

# Centralized Reasonable Accommodation Fund Study 2015



Minnesota  
Management &  
Budget in  
collaboration with  
the Commission  
of Deaf, DeafBlind  
& Hard of Hearing  
Minnesotans

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## I. Introduction

One of the greatest challenges facing Minnesota is planning for future employment needs. With an unemployment rate of 3.6%, the State competes with the private and the nonprofit sectors for the best and brightest employees. Where will the state find the workforce that it needs for tomorrow? One of the underrepresented groups of potential talent is people with disabilities, yet over the past ten years the percentage of state employees with disabilities in state government has decreased significantly- from 10% to 4%. To meet its workforce needs the State needs to examine its services, programs, and recruitment, hiring, and other personnel policies to remove barriers for people with disabilities. The Governor and the legislature recognized that to recruit more people with disabilities to work in state government and meet its workforce needs, the State needs to lead by example and become a model employer for people with disabilities. They took major steps toward achieving that goal in 2014 and January 2015.

- 1) In 2014, Governor Dayton signed [Executive Order 14-14](#), which set a goal of increasing the percentage of state employees with disabilities to 7% within five years. It requires Minnesota Management and Budget (MMB) to research and promote best practices in attracting, hiring, and retaining individuals with disabilities. More recently in January 2015, Governor Dayton signed two additional executive orders ([Executive Order 15-02](#) establishing the Diversity and Inclusion Council and [Executive Order 15-03](#) establishing the Olmstead Sub-Cabinet) that have complementary goals.
- 2) During the 2014 session, the legislature directed MMB in consultation with the Commission of Deaf, DeafBlind & Hard of Hearing Minnesotans (MNCDHH) to conduct a study of the advantages and disadvantages of a consolidated reasonable accommodation fund. The study was intended to see if a centralized fund would improve access to reasonable workplace accommodations for both job seekers and existing Minnesota Executive Branch state employees with disabilities.

This report discusses the results of the study of the centralized reasonable accommodation fund and makes recommendations for the legislature to consider.

MMB would like to acknowledge and thank MNCDHH for their support in writing this report and the funding of a survey of hiring managers and supervisors through MarketResponse International at a cost of \$5,000. The results of the survey are included in this report. The total cost of the writing this report is estimated at \$15,000 which includes staff time for researching, writing, and editing (approximately 250 hours) and the cost of the survey.

MMB would also like to acknowledge the Governor's Council on Developmental Disabilities, the Department of Administration's Minnesota STAR Program, Department of Human Services (DHS) Deaf and Hard of Hearing Services Division (DHHS), Department of Economic & Employment Development (DEED) Vocational Rehabilitation Services (VRS), DEED State Services for the Blind (SSB), Minnesota IT Services (MN.IT)'s Office of Accessibility, Minnesota State Council on Disabilities (MSCOD), the Legislative Coordinating Commission, the Minnesota Judicial Branch, the University of Minnesota Disability Services, Microsoft Corporation, and the executive branch agencies for their support in providing information included in this report.

## II. Executive Summary

In the writing of this centralized accommodation fund study, MMB and MNCDHH:

- Reviewed federal and state civil rights laws pertaining to individuals with disabilities and the Governor's Executive Order 14-14.
- Reviewed current state agency reasonable accommodation practices and expenditures over fiscal years (FY) 2012 and 2013.
- Researched best practices in recruiting and retaining individuals with disabilities.
- Obtained information directly from state and federal government entities that have implemented a centralized accommodation fund model including details about their experiences implementing such a model and the specific resources they allocate to the centralized fund.
- Conducted an independent survey of hiring managers and supervisors on their attitudes towards a centralized accommodation fund and whether it would impact their hiring decisions.
- Worked with MMB's Executive Budget Office to look at various funding model.

MMB reviewed and analyzed the above information and determined what advantages and disadvantages there are to a centralized funding model and whether such a model would be beneficial.

On average, the State spends about \$100,000 per year on reasonable accommodations for applicants and employees. Reasonable accommodations are the obligation of the employing state agency and generally the funding comes from the individual work unit's budget.

Several studies have cited a centralized reasonable accommodation fund as a best practice for hiring individuals with disabilities. Specifically, it can reduce the unconscious or conscious bias a hiring manager may experience when considering an applicant with a disability and the associated costs of workplace accommodations. This bias has been shown to potentially deter a manager from hiring an individual with a disability.

In FY2012 and 2013, of the accommodations that were requested, only one accommodation in each fiscal year was denied due to an undue hardship.<sup>1</sup> In a survey that was conducted with hiring managers and supervisors as a part of this study, over 40% of the 563 respondents stated that they did not perceive any barriers to hiring individuals. Only 9% of hiring managers and supervisors stated that they considered the cost of accommodations to be a barrier when hiring individuals.

Only a few federal and state entities have developed and implemented a centralized funding model for reasonable accommodations. One such model is at the federal government level. The centralized model is operated out of the Department of Defense (DoD), initially started as a result of the Wounded

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<sup>1</sup> Undue hardship is defined very simply as significant cost or a significant burden. If agencies show that a reasonable accommodation is an undue hardship, the accommodation may be denied.

Warriors project, with a \$9 million budget and twenty-eight staff to provide reasonable accommodations to federal employees and applicants.

The federal government's main concerns with a centralized fund model were to ensure that reasonable accommodations were not delayed and that employees had what they needed to perform the essential functions of their job. This resulted in the creation of an office that was staffed to process and implement accommodations similar to the DoD model and a reimbursement process where agencies pay for the accommodations upfront and are later reimbursed from the centralized fund.

Based on research of best practices, MMB recognizes the following:

- A centralized fund model is a best practice and helps to alleviate barriers to hiring individuals with disabilities.
- In order to implement a centralized funding model, legislation is needed to appropriate funds for this purpose.
- Resources for staff would need to be allocated in order to set up the parameters of a centralized fund model and for ongoing administration of the fund.

As such, if no fund is implemented, MMB recommends the following:

- 1) The statewide reasonable accommodation policy is issued and continued training be provided to agencies about their responsibilities to provide reasonable accommodations.
- 2) A continued practice of MMB assisting agencies where possible to secure resources to provide accommodations.
- 3) Continued monitoring of agency hiring practices and accommodation costs.

If a centralized fund is legislated, MMB recommends the following *in addition to the above*:

- 1) Adequate resources to set-up the parameters and process for accessing, promoting, and administering the fund.
- 2) Depending upon which model is chosen, MMB recommends that two additional full-time equivalents (FTE) are added to define the process of accessing the fund on a short-term basis, and one FTE permanently to administer the fund.
- 3) At least \$250,000 allocated to the fund with an annual evaluation to determine if the funding is adequate. Past years have shown the State typically spends around \$100,000 for employee reasonable accommodations. If a centralized fund is instituted, it is important to account for potential increases in requests. This is largely due to studies which have reported that a centralized accommodation fund is meant to deter unconscious bias.
- 4) A reimbursement model be created and implemented to prevent delays in agencies fulfilling accommodation when requests.

### III. Legislation Pertaining to the Centralized Fund Study

[Omnibus Supplemental Appropriations Bill, Chapter 312, Article 4, Section 26](#) called for a Study of Special Revenue Account for Central Accommodation. This provision requires that:

The Commissioner of MMB, in consultation with the Commission of MNCDHH, must report to the chairs and ranking minority members of the Senate Finance Committee, the House of Representatives Ways and Means Committee, the House of Representatives State Government Finance Committee, the Senate State Departments and Veterans Budget Division, and the Governor by January 5, 2015, on advantages and disadvantages of creating an account for the special revenue fund in the state treasury to pay for costs of providing accommodations to executive branch state employees with disabilities.

The report must include:

- 1) A summary of money spent by executive branch state agencies in FY2012 and 2013 for providing accommodations to executive branch state employees, to the extent that such expenditures can be determined.
- 2) Recommendations for laws and policies needed to implement an account in the special revenue fund, if one is recommended under this section; or other recommendations related to best practices in provision of accommodations for employees with disabilities in the executive branch.

### IV. Legal Background

#### Nondiscrimination and Reasonable Accommodations

[Title I of the Americans with Disabilities Act \(ADA\) of 1990, as amended](#)<sup>2</sup> and [Minnesota Human Rights Act \(MHRA\)](#)<sup>3</sup>

Summary: Federal and state law prohibit employers from discriminating against qualified individuals with disabilities in terms of employment on the basis of disability. Terms of employment include hiring and selection, discipline, benefits, leave, and other conditions of employment.<sup>4</sup>

A person with a disability is defined as a person who has 1) a physical or mental impairment that substantially limits one or more major life activities; 2) a record of such impairment; or 3) is regarded as having such impairment.<sup>5</sup>

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<sup>2</sup> [42 CFR 126 \(1990\)](#), as amended by the [ADA Amendments Act, P.L. 110-325 \(2009\)](#).

