



DEPARTMENT OF DEFENSE ASSESSMENT

NATIONAL SECURITY MEMORANDUM-3

[November 01, 2021]

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I. INTRODUCTION

On February 4, 2021, President Joseph Biden issued the National Security Memorandum, *Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships* (NSM-3). This memorandum affirms the administration's commitment to fostering a "national security workforce [that] reflects and draws on the richness and diversity of the country it represents."¹ Section 3(c)(vii) of NSM-3 requires the Interagency Working Group on the National Security Workforce (Working Group) to task agencies, in consultation with the Chair of the Equal Employment Opportunity Commission (EEOC), to assess:

- Methods to improve the ability of the national security workforce to attract individuals who have a disability or a targeted disability.
- Methods to improve the ability of the national security workforce to accommodate individuals who have a disability or a targeted disability.
- Methods to make more judicious use of the application of the national security exemption to Section 508 of the Rehabilitation Act of 1973, as amended.

The Department of Defense (DoD) Assessment examined Military Department and other DoD Component compliance with Section 501, Section 504, and Section 508 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act)² and the Architectural Barriers Act of 1968, as amended (ABA).³ Additionally, this assessment identified practices that the Military Departments and other DoD Components recommend as positive, high-impact actions, to enhance DoD's ability to recruit, hire, retain, and advance individuals with disabilities and individuals with targeted disabilities.

The DoD Assessment found that the Department is largely compliant with the Rehabilitation Act and ABA. The Department is pleased to report:

- It exceeded the DoD and EEOC goals for the employment of individuals with disabilities and individuals with targeted disabilities. Specifically, in fiscal year (FY) 2020, individuals with targeted disabilities represented 2.5 percent of the Department's total civilian workforce and individuals with disabilities represented 12.4 percent of the total civilian workforce.
- Ninety percent of Military Departments' and other DoD Components' reasonable accommodation policies have been approved by EEOC.

¹ The February 4, 2021, presidential memorandum titled *Revitalizing America's Foreign Policy and National Security Workforce, Institutions, and Partnerships*, referred to throughout the report as the NSM-3, can be found at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/memorandum-revitalizing-americas-foreign-policy-and-national-security-workforce-institutions-and-partnerships/>

² 29 U.S.C. §701 et seq.

³ 42 U.S.C. §§4151 et seq.

The DoD Assessment also revealed policy and data gaps that need to be addressed:

- DoD policies implementing the Rehabilitation Act and the ABA are inconsistent with current statutory and regulatory requirements.
- DoD lacks a Department-wide policy framework that addresses reasonable accommodations under Section 501 and the national security exemption to Section 508.
- Data collection to assess advancement opportunities for individuals with disabilities, including individuals with targeted disabilities, is limited.

II. ASSESSMENT STRATEGY

The Department directed the Office for Diversity, Equity, and Inclusion (ODEI), in consultation with the Office of the Deputy Assistant Secretary of Defense for Civilian Personnel Policy, to prepare an assessment for submission to the Working Group. ODEI, under the authority, direction, and control of the Executive Director for Force Resiliency and the Under Secretary of Defense for Personnel and Readiness, represents the Secretary of Defense as the central authority charged with overseeing DoD's efforts to ensure a diverse, equitable, inclusive, and accessible Total Force. ODEI has policy oversight for DoD's disability equal opportunity programs.

To fulfill the obligations of the NSM-3, the Department assessed DoD's disability employment efforts in five areas that align with statutory compliance requirements under the Rehabilitation Act and the ABA:

- Workforce goals and compliance with Section 501.
- Disability recruitment and advancement programs.
- Comprehensive reasonable accommodation procedures and programs.
- Equal access to information communication technology and Section 508 compliance.
- Facility accessibility and compliance with the ABA.

