



NEURODIVERSITY BRIEF

Building an Accessible Workforce Development System: Recommendations to American Job Centers on Supporting Autistic People and Others with Disabilities to Promote Successful Employment

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INTRODUCTION

This brief discusses actions that American Job Center (AJC) staff can take to make their services more accessible to autistic people¹ and others with psychosocial, cognitive, intellectual, and developmental disabilities (DD); this supports the creation of a neurodiverse, skilled workforce.² The Workforce Innovation and Opportunity Act (WIOA)³ emphasizes the role⁴ of America's One-Stop Centers (otherwise known as AJCs) to promote equal opportunity and increase access for job seekers with barriers to employment, including people with disabilities (PWD).⁵ According to the U.S. Department of Labor (DOL), AJCs are "the go-to destinations for people in search of career counseling, job connections, and similar employment-related services."⁶

AJCs should be fully accessible for all job seekers. WIOA prohibits programs and entities (including AJCs) from discriminating on the basis of several factors, including disability.⁷ WIOA's regulations require AJCs to provide reasonable accommodations and ensure their services are "programmatically accessible" and physically accessible to "qualified individuals with disabilities."⁸ DOL regularly provides technical assistance and guidance to AJCs looking to improve their compliance with WIOA.⁹

¹ Although documents produced by the LEAD Center and/or ODEP typically use "people first language," ASAN uses "identity first" language to refer to autistic people. Therefore, to respect that commitment, this document will refer to "autistic people" throughout.

² We define the term "autistic people" as any person who has Autism Spectrum Disorder (ASD) or a related disorder, such as Pervasive Developmental Disorder - Not Otherwise Specified (PDD-NOS), as defined in the Diagnostic and Statistical Manual of Mental Disorders 5th Edition (DSM-V). We define "psychosocial disability" as the range of disabilities that are typically labeled as mental health conditions. Reference for this usage of the term "psychosocial disabilities" is the Report of the Committee on the Rights of Persons with Disabilities, Concluding Observations of the Committee on the Initial Report of the European Union on its 229th Sess., U.N. Doc. CRPD/C/EU/CO/1 (Oct. 2, 2015). We define "neurodiversity" as the idea that people with neurological differences (e.g., autistic people) represent natural variations in the human population (as consistent with the social model of disability) and should be respected for their skills and abilities. Neurodiversity is an intentionally inclusive term intended to include a range of cognitive experience and developmental, intellectual, cognitive, and psychosocial disabilities in addition to autism.

³ Workforce Innovation and Opportunity Act, 29 U.S.C.S. §§ 3101-3361 (LEXIS through Pub. L. No. 115-140); Workforce Innovation and Opportunity Act, 113 Pub. L. No. 128, § 511, 128 Stat. 1425, 1676-79 (2014).

⁴ Congressional Research Service, R44252, *The Workforce Innovation and Opportunity Act and the One-Stop Delivery System* 1, 5, 6, 7, 11 (Oct. 27, 2015) ("As noted, one of the characteristics of the WIOA One-Stop system is the establishment of a central point of service for those seeking employment, training, and related services...").

⁵ U.S. Department of Labor, *American Job Centers (One-Stop Centers)*, <https://www.dol.gov/general/topic/training/onestop> (last visited Sep. 18, 2017).

⁶ Tania Mejia, *Ensuring Equal Opportunity at American Job Centers*, U.S. Department of Labor Blog (July 7, 2015), <https://blog.dol.gov/2015/07/07/ensuring-equal-opportunity-at-american-job-centers>

⁷ 29 U.S.C.S. § 3248 (LEXIS through Pub. L. No. 115-140).

⁸ 29 C.F.R. § 38.13 (2017).

⁹ Office of Disability Employment Policy (ODEP), *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*, available at: <https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>;

U.S. Department of Labor Contract No. DOLU129633698, *Evaluating the Accessibility of American Job Centers for People with Disabilities* (2017) [hereafter referred to as "Evaluating the Accessibility of AJCS"].

Autistic people and other people with psychosocial, cognitive, intellectual, and/or developmental disabilities constitute an underserved population group;¹⁰ this population group could benefit significantly from AJC services if provided access to sufficient supports¹¹ and auxiliary aids.