<sup>3</sup> [Minnesota Statute 363A.08](#), Unfair Discriminatory Practices Relating to Employment or Unfair Employment Practice (2014).

<sup>4</sup> Note that [Title II of the ADA, State and Local Government Services](#) and [MHRA](#) also prohibit discrimination against qualified individuals with disabilities in state government programs and services, including applicants for programs and services. State agencies are required to provide reasonable modifications or accommodations to individuals to assist them with applying for programs or to ensure that applicants receive the services for which they are eligible. These types of modifications may include accessible physical locations and transportation, qualified readers or interpreters, alternative formats, etc.

<sup>5</sup> [42 CFR 126, Section 12102\(1\)](#).

A major life activity includes, but is not limited to, “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working;”<sup>6</sup> but also major bodily functions, such as “functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.”<sup>7</sup>

Both the ADA and MHRA require employers to provide reasonable accommodations to employees with disabilities which enable employees to perform the essential functions of their jobs, unless doing so would cause an undue hardship. Reasonable accommodations may include making facilities used by employees with disabilities readily accessible and usable, job restructuring, modified work schedules, provision of auxiliary aids and services such as a qualified reader or a sign language interpreter, and adjustments or modifications to examinations, training, or policies.<sup>8</sup>

Reasonable accommodations must also be provided to job applicants to ensure equal access to employment opportunities. This can include assistance with the application process, provision of a sign language interpreter (at the agency’s expense), or a modified job demonstration or examination process.

As mentioned above, employers must provide a reasonable accommodation unless doing so would cause an undue hardship. “Undue hardship” is defined as significant difficulty or significant financial burden in light of the following factors:

- 1) The nature and cost of the accommodation needed.
- 2) The overall financial resources of the facility or facilities involved in providing accommodation, the number of persons employed at such facility, the effect on expenses or resources, or the impact otherwise of such accommodation upon the operation of the facility.
- 3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of its employees, the number and type, and location of its facilities.
- 4) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity and the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.<sup>9</sup>

The Equal Employment Opportunity Commission (EEOC) has taken the position that a state agency would need to determine whether the cost of an undue hardship would pose an undue hardship in light of the entire state agency’s budget and perhaps the entire State as whole.<sup>10</sup>

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<sup>6</sup> [42 CFR 126, Section 12102\(2\)\(A\)](#).

<sup>7</sup> [42 CFR 126, Section 12102\(2\)\(B\)](#).

<sup>8</sup> [42 CFR 126, Section 12111\(9\)](#).

<sup>9</sup> [42 CFR 126, Section 12111\(10\)](#).

<sup>10</sup> [Final Report on Best Practices for the Employment of People with Disabilities in State Government](#), Part V(B), EEOC (2005).



## Legal Requirements for Funding Reasonable Accommodations

### [Minnesota Statute 43A.191, subd. 2\(b\)\(3\)](#)

Summary: Requires agencies to identify avenues for reasonable accommodation funding. This information must be provided in the agency's affirmative action plan. Agency affirmative action plans are submitted every two years to MMB for approval.

### [Executive Order 96-9, Providing for State Agency Coordination of the Americans with Disabilities Act](#)

Summary: Provides for state agencies to continue to strive to eliminate barriers to employment, programs, services, and activities for individuals with disabilities. Also requires state agencies to appoint an ADA Coordinator with the agency who will serve as the point of contact for the agency in providing accommodations to employees, applicants, and members of the public under Title I (employment) and Title II (state and local government services) of the ADA. State agencies are required to allocate funds for provision of reasonable accommodations for employees and members of the public, and to report the amount spent on accommodations, in accordance with [Minnesota Statute 43A.191](#).

## Other Legal Requirements Relating to State Agency Obligations

### [Executive Order 14-14, Providing for Increased State Employment for Individuals with Disabilities](#)

Summary: Requires MMB to develop model recruitment and hiring strategies and monitor and report on state agency progress. State agencies are required to develop a plan to recruit individuals with disabilities into state government and to train staff on reasonable accommodation requirements.

## V. Summary of Current Operational Costs and Funding Mechanisms for Accommodations

### Operational Costs for Ensuring ADA Compliance

At the enterprise or statewide level, one FTE at MMB – the State Director for Equal Opportunity, ADA, Diversity & Inclusion – is responsible for overseeing agency and Minnesota State Colleges and Universities (MnSCU) compliance with the ADA Title I and Title II. This includes ensuring agencies are effectively providing reasonable accommodations and as well as technical assistance or resources to agencies when they have questions. This same FTE oversees state agency and MnSCU compliance in the areas of equal opportunity, affirmative action, veterans' preference, veterans outreach, and supports agencies in their efforts to recruit and retain a diverse workforce. There is also one FTE – the Statewide Recruiter – who reports to the State Director for Equal Opportunity, ADA, Diversity & Inclusion and assists agencies in coordinating recruitment and affirmative action efforts, community outreach, and youth development.

At the agency level, there is generally one FTE overseeing the implementation of the ADA and reasonable accommodations in agencies with over 1,000 employees. In many cases, this same individual is also responsible for ensuring compliance with and carrying out equal opportunity, affirmative action, and diversity efforts.<sup>11</sup> In agencies with less than 1,000 employees, an employee, such as the HR Director, is designated as the ADA Coordinator and must fulfill the both roles.

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<sup>11</sup> State agencies with more than 1,000 employees that have one FTE dedicated as the Affirmative Action Officer and ADA Coordinator include: Department of Health, Department of Revenue, Department of Veterans Affairs,

Table 1.

Current Staffing Levels to Ensure ADA Compliance		
<b>State ADA Coordinator/Equal Opportunity Director</b>	1 FTE	Housed at MMB, responsible for oversight of agency compliance with ADA <sup>12</sup>
<b>Agency ADA Coordinators (agencies with 1,000 or more employees)</b>	1 FTE	Housed at the agency level and responsible for ensuring ADA compliance; often acts as the agency's Affirmative Action Officer
<b>ADA Coordinator (with less 1,000 employees)</b>	N/A	Housed at the agency level, this function is a part of an employee's responsibility

## Reasonable Accommodation Funding Mechanisms in State Agencies

The most common method for funding reasonable accommodations is to require the organizational work unit within in the individual agency to pay for the accommodation when a request arises. The largest state agency, DHS, is comprised of more than 6,600 employees. In FY2014, DHS allocated \$9,400 of the Equal Opportunity and Access Division (EOAD) budget specifically for reasonable accommodations. Other organizational units within DHS may request financial assistance from EOAD to pay for reasonable accommodations, but only after the organizational unit sufficiently demonstrates difficulty paying for such accommodation. Typically, more than half of that fund is used to pay for sign language interpreters. DHS is the only agency known to have funds set aside for the express purpose of assisting units or divisions to pay for accommodations.

## Total Cost of Reasonable Accommodations

### 2012 Summary

In 2012, of the executive branch cabinet level state agencies, there were 480 reasonable accommodation requests under Title I and the total cost was approximately \$91,000. The average cost was \$189 per accommodation.<sup>13</sup>

- 88% of all reasonable accommodation requests were made by employees compared with 12% which were made by applicants.
- The top five provided accommodations were provision of an interpreter, qualified reader, or other assistant (23%), followed by assistive technology (16%), restructuring the job (15%), part-time schedule (9%), and modification to policies (8%).
- The majority of accommodations were made for individuals with hearing disabilities (22%) followed by individuals with physical disabilities, such as sitting (9%), walking (8%), lifting (8%).

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Department of Corrections, and MN.IT. State agencies with more than 1,000 employees that have more than one FTE dedicated to overseeing affirmative action, equal opportunity, ADA, and other diversity initiatives include: DHS, Department of Transportation, DEED, and Department of Public Safety.

<sup>12</sup> The State ADA Coordinator oversees agency compliance with the ADA, Title I and Title II. This position also oversees agency compliance with affirmative action and equal opportunity.

<sup>13</sup> Operating budgets of state agency work units that provide accommodations as part of their services, such as DHHS, are not included in the cost of accommodations. Information related to the DHHS' service costs is included separately.

## **2013 Summary**

In 2013, of the executive branch cabinet level state agencies, there were 294 reasonable accommodation requests under Title I and the total cost was approximately, \$125,000. The average cost was \$425 per accommodation.