To assess these five areas, the Department analyzed multiple sources of data, including:

- FY 2019 and FY 2020 workforce data from the Defense Manpower Data Center to determine the overall percentage of individuals with disabilities and individuals with targeted disabilities in the permanent civilian workforce.
- Individual Military Department's and other DoD Component's Management Directive (MD) 715 report submissions to EEOC.
- EEOC technical assistance feedback letters and reasonable accommodation procedures compliance letters from EEOC to Military Departments and other DoD Components.
- Department's Office of Management and Budget Section 508 Maturity Report.
- FY 2020 and preliminary FY 2021 Section 508 complaint data.
- Department policies and memoranda implementing equal opportunity and accessibility for individuals with disabilities.

In addition, Military Departments and other DoD Components were asked to respond to a questionnaire concerning the application of the Section 508 exemptions for national security

systems. Furthermore, to fulfill the NSM-3 requirement that the Department consult with EEOC in completing this assessment, Department representatives met with EEOC representatives on multiple occasions and shared the Department's process and strategy for completing the assessment. Finally, the Department also shared its planned approach with the Director of Strategic Workforce Planning at the National Security Council.

III. DEPARTMENT OF DEFENSE ASSESSMENT

The regulations implementing Section 501 of the Rehabilitation Act (Section 501) establish workforce goals for Federal agencies: no less than 12 percent of the total civilian workforce are individuals with disabilities; no less than 2 percent of the total civilian workforce are individuals with targeted disabilities.⁴ These goals specify that these percentages must apply at both upper and lower pay bands. The upper pay band is defined as General Schedule (GS)-11 level and above (or salary equivalent), and the lower pay band is defined as GS-10 and below (or salary equivalent). More broadly, Federal agencies must take affirmative steps to recruit, hire, retain, and advance individuals with disabilities, including individuals with targeted disabilities, in the workforce.⁵

Section 504 of the Rehabilitation Act prohibits the Federal government from discriminating against individuals based on disability status.⁶ This requirement broadly applies to "any program or activity receiving Federal financial assistance" and to "any program or activity conducted by any Executive Agency."⁷

Section 508 of the Rehabilitation Act (Section 508)⁸ requires the information and communication technology (ICT) that Federal agencies develop, procure, maintain, or use be accessible to and usable by individuals with disabilities. Any individual who believes ICT developed, procured, maintained, or used by the Department is inaccessible may file a complaint, which will be processed in accordance with the complaint procedures established to implement Section 504 of the Rehabilitation Act (Section 504).

The ABA requires buildings and facilities owned, or leased, by Federal agencies be accessible to individuals with disabilities.⁹ The Department is one of four agencies charged with establishing standards under the ABA, in accordance with guidelines issued by the U.S. Access Board (Access Board), an independent Federal agency that promotes equality for people with

⁴ 29 CFR 1614.203(d)(7).

⁵ 29 CFR 1614.203(c) requires the Federal government to be a model employer of individuals with disabilities, stating "Agencies shall give full consideration to the hiring, advancement, and retention of qualified individuals with disabilities in the federal workforce. Agencies shall also take affirmative action to promote the recruitment, hiring, and advancement of qualified individuals with disabilities, with the goal of eliminating under-representation of individuals with disabilities in the federal workforce."

⁶ DoD Directive 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982, certified current November 21, 2003, is the Department's policy implementing the Department's Section 504 regulation at 32 CFR Part 56.

⁷ 29 U.S.C. 794.

⁸ 29 U.S.C. 794(d).

⁹ 42 U.S.C. 4151-4157.

disabilities through leadership in accessible design and the development of accessibility guidelines and standards.

The following are the Department's findings:

A. WORKFORCE GOALS AND REQUIREMENTS

FY 2020 civilian workforce data indicate the Department has adopted and is complying with the workforce goals for individuals with disabilities and individuals with targeted disabilities pursuant to the Federal regulations implementing Section 501. Key data points for FY 2020 are highlighted below:

- For the Department as a whole, **individuals with disabilities** represent **12.4 percent** of the total civilian workforce.
 - In the lower pay band (GS-10 and below), individuals with disabilities represent 11.5 percent of the workforce, an increase from FY 2019 (11.1 percent).
 - In the upper pay band (GS-11 and above), individuals with disabilities represent 13.1 percent of the workforce, an increase from FY 2019 (12.6 percent).
- For the Department as a whole, **individuals with targeted disabilities** represent **2.5 percent** of the total civilian workforce.
 - In the lower pay band, individuals with targeted disabilities represent 2.5 percent of the workforce, an increase from FY 2019 (2.4 percent).
 - In the upper pay band, individuals with targeted disabilities represent 2.5 percent of the workforce, an increase from FY 2019 (2.4 percent).