PWD enhance the American workforce and show a strong desire to work. A survey of PWD conducted by the Kessler Foundation found that they are actively seeking employment despite tremendous barriers faced to find meaningful work.¹² In addition, PWD contribute to the diversity of perspectives that benefit the modern workplace.¹³ PWD often have specialized skills and talents, such as a strong attention to detail or an ability to identify solutions to problems that may otherwise go undetected.¹⁴

Consistent with principles of neurodiversity¹⁵ and the Office of Disability Employment Policy (ODEP)'s Employment First Initiative,¹⁶ every person, regardless of disability, can contribute value to workplaces. People who want to work should have full access to supports they need to work. The recommendations described below help facilitate progress toward that goal.

RECOMMENDATIONS FOR AMERICAN JOB CENTERS

Recommendation 1: AJCs should take the following steps when working with employers to increase the number of people with psychosocial, cognitive, intellectual, and/or developmental disabilities who are employed:

When conducting outreach to businesses, AJCs should introduce the concept of customized employment to businesses. They can then connect businesses with job candidates who can meet their business needs. This collaboration enables them to demonstrate how employees with disabilities can perform jobs tailored to their strengths and benefit the employer as highly productive and valued members of the workforce.

Customized employment (CE) is an employment strategy in which an employer and employee work together to customize a particular job to match needs of both parties.¹⁷ Two examples of CE techniques include job carving and job sharing. Job carving is an approach that involves adding or removing job duties to align with strengths and weaknesses of a job seeker. Job

¹⁰ See Evaluating the Accessibility of AJCs at 31, 32 (“...often staff were unfamiliar with invisible disabilities and the challenges that they posed to people with disabilities who wanted to participate in AJC’s services. These factors resulted in staff’s limited knowledge of when and how to make appropriate accommodations...”).

¹¹ Not all people with disabilities require services and supports to engage in competitive integrated employment (CEI) but many do, and many receiving services are not receiving the services they need. See Anne Roux et. al., *National Autism Indicators Report: Developmental Disability Services and Outcomes in Adulthood*, A.J. Drexel Autism Research Institute (2017) (finding that paid, competitive integrated employment was the least common outcome for autistic people who use developmental disabilities services); Gary Siperstein, Robin Parker, Max Drascher, *National snapshot of adults with intellectual disabilities in the labor force*, 39 J. Vocational Rehabilitation 157, 161 (2013) (finding that approximately one in three of all adults with intellectual disabilities surveyed were employed although most wanted to work).

¹² Andrew J. Houtenville et. al., 2015 *National Employment and Disability Survey: Report of Main Findings*, Kessler Foundation 13, 16, 19, 20 (2015), available at: https://kesslerfoundation.org/sites/default/files/filepicker/5/KFSurvey15_Results-secured.pdf.

¹³ See Katherine W. Phillips, *How Diversity Makes Us Smarter*, Scientific American (Oct. 1, 2014), <https://www.scientificamerican.com/article/how-diversity-makes-us-smarter>.

¹⁴ Robert D. Austin, Gary P. Pisano, *Neurodiversity as a Competitive Advantage*, Harvard Business Review, May-June 2017, <https://hbr.org/2017/05/neurodiversity-as-a-competitive-advantage>

¹⁵ *Id.*

¹⁶ Office of Disability Employment Policy (ODEP), *Employment First*, <https://www.dol.gov/odep/topics/EmploymentFirst.htm> (last visited March 26, 2018).

¹⁷ Cary Griffin, *Customized Employment Tactics: Increasing Employment Opportunities by Job Developing Up the Supply Chain*, LEAD Center blog (Sep. 27, 2013), <http://www.leadcenter.org/blog/customized-employment-tactics-increasing-employment-opportunities-job-developing-supply-chain>.

sharing focuses on two employees each performing some work duties that are separated out from a job.¹⁸ CE may also include adjustments for when and where employees work (e.g., telecommuting), and tasks they perform (e.g., negotiated job descriptions to meet needs of the employer and employee). This strategy has high utility for autistic people and other people with developmental disabilities who may have disproportionate skills in one or multiple facets of a job when compared with other employees. CE can, however, benefit all job seekers with barriers to employment by helping determine jobs and workplaces matching their talents and skills. Adopting CE can also help foster workplace conditions needed for employees to perform their jobs successfully (e.g., instructions from only one supervisor, reduced visual distraction, the ability to move around, etc.).