- 93% of all reasonable accommodation requests were made by employees compared with 7% which were made by applicants.
- The top five provided accommodations were assistive technology (31%), job restructuring (9%), interpreter, qualified reader or other assistant (8%), modification of devices (7%), and modified work schedule (7%).
- The majority of accommodations were made for individuals with disabilities with physical disabilities, such as sitting (19%), walking (17%), standing (12.5%), followed by hearing and visual disabilities (12.5%) and individuals with cognitive disabilities such as concentrating (10.5%).

## ***Accommodations Denied in State Government***

In both 2012 and 2013, only one accommodation was denied due to undue hardship in each fiscal year.

## **VI. Current Initiatives in State Government to Ensure Reasonable Accommodations Are Provided**

In 2014, MMB with assistance from agency ADA Coordinators drafted a statewide reasonable accommodation policy. At the time of this report, the statewide reasonable accommodation policy was going through its last round of reviews and edits before being finalized and implemented. This new policy will help to clarify agency responsibilities for reasonable accommodations. Additionally, MMB is creating eLearning training for managers and supervisors on reasonable accommodations that will launch in 2015. This new training will supplement reasonable accommodation training at supervisory core and human resource core training.

As part of its duties under Executive Order 14-14, MMB has also launched a toolkit for agencies to assist them in recruiting and retaining individuals with disabilities. The [Executive Order 14-14 Toolkit website](#) can be found on the MMB agency website.

## **VII. What Is A Centralized Reasonable Accommodation Fund?**

A centralized reasonable accommodation fund is a centralized source of money from a common pool to assist agencies in providing and paying for accommodations, so that accommodation costs do not pose a burden to an organizational unit's budget within an agency.

As noted by the Job Accommodation Network (JAN):

[A]ccommodations for employees with disabilities don't cost much, if anything. However, some public managers and supervisors with limited agency and business unit resources believe that workers with disabilities may be too expensive to employ since more often than not, funds for

accommodations are taken from a manager's operating budget. For smaller government agencies with smaller operating budgets, funding accommodations may seem like a fiscal challenge.<sup>14</sup>

The design of the centralized reasonable accommodation fund varies greatly. In the public sector, funds may be centralized at the agency level or at the statewide level. In the federal government, several agencies have created centralized funds at the individual agency level, or some agencies are allocated centralized funds to serve their own and other federal agencies as well. In the private sector, funds may be centralized by department or company-wide level.

In the [Minnesota Governor's Workforce Development Council \(GWDC\) Report, \*All Hands on Deck\*](#), the council recommended that the State of Minnesota create a centralized fund available to all agencies to assist them in paying for reasonable accommodation.<sup>15</sup>

A centralized reasonable accommodation fund is often cited as a best practice in recruiting and hiring individuals with disabilities. Some examples are:

- EEOC, "[Final Report on Best Practices for the Employment of People with Disabilities in State Government](#)," noting that while the "ADA does not require a statewide source for funding reasonable accommodations, that a centralized funding source may promote the hiring of people with disabilities by removing disincentives that result from the concerns of the cost of accommodations on individual division budgets." The EEOC comments that a centralized funding stream makes sense especially in light of the fact that for a state agency to show undue hardship for financial reasons, the assessment required is "in light of the resources available to an entire state agency or potentially to the state as whole."
- National Council on Disability, "[Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment](#)," (page 31; cited as a recommended best practice).
- Employee Assistance and Resource Network (EARN) report in "[States as Model Employers of Individuals with Disabilities: A Comprehensive Review of Policies, Practices, and Strategies](#)," (page 12). "A centralized accommodation fund can help remove disincentives for managers to hire people who request accommodations and can be a solution to agencies large and small to help pay for costs associated with providing reasonable accommodations for state and municipal employees with disabilities."
- Disability Case Study Research Consortium, (sponsored by the United States Department of Labor (DOL)), "[Conducting and Benchmarking Inclusive Employment Policies, Practices, and Culture](#)," found that centralized accommodation funding reduces pressure on managers and supervisors responsible for making accommodations (page 42). However, it is also noted that a few of the companies interviewed for this study did not find that centralized funding was a concern because the cost of accommodations are small and it was easier to access funds when held at the department level.

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<sup>14</sup> [States as Model Employers of People with Disabilities: A Comprehensive Review of Policies, Practices, and Strategies](#), Kathy Krepcio and Savannah Barnett, John J. Heldrich Center for Workforce Development, Rutgers, the State University of New Jersey (October 2013).

<sup>15</sup> GWDC, *All Hands on Deck* (2011), Recommendation 9.4 on page 25.

- DOL, [Summary Promising and Emerging Practices for Enhancing the Employment of Individuals with Disabilities Included in Plans Submitted by Federal Agencies Under Executive Order 13548.](#)” This report cited that several agencies have set up or administer centralized funds for their own agencies and also to support and fund other federal agencies’ reasonable accommodation requests.
- In an article by the Society of Human Resource Management (SHRM) entitled, “[Central Accommodation Funds Pave the Way](#),” states that a central accommodation fund provides the benefit of removing “one obstacle hiring managers may have to hiring an applicant with a disability over an equally qualified able-bodied candidate.” The SHRM article was commenting on SunTrust, a company that provides centralized funding for reasonable accommodations.

## VIII. Study of Centralized Accommodation Fund Mechanisms in Federal, State or Private Sectors

### Federal Government Practices

The federal government uses two different types of centralized funding methods. One method is federal government-wide through an established fund administered by the DoD providing computer or electronic accommodations. A second method is an established fund at the individual agency level.

#### ***Computer/Electronic Accommodations Program (CAP)***

Many federal agencies established relationships with the [Computer/Electronic Accommodations Program \(CAP\)](#) through the DoD and with JAN at the DOL.

The Computer Accommodations Fund, or CAP, provides assistive technology and services to persons with disabilities at the DoD and over 38 federal agencies (upon the request of the head of the federal agency) at no cost. CAP supports accessibility efforts, including the successful implementation of Section 508’s electronic and information technology accessibility requirements.

CAP is a centrally funded program and the entire budget is allocated from DoD resources. According to Elisa Harkins, Program and Outreach Coordinator for CAP, the program’s budget is \$9 million per year and has a staff of eight governmental workers and twenty support contractors who work to process accommodations, operate the website, and conduct outreach and training to agency personnel about the program. In FY2013, CAP processed more than 10,000 reasonable accommodations.<sup>16</sup>

#### ***Agency-level Centralized Reasonable Accommodation Funding***

The federal government, in a [report summarizing promising and emerging practices to employ individuals with disabilities](#), cited that several federal agencies (under their plans submitted to implement Executive Order 13548<sup>17</sup>) established or investigated the development of a centralized

<sup>16</sup> [Computer/Electronic Accommodations Program, Annual Stakeholders Report](#), FY2013.

<sup>17</sup> President Obama signed [Executive Order 13548](#) in 2010 to increase the hiring of individuals with disabilities by 100,000 in five years.

accommodation fund in order to minimize the cost of an accommodation being assigned to a line manager's budget.

- The following agencies were the United States Department of Agriculture (USDA), DoD, EEOC, Health and Human Services (HHS), DOL, Office of Personnel Management (OPM), Social Security Administration (SSA), and Veteran's Administration (VA).<sup>18</sup>

For example, the VA established its own centralized reasonable accommodation fund for FY2014, which is administered by the Office of Diversity and Inclusion. This fund operates as a reimbursement fund to cover costs for accommodations not covered by CAP, such as interpreters. Facilities within the VA have their own Local Reasonable Accommodation Coordinators (LRAC). The LRACs are responsible for processing and approving reasonable accommodations and use a database management system to track accommodations called the Reasonable Accommodation Compliance System (RACS). This is required to be done before a reimbursement may be made. Reimbursement requests are then sent to the National Reasonable Accommodation Coordinator at the VA's Office of Diversity and Inclusion for approval. Reimbursement is provided through the VA's financial management system.<sup>19</sup>

Another example is the DOL which operates a Reasonable Accommodation Resource Center (RARC) which provides a centralized fund for accommodations. The DOL's RARC program also provides resources, such as an Evaluation Lab, to ensure that the computer and electronic environment is accessible to everyone.<sup>20</sup>

### ***Success of Federal Government in Hiring Individuals with Disabilities***

President Obama issued [Executive Order 13548](#), Increasing Federal Employment of Individuals with Disabilities in 2010. The Order calls for the federal government to hire 100,000 individuals with disabilities over the course of five years. The Order is implemented by OPM which has reported that employment for individuals with disabilities increased from 203,694 in FY2011 to 219,975 in FY2012<sup>21</sup> and to 234,935 in FY2013<sup>22</sup>. New hires with disabilities in FY2013 accounted for 18.18% of all new hires. "Historical data shows that at no point in the past 33 years has the Federal government hired people with disabilities at a higher percentage than in FY2013."