As the above information illustrates, DoD's disability employment data trends continue to show positive improvement. DoD also continues to close the pay gap for individuals with disabilities. For example, in FY 2020, 12 percent of senior leaders identified as an individual with a disability, a 1.4-percent increase from FY 2019. However, as the above data also illustrate, DoD has not yet reached the 12-percent lower pay band goal for individuals with disabilities.

To assess and monitor our progress, the Department recently (FY 2020) employed a new data collection system to analyze workforce data more fully, accurately, and efficiently. In FY 2021, the Department is exploring further expansion of this system to collect additional data (including applicant data) and identify gaps.

B. DISABILITY RECRUITMENT AND ADVANCEMENT PROGRAMS

1) DISABILITY RECRUITMENT AND ADVANCEMENT POLICIES

To assess the extent to which DoD policies and procedures address Military Departments' and other DoD Components' affirmative obligation to recruit, hire, retain, and advance individuals with disabilities, the Department reviewed:

- DoDD 1440.1, “DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987, certified current November 21, 2003, establishing the civilian EEO program, to include affirmative action programs, and the implementation requirements for Military Departments and other DoD Components.
- DoD Directive (DoDD) 1020.02E, “Diversity Management and Equal Opportunity in the DoD,” June 8, 2015, incorporating Change 2, effective June 1, 2018, providing the overarching framework for addressing unlawful discrimination and promoting equal employment opportunity (EEO), diversity, and inclusion, throughout the Department.
- DoD Instruction (DoDI) 1020.04, “Harassment Prevention and Responses for DoD Civilian Employees,” June 30, 2020, establishing the Department’s first-ever overarching anti-harassment policy for DoD civilian employees.
- DoDI 1020.05, “DoD Diversity and Inclusion Management Program,” September 9, 2020, promoting diversity and inclusion initiatives throughout the Department and providing data collection methods to validate diversity and inclusion program effectiveness.

While the Department has a policy framework to ensure equal opportunity, diversity, and inclusion, gaps exist. For example, DoDD 1440.1 has not been updated to align with statutory and regulatory changes under the Rehabilitation Act. Similarly, DoDI 1020.05 does not align Military Departments and other DoD Components workforce data collection and reporting requirements with Section 501. As a result, the Department’s ability to fully assess the effectiveness of Military Departments’ and other DoD Components’ affirmative action programs may be limited.

The Department remains committed to being a model employer and will continue to emphasize the importance of recruiting, hiring, and advancing individuals with disabilities. The Department will continue evaluating ways to appropriately bolster Military Department and other DoD Component disability employment and will address potential policy gaps, as appropriate.

2) WORKFORCE RECRUITMENT PROGRAM

The Workforce Recruitment Program (WRP) is the Department’s primary method for affirmatively recruiting, referring, and connecting Military Departments and other DoD Components with highly qualified college students and recent graduates with disabilities. WRP was first started in the mid-1970s, and expanded in 1995,¹⁰ and the Office of Personnel Management and EEOC have recognized the WRP as a model program to meet the workforce

¹⁰ WRP, “Workforce Recruitment Program for College Students with Disabilities,” available at: <https://diversity.defense.gov/Portals/51/Documents/Resources/Docs/Civilian%20Employment/Workforce%20Recruitment%20Program.pdf>.

goals pursuant to Section 501.¹¹ The Department and the U.S. Department of Labor's Office of Disability Employment Policy manage WRP.

Military Departments and other DoD Components use the WRP database to hire candidates with disabilities into temporary and permanent civilian positions using a federal hiring authority that takes disability into account.¹² However, data limitations pose barriers in assessing retention and career advancement outcomes of WRP candidates hired into permanent civilian positions. The Department and the Department of Labor are exploring strategies to expand, examine, advance, and strengthen WRP in accordance with Section 10 of Executive Order 14035.

