

# Disability and the OFCCP

To become an employer of choice for people with disabilities, companies must collaborate with diversity leaders. *By Nadine Vogel*

People with a variety of disabilities, including veterans with service-related disabilities, are increasingly seen in the workplace. But this group cannot be supported successfully by affirmative action, learning and development, facilities, talent management, work-life or even human resources departments alone. To become an employer of choice for people with disabilities, companies must execute a comprehensive collaboration between functions with diversity executives at the epicenter. Some of the issues that must be properly addressed include:

- Relationship development and outreach to disability and veterans' organizations to recruit individuals with disabilities.
- Disability employee resource/affinity groups.
- Disability etiquette and awareness.
- Management of reasonable accommodations.
- Willingness to self-disclose.
- Compliance.

The compliance component is especially important for companies that are U.S. federal contractors. If a company is unsure whether it is subject to the Office of Federal Contract Compliance Programs (OFCCP) standards, generally a company is a contractor and is covered by EEO laws enforced by the OFCCP if it enters into a nonexempt contract or subcontract with any department, agency, establishment or instrumentality of the executive branch of the federal government for the purchase, sale or use of supplies or services.

OFCCP, an agency of the U.S. Department of Labor, has become more aggressive regarding compliance enforcement. In fact, the agency has increased compliance evaluations and complaint investigations by approximately 20 percent. A significant increase in funding allowed the agency to hire more than 200 additional compliance officers and other personnel. The focus of this enforcement is the outreach and recruitment of individuals with disabilities under Section 503 of the Rehabilitation Act of 1973, and veterans, including vets with service-related disabilities, under the Vietnam Era Veterans Readjustment Assistance Act of 1974.

While it will consider good faith efforts, if a contractor is not successful in recruiting people with disabilities, the OFCCP will want to know why and has made it clear this is not a "check the box" exercise. The agency is looking for evidence

as well as measurable results of outreach. Candidates with disabilities need to believe an organization is going to provide the proper support, whether it's accommodations, the way they'll be treated or how they'll be considered for career progression.

The same is true regarding self-disclosure and the OFCCP review of a company's processes to increase self-identification of employees with disabilities. Individuals, especially those with hidden disabilities and those not in need of reasonable accommodations, are less likely to self-disclose if they perceive negative repercussions or if they feel that an organization is not supportive of employees with disabilities. Disability etiquette and awareness initiatives, disability employee resource groups, mentoring programs and celebratory events can all positively impact people's willingness to self-identify.

When the OFCCP investigates a company's obligations to applicants and employees with disabilities, it may request a variety of information including:

- Copies of all disability-related grievances.
- A list of all known employees who have a disability.
- A contractor's website accessibility and compatibility with common assistive technology software.
- Avenues for applicants and employees to request accommodations.

Often when companies address issues related to employees with disabilities, they think of physical accessibility, which equates to "doing for" someone. But when diversity executives address these same issues, they automatically think of inclusion, or "doing with" someone.

These obligations do not focus so much on what companies can do for someone with a disability, but rather on what they can do with an individual to ensure that employment opportunities generated by federal dollars are available to all Americans on an equitable and fair basis. Diversity executives can help to ensure these obligations are met and at the same time reinforce and support the business case behind the obligations. «

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## Alan Goodman

Former Military  
Current Title

### What was your role in the military?

I joined the military right out of high school because I didn't know what I wanted to do with my life. I was 18 years old when I went in and served from 1989–93. I was an aviation structural mechanic on various types of aircraft from F-14, F-18 to A-6, A-7. I specialized in hydraulics and was on the aircraft carrier USS John F. Kennedy. I did two tours in Iraq and had a chance to be in Bahrain during some of the toughest times. I didn't know that soon after I got onboard the Kennedy, I was going to be shipped to Iraq — it was my first time out to sea. All I ever dreamed of doing was working on and flying an aircraft.

I fell off an SH-60 helicopter onboard the flight deck. I injured my shoulder and was sent to Frankfurt, Germany, for surgery. At that point I was hoping I would get a chance to come home because of my injuries, but they sent me right back to the war.

Shortly after returning home, the military referred me to social security disability. I went in front of a disability judge who said that due to my surgeries and mental condition, I would not have to be evaluated ever again. They said this would be my permanent condition. I accepted an \$840 check a month for over 10 years. I thought that was it. That's what I have to live off of.