These successes are attributed to various efforts of the federal government to enhance hiring of individuals with disabilities, including a specific noncompetitive hiring authority for individuals with disabilities under [Schedule A](#). Other best practices cited are access to funds for reasonable accommodations such as the centralized funding mechanisms above. The federal government also includes veterans who have reported a service-connected disability of 30% or more in the totals of individuals with disabilities in the federal government. It is important to note that at this time, the State

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<sup>18</sup> USDA at pages 12-13; DoD at page 7; EEOC at page 5; HHS at page 8; DOL at page 17; OPM at page 2; SSA at page 28; VA at page 19.

<sup>19</sup> For more information about the VA's centralized reasonable accommodation fund and reimbursement process, visit their website at: <http://www.diversity.va.gov/programs/files/pwd/central-fund-memo.pdf>.

<sup>20</sup> For more information about DOL's RARC, visit their website at: <http://www.dol.gov/oasam/programs/crc/rarc.htm>.

<sup>21</sup> United States OPM, [Report on the Employment of Individuals with Disabilities in the Federal Executive Branch for FY2012](#).

<sup>22</sup> United States OPM, [Report on the Employment of Individuals with Disabilities in the Federal Executive Branch for FY2013](#).

does not collect information on the number of disabled veterans currently employed and the rating of their service connected disability.

## **State Government Practices**

A few states to include Massachusetts, Utah, and Washington have instituted or explored a centralized funding source for reasonable accommodations.

### ***Massachusetts***

Massachusetts created the Reasonable Accommodations Capital Reserve Account (RACRA). The process includes an analysis by state agencies to identify less costly but equally functional alternatives. A state agency may apply for funds from the reserve account if:

- 1) The cost of an accommodation is over \$2,500; or
- 2) The agency spending on reasonable accommodations for the fiscal year is over .05% of the agency's budget.

The RACRA is administered by the Massachusetts Office on Disability. The budget for the fund was \$100,000 at its inception in FY2010. In FY2011, the budget was increased to \$150,000.

Maria Gonzalez, the Program & Policy Director of the Office of Access & Opportunity in the Executive Office of Administration and Finance stated that it was difficult to determine if the centralized funding source assisted in terms of “pure hiring.” But she stated, “What we can say is that we have experienced a 70% increase in the number of employees who have self-identified. We have also experienced an increase in the number of reasonable accommodations being requested. We have definitely experienced a ‘cultural shift’ with respect to disability and disability awareness. Our belief is that the full inclusion of persons with disabilities makes for a stronger workforce.”

### ***Washington***

In 1987, the Washington Legislature established the Disability Accommodation Revolving Fund<sup>23</sup> for state agencies to accommodate unanticipated needs for job site modifications and/or equipment for employees with disabilities. The fund was meant to assist with more expensive accommodations upwards of \$50,000. The State's Personnel Officer or designee approved disbursement. Agencies that received money from this fund were expected to pay back the money received by the end of the first month of the following biennium. The intent of the fund was so that accommodations could be made without the delay of waiting for an appropriation by the legislature. The revolving fund wasn't used by state agencies, generally because accommodations often cost less than \$500, and the fund was discontinued in 2005.<sup>24</sup>

In 2014, the State of Washington convened a task force with representatives from some of the larger corporations in the area, including Microsoft, Weyerhaeuser, and Nordstrom. The recommendation of the corporate partners was to remove the cost considerations out of the hands of hiring supervisors and

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<sup>23</sup> [RCW 41.04.395: Disability Accommodation Revolving Fund – Disbursements](#) (1987, revised in 2005).

<sup>24</sup> Information provided by Mark Sullivan, Senior Manager, Planning & Performance, Washington State Office of Financial Management, State HR Division. The fund was made unavailable in about 2005, but the law was officially repealed in 2012. See [Chapter 41.04 RCW Dispositions, Section 41.04.395](#).

managers so that it didn't affect the decision making process.<sup>25</sup> Governor's Disability Employment Task Force in 2014 explored centralized funding mechanisms and the establishment of a center that would provide centralized funding<sup>26</sup> and provision of accommodations such as assistive technology. Washington's Task Force commented that low-cost accommodations should still be paid for and supplied by agencies. However, they commented that even where the cost is low, some accommodations may have cumulative costs that are substantial, especially for smaller agencies (i.e. sign language interpreters). If funded, the smaller agencies with less 1,000 employees would be able to use the fund for interpreter services and job seeker accommodations. Larger agencies would be directed to set up their own central funds.

One of the concerns cited by the task force was delaying the provision of accommodations. They noted that the center would be able to expedite the timely provision of accommodations where agencies would not have funds to provide for accommodations.

### ***Centralized Fund Models in Minnesota***

#### ***Legislative Coordinating Commission (LCC) – Accessibility Grant Funds<sup>27</sup>***

Summary: Since FY2012 the Legislative Coordinating Commission (LCC) has received \$50,000 of Telecommunications Access Minnesota Fund appropriations each fiscal year<sup>28</sup> to facilitate a consolidated access fund for the technology accessibility efforts of state agencies.

After consulting with the Technology Accessibility Advisory Council (TAAC) established under [Minnesota Statute 16E.0475](#)<sup>29</sup>, it was determined that the funds were to be used to assist state agencies in making their website compliant with Minnesota's Accessibility Standard and other such projects to help extend agencies technology accessibility efforts. The [technology accessibility standards, guidelines and other information](#) can be accessed at <http://mn.gov/mnit/programs/policies/accessibility/index.jsp>.

Operational Summary: The accessibility grant funds are awarded to state agencies through a proposal process. The LCC worked with financial management staff of MMB and the Office of Grants Management at the Minnesota Department of Administration to establish fund transfer process, grant agreement terms, and grant forms. The LCC then worked with MN.IT Services to ensure agency commissioners and technology support staff were aware of the grant opportunity. Periodic grant program updates were given at meetings of the TAAC and the Technology Accessibility Coordinator group that is led by the Chief Information Accessibility Officer with MN.IT Services.

Grants are awarded on a reimbursement basis and are limited to a maximum of \$10,000 per request. Agencies are encouraged to work together on projects and to submit proposals that build toward an agency's capacity to address and sustain accessibility resources are preferred. Awarded agencies must accept the grant terms that include a requirement a brief final report describing the finished project. A

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<sup>25</sup> Microsoft also maintains a centralized fund for accommodations.

<sup>26</sup> State of Washington, [Governor's Disability Employment Task Force, Workgroup 2: Centralized Reasonable Accommodation Funding and Technical Assistance Policy Q&A](#).

<sup>27</sup> The summary above was provided by Diane Henry-Wangenstein, Assistant Director, Legislative Coordinating Commission, January 16, 2015.

<sup>28</sup> [ML 2011, Ch 2, Art 2, Sec 4](#); [ML 2013, Ch 85, Art 1, Sec 13, Subd 5](#); [ML 2014, Ch 312, Art 2, Sec 12, Subd 5](#).

<sup>29</sup> Minnesota Statute 16E.0475 was repealed in 2013 given legislated period for the Advisory Committee for Technology Standards for Accessibility and Usability expired on June 30, 2013.



grant review subcommittee of TAAC members was created to review proposals and make recommendations to the LCC although the LCC retained the responsibility to approve all grants. Although the LCC has devoted staff time and resources for management and facilitation of technology accessibility grant program, it has not expensed any staff time to the appropriated Telecommunication Access Minnesota funds.

To date the LCC has awarded \$174,099 of grant funds and currently have \$25,901 of grant funds available for additional proposals. Many of the proposals received pledged agency funds or in-kind resources to further maximize grant funds. A summary table of grant proposals awarded is provided in Appendix A.

Assessment: Awarded agencies have conveyed that the proposal/grant procedure developed is a straightforward and clear process. They have also expressed appreciation for the availability of accessibility funds to help temporarily supplement their own agency funds to address technology accessibility considerations.

### *University of Minnesota Centralized Reasonable Accommodation Fund Model<sup>30</sup>*

The University of Minnesota has a Disability Resource Center (DRC) which acts as a central office and provides reasonable accommodations to university students, faculty, staff, and guests. In 2014, the DRC served 2,125 postsecondary options, undergraduate, graduate, and professional school students with disabilities. The DRC served 1,886 faculty and staff with disabilities and medical conditions. Since 2009, the DRC has increased its service delivery by 45%.

The DRC has approximately 70 staff in the division. Three of the FTEs work in the Budget Office and are responsible for managing the costs and funding of accommodations.

