

Chapter 2

21st Century World of Disability

Introduction: A Change in Attitudes

For decades, society has imposed attitudinal and institutional barriers that have resulted in people with disabilities living lives of dependency, isolation, segregation, and exclusion. But this old world of disability is fading and a new 21st Century world of disability is emerging. It is essential that the VR&E Service keep pace with the emerging disability trends of the 21st Century.

A seismic shift in societal attitudes toward persons with disabilities has occurred in the last 25 years and especially since the passage of the Americans with Disabilities Act (ADA) in 1990. This law, and its subsequent implementation, dramatically improved attitudes toward and services for persons with disabilities. According to the statute:

“...the Nation’s proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals....”

The ADA was the world’s first comprehensive civil rights law for people with disabilities, ensuring Americans with disabilities equal opportunity and access to the mainstream of American life. The ADA prohibits job-related discrimination against people with disabilities by requiring reasonable accommodations on the job and access to state and local programs and services, including public and private transportation, public accommodations and telecommunications carriers.

The VR&E Service has not kept up with this larger world of disability outside of the VA. VR&E’s best efforts regarding employment of veterans have resulted in only 10 percent of those participating in the VR&E program obtaining employment. To be successful in the future, the VR&E Service must appreciate that there is a greater and more exciting world of disability outside of their program that can partner with the VA, can be leveraged to benefit the veteran, and is on the cutting edge regarding employment of persons with disabilities. As VR&E rebuilds its program into a comprehensive, integrated service delivery system it must do so within the context of this larger environment which continues to lead the way for persons with disabilities.

The foundation of any 21st Century vocational rehabilitation program must be an appreciation of the abilities of an individual – moving the focus from disability to ability. Today, sidewalk curb-cuts, employer education and support of job accommodations, adaptive techniques and technology, and opportunities for persons with disabilities to achieve a better quality of life – to be included, not excluded, from the mainstream – are becoming the norm.

According to Robert Silverstein, Director of the Center for the Study and Advancement of Disability Policy in Washington, DC, a “new paradigm” of disability has emerged. Disability is considered a normal part of the human condition. Rather than seeing the disability as a medical condition only, and, therefore, “fixing” the individual, the new paradigm sees disability as the interaction between the individual and his or her environment. The “environment” includes the social, economic, and political aspects of a person’s life. The focus of this new paradigm is to eliminate the attitudinal and institutional barriers that preclude people with disabilities from fully participating in every aspect of American life. This is the philosophy and framework that should be the basis for all of the Veterans Affairs programs, in particular the VR&E Service.

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Global View

Accommodation and inclusion for people with disabilities has become a global movement. In November 2001, the World Health Organization (WHO) announced a new international tool to describe and measure health and disability. The tool, the International Classification of Functioning, Disability, and Health (ICF), moves our thinking beyond the purely medical model

of disability to an integrated model that considers the effects of the physical and social environment on people with disabilities. The new classification system shifts the focus to how people live with their health conditions and how these can be improved to achieve a productive, fulfilling life.²

While the ICF is being debated in the United States, in some developed countries ICF and its model of disability have been introduced into legislative and social policy. The intent is to make ICF the world standard for disability data and social policy monitoring.

The Public Sector and a National Disability Policy

All public and private organizations in the field of rehabilitation struggle with numerous challenging policy decisions. Most of this effort appears to be spent on analyzing and discussing how best to promote training opportunities with the goal of returning to work. Thus far, no one organization, nor one specific approach, has been found to be best throughout the world. In fact, many programs still miss the mark in assisting people with disabilities train for, find, and keep jobs appropriate for their interests, skills, and abilities.

Unfortunately, in spite of good intentions, there remains no comprehensive, coordinated national disability policy. There are many public sector policies and definitions of disability that contradict the new principles regarding disability. For example, in order to receive needed cash supports and health benefits, an individual with a disability must prove that he or she cannot work. Once the individual receives a benefit check for his or her impairment, the person is strongly encouraged to return to work. In most cases, outside of the VA, individuals who return to work lose some cash support and health benefits.

