

OREGON LEGISLATIVE ASSEMBLY

2026 SESSION

Introduced by: [Sponsor(s)]
Senate Bill [Number]

Relating to improved workforce opportunities for individuals with disabilities.

Be It Enacted by the People of the State of Oregon:

TITLE

SECTION 1. This Act may be cited as the "Oregon Workforce Opportunity Act."

FINDINGS AND DECLARATIONS

SECTION 2. The Oregon Legislative Assembly finds that:

1. Individuals with disabilities represent a valuable and underutilized segment of the state's workforce. Accessing the talents of these individuals is beneficial for both the individuals and Oregon's economy.
2. While there have been improvements in recent years, significant disparities persist in employment rates between people with and without disabilities. According to the U.S. Bureau of Labor Statistics, in 2023, the employment-population ratio for persons with a disability in the United States was 22.5 percent, compared to 65.8 percent for persons without a disability. Source: U.S. Bureau of Labor Statistics, "Persons with a Disability: Labor Force Characteristics — 2023", News Release, USDL-24-0354
3. According to the 2022 Annual Disability Statistics Collection, in 2022, the poverty rate for working age (18-64) people with disabilities in Oregon was 27.7%, more than double the rate of 12.6% for Oregonians without disabilities. Source: 2022 Annual Disability Statistics Collection, Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC). Institute on Disability (IOD) at the University of New Hampshire
4. Obstacles to work for individuals with disabilities can include, but are not limited to, difficulties in the standard interview setting, lack of accessible skills development courses, limited understanding of neurodivergent communication styles, insufficient accommodations for episodic disabilities, and lack of opportunities for employers to learn about equitable hiring approaches.
5. Expanding work opportunities for individuals with disabilities contributes to the state's economic advancement, reduces poverty, and helps integrate this group into the community.

6. The State of Oregon is committed to serving as a model employer and developing a workforce that reflects the talents of all its citizens.
7. Addressing the unique needs of individuals with various disabilities, including but not limited to intellectual and developmental disabilities, mental health conditions, autism spectrum disorder, attention deficit hyperactivity disorder (ADHD), dyslexia and other learning disabilities, post-traumatic stress disorder (PTSD), traumatic brain injury, chronic illnesses, episodic disabilities, hearing impairments, visual impairments, and other neurodivergent conditions are of the utmost importance.
8. Ongoing efforts to increase employment access for individuals with disabilities and to adapt to changes in the workforce and technology are essential and must be continually reviewed and improved.
9. Highly skilled individuals with disabilities, including those with advanced degrees, professional certifications, and extensive experience in fields such as information technology, finance, data analysis, business administration, human resources, and other professional occupations, are significantly underrepresented in the workforce, and their talents represent a valuable untapped resource for the state's economy.
10. Neurodivergent individuals, including those with autism, ADHD, dyslexia, and other neurological variations, possess unique cognitive strengths such as exceptional pattern recognition, attention to detail, innovative problem-solving abilities, and specialized expertise that can provide significant competitive advantages to employers.
11. Individuals with episodic disabilities, including those with chronic illnesses, mental health conditions, and other conditions that may fluctuate in severity, require flexible accommodation strategies that account for the variable nature of their conditions.
12. Remote work and flexible work arrangements have proven to be effective accommodations for many individuals with disabilities and should be considered as standard reasonable accommodations where feasible.
13. The State of Oregon shall require that at least three percent (3%) of all positions in state agencies and qualified jobs be filled by qualified individuals with disabilities. Where necessary to meet this requirement, state agencies shall give hiring preference to qualified candidates referred by Oregon Vocational Rehabilitation Services.

DEFINITIONS

SECTION 3. As used in this Act:

1. "**Disability**" shall have the meaning given that term under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and ORS 659A.104.
2. "**Qualified Individual with a Disability**" means an individual with a disability who, with or without reasonable accommodation, can perform the essential duties of the employment position.
3. "**Reasonable Accommodation**" means changes or adjustments to a job, the work setting, or how tasks are normally done that permit a qualified individual with a disability to apply, carry out duties and enjoy equal access to the advantages of employment. This

includes, but is not limited to modifications to the physical workspace, assistive technology, alternative communication methods, flexible work schedules, remote work options, job restructuring, modified training methods, and sensory accommodations.

