

Testimony of Joyce Bender
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United States Equal Employment Opportunity Commission

As a young adult who has always believed in civil rights and freedom for all people, I would never have imagined that I would have the great honor to give testimony before a Federal Commission that strives to protect freedom and equality for all Americans. It is my great honor to speak before this wonderful group of Patriots today, about fellow Americans being excluded from economic freedom in America – Americans with significant disabilities. I thank you for giving me, a woman with epilepsy and a hearing-loss, an opportunity to speak on behalf of my fellow Americans who are being left out of the American dream – economic freedom. I also commend the Equal Employment Opportunity Commission for taking a stand for all of us in America.

I have a priceless treasure in my office, a shadow box that includes: a signed copy of the Americans with Disabilities Act; a photograph of the signing of the Americans with Disabilities Act; a pen used at the signing by President George H. W. Bush and given to Chairman Evan Kemp Jr.; and hand-written notes to be spoken that day by former EEOC Chairman, Evan J. Kemp Jr. This was all graciously donated to the Disability Rights Education Defense Fund, by Evan's wife. I purchased this at a DREDF Gala. I cherish this shadow box. Every day when I look at it, I remember that great day, July 26, 1990, the signing of the Americans with Disabilities Act and the purpose of that great piece of civil rights legislation – freedom for all Americans, including Americans with disabilities.

We all remember those powerful and often quoted words that day from a great man, President George H. W. Bush, when he said, "Let the shameful walls of exclusion, finally come tumbling down." In the area of competitive employment for Americans with significant disabilities, we have not and are not keeping the promise of freedom, as we should. Those walls are still up, even in our own Federal Agencies. Those walls of ignorance and fear are still solid; today I hope you realize we need to work together to see them come down now – as the President said – finally.

As we all know, the group with the most employment problems in this country is Americans with significant disabilities. Based on my experience employing Americans with significant disabilities over the past decade, they face enormous barriers to competitive employment opportunities. The most significant barrier is not accommodations or access – it is an attitudinal barrier. Hiring managers today are seeing Americans with disabilities through glasses tainted with misconceptions. We cannot change this problem in America, in the private sector, if the Federal government does not first become the example.

I would like to tell you personally about my experiences trying to find competitive employment for Americans with significant disabilities and the obstacles I faced even in the Federal Agencies; then I will provide an example of a Federal Agency that removed all barriers to find competitive employment for Americans with significant disabilities.

In 1995, I founded Bender Consulting Services, Inc, a for-profit company that focuses on providing competitive employment for Americans with significant disabilities, based on my personal experience with disability. I had a seizure one evening at a movie theater in Pittsburgh, Pennsylvania and hit the floor so hard that I had an intracranial brain hemorrhage and broke the bones in my right ear. That evening, I had brain surgery and had a miraculous recovery. I was told for the first time that I, like 3 million other Americans, was a person with epilepsy and also a 60 % hearing-loss in my right ear as a result of the accident. Today, I take 450 milligrams of Dilantin daily and wear a hearing-aid. This accident changed my life forever, as I joined the ranks of Americans with disabilities. My prior employment background was in executive search; this provided me with a solid business network and an understanding of employment. I decided in 1995 to try to do something to change the plight of Americans with disabilities facing unemployment and I founded Bender Consulting Services, Inc.

I began by working in my hometown of Pittsburgh, Pennsylvania with the private sector – thanks to one company in Pittsburgh that believed in me, Highmark, I was able to build a successful company and at the same time provide competitive employment for Americans with significant disabilities. Today, Bender Consulting Services, Inc. has employees in fourteen states and two provinces of Canada. We have great partners in the private sector like WellPoint, Bayer Corporation, Computer Sciences Corporation and many others. We have provided competitive employment to over 270 people with significant disabilities.

The areas Bender Consulting Services, Inc. specializes in are; Information Technology, Finance, Accounting, Engineering, and Human Resources. We partner with companies and place our employees from Bender Consulting Services, Inc. on a contract, with the intention of the employee being hired by our partner company; over 90 percent of my employees are people with significant disabilities.

It took Bender years of hard work, dedication, and support from many great business leaders to finally see real success – on-going competitive employment. Over the years, I would often think of how exciting it would be to work with the Federal Agencies and how much easier it would be. Easier, of course, because I assumed that the Federal Agencies would be more welcoming and inviting, after all, you, the government, are the role model we look at to see, not the workforce of America as it is, but as how it should be. I assumed that working with the Federal Agencies would be so welcoming. Unfortunately, those doors of opportunity were not easily opened when working to target positions for people with significant disabilities.