The ADA and the new disability paradigm emphasize that even individuals with severe disabilities can work, provided they receive appropriate supports, such as personal assistants, job accommodations, assistive technology, and other assistance. These contradictions in expectations and public disability policies often lead people with disabilities, including veterans with disabilities, to lives of poverty and dependence. These differences in definitions and program goals present a confusing maze of red tape for the person with a disability and his or her family members, and create dependency on the system.

To address this discrepancy in public policy, the U.S. public sector, with strong encouragement from people with disabilities and other disability organizations, has taken much of the lead in removing disincentives to work and promoting the belief that it is what one *can do*, not what one *cannot do* that matters, especially on the job. The Rehabilitation Services Administration of the U.S. Department of Education, the funding source for State Vocational Rehabilitation Agencies, has developed a list of principles that can guide other agencies. The VR&E Service should consider adopting similar principles as part of its mission statement. These principles are:

“Individuals with disabilities, including those with the most significant disabilities, are capable of achieving competitive, high-quality employment in integrated settings and living full and productive lives in their communities.”

- Individuals with disabilities, including those with the most significant disabilities, are capable of achieving competitive, high-quality employment in integrated settings and living full and productive lives in their communities.
- Major barriers to the employment and independence of individuals with disabilities are the low expectations and misunderstandings society, some grantee agencies, service providers, or consumers themselves have about their abilities, capacities, commitment, creativity, interests, and ingenuity.
- Individuals with disabilities are able to make informed choices about their own lives – including their employment options, the types of services they need, the selection of service providers – and are able to assume responsibility for their decisions.
- The primary role of Vocational Rehabilitation Agencies and other Rehabilitation Services Administration-funded entities is to empower individuals with disabilities by providing the information, skill training, education, confidence, and support services individuals need to make informed choices about their professional and personal lives.
- The most effective Vocational Rehabilitation, Independent Living, Training and other programs result from a strong alliance between individuals with disabilities, grantee agencies, service providers, and organizations representing each. These alliances encourage accountability

through systematic and ongoing assessments of a grantee's policies, programs and practices.

The Social Security Administration (SSA) is another example of a federal agency that is working to adapt its programs to the "new paradigm" for beneficiaries with disabilities. The administration realizes that as long as a cash benefit is conditional on demonstrating a lack of ability to work, disincentives to work will

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be inherent to the system. As a result of the many changes in disability programs, medicine, rehabilitation, technology, attitudes, and well as the impact of the economy, it is increasingly difficult for a program to be able to neatly draw a line between those who can and those who cannot work.

The Social Security Advisory Board, an independent, bi-partisan group, is asking the question whether the age-old SSA definition of disability, which is at the heart of existing disability programs (Supplemental Security Income and Social Security Disability Insurance), and has an impact on other federal programs, is consistent with society's new beliefs about disability and work, including the goals articulated in the ADA.³

Likewise, the Task Force believes that the VR&E Service, along with the Social Security Administration and other federal agencies, should be a major participant and preferably a leader in this complex policy discussion, both within and outside the VA.

Informed Choice and Self-Empowerment

The new thinking about disability is evident through the integration of the concepts of consumer choice and self-empowerment into some federal and state vocational rehabilitation programs. Informed (or consumer) choice refers to an ongoing process where the individual and the vocational rehabilitation counselor work together to collect and evaluate information that will be utilized by the individual to make informed choices about goals and services that will lead to an employment outcome. The counselor acts as a facilitator/advisor in this process, not the decision maker. Implementation of informed choice ensures that the individual:

- Makes his or her own decisions related to employment outcome, services, providers, and procurement methods;
- Has access to enough information to weigh the possible values and consequences of various choices;
- Has a range of options from which to choose;
- Learns decision-making skills and makes decisions in ways that are important to him or her and takes personal responsibility for implementing the choices.

Ideally, this self-empowerment and partnership with rehabilitation professionals should lead to more effective programs for employment and self-sufficiency of persons with disabilities. That has not been, nor will it be, the case where Vocational Rehabilitation programs maintain the values of paternalism that have been the hallmark of vocational rehabilitation services during the early years. The strong belief in and the implementation of both consumer choice and self-empowerment should be fundamental attributes of a rebuilt service delivery system for the 21st Century veteran.