AJCs are uniquely suited to support interactions among job seekers and employers that critically facilitate CE techniques; AJC staff often already perform many of these functions with job seekers and employers. The following scenario illustrate how AJC staff can introduce CE to a business and adopt this strategy as a best practice:

Jamal is an autistic person who is a strong writer. He has previously worked on a per-article basis to author editorial articles for magazines. Jamal experiences significant challenges in situations that require interpersonal interaction. He aims to develop a long-term career as a newspaper reporter, but he expresses concerns that cannot perform interviewing tasks needed to attain a job as a newspaper reporter. Jamal visits his local AJC and shares his concerns. The staff recommend that he consider customized employment to support a job with a newspaper. They help him outline his strengths and condition of employment and launch his job search.

The AJC staff identify a prospective employer: DEF Newspaper is a newspaper whose writing staff feel overtaxed because of their other work duties. After connecting over the phone, staff from DEF Newsletters attend a meeting with the AJC staff and Jamal. During a series of discussions about his interests and talents, DEF Newspaper decides to hire Jamal for their writing staff. They task him with a workload that includes double the number of articles typically assigned, but no interviewing duties. Other staff members working as a reporters provide Jamal with information gleaned from their interviews so that he can complete his assigned articles. Jamal thus becomes a very successful, productive employee at DEF Newspaper.

AJCs should, whenever possible, participate in job fairs, reverse job fairs, workshops, and other recruitment opportunities in coordination with local businesses.

AJCs should especially consider networking with large businesses that run virtual job fairs.¹⁹ Some businesses operate virtual job fairs specifically for certain groups of PWD, such as the large virtual job fair held in April 2018 at the same time as the Autism at Work Summit.²⁰

¹⁸ Office of Disability Employment Policy, *What Is Customized Employment?* <https://www.dol.gov/odep/categories/workforce/CustomizedEmployment/what/index.htm>

¹⁹ A list of virtual job fairs can be found on the United States Job Fair Directory at: <http://jobfairsin.com/online-virtual-job-fairs>

²⁰ Neil Barnett, *Join us: Working together to help people with autism enter the workforce*, Microsoft on the Issues blog (April 3, 2017), <https://blogs.microsoft.com/on-the-issues/author/nbarnett/>

The AJC should specifically encourage participation in real-world work experience opportunities in lieu of traditional interviews. In a “working interview,” the person with a disability may perform the actual duties of the job far better than traditional job interview.

Employers may discount the potential of job seekers with psychosocial, cognitive, intellectual, and/or developmental disabilities early in the hiring process because they may not interview well despite possessing strong qualifications for the job.²¹ These job seekers may instead perform better in “working interviews” in which they must perform specific tasks that better reflect actual job duties. In addition to working interviews, AJCs should help PWD seek out opportunities to expand their work experience, such as paid internships and apprenticeships, and show their talents and skills in real workplace settings. A recent research study found that young adults with disabilities (YWD) who participated in early work experiences could perform their job duties at a faster rate.²² The research literature has long shown that access to paid work experience is the best predictor of employment outcomes for YWD after high school.

AJCs should ensure that job listings they promote do not arbitrarily screen out candidates with disabilities either implicitly or explicitly.

