



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FORTY-SEVEN (2020)

EXPANDING OPPORTUNITIES FOR VIRGINIANS WITH DISABILITIES

Importance of the Issue

The way ahead for Virginia means inclusion and opportunity for all Virginians, including individuals with disabilities. An estimated one in ten Virginians have a disability.¹ The Americans with Disabilities Act of 1990 defines disability as any “physical or mental impairment that substantially limits one or more major life activity; [having] a record of such impairment; or being regarded as having such impairment.”² This definition is expansive and it is the responsibility of the Commonwealth to empower and provide supports to all Virginians with disabilities to maximize their inclusion, employment, and independence. All Virginians, including those with disabilities, have a right to enjoy the benefits of choice in society and the freedoms of everyday life.

The Commonwealth also has an obligation under the Americans with Disabilities Act, the *Olmstead v. L.C. by Zimring*, 527 U.S. 581 (1999) decision, and the Virginians with Disabilities Act to provide opportunities for individuals with disabilities to fully integrate into the community. This is more than an obligation—it is a necessity. Virginia must continue to prioritize the mandate of the *Olmstead* decision to ensure the integration of Virginians with disabilities in every community in the Commonwealth. Furthermore, it is the policy of this Commonwealth, as set forth in § 51.5-1 of the *Code of Virginia*, “to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth.”

Education is a key part of expanding our qualified workforce. In the 2018 Census Bureau Current Population Survey, an estimated 22.6% of Virginians with a disability do not have a high school diploma or equivalency, compared to 13.7% of the population without a disability. Similarly, 34.9% of Virginians with a disability end their education at high school or equivalent

¹ Erickson, W., Lee, C., & von Schrader, S. (2018). 2016 Disability Status Report: Virginia. Ithaca, NY: Cornell University Yang-Tan Institute on Employment and Disability (YTI).

² 42 U.S.C. § 12102 (1).

level, compared to 21.8% without a disability, and only 22.1% of Virginians with a disability achieve a four-year degree, compared to 39.7% of Virginians without a disability.

Employment is a key component to supporting community integration and independence for individuals with disabilities. As the economy of the Commonwealth continues to grow and diversify, the need for qualified workers also increases. Unfortunately, individuals with disabilities are an underused resource to help address the need for qualified workers. Many job seekers with disabilities are unable to find full-time, competitive-wage jobs. The challenges that individuals with disabilities face based on their qualifications place limits on their earning potential. The 2017 Pew Research Center Disability Statistics Annual Report found median earnings for Virginians with disabilities ranged \$23,874-\$30,559, while median earnings for Virginians without a disability ranged \$35,888-\$51,302. The Commonwealth administers vocational rehabilitation programs through the Department for Aging and Rehabilitative Services (DARS), the Department for the Blind and Vision Impaired (DBVI), and the Department of Veteran Services (DVS) to place workers and veterans with disabilities in public and private sector jobs. Yet, according to the 2017 Disability Status Report by Cornell University, only 41.3% of Virginians with disabilities were employed in 2016, while 81.8% of Virginians without a disability were employed during the same time period. All qualified workers in Virginia should be given the same opportunities to gain employment that utilizes their talents. This contributes to the growth of Virginia's economy and enriches our communities.

Establishment of the Initiative

The Commonwealth should be a leader in inclusivity for individuals with disabilities by prioritizing hiring and workforce diversity and ensuring community integration. This initiative highlights our commitment to ensuring that all Virginians have adequate supports and opportunities to thrive in the Commonwealth. Many state agencies are already doing great work to help individuals with disabilities find employment and live actively in their communities. I seek to build on these efforts by providing greater supports for both visible and invisible disabilities as individuals choose their educational path and prepare to enter the workforce. We should also ensure increased access to competitive and integrated community-based employment. I encourage local governments and the private sector to take similar steps to provide career-building and job opportunities to qualified workers and to ensure access for all individuals, no matter their ability status.

Directive

Therefore, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.2-103 of the *Code of Virginia*, I hereby direct the Director of Diversity, Equity, and Inclusion to provide leadership and coordinate across Secretariats the following actions:

1. The Director of Diversity, Equity, and Inclusion shall work with the Secretary of Administration to implement § 2.2-203.2:3 of the *Code of Virginia*, to increase the employment of individuals within state government, including but not limited to the exploration and implementation of the following initiatives to:

- a. Use available hiring authorities, consistent with statutes, regulations, and prior executive orders;
 - b. Increase efforts to accommodate individuals with disabilities within state government employment by increasing the retention and return to work of individuals with disabilities; and
 - c. Expand existing efforts for the recruitment, accommodation, retention, and advancement of individuals with disabilities for positions available in state government.
2. The Secretary of Education and Chief Workforce Advisor, in coordination with the State Council of Higher Education for Virginia (SCHEV) shall identify opportunities and current best practices at institutions of higher education, community colleges, and vocational training programs to increase the number of Virginians with disabilities who are able to participate actively in advanced training and education programs they choose.
3. The Chief Workforce Advisor, in conjunction with the Secretaries of Commerce and Trade and Education, shall work with the Secretary of Health and Human Resources, who will direct DARS, and DBVI, and the Department for the Deaf and Hard of Hearing to strengthen and develop workforce pipelines for individuals with disabilities and promote the hiring of qualified individuals with disabilities by new and existing Virginia businesses as well as companies seeking to locate to the Commonwealth.
4. The Secretary of Veterans and Defense Affairs and the Secretary of Health and Human Resources will ensure that there is continued collaboration between DVS and DARS to serve disabled veterans. The Secretary of Veterans and Defense Affairs and DVS will also work with employers certified through the Virginia Values Veterans initiative to increase efforts to hire and place in jobs veterans with disabilities.
5. The Virginia Information Technology Agency shall work with other state agencies to improve the accessibility of the Commonwealth's websites for Virginians with disabilities and encourage similar efforts in the private sector.
6. The Director of Diversity, Equity, and Inclusion shall convene, at least annually, a stakeholder meeting to advise and provide input on the directives of this Executive Order and the Commonwealth's efforts towards accessibility, inclusion, and community integration for individuals with disabilities.

Reporting on Progress of the Initiative

The Director of Diversity, Equity, and Inclusion shall report to the Governor on the progress of this Order and the steps taken to ensure community integration, improve website accessibility, and advance employment of Virginians with disabilities.

Effective Date of the Executive Order

This Executive Order rescinds and replaces Executive Order No. 46 (2015) issued by Governor McAuliffe. This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 2nd day of January, 2020.



Handwritten signature of Ralph S. Northam in black ink.

Ralph S. Northam, Governor

Attest:

Handwritten signature of Kelly Thomasson in black ink.

Kelly Thomasson, Secretary of Commonwealth