PHOTOS COURTESY OF ALAN GOODMAN

**Alan Goodman and two other soldiers sit in a helicopter a few days after their aircraft carrier (CV-67) launched the first air strike in Desert Shield/Storm in 1991. Just a few days after this photograph was taken, the helicopter crashed due to electrical malfunction.**

Just two weeks before I got sent to Iraq, I got married. When I came home, the marriage was over. That was a whole other part of my life that took a downhill spiral. The PTSD and nightmares I still have set me to the point where I didn't know what to do. I tried to check into the VA hospital but every time I went, I was diagnosed with something new and I began to accept the labels someone else would give me. They said I would never be able to have a job and categorized me as having disability for life.

### Explain your job search.

When I got out of the military, I tried to pursue aviation with Auburn University and Tuskegee Airport in Alabama. I had someone approach me and ask why I hadn't gone to California to pursue my dream. I decided to take charge, and I came out here for a fresh start. That's what my inten-

tion was, to finish this goal. It wasn't that I had a fear of failing. After being labeled so many things, I had a fear of succeeding. I had a fear of making it in life and being somebody.

I had decided I was done living. I had a drug addiction for 10 years, and my body was really messed up. I was walking on Venice Beach one day and realized I had a blister on my foot. It was similar to one I remembered having in Frankfurt, and I remembered always being told to pop these blisters. I popped it and almost instantly my ankle was swollen. I found out it was necrotizing fasciitis — flesh-eating bacteria. I went to the hospital in Los Angeles, and they immediately sent the chief surgeon from UCLA. I was in the hospital for 28 days. I've had eight operations since then on my leg and back surgery on top of that. I have a titanium plate in my back, which is a primary reason no one would talk to me as far as work goes.

I had to learn to walk again. I had a nurse come to my house twice a day. I was in a deep depression. My new wife had to work two jobs just to pay our rent. I couldn't contribute whatsoever. I've been in five mental institutions for my PTSD. It's not what I did while in the military, it's what I've seen while in the military that ruined me. I kept asking myself, will I ever be normal again physically, mentally or spiritually?

In LA I went to Westwood College of Aviation Technology with my GI Bill. I came one class from getting my degree in aviation maintenance, and I reinjured my back and had a titanium rod put in my lower back.

I wouldn't tell anyone any of these things, especially any job I applied to. I finally decided that before I could do anything, I would have to get clean off the drugs and alcohol. I went to a program in LA called the Dream Center — it changed my life dramatically. I finally felt hope. I realized I didn't have to put on a label the government kept putting on me as a veteran.

I did get jobs working at Blockbuster Video and Office Depot temporarily. I couldn't hold either job down because of my PTSD, depression and being on my foot for long periods of time.

I applied to so many different airline companies before my ankle problem, and it was sad because they would usually come to our school and recruit you before you graduated. As soon as word got out that I needed back surgery, no one ever talked to me again. My dream was shattered.

### How did you integrate into the civilian workforce?

I got sober at the LA Dream Center six years ago. My best friend Joel worked there, and another friend, Justin, started a Dream Center in New York. Justin had been in touch with Alyse Zwick, Miss New York 2009, and she had asked him if he knew of any veterans who were having a hard time finding employment. He mentioned this to Joel, who recommended me.

Alyse called me and referred me to put in an application at UPA. As soon as I walked in the door, I expected to be given

an extensive application and never hear back again. I'm used to that. That's been my whole life. But when I came here, the people were truly amazing. The project manager has a son in Afghanistan; he understands the military as a civilian. Immediately there was a connection. I finally felt that I was welcome. I have been given the chance to be somebody. I haven't been taken full-time yet. I want to stay and travel with the company. I make more a week now than I did a month from the disability check I lived on for so many years.

UPA has water and electric meters. I survey the condition of them at different homes and businesses. I take pictures of them and clean the dirt around them so someone can come in and install a new one.

Occasionally I still have pain in my foot. UPA has said to let them know anytime I have pain, and they'll give me activities that take me off my feet. I still have flashbacks. I haven't talked to anyone I've served with. After seeing all the psychiatrists that told me all of these negative things that I am, I didn't want anything to do with the military. I don't want anything from the government — I want what I have now. «

## Michael Schlitz

**Role in Military:** Sergeant First Class, U.S. Army  
**Current Title:** Member, board of directors for Gal-lantFew, a nonprofit network that helps veterans find employment and mentors; consultant for defense industry companies.