Donna Johnson, Director for the DRC stated the following:

“Having a centralized place for students and staff to come for accommodations creates a more efficient structure at the University. For example, the DRC offers interpreting and captioning services for students, faculty, staff, and guests with disabilities. If a student, faculty, or staff member requires an interpreter or captioner for access, the process of requesting that service is the same. If a department is hosting an event on campus, that hosting department may contact the DRC to receive interpreting and captioning services. The centralized budget allows individuals to receive reasonable accommodations and access to education, work, and departments hosting events without placing an administrative burden on the academic department, the workplace, or the event host. These entities are also not responsible for locating appropriate community resources because the resources are available or identified through the DRC.

Also, by having accommodations provided through one central office, university students, faculty, staff, and guests benefit from the shared knowledge of DRC staff. For example, a student may be enrolled in classes, but may also be a student employee. In this type of case, UReturn (Employee Services) consults with the student's Access Consultant to identify reasonable accommodations in the workplace for the student. In some situations, an employee is also a part-time student. In this

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<sup>30</sup> Information was provided by Donna Johnson, Director of the University of Minnesota DRC on December 19, 2015 and from the [Disability Resource Center at the University of Minnesota website](#).

case, the Student Services Access Consultant works with UReturn and the employee to identify reasonable accommodations in the classroom for the employee. This sharing of knowledge and resources is very effective in making sure that people with disabilities get the services they need. We are a big office with many staff, people who use the DRC still need to work with the various units within the DRC, but imagine what it would be like if disability services were decentralized across the university and people with disabilities needed to go to one department for employment accommodations, another department for student services and another department to find assistive technology. This is why we are housed together which is a very different model than what is found in other universities across the country.”

### *Workers’ Compensation Model Administered by the Department of Administration*

The State’s workers’ compensation model, although not a reasonable accommodation fund, is a similar centralized fund model. Enabling legislation for the Worker’s Compensation program can be found in [Minnesota Statute 176.591](#).

The program’s State Compensation Revolving Fund, a Special Revenue Fund from which workers’ compensation payments are made, was created during the 1934 legislative session. Over the years, the General Fund and other funds have contributed a total of \$3,437,690. These dollars are used to make workers’ compensation payments for the pay-as-you-go agencies until they are reimbursed to the Fund by the injured employee’s state agency, the Special Compensation Fund, the Workers’ Compensation Reinsurance Association, or recovered from a subrogation claim. The pay-as-you-go agencies are: DHS, Department of Transportation, Department of Natural Resources, MnSCU, Department of Corrections, Veterans Homes, Attorney General, Historical Society, Minnesota State Retirement System, Public Employees Retirement Association, Gambling Control Board, and Judicial Standards Board. After making claim payments, the program invoices the agency for administrative fees, any associated costs, and all claim payments made during the prior month, thus a pay-as-you-go system.

What is now known as the premium pool, also part of the Program’s State Compensation Revolving Fund, was given \$1 million during the 1997 Legislative Session from the General Fund. The funds were to be used to pay for one-time catastrophic claim expenditures; however, usage of the account never got off the ground because agreement could not be reached as to the universal criteria for what constituted a “catastrophic” claim cost or how the reserve fund would be replenished. During the 1999 Legislative Session, the statutory language was revised to allow state agencies to utilize the account as an alternative cost account for funding all workers’ compensation costs. This account was started in FY2003 after researching alternatives, planning for inception, and marketing the concept to the customer agencies.

Annual rate calculations for the premium pool are computed based on a formula developed in FY2007. The rate is based on the previous 5-year average agency loss experience. Because the rate is experience-based, there is a strong incentive to continue and enhance loss control activities already in place in most agencies. Participation in this account brings predictable and stable workers’ compensation costs at the agency level. This occurs simply because we are implementing the basic rule of insurance – the law of large numbers brings a stabilizing effect for even the smallest participating agency. Beyond the cost stability feature, participation in this account provides agencies with a plan on how to pay for catastrophic losses. No longer will agencies have to search for funds from their operating budgets or be in a position where they have to seek emergency legislative funding to meet their workers’

compensation obligations. This account also provides claims management staff with the flexibility to settle claims when it is in the best interests of the agency to limit long-term financial obligations.

Another important component of the Program's State Compensation Revolving Fund is the fee needed to administer the program. This fee covers all of the administrative costs for claims management, administrative support, disability management services, and safety and loss control services.

## **IX. Survey of Hiring Managers Regarding Centralized Fund**

As background information for this report, MNCDHH commissioned MarketResponse International to conduct a survey to assess the attitudes of state agency hiring managers and supervisors towards the concept of a centralized accommodation fund. This survey was conducted with MMB's participation beginning in the middle of December and closed on January 5, 2015.

The survey found that hiring managers and supervisors do not have a consensus opinion about whether a central accommodation fund would impact their hiring decisions. 41% stated that they do not consider the cost of accommodations when deciding who to hire. Conversely, 28% of respondents believe that a centralized fund would alleviate budget concerns about providing accommodations for employees with disabilities. The results do not distinguish between respondents at different sized agencies.

For additional information about the survey results, see Appendix B.

## **X. Advantages and Disadvantages of a Centralized Reasonable Accommodation Fund**

### **Arguments for a Centralized Accommodation Fund Model**

#### **1) Centralized Fund is a Best Practice and Alleviates Unconscious Bias**

Most literature reviewed described a centralized fund for reasonable accommodations as a best practice. Mainly cited was the ability to provide a funding mechanism so that agency or work unit budgets are not adversely impacted. This practice is cited to help remove the fear – unconscious bias or attitudinal barriers – of a hiring manager or supervisor about the cost of paying for accommodations when hiring individuals with disabilities.

It is difficult to pinpoint whether a centralized fund was the main factor increasing the hiring of individuals with disabilities because often, the centralized fund came as part of an initiative to increase the hiring of individuals with disabilities. But time and again, a centralized fund along with other employer initiatives demonstrated success in increasing the hiring and retention of individuals with disabilities.

#### **2) Promotes the State an Inclusive Employer and Aligns with EO 14-14 and Minnesota's Olmstead Plan**

A centralized funding model would support and promote the commitment that agencies will recruit and retain individuals with disabilities and reach the 7% goal by 2018 as outlined in the Governor's Executive

Order 14-14 and agency affirmative action plans. This type of model reinforces the notion that the cost of accommodations will not be an obstacle to reaching the State's goals.

In addition, a centralized model supports [Minnesota's Olmstead Plan](#) which ensures greater integration and inclusion for individuals with disabilities.

## **Arguments Against A Centralized Fund Model**

### **1) Would Require Additional Staffing/Resources**

One concern is that it would take a number of staff to oversee and administer this type of fund. It is difficult to determine exactly how many staff are needed, but at least one FTE is necessary to oversee and administer the fund if a reimbursement model is used where agencies pay for accommodations upfront and later receive reimbursement from the centralized fund or a grant as in the LCC model.

In the LCC model, it took the LCC's time and effort to approve grant requests although the Director of the LCC cited that it did not take a significant amount of time given they only received a little more than 30 requests in three years. Given the State receives hundreds of reasonable accommodation requests per year, it is estimated that the time and effort needed to approve such requests will be considerably more than experienced by the LCC.

### **2) Potential Delays in the Processing of Reasonable Accommodations**

The main disadvantages cited by state or federal government entities that have instituted or explored a centralized model were concerns about delaying the provision of reasonable accommodations and adding extra layers in the process. This seems particularly true if there are not adequate resources dedicated to processing and approving funding for accommodations.

These concerns seemed to be allayed somewhat when those that implemented a centralized fund mechanism developed a reimbursement mechanism (instead of initially requesting funds through the centralized fund) and providing awareness and education of the process.

### **3) Lack of Adequate Promotion Would Render the Fund Unused**

For a fund to be successfully used, the agencies must know about it. The State of Washington commented that many agencies were not aware of the centralized fund mechanism. Also, if accommodations were costly, the larger agencies were able to absorb those costs without accessing the fund.

Additionally within three years, only twelve agencies have been approved for accessibility grants through the LCC. Five of the twelve agencies have more than 1,000 employees. Some agencies are still unaware that the fund exists.

To ensure that the centralized reasonable accommodation fund is successful, resources must be allocated, especially initially, to promote awareness of the fund and provide details for how to access it.

### **4) Costs of Accommodations are Largely Not a Factor in Providing a Accommodations**

In two years, the State only denied two accommodations of the almost 800 total due to undue hardship. Most accommodations cost less than \$500 on average and agencies are aware of their obligation to provide accommodations as acknowledged in their affirmative action plans. If agencies need assistance with providing accommodations, whether funding or other technical assistance, agencies are directed to contact MMB to assist in searching for resources through our disability agency partners, community partners or other methods.

## **XI. Potential State Budgeting Models**

In consultation with the Executive Budget Office at MMB, the following options for a centralized source of reasonable accommodation funding are provided. In most cases, some type of legislation is needed to appropriate funds.