4. **"Vocational Rehabilitation"** means services provided by Oregon Vocational Rehabilitation Services, or its successor agency.
5. **"Undue Hardship"** means an action needing substantial difficulty or cost when factoring in the employer's size, finances, and the type and structure of its business.
6. **"Supported Employment"** means services that provide ongoing support to individuals with the most significant disabilities to help them maintain competitive integrated employment.
7. **"Competitive Integrated Employment"** means work performed on a full-time or part-time basis for which an individual is compensated at or above the minimum wage and at a rate comparable to non-disabled employees performing the same tasks, and that is located in a setting where the individual interacts with non-disabled individuals to the same extent as non-disabled employees in comparable positions.
8. **"Universal Design"** means the design and composition of an environment so that it can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability.
9. **"Digital Accessibility"** means the practice of making digital content, such as websites, applications, and documents, usable by people of all abilities.
10. **"Highly Skilled Position"** means a position that requires a post-secondary degree, professional certification, or equivalent experience in a specialized field, including but not limited to information technology, finance, data analysis, engineering, healthcare, law, business administration, human resources, and other administrative and professional occupations.
11. **"Skills-Based Assessment"** means an evaluation of a candidate's abilities and knowledge relevant to the essential functions of a job, rather than relying solely on traditional interview methods or educational credentials.
12. **"Neurodivergent"** means having a brain that functions differently from what is considered typical, including but not limited to individuals with autism spectrum disorder, attention deficit hyperactivity disorder (ADHD), dyslexia, dyscalculia, dyspraxia, Tourette syndrome, and other neurological variations.
13. **"Episodic Disability"** means a disability that is characterized by periods when symptoms are more or less pronounced, including but not limited to certain mental health conditions, autoimmune disorders, chronic pain conditions, and other fluctuating health conditions.
14. **"Customized Employment"** means a flexible process designed to personalize the employment relationship between a job candidate and an employer in ways that meet the needs of both parties, including job carving, job sharing, and other creative employment arrangements.
15. **"Peer Support"** means services provided by individuals with lived experience of disability who provide emotional, informational, and practical support to others with

disabilities in the workplace.

STATE EMPLOYMENT INITIATIVE

SECTION 4.

1. (a) A Workforce Development Task Force is created consisting of the following members:

- A. The Director of the Oregon Department of Administrative Services (DAS), or a designee.
- B. The Commissioner of the Oregon Bureau of Labor and Industries (BOLI), or a designee.
- C. The Director of Oregon Vocational Rehabilitation Services, or a designee.
- D. Three representatives of organizations advocating for people with disabilities, including at least one organization that specifically serves neurodivergent individuals and one that serves individuals with episodic disabilities, appointed by the Governor.
- E. Three representatives of businesses with proven success in employing individuals with disabilities, including at least one business with experience in neurodiversity hiring programs, appointed by the Governor.
- F. Four individuals with disabilities representing a diverse range of disability types, including neurodivergent individuals, individuals with episodic disabilities, individuals with sensory disabilities, and individuals with mobility disabilities, appointed by the Governor.
- G. A representative from the Oregon Department of Education (ODE), appointed by the Superintendent of Public Instruction.
- H. A representative from a community college or university with expertise in disability services, appointed by the Higher Education Coordinating Commission.
- I. A representative from a community-based organization serving individuals with intellectual and developmental disabilities, appointed by the Governor.

(b) The task force shall:

- A. Examine current state hiring methods and pinpoint obstacles to the employment of individuals with disabilities.
- B. Create suggestions for enhancing the recruitment, hiring, job retention, and career advancement of individuals with disabilities in state government, drawing inspiration from successful programs like California's Limited Examination and Appointment Program (LEAP), corporate neurodiversity hiring initiatives, and customized employment models.
- C. Oversee and support the implementation of the requirement that at least three percent (3%) of all positions in state agencies and qualified jobs are filled by qualified individuals with disabilities. If necessary to meet this requirement,

state agencies shall prioritize hiring qualified candidates referred by Oregon Vocational Rehabilitation Services. The task force shall develop specific strategies, timelines, and accountability measures to ensure this requirement is met and maintained.