AJCs can help their clients engage in job searches and provide them with access to databases for navigating career exploration and development, such as the job search option on www.CareerOneStop.org. Staff from AJCs should also promote writing job applications that adopt simple, clear language whenever possible. Accessible job applications should:

- Use simple, precise language and remove industry jargon
- Eliminate unnecessary words
- Make use of bullet points and white space
- Ask job seekers to document their experiences only once, such as in an attached resume.²³

AJCs that promote specific jobs should post these jobs in formats that are accessible to screen readers, and staff from AJCs should consult the plain language guidelines developed for the Plain Writing Act of 2010.²⁴

Some other job application processes contain elements that may inadvertently screen out applicants with disabilities. For example, employers frequently add personality tests to their job applications. Personality tests typically contain subjective questions that rarely align with actual on-the-job duties.²⁵ These tests can frequently screen out autistic people and people

21 Hensel, Wendy Fritzen, *People with Autism Spectrum Disorder in the Workplace: An Expanding Legal Frontier* (February 14, 2017). Harvard Civil Rights - Civil Liberties Law Review (CR-CL), Vol. 52, 2017; Georgia State University College of Law, Legal Studies Research Paper No. 2017-01.

22 Arif A. Mamun, Erik W. Carter, Thomas M. Fraker, Lori L. Timmins, *Impact of Early Work Experiences on Subsequent Paid Employment for Young Adults with Disabilities, in Career Development and Transition for Exceptional Individuals*, <http://journals.sagepub.com/doi/pdf/10.1177/2165143417726302> (Aug. 16, 2017).

23 See Partnership on Employment and Accessible Technology, *Using Plain Language to Enhance E-Recruiting: An Employer Tip Sheet*, <https://www.peatworks.org/talentworks/resources/plain-language> (last visited Sep. 13, 2017) (explaining how to make a job application easier to read).

24 Plain Language Action and Information Network, *Federal Plain Language Guidelines*, <https://plainlanguage.gov/guidelines/> (last updated May 1, 2011)

25 See Hensel at 91-94 (“It is also highly questionable whether the broad administration of these tests is closely connected to the essential functions of any particular job in question...for example, the validity of testing for jobs that require extensive interaction with the public...may be quite different than for those seeking entry-level work, like data entry...”).

with psychiatric disabilities.²⁶ Thus, AJCs should advise employers seeking to hire PWD to avoid using personality tests when making their job applications.

Other job postings may include lists of physical skills (e.g., capacity to lift items) or vision requirements that are not essential to the job and may unfairly screen out PWD.²⁷ AJCs should encourage employers to avoid writing unnecessary or problematic job requirements. They should also ask employers to include disclaimers noting that modifications to the job requirements may be available as a reasonable accommodation for PWD.

Recommendation 2: State and Local Workforce Development Boards should work directly with advocacy organizations for people with disabilities (including self-advocacy organizations) in order to create staff training that allows AJC staff to learn how to customize AJC programs to fit the job seeker, rather than “one size fits all” services.

Advocacy organizations for PWD have collected extensive information on experiences of employees with disabilities. For instance, in 2014 the Autistic Self Advocacy Network (ASAN) partnered with Freddie Mac, a mortgage finance company, to hire autistic interns for jobs in securities analysis.²⁸ During their partnership with Freddie Mac, ASAN made use of its knowledge of job interviewing, autism, and workplace experiences of autistic people to help prepare prospective interns for their jobs. A similar partnership between an advocacy organization and an AJC can help AJC staff develop programs and services that are readily accessible to other PWD.

Centers for Independent Living (CILs) and local mental health survivor/peer support organizations can also be ideal partners. A successful partnership between an AJC and one of these organizations might work like this:

An AJC becomes concerned that its services for job counseling and job search are not fully helpful for people with psychosocial and/or developmental disabilities. After the AJC contacts a CIL near its location,²⁹ they partner to develop a staff training program. This staff training program teaches AJC staff about approaches for increasing employment opportunities, such as supported employment and CE. They learn that some PWD are served by other agencies, such as Vocational Rehabilitation, behavioral health agencies, or services for people with developmental disabilities. This partnership thus enhances AJC services so that PWD can better access AJC services to attain employment. The CIL staff with disabilities contribute their lived experience and knowledge of how to effectively support employees with disabilities during trainings for AJC staff. Additionally, the CIL teaches AJC staff common stereotypes about disability and work and how to interact effectively with PWD. The AJC’s new staff training becomes highly successful, and the AJC continues to work with the CIL.