### **Centralized Fund Options at a Statewide Level**

Regardless of which below funding mechanism is established, a centralized fund at a statewide level would require:

- 1) A statutory change to allow for a centralized fund at the statewide level.
- 2) An initial allocation of money to a special fund until it is determined how the fund will continue to be supported, whether an ongoing appropriation or from a small portion of an agency's budget.
- 3) An FTE to establish procedures and parameters for agencies to access the fund and ongoing administration of the fund.

#### ***Option #1: Ongoing Legislative Appropriation to a Centralized Fund at a Statewide Level***

The legislature may make an appropriation on an ongoing basis to a centralized fund for reasonable accommodations on a statewide level. This fund would likely have to be administered by an oversight body similar to the state's workers' compensation fund to ensure that money is appropriately distributed or reimbursed.

MMB's Executive Budget Office recommends a staffing model similar to that used for the workers' compensation fund, which is supported by at least one FTE to administer this fund. The FTE(s) with the assistance for a workgroup would also need to establish the parameters and procedures for agencies to access this fund.

An annual appropriation amount could be set at a rolling average of past year's expenditures for this purpose. Between 2012 and 2013, the average annual expenditures were \$108,000, which could be used to set an initial annual appropriation level. An evaluation at the end of each year would likely be required to ensure that funding was sufficient and the fund was operating appropriately.

Funds that are unused at the end of a biennium would typically be returned to the general fund. However, the legislature may statutorily make the funds available until spent so that any unused money may be maintained for use in the next biennium. If a portion of the appropriation remains unspent and

is made available for future biennia, any future appropriations could be reduced to keep the fund level at the average annual expenditure level.

***Option #2: Statutorily Require Agencies to Allocate a Percentage of Their Budget to Centralized Fund***

The legislature may require agencies to allocate a small percentage of their budget to a centralized reasonable accommodation fund. This type of funding mechanism would ensure that all agencies are making provisions for reasonable accommodations and larger agencies would likely supply the bulk of the fund. The percentage determined would be small, but enough to ensure that there is sufficient funds, approximately \$100,000 to start. An FTE would be responsible for administering the fund and, to start, collaborate with a workgroup to establish parameters and procedures for accessing the reasonable accommodation fund.

***Option #3: Allow Agencies to Transfer Unused Funds to a Centralized Pool for Reasonable Accommodation-related Costs***

The legislature may require or provide agencies with the option of transferring funds remaining at the end of the biennium into a centralized, pooled special revenue account for the purposes of paying for future reasonable accommodations. This account would then be accessed in the same way described in option #1 above, allowing agencies to request reimbursement from the fund to pay for accommodations.

This option would also require a statutory change to allow agencies to transfer funds that might otherwise cancel to the general fund to be transferred to the centralized pool to be used for this purpose.

**Centralized Fund Options at the Agency Level**

At the agency level, a statutory change would be required to mandate agencies to allocate a portion of their budget to a centralized fund or to allow agencies to carry-forward a percentage of their unused portion of their budget to a centralized pool at the agency level. This type of fund would likely not require any additional resources, but would require agency Budget Officers to manage the fund and work with agency ADA Coordinators to set up parameters for how the fund is used.

***Option #4: Mandate Agencies to Allocate a Portion of Agency Budget to a Centralized Agency Reasonable Accommodation Fund***

At the agency level, the legislature may require that agencies allocate a small percentage of their total budget to an account within the agency's miscellaneous special revenue fund. Currently, agencies are required to make provisions for reasonable accommodations, but the mechanism by which the agency provides for accommodations is not mandated.

For this method, agency finance staff would be responsible for overseeing the funds within this account and would work with agency ADA Coordinators to ensure that accommodations are provided.

While an FTE is not needed in this case to administer the funds from the agency budget, some type of parameters will need to be set about how the fund will be used and administered. For example, will the agency pay for all accommodations requested or will the division or work unit within the agency still be responsible for small cost accommodations. These parameters could be set at the agency level with guidelines administered by MMB.

***Option #5: Allow agencies to transfer unused funds to an account designated for future reasonable accommodation-Related costs***

The legislature may require or provide agencies with the option of transferring funds remaining at the end of the biennium that would otherwise go unused into a special revenue account for the purposes of paying for future reasonable accommodations.

Again, this method would require a statutory change to allow agencies to retain funds that may otherwise cancel. This type of fund would be managed internally at the agency level.

## **XII. Summary and Recommendations**

This paper discusses the value of a centralized reasonable accommodation fund and provides for five different options of funding a centralized pool for accommodations.

Each method above is feasible, but each option requires the legislature to make statutory change to provide for an appropriation of funds to a centralized fund at the statewide level, to mandate agencies to set aside a small portion of their budget for reasonable accommodation funds at the agency level, or to authorize funds remaining at the end of a biennium to be placed into a centralized pool at the statewide or agency level for future use.

If a centralized fund model is not legislated, MMB recommends the following:

- 1) The statewide reasonable accommodation policy be issued and continued training provided to agencies about their responsibilities to provide reasonable accommodations.
- 2) A continued practice of MMB assisting agencies where possible to secure resources to provide accommodations.
- 3) Continue monitoring of agency hiring practices and accommodation costs.

If a centralized fund is legislated, MMB recommends the following *in addition to the above* recommendations:

- 1) Adequate resources be allocated to set-up the parameters and process for accessing the fund, promoting the fund, and administering the fund.
- 2) Depending upon which model is chosen, MMB recommends that at least two additional FTEs are added to define the process of accessing the fund on a short-term basis, and at least one FTE permanently to administer the fund.
- 3) At least \$250,000 allocated to the fund with an annual evaluation to determine if the funding is adequate. Past years have shown the State typically spends around \$100,000 for employee reasonable accommodations. The initial funding of a centralized model should account for

increases in requests for accommodations. These increases are anticipated due to best practice studies which argue that a centralized accommodation fund is meant to deter unconscious bias. But again, an annual evaluation of the fund should help in determining whether funding is adequate.

- 4) Finally, a reimbursement model to prevent delays in agencies providing accommodations when requested.



### XIII. Appendix

#### A. Summary of Grant Proposals Awarded by the LCC

FY	Agency / Office	Project	Grant Award
2012	Department of Education	Consulting services to add captions to video content created prior to standard adoption	\$5,000
2013	Department of Education	Consulting services to add captions to newly created video content	\$5,000
2013	Department of Human Services	PDF accessibility training for staff, train the trainer for extended staff, adobe license for training lab	\$5,000
2013	Department of Public Safety	Accessibility document training for division/department accessibility coordinator staff	\$6,816
2013	Department of Health	Professional assessment of website accessibility; prioritize and migrate content; accessibility staff training	\$10,000
2013	Department of Corrections	PDF accessibility training for staff; assessment of website accessibility; development of accessibility posting protocols	\$8,006
2013	Department of Education	Training for staff on eLearning modules; website accessibility testing	\$9,500
2013	Department of Human Services	Extend PDF accessibility training efforts with earlier award proposal	\$1,440
2013	Department of Human Services	Procurement of screen readers software to test website accessibility (JAWS)	\$5,268
2013	Department of Commerce	Professional website accessibility analysis; technology accessibility training for staff.	\$9,766
2013	Department of Human Services	Consulting services to add captions to video content.	\$2,250
2013	Department of Natural Resources	Customized In-Design Adobe training (PDF document creation; through the Minnesota Science Museum)	\$2,980
2013	Department of Natural Resources	Procurement of screen readers software (JAWS) and Adobe Acrobat Pro 11 software	\$1,973
2013	Minnesota Department of Transportation	Staff training cost for InDesign training arranged by the Department of Natural Resources	\$980
2013	Department of Health	License access for accessibility website testing software (SiteImprove)	\$9,900
2013	Department of Administration	Document testing and remediation services to ensure that older version documents are accessible before transition to new website	\$9,900
2013	Department of Natural Resources	Document remediation services – fishing regulations	\$1,020

