

Deaf In Government Recommendations for Federal Agencies' DEIA Strategic Plans

On behalf of deaf and hard of hearing¹ federal employees, Deaf in Government (DIG)², along with the undersigned supporting organizations, applauds the Biden-Harris administration on launching Executive Order 14035, the government-wide mandate to cultivate a federal workforce that reflects the full diversity of the United States and advances diversity, equity, inclusion, and accessibility (DEIA).³

By way of this paper, DIG requests that the below recommendations be incorporated in the federal agencies' mandatory DEIA strategic plans which are to be finalized by March 23, 2022.⁴ This DIG paper builds upon DIG's extensive July 2021 comments submitted regarding Executive Order 13985.⁵

Summary of Recommendations:

- Include deaf and hard of hearing employees in all stages of finalizing and implementing the DEIA strategic plans.
- DEIA strategic plans must commit to:
 - Agency staffing that includes people with targeted disabilities at every level of employment, including senior leadership positions, and specialized positions to advance accessibility and disability employment.
 - An agency centralized funding and coordination mechanism for reasonable accommodations.
 - Accountability and transparency measures regarding workplace disability-specific data.
 - Plans to go beyond mere compliance with current accessibility laws.

Recommendations:

Include deaf and hard of hearing employees in finalizing and implementing the DEIA strategic plans.

- The DEIA strategic plan will be flawed without true engagement with affected parties. Agencies must include deaf and hard of hearing employees and accessibility experts on the DEIA teams responsible for the March 2021 strategic plans, and accessibility policies and related plans. Unfortunately, the DEIA mandate currently requires agencies to consult only with their Office of

¹ For the purposes of this paper, the use of the term “deaf and hard of hearing” is defined to include deaf, hard of hearing, late-deafened, deafblind, and deaf-mobile disabled individuals, including those with additional disabilities.

² DIG is a 501(c)(3) non-profit organization that serves as an employee support group for local, state and federal employees who are deaf and hard of hearing, and as a resource organization for the government. For more information, visit: <https://deafingov.org/>.

³ On June 25, 2021, President Biden signed [Executive Order \(EO\) 14035 Advancing Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#). The EO 14035 builds upon the January 25, 2021 [EO 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), which focuses on the accessibility of federal programs and services for the public. EO 13985 requires each agency to assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people with disabilities.

⁴ [White House Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Workplace](#), November 2021, page 4 (last visited Dec. 21, 2021).

⁵ See DIG [July 2021 Comments In Response to the Public Notice Seeking Comments on Request for Information about Methods and Leading Practices for Advancing Equity and Support for Underserved Communities through Government](#) (DIG July 2021 Comments).

General Counsel, and the DEIA cross-agency team is defined as follows: “Office of the Secretary; Chief Diversity Officer; Chief Human Capital Officer; Equal Employment Opportunity Officer; Performance Improvement Officer; Chief Learning Officer; Chief Financial Officer; and Agency Equity Team lead.”⁶ Currently there is no recommendation or mandate to include people with disabilities and accessibility experts as essential team members. Only with deaf and hard of hearing people at the table and on the DEIA team, can these DEIA strategic plans be made appropriately and effectively about them. In fact, EO 13985 recognizes the indispensability of inclusion with a mandate that federal agencies coordinate, communicate, and engage with targeted underserved communities in executing the tasks of the Order.⁷

DEIA strategic plans must commit to agency staffing that includes people with targeted disabilities at every level of employment, including senior leadership positions, and specialized positions to advance accessibility and disability employment.

- Agencies must commit to hire more deaf and hard of hearing employees. Agencies are supposed to reflect the diversity of the United States, and are required to ensure that at least 2% of their workforces consist of people with targeted disabilities (PWTD)⁸ and 12% of people with reported disabilities.⁹ This has not been accomplished. In fact, the latest annual federal disability employment report data illustrates a significant shortfall in the thousands.¹⁰ **Deaf and hard of hearing individuals make up approximately 13% of the U.S. population,¹¹ but constitute approximately half of one percent of the federal workforce.¹²** Further, the report

⁶ Quoted language is from official DEIA survey and self-assessment guidance located via <https://surveys.max.gov/622576?lang=en>, and <https://community.max.gov/display/OMB/Agency+Self-Assessments> (last visited Dec. 24, 2021).

⁷ See EO 13985, Section 8.

⁸ The EEOC uses the term “individuals with targeted disabilities” and “individuals with disabilities” in MD-715 based on the definitions of [Standard Form 256](#), a form that is used to collect statistical information for agency reports on hiring, placement, and advancement of disabled individuals. (See [Instructions to Federal Agencies for MD-715 Section III Reporting Requirements and Line-By-Line Instructions, Part J](#) (last visited Dec. 21, 2021.) [SF 256](#) includes one of the target disabilities as deafness, and defines deafness as: “Deaf or serious difficulty hearing, benefiting from, for example, American Sign Language, CART, hearing aids, a cochlear implant and/or other supports.” (last visited Dec. 21, 2021).