As I started visiting Federal Agencies in the year 1999 and making presentations to various Agencies about how I could work as a partner to provide economic freedom for

Americans with disabilities, I heard the same thing over and over again about how they wanted so much to work with me, but just could not figure out how to gain a contract to do so. It would begin with such enthusiasm, but end with no employment opportunities. I had so many meetings with so little success and it seemed to always be the same thing – we cannot determine how to work with you at Bender Consulting Services, Inc. I would often be told that now that they knew Bender, they would be able to hire hundreds of Americans with significant disabilities; that is not what happened. I did gain in the end, employment for only three people, not for thousands; after that – no other opportunities.

After years of visits, I realized, it was not going to be easy and I almost gave up – I was then contacted by the National Security Agency. The NSA came to visit me on their own at my corporate offices in Pittsburgh, Pennsylvania. The NSA initiated a contract to partner with Bender and work on one thing only – hiring Americans with significant disabilities on an on-going basis. This was not to hire one or two, but as many as possible. These people with significant disabilities would be hired to work in competitive areas and help the NSA do one thing – protect our country. It doesn't get better than that. They made it happen. They somehow knew how to write and design this contract that no one else seemed to be able to figure out. They have one of the highest levels of security in our country. They wanted to hire people with significant disabilities. They wanted to make it happen. This is the key – if you want to hire Americans with significant disabilities – you can make it happen if you want to.

Richard Thornburgh, former Attorney General to President George H. W. Bush, and former Governor of Pennsylvania spoke on October 19, 2005 at the New York Law School, for the 3rd Annual Tony Coelho Lecture Series. He gave a riveting and powerful speech. He is so proud to be part of this great piece of civil rights legislation, but he knows there is one area where we are not keeping our promise. He stated, “Nevertheless, I am sobered by persistent evidence that the ADA is not delivering on one of our greatest expectations – dramatically improved employment among people with disabilities.” He went on later to state about Bender Consulting Services, Inc. and the National Security Agency partnership, “Here's the kicker. If the National Security Agency can commit to hiring people with disabilities, why can't every employer in the nation do the same.” Ladies and Gentleman, every employer includes the Federal Government.

One thing about me is that if I state a problem – I will offer solutions, which are based on my success at Bender Consulting Services, Inc. in the private sector.

I believe that the Federal Agencies should take the lead in America addressing this national tragedy of extremely high unemployment for Americans with significant disabilities. First, I believe to create change it must come from the top. Just as in the private sector, I need the commitment from the top – the CEO. You will need commitment from the top, the Cabinet head. If the leader of a Federal Agency embraces this initiative, it will happen.

Second, I believe each Agency should target positions for Americans with significant disabilities and maintain the promise of opportunity and freedom offered by the Americans with Disabilities Act. Don't talk about it – do something. We need specific targeted positions in every Federal Agency for Americans with disabilities and we need it today.

The change will not occur unless leaders in each Federal Agency take a stand and demand that competitive positions are targeted for Americans with significant disabilities. This means setting aside positions for Americans with significant disabilities.

Third, if only 35% of Americans with significant disabilities who want to work are actually working today, this group has an extremely high unemployment issue. Do not target senior positions. The majority of Americans with significant disabilities that Bender has employed are entry-level professional candidates. They have the academic background and often internship experience, but not hard work experience. If you understand this group of people has the highest unemployment, you must be willing to hire at a professional entry-level.

In addition, I believe each Federal Agency should make the competitive employment of Americans with significant disabilities part of their diversity initiative and educational programs year-round, not just within the month of October. Celebrating for only one month is not breaking down those attitudinal walls.

Finally, I believe each agency should put in place a Mentoring Program for people with significant disabilities employed in each Federal Agency, to insure success and promotability. People with significant disabilities do not need a job – they need a career. When we see Americans with significant disabilities as hiring managers, we will see true change.

This is not a partisan issue; it is not about Republicans or Democrats. It is an exclusion issue – it is a human issue of bias. We all need to work together to change this national tragedy. The fact that Americans with significant disabilities have the highest unemployment rate in this nation is not what President Bush intended, nor did any one in the disability community, when the ADA was signed.

Evan Kemp Jr. stated, “ On that sunny day, more than 3,000 people cheered, wept and hugged each other as they witnessed the signing of the act that guaranteed that they were, at last, citizens, with equal rights, in a country where their government wanted them to have the opportunity to participate in and contribute to all aspects of public life.”

To have that ability to participate in economic freedom you need competitive employment. If the government wants Americans with disabilities to have that opportunity, you must make a decision to stop hiding behind reasons not to hire and be the role model every hiring manager in America needs you to be.

Each Federal Agency must make a stand today to target positions and hire people with disabilities to truly fulfill the promise made on July 26, 1990.

Americans with disabilities have great ability and opportunity, if you will finally break down those attitudinal walls.