3) MILITARY DEPARTMENT AND OTHER DoD COMPONENT PROGRAMS

FY 2019 and FY 2020 MD-715 report submissions to EEOC indicate the Military Departments and many DoD Components have initiatives in place to affirmatively recruit and hire individuals with disabilities. New disability employment initiatives involve outreach and partnerships with disability community/education organizations,¹³ specialized hiring programs, and encouraging the use of disability hiring authorities.¹⁴

While these initiatives are promising, more data is needed to assess the long-term impact of these programs. The Department, through the DoD Disability Program Manager Working Group,¹⁵ will continue exploring ways to assist Military Departments and other DoD Components in their efforts to recruit, hire, and advance individuals with disabilities and individuals with targeted disabilities.

¹¹ See EEOC Report, "Improving the Participation Rate of People with Targeted Disabilities in the Federal Work Force" (January 2008), available at: <https://www.eeoc.gov/federal-sector/reports/improving-participation-rate-people-targeted-disabilities-federal-work-force>.

¹² DOL ODEP Website, "Workforce Recruitment Program," <https://www.dol.gov/agencies/odep/program-areas/employers/workforce-recruitment-program>.

¹³ For example, in FY 2021, the National Geospatial-Intelligence Agency and Gallaudet University signed an education partnership agreement to increase research, engagement and recruiting opportunities in science, technology, engineering and math.

¹⁴ For example, the Department of the Air Force created a repository of potential applicants who are Schedule A eligible. Civilian personnel managers and disability program managers have access to the repository and can view, retrieve and refer candidates absent a vacancy announcement.

¹⁵ The DoD Disability Program Manager Working Group is a work group composed of disability program managers for each Military Department and other DoD Component, Equal Employment Opportunity personnel, Special Emphasis Program managers, Computer/Electronic Accommodation Program assistive technology experts, representatives from the Defense Equal Opportunity Management Institution, and DoD Chief Information Officer staff.

C. COMPREHENSIVE REASONABLE ACCOMMODATION PROGRAM

1) REASONABLE ACCOMMODATION PROCEDURES/POLICIES

Establishing and maintaining comprehensive disability accommodations programs enables Military Departments and other DoD Components to leverage the talents of individuals with disabilities while simultaneously strengthening Total Force lethality and readiness. To assess whether the Department has a comprehensive reasonable accommodation program, the Department examined Military Departments' and other DoD Components' reasonable accommodation procedures compliance status.¹⁶

In January 2021, ODEI established a joint initiative between DoD and the EEOC Office of Federal Sector Programs (OFO) to ensure all Military Departments and other DoD Components have compliant reasonable accommodation procedures. At that time, only 9 out of 27 (33 percent) Military Departments and other DoD Components had accommodation procedures.

Thanks to the collaborative efforts of ODEI and EEOC OFO, the Department is pleased to report 90 percent of Military Departments' and other DoD Components' reasonable accommodation procedures now comply with the regulatory requirement pursuant to Section 501 of the Rehabilitation Act. The three DoD Components lacking compliant procedures continue receiving technical assistance. By the end of Calendar Year 2021, the Department projects 100-percent compliance with these regulatory requirements.

The Department will continue monitoring implementation efforts and analyze the impact these new procedures may have on the workforce.

2) DoD COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM

The DoD Computer/Electronic Accommodation Program (CAP) is a centrally funded program that provides assistive technology and devices as reasonable accommodations to DoD civilian employees with disabilities and wounded, ill, and injured Service members. CAP's mission is to ensure that DoD employees with disabilities along with wounded, ill, and injured Service members have equal access to the information environment and opportunities throughout the Department.

In FY 2020, CAP provided 7,546 accommodations to 2,714 individuals, with most accommodations coming from the Cueing/Memory Aids (1,238) and Alternative Keyboard (929) categories.¹⁷ Of the accommodations provided, 1,012 were to DoD civilian employees, 908 to non-DoD employees of CAP partner agencies, and 794 to Service members.