26 Hansel at 91, 92; Elizabeth De Armond, *To Cloak the Within: Protecting Employees from Personality Testing*, 61 DePaul L. Rev. 1129, 1142-46 (2012) (describing the concerns of mental health experts and various court cases in which personality tests used questions directly targeted at screening out people with psychiatric disabilities).

27 David M. Perry, *Job discrimination in plain print*, Al Jazeera (Feb. 10, 2016, 2:00AM ET) <http://america.aljazeera.com/opinions/2016/2/job-discrimination-in-plain-print.html>

28 Autistic Self Advocacy Network, *Call for Resumes: Freddie Mac Seeks Autistic Interns*, (April 8, 2014), <http://autisticadvocacy.org/2014/04/call-for-resumes-freddie-mac-seeks-autistic-interns/>

29 This is solely an example of a CIL and bears no relation to any real Center for Independent Living.

Recommendation 3: AJCs should consider hiring and training interested people with disabilities for open jobs in the AJC, particularly as Disability Resource Coordinators.

Hiring AJC staff with disabilities for positions in which they interact directly with job seekers with disabilities (JSWD) provides many benefits. Having on-hand staff with disabilities increases the likelihood that AJCs can provide services in a programmatically accessible way to JSWD. Additionally, employees with disabilities can serve as internal advisors on resources for other staff, which enables all AJC staff to support better access to services by PWD. Also, staff without disabilities gain opportunities to interact with co-workers with disabilities as peers. These interactions provide them with a greater understanding of how PWD contribute to the workplace and support effective use of strategies for working with JSWD.

AJCS should particularly consider PWD for open Disability Resource Coordinator (DRC) positions if their state has an ongoing project funded by DOL's Disability Employment Initiative. A DRC with a disability may find it easier to identify gaps in physical and programmatic accessibility of the employment services at their AJC. For example, a DRC who is autistic may note that some JSWD may find it uncomfortable to participate in a meeting with a job counselor because the AJC's lobby is too loud.

Recommendation 4: American Job Centers should provide one-on-one assistance to individuals with disabilities who need help completing intake paperwork or filling out forms on computers. They should also create plain language versions of all intake forms that are compatible with screen readers and accessibility technology.

People with psychosocial and/or developmental disabilities have a wide variety of different access needs during intake. We recommend consulting the intake section of the DOL's Section 188 Disability Reference Guide to learn promising practices adopted by other AJCs.³⁰ For people who may have intellectual and/or cognitive disabilities, we also recommend the use of suggestions in the Federal Communications Commission's White Paper, *Individuals with Cognitive Disabilities: Barriers to and Solutions for Accessible Information and Communication Technologies*.³¹ This white paper describes accommodations that help people with cognitive disabilities use information and communications technology (ICT).³² AJCs should also form relationships with local CILs to learn more about how to enhance access to services for people with specific disabilities.

We recommend one-on-one assistance for autistic job seekers and other people with developmental disabilities. Each person with a developmental disability has distinct strengths, challenges, and support needs that widely differ from other people with the same disability.³³ Encouraging one-on-one interaction with AJC staff can help reduce sensory distractions (e.g., noise, sounds, smells, etc.) during the intake process.

30 Office of Disability Employment Policy, *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide* 14-18 (2015), <https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>.

31 Federal Communications Commission, *Individuals with Cognitive Disabilities: Barriers to and Solutions for Accessible Information and Communication Technologies* 26-32 (Oct. 6, 2016), <https://docs.fcc.gov/public/attachments/DOC-341628A1.pdf> [hereinafter "Communications White Paper."]

32 Communications White Paper at 26-32 (describing a variety of possible changes that can be made to electronic communications devices, such as computers and smartphones, to make them more accessible to people with cognitive disabilities).

33 Center for Persons with Disabilities, Utah State University, *WebAIM: Web Accessibility in Mind: Cognitive Disabilities*, <http://webaim.org/articles/cognitive/> (last visited Sep. 13, 2017) (explaining that people with cognitive or mental disabilities have a wide range of different abilities and support needs).