The Independent Living Movement

The Independent Living (IL) Movement, which began in the late 1960s as a social and civil rights movement, is an example of the new way of thinking about disability. The IL philosophy holds that individuals with disabilities have the right to live with dignity and appropriate supports in their own home, fully participate in their communities, and control and make decisions about their own lives. The more than 600 Centers for Independent Living (CIL) in the U.S. are governed and managed by people with disabilities and have established an excellent reputation for quality services to participants.

The IL philosophy and approach includes consumer control, peer support, self-help, self-determination, equal access, and individual and systems advocacy. In other words, it's not the disability that limits the individual, it's the environment.

Independent Living and the VA

The entire Department of Veterans Affairs must include IL principles such as empowerment, productivity, community inclusion, and employment in all of its programs. Currently, within the VR&E Service there is a lack of sufficient direction and staff training, specialized personnel, and integration with the VHA and the larger community-based IL movement to comprehensively serve a disabled veteran. Individual VR&E offices have implemented their own approaches to IL services and have emphasized only quality of life issues and personal goals (which are important), with little attention paid to potential employment opportunities.

In addition to peer support and self-determination, the success of community IL programs is rooted in partnerships. IL Centers work with state vocational rehabilitation agencies, state employment agencies, school districts, transportation and housing programs, policymakers, businesses, universities, and other disability organizations. The VR&E Service should join these partnerships to better serve their veterans through collaboration with community-based Centers for IL and the state and national IL networks.

Work in the 21st Century

We are living in a new economy – powered by technology, fueled by information, and driven by knowledge. America does not face a worker shortage but a skills shortage. The challenge is to invest in workers who are already participating in the workforce, and to identify and tap into untapped labor pools.⁴ For VR&E the challenge is to ensure that America's service-connected disabled veterans are equally represented in our new 21st Century economy.

Employers are more willing to hire people with disabilities now, but there are not enough disabled applicants to meet the demand.⁵ The skills, abilities, and potential for growth are there – in the community of Americans with disabilities, especially veterans with years of military service – but they haven't yet been tapped. With a concerted effort, this disconnect can be corrected.

Several factors and trends are influencing the workplace and the way employees are hired today and in the future:

- The employee's ability for learning, self-motivation, self-management, teamwork, and adaptability,⁶ are factors that can apply to any worker, regardless of disability.
- Americans are working longer. Forty-two percent of people over 65 are either working full-time (19 percent) or are working and retired at the same time (23 percent).⁷
- The use of computers and the Internet in workplaces will become more pervasive and the functions performed using computers will dramatically increase. The influence of technology will go beyond new equipment and faster communications, as work and skills will be redefined and reorganized.
- Assistive technology has opened new opportunities for people with disabilities. From large screen monitors to voice recognition software to alternative keyboards and telecommunications systems, technology is removing barriers for people with disabilities.
- Increased global competition will continue to affect the type of work being done in American workplaces, creating new high-skilled jobs and lessening demand for low-skilled work.
- The impact of globalization on all Americans will continue to grow as more of the economy is involved in producing exports or competing with imports.⁸

21st Century Employment for People with Disabilities

As discussed above, once on a job, it's ability, not disability that counts. The challenge for people with disabilities is getting the job. In recent years, the federal government has focused on the employment of underrepresented groups, including individuals with disabilities. Starting with the ADA, a number of reforms are aimed at assisting people with disabilities in gaining employment and self-sufficiency. Initial federal government reforms include those related to the current Workforce Investment System and the Social Security Return to Work programs. On June 18, 2001, President Bush highlighted employment in his New Freedom Initiative. The President's subsequent Executive Order 13217, directed federal agencies to review the programs and policies that create barriers for people with disabilities to live independently and participate fully in community life, including employment.

The passage of the Ticket to Work and Work Incentives Improvement Act (P.L. 106-170) in 1999 brought about return to work reform for disabled Social Security beneficiaries. In addition to providing work incentives outreach, the TWWIIA legislation provided individualized benefits planning and support, protection and advocacy, Medicaid buy-in, and extended Medicare. The Social Security Administration has created Employment Networks so that the individuals have a choice of employment services, vocational rehabilitation services, and/or other support services leading to self-sufficiency.