¹⁶ 29 C.F.R. 1614.203(d)(3) (Pursuant to Section 501, Military Departments and other DoD Components must issue compliant reasonable accommodation procedures and submit the procedures to EEOC for approval).

¹⁷ DoD Defense Personnel and Family Support Center "2020 Computer/Electronic Accommodation Program Annual Stakeholders Report Resiliency in COVID-19 Using Assistive Technology" February 2021.

As of October 1, 2020, CAP is a procurement resource funded only to provide assistive technology to DoD civilian employees and active duty Service members.¹⁸ CAP continues to conduct assessments and provide information/resources to support non-DoD agencies and other Federal employees with disabilities.

3) COVID-19 ACCOMMODATION SOLUTIONS

In response to the coronavirus disease 2019 (COVID-19) pandemic and the rapid pivot to telework, Military Departments and other DoD Components implemented methods for addressing accessibility obstacles and the need for reasonable accommodations. To understand the impact of telework for employees with disabilities, DoD requested information from the Military Departments and other DoD Components on specific affirmative actions to identify and eliminate barriers to teleworking and to identify DoD-wide promising and/or exemplary employment practices.

Data provided by Military Departments and other DoD Components revealed a surge in requests for reasonable accommodations and assistive technology at the start of the COVID-19 pandemic. Many employees with disabilities did not have telework agreements requiring provision of accommodation in alternative worksites. Additionally, employees whose telework agreements included reasonable accommodation did not always have the necessary assistive technology supports (hardware and software) needed to perform their jobs in 100-percent telework status.

The Department is pleased to report the affirmative steps/actions taken by Military Departments and other DoD Components remedied various telework barriers by modifying policies to deliver equipment and assistive technology directly to alternative worksites, expediting security approvals to procure and provide Video Remote Interpreting services for employees working over classified networks.

The current stage of the COVID-19 pandemic continues to present new challenges for employees with disabilities returning to in-person work and attempting to safely access services. Solutions implemented by the Military Departments and other DoD Components at the start of the COVID-19 pandemic enabled employees with disabilities to continue performing essential job functions with little to no interruption.

The Department will continue supporting Military Departments and other DoD Components to address evolving workplace challenges.

¹⁸ DoD Computer/Electronic Accommodation Program, Change in CAP's Scope, <https://www.cap.mil/AboutCAP/News.aspx?enc=9NkHgkJGA55g3MJJWgEh0w==>

D. EQUAL ACCESS TO INFORMATION COMMUNICATION TECHNOLOGY AND SECTION 508 COMPLIANCE

1) SECTION 508 COMPLIANCE

DoD Manual (DoDM) 8400.01, “Accessibility of Information and Communications Technology,” November 14, 2017, establishes DoD’s policy for ensuring accessibility of information communication technology in accordance with Section 508. The Military Departments and other DoD Components derive their own policies and procedures for Section 508 compliance and standards conformance from this Manual.¹⁹ Under DoDM 8400.1, the DoD Chief Information Officer oversees DoD’s Section 508 management, implementation, and governance infrastructure. The Military Departments and other DoD Components remain responsible for Section 508 implementation throughout their respective organizations. Military Departments and other DoD Components are also tasked with appointing a Section 508 Coordinator to lead implementation.

The Department assessed DoD’s Section 508 compliance using the maturity level assessment model for required reporting to the Office of Management and Budget.²⁰ This model addresses overall maturity or level of achievement or success within five pillars of Section 508 program development, which include: acquisition; Agency lifecycle activities; testing and validation; tracking and resolving complaints; and training stakeholders. DoD’s latest collective maturity level assessment for August 2021 is as follows:²¹

- Acquisition: Resourced.
- Lifecycle Activities: Resourced.
- Testing and Validation: Measured.
- Complaints: Measured.
- Training: Resourced.

