

# Congress of the United States

Washington, DC 20510

June 18, 2019

## VIA ELECTRONIC DELIVERY

The Honorable Margaret Weichert  
Acting Director  
U.S. Office of Personnel Management  
1900 E Street NW  
Washington, DC 20415

Dear Acting Director Weichert:

We are writing on behalf of the Federal employees in our states—specifically those with targeted disabilities. We are concerned that the Federal Government is falling short in its efforts to hire more workers with targeted disabilities and, even more troubling, may be removing these workers during their probationary period at rates higher than those for nondisabled workers. To further our understanding of this issue, we ask that you provide directly to our offices detailed data on the removal rates for both permanent and probationary employees, including their agency of employment, veteran status, disability status and removal method.

As you know, the Leadership for the Employment of Americans with Disabilities (LEAD) Initiative, overseen by the Equal Employment Opportunity Commission (EEOC), features a goal of two percent for the overall participation rate of individuals with targeted disabilities in the federal workforce. Targeted disabilities include autism spectrum disorder, Traumatic Brain Injury, deafness or blindness and significant mobility impairment, among other conditions. The Federal Government further describes its commitment to hiring individuals with disabilities in its regulations implementing the Rehabilitation Act, which says explicitly – “The Federal Government shall be a model employer of individuals with disabilities...with the goal of eliminating under-representation of individuals with disabilities in the federal workforce.”<sup>1</sup>

Unfortunately, according to the EEOC’s last Annual Report on the Federal Workforce, published in 2016, the Federal government is hiring these workers at a rate far below its stated benchmark. As of 2016, the participation rate for such employees was only 1.01%.<sup>2</sup> In addition, despite 2016 Office of Personnel Management and EEOC updates that broadened the definition of targeted disabilities, data provided to our offices indicates that, in 2017, the overall participation rate for such workers increased only to 1.34%. Even more troubling, the same data appears to show that in 2017, workers with targeted disabilities may have been involuntarily removed from their positions at double the rate of those without disabilities.

Many of these workers are prone to unemployment and underemployment as a result of their disability. A segment of them are veterans. Reaffirming our Nation’s commitment to this population of workers advances our common cause of a fair and equitable society for all.

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<sup>1</sup> 29 CFR § 1614.203(c)

<sup>2</sup> See <https://www.eeoc.gov/federal/reports/fsp2016/upload/fsp2016.pdf>

Therefore, we request additional information to better understand the current administration's efforts to hire and advance these workers. Specifically, we request that you provide the most up-to-date calculation for the overall participation rate in the federal workforce for individuals with targeted disabilities. In addition, please provide the following information regarding federal employees who were removed from their position – in years 2015, 2016, 2017 and 2018 (if available) broken down by:

- Employment status – including permanent or probationary as well as full-time or part-time;
- Veteran status;
- Agency<sup>3</sup>;
- Disability status (targeted, other, or no disability as outlined by OPM form SF 256); and
- Removal method – voluntary or involuntary.

We appreciate your attention to this request. We ask that you provide this information to our offices no later than July 9, 2019. Please contact our offices with any questions.