The Department of Labor under the Workforce Investment system has created One-Stop Career Centers to provide integrated employment and training services. The One-Stop System is based on four principles – universal access, customer choice, service integration, and accountability. The Task Force observed that in several ROs One-Stop Career Centers are collocated with VR&E offices to provide better access for veterans.

Limited Impact on Workforce

All of the changes in the new workforce and new workplace should benefit people with disabilities, but that is not yet the case.

In spite of these reforms, there is little definitive evidence that disability policies have resulted in substantial increases in the numbers of people with disabilities participating in the workforce, especially as compared to other underrepresented groups. As a result, the number of individuals entering the Social Security Supplemental Security Income (SSI) and Disability Insurance (DI) systems has climbed dramatically. Using the Current Population Survey (CPS) data, the overall employment rate of persons with disabilities in the United States in 1999 was 33.0% compared to 85.7% for people without disabilities. The median household income of persons with disabilities overall was \$16,304 compared to \$32,001 for people without disabilities.

The employment rate for veterans with disabilities is similar. The 2001 VA National Survey of Veterans, conducted from February-November 2001, provides information similar to the Bureau of Labor Statistics regarding labor force participation of male Vietnam-era veterans. Based on answers to a question on work status during the previous week, the survey shows that 61 percent of service-connected disabled male Vietnam-era veterans were in the labor force, 27 percent of veterans with a disability rating of 60 percent or higher were in the labor force but 80 percent of non service-connected disabled Vietnam-era veterans were in the labor force. Congress, GAO reports, Veterans Service Organizations and VA's own internal reports have told us that federal veterans employment and training programs – including VR&E – succeed in finding jobs for only a small percentage of veterans who participate.

More Research Needed

Though our Nation has the legislative framework to increase the employment of people with disabilities, there is limited cumulative data regarding best practices with regard to finding employment and/or returning individuals with disabilities to work. There is a need to identify the practices that will assist

individuals in finding successful employment outcomes. Consideration could be given to such ideas as:

- Government must clearly highlight the importance of employment for people with disabilities;
- Government plays an important role in creating incentives and disincentives for promoting employment outcomes for people with disabilities, including affordable health insurance;
- “Benefits Planners” must be available to assist individuals in navigating the complex cash benefit/health insurance systems. Individuals are fearful that by going to work, they will lose their cash benefits and health insurance; and
- Some individuals may need lifelong support to stay in the job.

Much of the research on disability and accommodation is being conducted by colleges and universities, often funded by the federal government. Ideally, a cumulative body of research on the national employment environment would look at:

- Employer attitudes
- Disability as a social and cultural construct, rather than a medical condition
- How new reforms (TWWIA, Workforce Investment Act) impact the trends in labor market activity, advancements in self-sufficiency, independence, inclusion, and integration
- Various types of employment such as self-employment and entrepreneurial enterprises
- Relationship of earned income levels to the receipt of public benefits
- What’s been successful and what has not worked with regard to employment for people with disabilities

Individuals with disabilities also need to be included in policy development, program design, research, and evaluation of current programs. The disability community is currently interested in identifying the impact of the new reforms, including the relationship between employment and cash benefits, and creating an employment policy that provides incentives to go to work.

Why Is the New Disability Paradigm Important to VA?

In the past, neither the VA nor most veterans with disabilities have seen themselves as part of the larger disability community. Federal, state, and community services and supports and new ways of thinking that are available to nonveterans with disabilities often have not been utilized or even available to veterans with disabilities. Evidence of this is the lack of partnerships between the VA and some state Vocational Rehabilitation Agencies and the recommendation by the Task Force for the VA to implement Memoranda of Understanding with these state VR agencies.

In becoming more involved in the larger disability community, the Task Force believes that the veteran can benefit from this paradigm shift and the services and supports that are available throughout the disability network. This is especially relevant in the areas of employment and independent living. We believe that VR&E has a responsibility to provide the most comprehensive and appropriate services to its veterans and should champion the broader disability perspective—full inclusion for veterans with disabilities in their communities and in the workplace.

Federal Government Is a Model

As we look at initiatives in the public and private sectors, we see some success. A successful employment program includes:

- Services and supports that are driven by the person with a disability;
- Custom-tailored services to meet the needs of the individual and the employer; and
- Incentives and technical support provided to the individual and the employer.