⁹ See Rehabilitation Act, 29 CFR Part 1614; see also Question 7 of [Questions & Answers: The EEOC’s Final Rule on Affirmative Action for People with Disabilities in Federal Employment](#) (last visited Dec. 24, 2021).

¹⁰ See U.S. EEOC’s website for [Annual Reports on the Federal Workforce](#); the 2019 data is at this link: <https://www.eeoc.gov/sites/default/files/2021-07/2019%20Annual%20Report%20Workforce%20Tables.zip> (last visited Dec. 24, 2021). Out of 1,877,767 federal employees, only 1.8% or 33,740 were PWTD (instead of 2%, or 37,555.) For independent federal agencies, the number is lower: out of 651,758 independent agency employees, only 9,954 or 1.53% are PWTD (instead of 2%, or 13,035). People with reported disabilities also were 9%, not 12%, of the federal workforce, and 6%, not 12% of the independent agencies workforce. *Id.*

¹¹ National Institute on Deafness and Other Communication Disorders, National Institute of Health, U.S. Department of Health and Human Resources, [Quick Statistics about Hearing](#) (last updated March 21, 2021)(last visited Dec 24, 2021).

¹² In 2019, the Federal government reported 1,877,767 people in the federal workforce. Only 10,854, or .58% were deaf or hard of hearing. For independent agencies, out of 651,758 federal employees, only 3,259 or .50% were deaf or hard of hearing. See [https://www.eeoc.gov/sites/default/files/2021-07/2019 Annual Report Workforce Tables.zip](https://www.eeoc.gov/sites/default/files/2021-07/2019%20Annual%20Report%20Workforce%20Tables.zip).

states that much less than 2% of senior leadership positions are filled with PWTB.¹³ Not a single self-disclosed deaf or hard of hearing individual has held a career Senior Executive Series (SES) position in the history of the government.

[2019 Federal Disability Employment Workforce Table.](#)

Agencies	# of Employees in 2019	Mandate of 2% for PWTB Met?	People with targeted disabilities in 2019	Deaf and Hard of Hearing In 2019	Mandate of 12% Met?	People with reported disabilities in 2019
Federal	1,877,767	2% is 37,555	1.8% or 33,740.	.58% or 10,854	At least 12% is 225,332	9.13% or 171,529
Ind. Agencies	651,758	2% is 13,035	1.53% or 9,954	.50% or 3,259	At least 12% is 78,212	6.04% or 39,376

- Specialized Disability-Specific Positions.** Agencies must create and maintain specific positions to ensure accessibility and a diversified workforce, and have a Disability Emphasis Program Manager (DEPM) or Selective Placement Program Coordinator (SPPC) who is a person with a targeted disability. This DEPM can ensure vacancy announcements are circulated to disability organizations, state vocational rehabilitation services, postsecondary institutions with programs primarily for deaf and hard of hearing individuals (such as Gallaudet University and the National Technical Institute for the Deaf), and implement other measures to retain and promote PWTB in the workforce. Further, agencies should establish a diversity committee comprised of the Disability Emphasis Program Manager, Selective Placement Coordinator, Reasonable Accommodations Manager, selected managers, and members of affinity groups and diversified employees with targeted disabilities to address the hiring, advancement, and retention of all EEO groups, including people with targeted disabilities.
- Agency Direct Video Communications ASL Line.** Agencies with significant public interaction and engagement should establish a direct American Sign Language consumer support line and hire an ASL-fluent individual who is deaf or hard of hearing to staff the videophone line.¹⁴ Agencies should also consider making a text number available for those who are text-reliant in order to

¹³ The 2019 report indicates less than 1.39% of PWTB have SES positions, and less than 1.54% of PWTB have GS 14-15 positions. No disability-specific information is available for GS levels. *Id.*

¹⁴ See, e.g., [EEOC's ASL Line](#) and the [Federal Communications Commission's ASL Line](#).

enable another option for direct communications with the agency. For more information about establishing a direct video communications line, visit www.fcc.gov/dvc.

DEIA strategic plans must include the agency's centralized funding and coordination mechanism for reasonable accommodations.

- Without an appropriate framework for accommodations, deaf and hard of hearing employees are set up to fail. Deaf and hard of hearing individuals who rely on quality interpreting and captioning services to bridge the communication barriers must be able to obtain such services seamlessly and efficiently. As a result, DEIA strategic plans must include information about the agencies' centralized funding and coordination mechanisms for reasonable accommodations, including such interpreting and captioning services and specialized equipment.¹⁵ Given the need to develop such a centralized funding and coordination accommodations mechanism, a task force should be created to address this tremendous need. This task force should include deaf and hard of hearing employees, managers, DIG representatives, the Registry of Interpreters for the Deaf, the National Association of the Deaf, the U.S. Access Board, the National Council on Disability, the U.S. Office of Personnel Management, and the U.S. Equal Employment Opportunities Commission.¹⁶
- Existing systems within the federal government for the provision of reasonable accommodations fail to include people with disabilities in the qualitative procurement and assessment of these accommodations. As a result, the present system of procuring interpreters and captioning services is done on a financial basis without regard to the quality of the services needed to ensure deaf and hard of hearing employees are able to perform their job duties. Therefore, the task force that is responsible for proposing a centralized funding and coordination accommodations mechanism should be given jurisdiction to recommend a complete overhaul over the current procurement and contracting of services that are used as reasonable accommodations such as interpreting and captioning services.