2013	Department of Natural Resources	Document remediation services – boating guide	\$673
2013	Legislative Reference Library (on behalf of the Legislative Network group)	Procurement of license for two screen reader software to aid in identifying accessibility issue areas (JAWS) and online training for software use	\$2,248
2014	Department of Natural Resources	Access for website accessibility testing and guidance software through MN.IT Service’s licenses for SiteImprove	\$8,800
2014-2015	Department of Public Safety	Accessibility document creating training (doc, xls, MS project) and procurement of screen readers software (JAWS)	\$8,670
2014-2015	Department of Employment and Economic Development	Accessibility testing (WCAG) on self-assessment web application for job seeker’s readiness	\$10,000
2014-2015	Legislative Reference Library (on behalf of the Legislative Network group)	Procurement of accessibility verification package (Access Check-In) for testing of website links and disability type test	\$2,550
2014-2015	Department of Employment and Economic Development	Accessibility consulting services for MNWorks.net (test WCAG issues)	\$10,000
2014-2015	Department of Education	Customized accessibility document creation training (through Century College)	\$10,000
2014-2015	Department of Human Services	Development of curriculum for basic accessibility testing with screen readers software (JAWS)	\$4,650
2014-2015	Department of Agriculture	Accessibility document creation training (through Minnesota Science Museum)	\$2,300
2014-2015	Office of the Revisor of Statutes	Consultant services for recommendations to improve accessibility for web-based HTML legal documents with regards to use of strike-out and underscored text and line numbering	\$8,460
2015	Department of Natural Resources	Document remediation services – fishing regulations	\$949
2015	Department of Natural Resources	Document remediation services – fishing and hunting regulations, river guides, boating guides, boating safety manual	\$5,000
2015	Department of Natural Resources	Access for website accessibility testing and guidance software through MN.IT Service’s licenses for SiteImprove	\$5,000

## B. Results from the MNCDHH and MMB Survey: Hiring Attitudes of State Agency Hiring Managers and Supervisors towards the Concept of a Centralized Accommodation Fund<sup>31</sup>

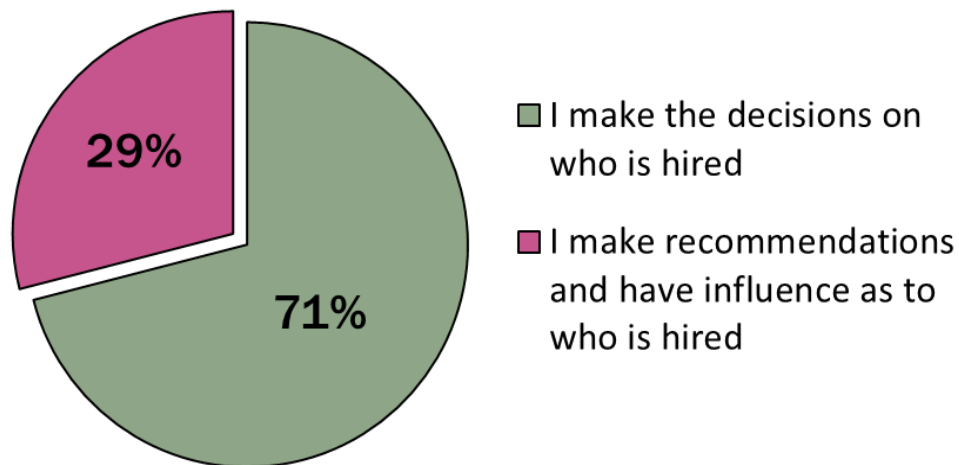
### **Research Overview**

In December 2014, a link to an on-line survey questionnaire was sent to hiring managers from state agency divisions throughout the state of Minnesota. The survey was designed to answer the following major research question:

*If the state government had a centralized fund set aside that would cover the costs of all necessary accommodations for new hires or employees with disabilities, would the existence of this fund have an impact on the hiring practices of state agency divisions, in regards to hiring people with disabilities?*

A total sample of 567 qualified managers completed the survey. To qualify for the study, respondents had to have some influence in the hiring process of their state agency division. A majority of the survey respondents (71%) were primarily responsible for the decisions on who is hired in their state agency division.

### **Influence in the hiring process**



### **Profile of Survey Participants**

A majority of respondents work in the Twin Cities metropolitan area. All other participants work in other areas throughout the state.

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<sup>31</sup> Conducted by an independent research firm, MarketResponse International in December 2014.

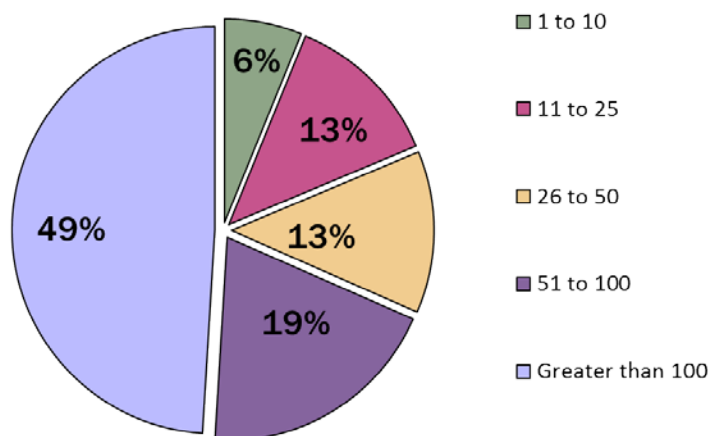
## State agency location detail

Region	Total Sample (n=567)
Metropolitan	76%
North West	1%
North East	5%
West Central	2%
Central	9%
South West	1%
South Central	3%
South East	3%

### *Profile of Survey Participants*

Almost half of the respondents work in a state agency with more than 100 employees. About a quarter of the respondents receive an annual budget between \$1 million and \$5 million. All other respondents distributed fairly evenly throughout the other categories.

**Size of Agency  
By Number of Employees**



## Annual budget

Less than \$1 million	13%
\$1 million to \$5 million	26%
\$5 million to \$10 million	12%
\$10 million to \$20 million	11%
\$20 million to \$50 million	14%
\$50 million to \$100 million	10%
Greater than \$100 million	14%

### ***Current Hiring of Persons with Disabilities***

Fifty-nine percent of the hiring manager respondents said there are people with disabilities who currently work in the state agency division where they work.

There are significantly more people with disabilities working at a state agency in the Twin Cities Metropolitan area and where there are more than 51 employees.

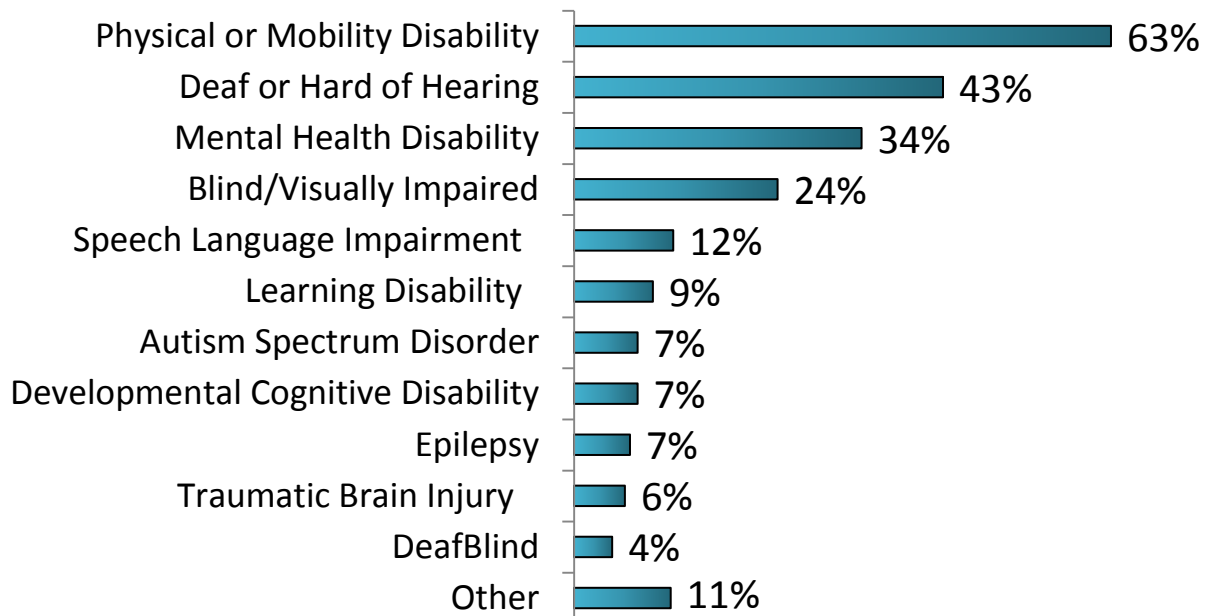
Of the 334 respondents who said there are people with disabilities employed in the state agency where they work, 70% said they do not know how many.

### ***Types of Disabilities Currently Employed***

The top four disabilities represented in Minnesota state agencies according to survey respondents are: physical or mobility disabilities, deaf or hard of hearing, mental health disabilities and blind/visually impaired.