The federal government is one model for this kind of system. First, the federal government's Executive Branch remains the Nation's leader in veterans' employment, with 446,890 veterans as of September 30, 2000⁹. Despite a shrinking federal workforce, an aging population, and a decreased pool of veterans, the percentage of veterans in the federal civilian workforce of about 1.8 million remains steady at 26.1 percent. The Department of Defense alone employed 52 percent of the veterans in federal service.

As for veterans with disabilities, the government hired 3,476 or 30 percent or more disabled veterans in FY 2000, up more than 13 percent from 1999. Disabled veterans make up 17.5 percent of the federal civilian workforce. DoD and VA account for 75.3 percent of all disabled veterans in the federal workforce. New hires of veterans increased by 11.2 percent; disabled veterans made up 3.1 percent of all new hires.

The Office of Personnel Management currently has an active campaign urging agencies to recruit veterans and urging veterans to consider federal civil service jobs. The veterans preference that Congress has granted gives veterans an edge in competing for federal jobs.

Every Executive Branch entity is required to have an affirmative action plan to recruit, hire, and promote disabled veterans. Agencies report data to the U.S. Office of Personnel Management (OPM), which maintains a central database. If DoD, VA, and other agencies can lead in hiring veterans, including veterans with disabilities—why can't federally-funded veterans employment and training programs help veterans find jobs? The answer is *they can* and that's what this report is about. (See ground-breaking work in the New York RO in Appendix 14-C.) The Task Force asked hard questions and came up with one overarching solution: a new, comprehensive service delivery system built around an employment-driven process.

21st Century Challenge

Many companies, large and small, have demonstrated commitment to America's veterans. With National Guard and Reservists returning from Iraq, many more companies are willing to hire service-connected disabled veterans, but they may not know where to turn. Now, more than ever, VR&E must reach across agency lines and approach both public and private sector organizations to make opportunities for veterans who want to enter or re-enter the workforce.

According to DoD, \$14 billion in public funds are invested each year in the training and education of service members. At the point service members join the civilian labor force, these veterans are not only highly skilled, but they are extensively cross-trained and infused with the work ethic necessary to meet the demands for increased productivity in the modern economy. They are a 21st Century-Ready Workforce with expertise that readily satisfies many of the skills that employers want.¹⁰

Using the partnerships, expertise, and technology that are available, including the new thinking regarding individuals with disabilities and work, it is the role and challenge to VR&E to match these men and women with the most appropriate employment opportunities. This can be done as VR&E rebuilds a service delivery system that values work, integration, independence, and informed choice for veterans with disabilities.

¹ *Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy*, Robert Silverstein, Iowa Law Review, Aug. 2000, Vol. 85, No. 5, p. 1695.

² The International Classification of Functioning, Disability and Health (ICF) was developed by 65 member countries over a 7-year period. "WHO Publishes New Guidelines to Measure Health," Press Release, WHO/48, November 15, 2001. <http://www.who.int/inf-pr-2001/en/pr2001-48.html>

³ *The Social Security Definition of Disability*, Social Security Advisory Board, October 2003, p. 7

⁴ *futurework – Trends and Challenges for Work in the 21st Century*, Department of Labor, 2000.

⁵ Vocational Rehabilitation & Employment Hire a Vet, undated pamphlet.

⁶ "Work in the 21st Century: Implications for Selection," Karen E. May, *The Industrial-Organizational Psychologist* (TIP), December 1995.

⁷ "American Perceptions of Aging in the 21st Century," report of the National Council on the Aging, 2002.

⁸ *futurework – Trends and Challenges for Work in the 21st Century*, Department of Labor, 2000 (This citation applies to bullets 3-6).

⁹ *Annual Report to Congress on Veterans' Employment in the Federal Government, Fiscal Year 2000*, U.S. Office of Personnel Management, August 2001, <http://www.opm.gov/employ/veterans/fy2000v4.pdf>

¹⁰ DOL Assistant Secretary Frederico Juarbe, Jr. in testimony before the House Committee on Veterans Affairs." Feb. 5, 2003.