DoDM 8400.01 also establishes complaint resolution and enforcement procedures to address any reports of possible non-conformance. DoD websites linked to the DoD Chief Information Officer website have a mechanism to report accessibility concerns via email monitored by the DoD Section 508 Coordinator. Reported issues are acted upon as expeditiously as possible to

¹⁹ DoDM 8400.01, “Accessibility of Information and Communications Technology,” November 14, 2017.

²⁰ Office of Management and Budget Memorandum, “Strategic Plan: Improving Management of Section 508 of the Rehabilitation Act,” January 24, 2013.

²¹ Maturity levels assigned range from Ad-Hoc (no formal policies, processes or procedures defined) to Planned (policies, processes and procedures defined and communicated), to Resourced (resources committed and/or staffed trained), and finally Measured (validation is performed and results are measured and tracked). Maturity levels are progressive in that higher levels denote accomplishment of lower-level goals.

remediate and resolve any lack of accessibility in agency information and communications technologies.

According to Military Department and other DoD Component data between August 2020 and February 2021, DoD received 56 reports of Section 508 non-conformance. Complaints alleging violations of Section 508 of the Rehabilitation Act are managed by ODEI in accordance with DoDD 1020.1, “Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense,” March 31, 1982, certified current as of November 21, 2003. In FY 2021, DoD had no new Section 508 formal complaints filed. The incidence of reported issues remains relatively low considering the size and scope of the information communications technology in use at DoD.

2) NATIONAL SECURITY SYSTEM (NSS) SECTION 508 EXEMPTION

While the Department has a uniform policy for ensuring compliance with Section 508, DoD Manual 8400.01 does not address exemptions for national security systems (NSS).²² DoD does not have a uniform policy governing the application of the NSS exemption. Information provided by Military Departments and other DoD Components indicate some DoD Components have adopted explicit policies regarding appropriate use of Section 508 NSS exemptions. Without a uniform policy, Military Departments and other DoD Components may apply the exemption inconsistently.

The Department reviewed Section 508 formal and informal complaint data and found no reports of complaints of exemptions being granted to ineligible, non-NSS systems despite the policy gap. Consultation with the General Services Administration, the Access Board, and internal data collection regarding use of NSS exemptions support this determination.

The Department is actively working to improve accessibility of information communication technology and Section 508 compliance across DoD and is exploring implementation of current programs, policies, and practices to address NSS exemptions in a more uniform manner.

²² Section 5142 of the Clinger-Cohen Act, 40 USC 1452, defines the term “national security system” as “any telecommunications or information system operated by the United States Government, the function, operation, or use of which—(1) involves intelligence activities; (2) involves cryptologic activities related to national security; (3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.” The definition does not include systems used for routine administrative and business applications, like payroll, finance, logistics, and personnel management.

E. FACILITY ACCESSIBILITY AND COMPLIANCE WITH THE ARCHITECTURAL BARRIERS ACT

1) FACILITY ACCESSIBILITY

The Department ensures equal opportunity for individuals with disabilities by eliminating technological, architectural, and programmatic barriers throughout DoD.²³ DoD is one of four agencies charged with establishing standards under the ABA, in accordance with guidelines issued by the Access Board.²⁴ The Under Secretary of Defense for Personnel and Readiness is a statutory member of the Access Board. Through a memorandum titled *Access for People with Disabilities*, issued by the Deputy Secretary of Defense on October 31, 2008, DoD adopted Chapters 1, 2, and 3 through 10 of the ABA accessibility standards and established facility accessibility worldwide as a strategic imperative for the Department.²⁵

2) COMPLIANCE WITH THE ARCHITECTURAL BARRIERS ACT

In 1982, DoD promulgated regulations published at part 56 of title 32, Code of Federal Regulations (CFR), implementing Section 504 of the Rehabilitation Act and the corresponding DoDD 1020.1. The Department's existing CFR regulation and corresponding directive, DoDD 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense" are inconsistent with current Federal law and policies.