DEIA strategic plans must include accountability measures regarding workplace disability-specific data.

- DEIA strategic plans must ensure agencies' public accountability through stringent reporting requirements. Such reporting must have a mandate to use plain language and analyses of trends and patterns regarding workforce data, public numerical goals for hiring PWTD, and affirmative action plans. Since 2003, Management Directive 715 has required all federal agencies to submit annual reports regarding the number and percentages of employees with targeted disabilities.¹⁷

¹⁵ See DIG July 2021 Comments , pp. 6-9.

¹⁶ See DIG July 2021 Comments, p. 8.

¹⁷ Management Directive 715 ([MD-715](#)) is the policy guidance which the Equal Employment Opportunity Commission (EEOC) provides to federal agencies for their use in establishing and maintaining effective programs of equal employment opportunity under Section 717 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq., and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq.

Yet, simple reports aggregating and analyzing such raw data ceased after 2015.¹⁸ The DEIA strategic plans should mandate public reporting of agency data about employment of persons with targeted disabilities, including breakdowns by grade levels, types of disabilities, and bureau/department/office. While MD-715 requires agencies to collect and analyze data which show the representation of groups by disability status, there is no public data about disability-specific grade distribution, major occupations, promotions, career development, and other information. To truly promote improved hiring of people with disabilities across the board, this reporting mandate should be changed in this way for accountability and transparency purposes.

- DEIA strategic plans should include the MD-715 framework proposed by the EEOC as outlined in its guidance at this link: [Applying MD-715 to Improve Participation of Employees with Targeted Disabilities](#). This succinct yet comprehensive framework includes crucial points on the following issues: commitment from agency leadership, integration of equal employment opportunity (EEO) into the agency's strategic mission, management and program accountability, proactive prevention of unlawful discrimination, efficiency, and responsiveness and legal compliance.

DEIA strategic plans must affirm express commitment - in accordance with the Biden Harris EO - to go beyond mere compliance with current accessibility laws.

- DEIA strategic plans must affirm agencies' commitment to comply with, and strive to exceed the requirements of, applicable accessibility laws, such as these that require:
 - accessible captioned and sign language interpreted videos, video conferencing platforms, telecommunications (including relay services, videophone, and captioned telephone communications), virtual and in-person meetings, communication and IT technologies, training and other work-related materials, and general accessibility and usability of agencies' respective programs and services.
 - non-discrimination, equity, numerical hiring goals, proactive utilization of Schedule A authority, and all requirements pursuant to Sections 501, 504, and 508, relevant Executive Orders and any other applicable laws.¹⁹
- Annually issue a policy statement ensuring equal employment opportunity (EEO) for all applicants and employees, including those with targeted disabilities.
- Embrace innovative and non-traditional ways to expand the workforce, and to accommodate deaf and hard of hearing individuals. An example would be to support the use of certain video conferencing platforms that may have accessibility features absent in other platforms, or to cover the cost of specialized equipment and services, such as tactile interpreting in one's home during the remote environment setting.

¹⁸ See OPM's Diversity and Inclusion Webpage for [Disability Employment Statistical Reports](#) for annual easy-to-read reports about federal workplace disability employment data from years 2011 to 2015 (last visited Dec. 24, 2021). Now people need to wade through a litany of Excel sheets to interpret data. See, e.g., [Annual Reports on the Federal Workforce](#); the 2019 data is at this link: <https://www.eeoc.gov/sites/default/files/2021-07/2019%20Annual%20Report%20Workforce%20Tables.zip>.

¹⁹ See GSA's Integrating Accessibility into Agency Diversity, Equity, Inclusion and Accessibility (DEIA) Implementation Plans, <https://www.section508.gov/manage/deia-guidance/> (providing extensive resources to ensure agency accessibility) (last visited Jan. 7, 2022).

We are here to help.

DIG stands ready to provide further support in any way needed regarding this pivotal DEIA mandate. For any further information, assistance, or requests for meetings, please contact DIG at learning@deafingov.org.

Sincerely,

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Organizations in support of DIG's DEIA Position Paper include:

American Association of the Deaf-Blind (AADB)
American Deafness and Rehabilitation Association (ADARA)
Association of Late Deafened Adults (ALDA)
Cerebral Palsy and Deaf Organization (CPADO)
Communication Service for the Deaf (CSD)
Conference of Education Administrators of Schools for the Deaf (CEASD)
Deaf Seniors of America (DSA)
Gallaudet University Alumni Association (GUAA)
National Association of the Deaf (NAD)
Telecommunications for the Deaf and Hard of Hearing, Inc (TDI)