- D. Recommend effective practices for roles and positions, and suggest any supportive modifications, considering the principles of universal design.
- E. Develop recommendations for alternative assessment methods for job applicants who may face challenges in traditional interview settings.
- F. Develop a plan to increase outreach and accessibility for individuals who are deaf or hard of hearing, using methods including but not limited to American Sign Language (ASL).
- G. Develop a plan to increase outreach and accessibility for individuals who are blind or visually impaired, using methods including but not limited to Braille and assistive technology.
- H. Develop specific strategies for recruiting, hiring, and supporting neurodivergent individuals, including autism-friendly interview processes, sensory-friendly workplace environments, and clear communication protocols.
- I. Develop recommendations for accommodating individuals with episodic disabilities, including flexible work arrangements, modified leave policies, and accommodation protocols that account for fluctuating symptoms.
- J. Develop strategies for creating inclusive workplace cultures that value neurodiversity and different communication styles.
- K. Submit an annual report to the Legislative Assembly detailing progress and recommendations, beginning no later than January 1, 2028.
- L. Develop specific strategies for recruiting, hiring, and retaining individuals with disabilities in highly skilled positions, including outreach to professional organizations and universities.
- M. Develop recommendations for establishing mentorship programs to support the career advancement of individuals with disabilities in state government.
- N. Develop peer support programs connecting employees with disabilities to provide mutual support and guidance.
- O. Examine and recommend accommodations for remote work and flexible work arrangements as standard reasonable accommodations.

2. (a) DAS shall provide training to state agencies on:

- The Americans with Disabilities Act and Oregon's disability-related laws that guarantee fair treatment.
- Reasonable accommodations and the interactive process. This training must cover a wide range of accommodations, including those specific to mental health conditions, sensory sensitivities, neurodivergent communication styles, episodic disabilities, and remote work arrangements.

- Equitable interview methods and alternative ways of evaluating candidates, including alternatives to traditional interviews, skills-based assessments, work samples, and neurodiversity-friendly assessment techniques.
- Making workplaces and technology accessible, including digital accessibility standards (e.g., WCAG), sensory-friendly environments, and accommodations for cognitive differences.
- The principles of universal design in the workplace.
- Promoting mental health awareness, reducing stigma in the workplace, and creating psychologically safe environments for all employees.
- Recognizing and valuing the qualifications and unique strengths of individuals with disabilities who possess advanced degrees, professional certifications, and extensive experience, including the specific cognitive advantages often associated with neurodivergent conditions.
- Understanding and accommodating non-apparent disabilities, such as mental health conditions, learning disabilities, chronic illnesses, episodic disabilities, and neurodivergent conditions.
- Neurodiversity awareness training, including understanding different communication styles, sensory processing differences, and the unique strengths of neurodivergent individuals.
- Trauma-informed approaches to workplace interactions and accommodations for individuals with PTSD and other trauma-related conditions.

(b) DAS shall develop and maintain a centralized resource library on reasonable accommodations, assistive technology, neurodiversity resources, and best practices for employing individuals with disabilities.

(c) DAS shall provide technical assistance to state agencies on implementing equitable hiring procedures and creating inclusive workplace environments.

(d) DAS shall establish partnerships with disability service organizations, neurodiversity advocacy groups, and peer support networks to enhance training and support services.

3. (a) State agencies shall report annually to DAS on:

- The number of individuals who applied for positions and voluntarily disclosed a disability.
- The number of individuals with disabilities hired and promoted, disaggregated by disability type (where voluntarily disclosed), including specific tracking of neurodivergent individuals and individuals with episodic disabilities, and to the extent feasible, by skill level of the position (e.g., entry-level, professional, managerial).
- Actions taken to provide reasonable accommodations, including the types of accommodations provided, with specific tracking of remote work arrangements, flexible schedules, sensory accommodations, and technology-based accommodations.
- Progress toward achieving and maintaining the requirement that at least three percent (3%) of all positions in state agencies and qualified jobs are filled by qualified individuals with disabilities, including the number and percentage of such hires referred by Oregon Vocational Rehabilitation Services.

- Efforts to improve digital accessibility and create sensory-friendly workplace environments.
- Employee satisfaction and retention rates for employees with disabilities.
- Utilization of peer support programs and mentorship opportunities.

**To submit comments or feedback, contact Tony Rowe at:
tony@tonyrowe.com or 760-610-9948.**