The Department is pleased to report it has already taken action to bring this regulation up to date. In June 2020, DoD issued a notice of proposed rulemaking to amend its existing regulations implementing Section 504 of the Rehabilitation Act.²⁶ The proposed rule updates 32 CFR part 56 and corresponding draft policy by:

- Incorporating amendments to the Rehabilitation Act that are consistent with comparable provisions implementing Title II of the Americans with Disabilities Act.
- Updating outdated terminology and references.
- Clarifying complaint resolution and enforcement procedures applicable to recipients of Federal financial assistance and to the Military Departments and other DoD Components, in accordance with Section 504 of the Rehabilitation Act.
- Formalizing procedures for complaints under Section 508 of the Rehabilitation Act.

²³ DoD promulgated 32 CFR part 56 regulations implementing Section 504 and the corresponding DoDD 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense" in 1982.

²⁴ Section 5154 of Title 42, U.S.C.

²⁵ DoD Memorandum, "Access for People with Disabilities," October 2008, available at: <https://www.access-board.gov/aba/background/dod-policy-memo.html>.

²⁶ 85 FR 43168 (proposed 16 July 2020).

The Department will continue taking steps to issue its Final regulation to amend DoD regulations at 32 CFR Part 56. When issued, the Final regulation will serve as the central policy framework for DoD to ensure compliance with, and enforcement of, Section 504 and 508 of the Rehabilitation Act and the ABA.

IV. WAY FORWARD

The DoD Assessment confirms the Department remains a model employer of individuals with disabilities, including individuals with targeted disabilities. However, strategies for continuous improvement remain a high priority. The Department continues to review data systems, policies and programs, organizational structures, and resourcing, to identify and improve the recruiting, hiring, retaining, and advancing individuals with disabilities in the total civilian workforce.

V. APPENDIX: HIGH IMPACT ACTIONS FOR CONSIDERATION

During the development of the DoD Assessment, Military Departments and other DoD Components were asked to identify methods or action items that would have a positive, high impact on the Department's ability to recruit, hire, retain, and advance individuals with disabilities and individuals with targeted disabilities. Not all of these recommendations are discussed in the body of the report, but they are included below for consideration:

- Reaffirm the Department's longstanding commitment to hiring and advancing individuals with targeted disabilities by attaining and ultimately exceeding the DoD goals established in 1987 by issuing an updated memorandum with directives stating DoD-wide employment goals and an affirmative commitment to remaining a model employer of individuals with disabilities.
- Evaluate DoD policies and practices to eliminate barriers that exist for employees with disabilities travelling for work, domestically or internationally, who request that they be accompanied by a DoD interpreter or reader, rather than relying on unclear or uncertain support services at the employees' travel destinations.
- Explore policy gaps and make recommendations to key stakeholders and leadership on:
 - Developing a Department-wide policy that directs Military Departments and other DoD Components to develop procedures for judiciously granting Section 508 national security systems exemptions.
 - Defining, clarifying, and advancing the term "accessibility," in accordance with Executive Order 14035 to establishing policies and programs to advance opportunity for individuals with disabilities.
 - Improving advancement opportunities for individuals with disabilities through affirmative career development programs and initiatives.
 - Establishing and maintaining comprehensive reasonable accommodation policies and programs that includes but is not limited to written policies, expertise, and resources.
 - Improving the use of hiring authorities that take disability into account such as the Schedule A hiring authority for individuals with disabilities by Military Departments and other DoD Components governed by Title 5, United States Code.
 - Establishing special hiring programs designed to increase hiring and improve recruitment of individuals with disabilities by Military Departments and other DoD Components governed by Title 10, United States Code, in accordance with DoD Instruction 1400.25, Volume 2005, "DoD Civilian Personnel Management System: Defense Civilian Intelligence Personnel System (DCIPS) Employment and Placement," March 3, 2012.

- Establish a Leader/Director position on Accommodations and Accessibility to coordinate and advance diversity, equity, inclusion, and accessibility across DoD Military Departments and other DoD Components, with a direct liaison to DoD CIO's Section 508 Coordinator who retains oversight of Section 508 policy and implementation, in order to advance alignment and coordination of policies, programs, and compliance under Title V, ABA, and other Federal disability civil rights laws.