- 63% of survey respondents indicated that they had individuals with physical or mobility disabilities in their workplace.
- 43% of survey respondents indicated that they had individuals who were deaf or hard of hearing in their workplace.
- 34% indicated that there were individuals with mental health disabilities in their workplace.
- 24% of respondents indicated that there were individuals who were blind or visually impaired in their workplace.
- 12% of respondents indicated that there were individuals who had a speech disability in their workplace.
- 9% of respondents indicated that they were individuals who had a learning disability in their workplace.

- 7% of respondents indicated that they had individuals with Autism Spectrum Disorder in their workplace.
- 7% of respondents indicated that they had individuals with developmental or cognitive disabilities in their workplace.
- 7% of respondents indicated that they had individuals with Epilepsy in their workplace.
- 6% of respondents indicated that they had individuals with traumatic brain injury in their workplace.
- 4% of respondents indicated that they have deafblind individuals in their workplace.
- 11% of respondents indicated that they had individuals with other types of disabilities in the workplace.



***Provided Accommodations***

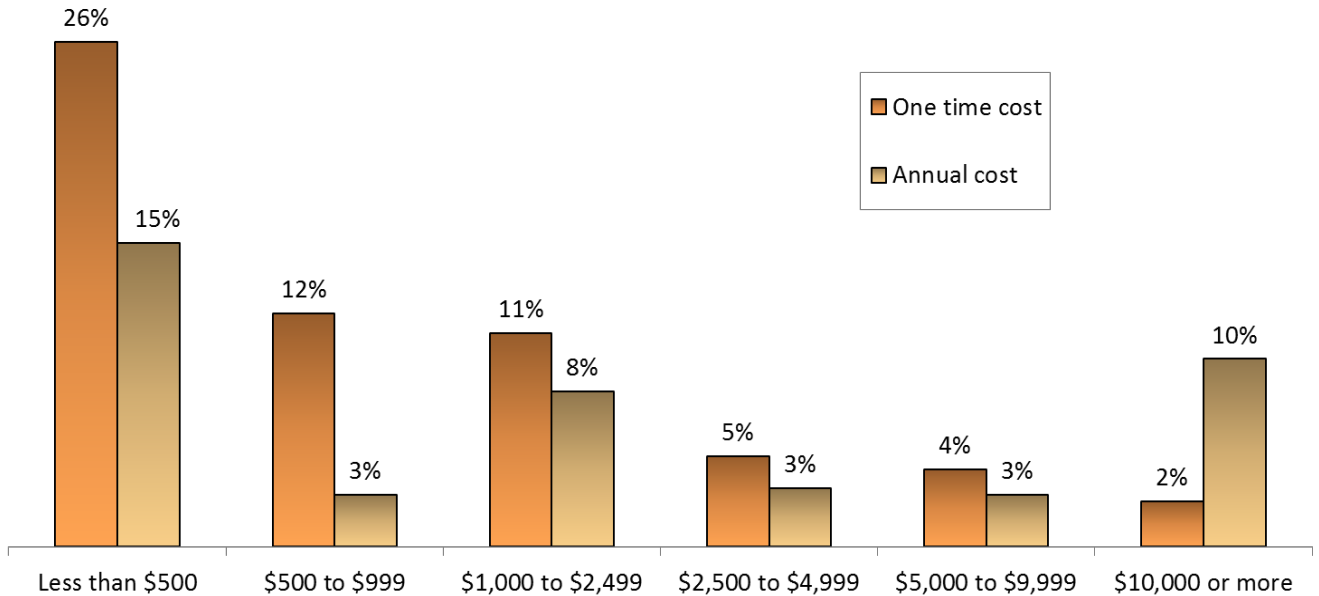
The top four provided accommodations for employees with disabilities are: physical alterations to the work place, flexible or adjusted work schedule, assistive technology and telecommuting. Respondents indicated that they provided the following types of accommodations:

- 57% of respondents indicated that they provided physical alterations to the workplace.
- 45% of respondents indicated that they provided a flexible or adjusted work schedule.
- 34% of respondents indicated that they provided assistive technology.
- 26% of respondents indicated that they provided telecommuting.
- 17% of respondents indicated that they provided sign language interpreters.
- 15% of respondents indicated that they had not provided reasonable accommodations.
- 5% of respondents indicated that they provided Communication Access Real Time Translation (CART).
- 5% of respondents indicated that they have provided a personal job assistant.

- 8% of respondents indicated that they have provided other types of accommodations.

### ***Cost of Accommodations***

Fifty-nine percent of Minnesota state agency divisions had a one-time cost and 41% have an annual cost to provide accommodations for employees with disabilities.



- The majority of respondents (41%) indicated that accommodations were less than \$500. 26% of respondents indicated that \$500 was a one-time cost, while 15% indicated it was an annual cost.
- 15% of respondents indicated that accommodations cost between \$500 and \$999 dollars.
- 30% indicated that accommodations cost between \$1,000 and \$2,499.
- 8% indicated that accommodations cost between \$2,500 and \$4,999.
- 8% indicated that accommodations cost between \$5,000 and \$9,999.
- 12% indicated that accommodations cost more than \$10,000. Almost all of respondents indicated that was a one-time fee.

### ***Barriers to Hiring People with Disabilities***

Respondents were asked, “In your opinion, what are the potential barriers, if any, that might discourage your state agency division from hiring a person with disabilities?”

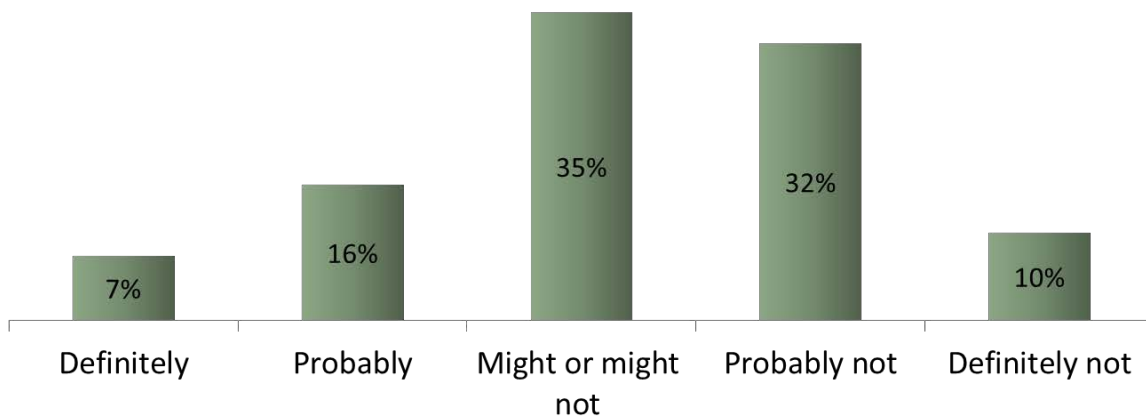
- 46% said that they didn’t know or that there were no barriers to hiring individuals with disabilities.

- 27% of respondents brought up job performance related concerns as a potential barrier to discourage hiring a person with disabilities.
- 9% indicated the cost of accommodations as a barrier to hiring individuals with disabilities.
- 5% indicated safety as a concern.
- 3% indicated that their physical workspaces were not accessible.
- 3% indicated that they were concerned about technology accessibility.
- 1% indicated that there were no available issues.
- 1% indicated concerns over use of FMLA leave.

### ***Reactions to a Centralized Fund Concept***

Respondents were asked,

Suppose state government had a centralized fund set aside that would cover the costs of all necessary accommodations for a new hire or employee with disabilities. Do you believe that this fund would have an impact on the hiring practices of your state agency division, when considering hiring a person with a disability?



- Twenty-three percent (23%) of respondents feel that this centralized fund concept would have a positive impact on their hiring practices, when considering hiring a person with disabilities. (7% indicating that it definitely would and 16% indicating it probably would have an impact on their hiring decision.)
- 35% of respondents feel that this centralized fund concept might or might not have a positive impact on their hiring practices.
- 32% indicated that it would probably not have an impact on their hiring decisions when considering an individual with a disability.
- 10% said it would definitely not have an impact on their hiring decisions.



After respondents were asked if a centralized fund would impact hiring practices when considering an individual with a disability, respondents were asked why they believed it would or not would impact their hiring practices:

- 41% of respondents feel that costs related to accommodations do not play a role in deciding whether or not to hire a person with disabilities.
- 28% of respondents feel that a centralized fund to cover costs of accommodations would alleviate budget concerns.
- 14% of respondents stated that they were unsure or unclear of the impact a centralized fund would have.
- 8% of respondents stated they had concerns over safety or accessibility not achieved without it.
- 7% of respondents indicated concerns over fund management such as how easy would it be to access; would it cover all necessary accommodations; would it run out?
- 1% of respondents indicated that it would help with bias against individuals with disabilities.