-Acting U.S. Labor Secretary Patrick Pizzella issued letters to all 50 governors encouraging the adoption of data collection systems to track state employment of people with disabilities and applauding states with existing systems. Since their issuance, 16 states have requested policy assistance from the [State Exchange on Employment and Disability](#) to examine data collection efforts.

Additional Resources

- [“Do Ask, Do Tell,”](#) The Conference Board
- [“Measure Success: Accountability & Self-identification,”](#) Employer Assistance and Resource Network on Disability (EARN)
- [“Engaging Employees to Measure Success: Innovative Approaches to Encouraging Self-Identification of Disability,”](#) EARN

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