Many PWD may find intake forms written in plain language (with common words and short sentences) to be easier to complete without help. Ask questions directly on forms (e.g., “Where have you worked in the past 10 years?”) in lieu of a generic heading like “Work History”. Use graphics and color-coded sections according to their purpose where applicable.³⁴

Recommendation 5: For their training workshops and other training opportunities, AJCs should ensure that there are multiple ways to participate in the workshop, including online-only workshops via chat programs, webinars, and one-on-one versions of the workshop.

Many people with certain disabilities, such as those who identify as autistic³⁵ or have anxiety conditions,³⁶ can face difficulties with in-person-only workshops or other job training programs. Their challenges may result from how the presenter shares information (e.g., comprehension difficulties with oral information rather than written information) or interpersonal situations.

People with these disabilities (and others) may find it easier to participate in workshops that offer multiple ways of presenting information. For example, an AJC could post a workshop’s training materials online by hosting a live webinar with an accompanying PowerPoint file, or holding the workshop over a chatting platform.

Recommendation 6: Individual AJCs should ensure their services can be accessed by non-speaking job seekers who type or write and job seekers who use augmentative and alternative communication (AAC).

AAC systems and devices enable PWD who are non-speaking or who face complex communication challenges to communicate.³⁷ AJCs should carefully consider steps needed to make their services fully accessible for PWD who are AAC users. We recommend that:

- Staff trainings include lessons on “disability etiquette” for interaction with job seekers who use AAC; these lessons would, for instance, emphasize showing patience when waiting for responses and repeating information to enhance comprehension
- AJC staff receive training on recognizing and effectively supporting use of diverse AAC types (e.g., sign language, letter boards, speech-generating devices, etc.)
- AJCs partner with employers to help them support and enhance workplace accommodations for their employees who use AAC devices and systems

Example: The AJC schedules a joint training workshop for its staff and employees of DEF Corporation. Taught by qualified AAC professionals, this workshop demonstrates best practices for creating a welcoming, effective work environment for employees who use AAC.

³⁴ Office of Disability Employment Policy (ODEP), *Best Practices in Universal Design: Strategies for Intake and Orientation* (PowerPoint presentation, May 2014), http://www.leadcenter.org/system/files/resource/downloadable_version/NAWDP_2014_Universal_Design.pdf.

³⁵ Many autistic people have a high degree of difficulty in social situations, making an in-person group job training difficult. It is a core characteristic of the disability. *About Autism*, Autistic Self Advocacy Network (ASAN), <http://autisticadvocacy.org/about-asan/about-autism/> (last visited Sep. 6, 2017); National Institutes of Mental Health, Autism Spectrum Disorder, <https://www.nimh.nih.gov/health/topics/autism-spectrum-disorders-asd/index.shtml> (last visited Sep. 6, 2017).

³⁶ See National Institute of Mental Health (NIMH), NIH Publication No. QF 16-4678, *Social Anxiety Disorder: More Than Just Shyness 3* (2016), www.nimh.nih.gov/health/publications/social-anxiety-disorder-more-than-just-shyness/index.shtml

³⁷ American Speech Language Hearing Association, (ASHA), *Augmentative and Alternative Communication*, <http://www.asha.org/public/speech/disorders/AAC/> (last visited Sep. 8, 2017).

CONCLUSION

AJCs offer a single place at which job seekers can access many employment support services. These centers play a crucial role in the workforce development system. Accordingly, AJC services can offer needed assistance for JSWD who experience high rates of unemployment and underemployment.

People with psychosocial, cognitive, intellectual, and/or developmental disabilities can show strong potential to become incredible employees when they receive needed supports and services. AJCs can promote the employment of people with disabilities by following the recommendations below:

- Work with employers to help support accommodations for employees with disabilities (e.g., collaborate with organizations from the disability community, use working interviews, advance CE for specific AJC clients they wish to hire)
- Hire PWD as employees and partner with self-advocacy and independent living organizations with years of experience supporting PWD in the workforce
- Adapt intake procedures that ensure trainings and services are fully accessible to people with cognitive disabilities (e.g., offer workshops online and in-person, support people who use augmentative and alternative communication devices, offer one-on-one assistance)
- Ensure that job listings, job fairs, apprenticeships, and internships they promote do not contain language or requirements that unfairly screen out people with psychosocial and developmental disabilities

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