### What was your role in the military?

I first got my introduction to the military when I was a junior in high school. My brother was already in the National Guard; I looked up to him and decided I wanted to give it a shot. After my junior year, I attended basic training, came back and finished my senior year of high school before going to advanced training after graduation. I became active duty in 1996 and was stationed everywhere and did everything. I've been in Korea, Iraq, Fort Lewis, Fort Campbell, Fort Benning and Fort Drum. I've held every position from rifleman to platoon sergeant. I worked at the Army Ranger School to put ranger students through school, and I couldn't have asked for anything more than that. It's the premiere leadership program for the army and an honor to be a part of.

I deployed to Iraq with the 10th Mountain Infantry Division out of Fort Drum, New York, in August 2006. When we got to Iraq, we were in the Sunni Triangle, south of the Baghdad province, often referred to as the "Triangle of Death." We'd hear 20–30 engagements per day, whether that'd be gunfire in the distance, a mortar attack, artillery attack, IEDs going off. It might not be happening to you, but you could always hear it.

On Feb. 27, 2007, I was on my first tour, serving with Fort Drum's 2nd Brigade, and my unit was conducting a road clinic mission to find IEDs. We had just started and were an hour and a half into the mission. We had just cleared a dead-

end street, and although we'd typically never come back up a street, we had no other option. When we came back, we got hit by a roadside bomb. I had a gunner, medic, driver and myself in the vehicle, and I remember hearing the explosion, and before I could say anything or do anything, I was tossed from the vehicle and slammed into the ground. One of the first things we're taught to do when we're in contact is to do a battlefield assessment. I stopped trying to roll, looked up, and all I could see was my vehicle. As I stood up to find my guys, I realized I was on fire. I removed my vest and attempted to roll, but my muscles had locked. I couldn't move anymore. I was facedown on the ground being burned alive.

From April 2010 to February 2011, I had nine surgeries, and I still have a lot left. I can't work a 9-5 job because I have to fly to UCLA's plastic surgery department in California for my surgeries, and I'm there for weeks at a time. I can't take off work; no company would allow that. I decided to start consulting for different tactical communications companies; this allows me to work whenever I have time to. I help find new customers for companies and do other odd jobs they might need. There's a company in Washington, D.C., called Calibre. They've been asked to do some surveys and different assessments for the warrior transition units by the Secretary of Defense. They've brought me in to help fine-tune the assessment.



**Left and center: SFC Michael Schlitz awaits orders for his squad to move out of Patrol Base Yusufiyah in September 2006. The mission was to conduct a tactical movement by vehicle throughout the local area. Right: Schlitz visits with another soldier in Iraq in February 2010 showing off his two different types of prostheses. Schlitz returned to Iraq as part of Operation Proper Exit, a program lead by Troops First Foundation to take wounded veterans back to Iraq to gain closure. Schlitz went once as a participant and twice as a military mentor.**

There's no way to explain what that felt like. I haven't been able to find the right words yet.

We train so much in the military that it becomes muscle memory; everybody knows what they have to do. Even with being hurt, I still felt like I had to do my job. I was giving out orders and commands, trying to get someone on medical, getting the helicopter to come in. Had I not given a single order, my guys were doing exactly what they were supposed to be doing.

I lost both of my hands due to the fire, can't see out of my left eye, and I have joint damage in my elbows and knees. I have a limited range of motion and 85 percent total body burns.

### **Explain your job search.**

While at Brooke Army Medical Center in San Antonio, a lot of nonprofit and community-related programs would engage soldiers to integrate them back to community life. For me, after spending 14 years in the Army and living a very routine life when I knew exactly when I was going to eat, when I was going to sleep, knowing everything, to now knowing nothing — it was tough. It's still very hard.

It's two days worth of work, which is perfect for me — it's all I can do. I also speak at different functions. I spoke at the 2010 Defense Forum; I'm speaking for Cessna Aircraft this spring.

I hear about consultancy opportunities through word of mouth. I have some friends at the Pentagon who know me and sometimes refer me. It's much better than solely depending on my disability check from the military.

### **How did you integrate into the civilian workforce?**

There are so many great organizations out there, and they try to help veterans by giving them assistance. Soldiers become dependent on that. They get used to somebody always doing stuff for them and stop doing things for themselves.

One of the things I loved about being in the military is how proactive you were in your own career. You had to take initiative constantly in order to progress. When people are giving you all of the help you need, you almost lose that part of you. You don't become proactive anymore, but you have to be. I always remind myself of that. There's no way you can continue to be successful if you don't stay proactive. You have to do your part. You can't wait for opportunities to come to you — they won't. You have to search them down. «

PHOTOS COURTESY OF MICHAEL SCHLITZ