Sincerely,



Tammy Duckworth  
United States Senator



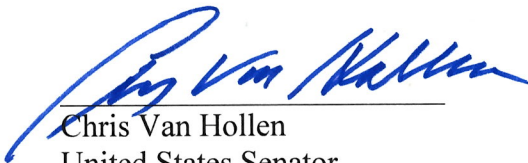
Jim Langevin  
Member of Congress



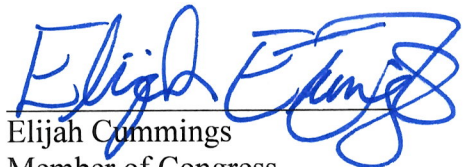
Mazie K. Hirono  
United States Senator



Bill Pascrell, Jr.  
Member of Congress



Chris Van Hollen  
United States Senator



Elijah Cummings  
Member of Congress



Richard J. Durbin  
United States Senator



Barbara Lee  
Member of Congress

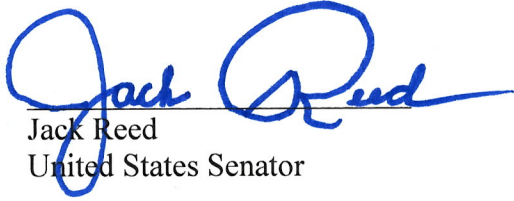
<sup>3</sup> Executive agencies and military departments (except uniformed members) as defined in Sections 102 and 105 of Title 5 U.S.C. (including those with employees and applicants for employment who are paid from nonappropriated funds), the United States Postal Service, the Postal Rate Commission, the Tennessee Valley Authority, the Smithsonian Institution, and those units of the judicial branch of the federal government having positions in the competitive service.



Sherrod Brown  
United States Senator



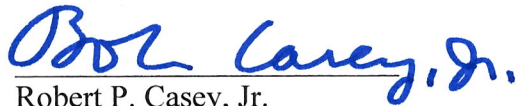
Steve Cohen  
Member of Congress



Jack Reed  
United States Senator



Sean Patrick Maloney  
Member of Congress



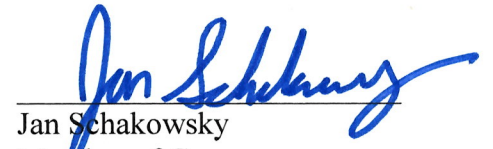
Robert P. Casey, Jr.  
United States Senator



Cheri Bustos  
Member of Congress



Sheldon Whitehouse  
United States Senator



Jan Schakowsky  
Member of Congress



Brian Schatz  
United States Senator



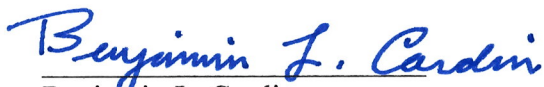
Jared Huffman  
Member of Congress



Amy Klobuchar  
United States Senator



Ro Khanna  
Member of Congress



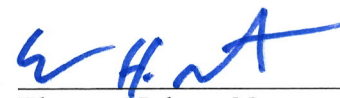
Benjamin L. Cardin  
United States Senator



Dina Titus  
Member of Congress

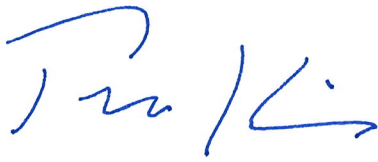


Margaret Wood Hassan  
United States Senator



Eleanor Holmes Norton  
Member of Congress





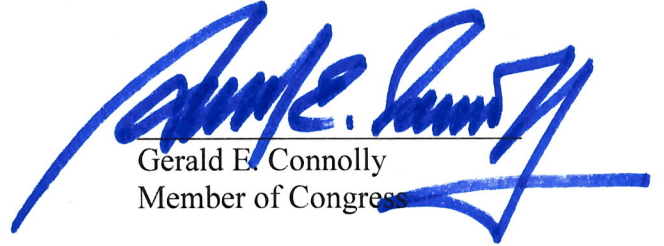
Tim Kaine  
United States Senator



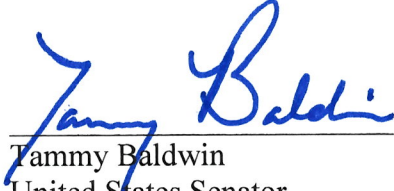
Mark Pocan  
Member of Congress



Mark R. Warner  
United States Senator



Gerald E. Connolly  
Member of Congress



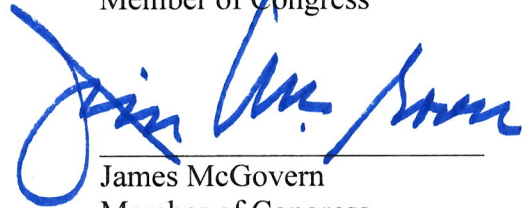
Tammy Baldwin  
United States Senator



Robert C. Scott  
Member of Congress



Jeanne Shaheen  
United States Senator



James McGovern  
Member of Congress



Jamie Raskin  
Member of Congress