



Ms. Monica Erickson  
Chief Deputy Director  
California Department of Human Resources  
1515 S Street, North Building, Suite 500  
Sacramento, CA 95811-7258

March 6, 2025

*Via Email*

**Re: Statewide Guidance for Implementing Executive Order N-22-25**

**Dear Ms. Erickson,**

As CalHR prepares statewide guidance on implementing the Governor's Executive Order N-22-25, the Association of California State Employees with Disabilities (ACSED) strongly urges maintaining flexibility by allowing departments and agencies to make exceptions to the order for employees and job applicants with disabilities.

**Flexibility for Disabilities:** ACSED recommends that CalHR communicate and encourage all managers and appointing authorities to grant reasonable accommodations of telework to employees and job applicants with disabilities. ACSED urges CalHR to state in its statewide guidance required by the order; to honor existing telework agreements that authorized telework as a reasonable accommodation (RA) prior to March 3, 2025. Requiring employees with disabilities who previously justified their medical or disability need to telework to re-justify telework as a reasonable accommodation would cause unnecessary administrative burden. Many persons with disabilities can, and have proven their ability to, effectively perform essential job duties from their home office. Providing and maintaining such reasonable accommodations will substantially aid in

eliminating employment barriers, particularly for individuals with mobility restrictions and other visible and invisible (e.g. physical and mental) disabilities. Additionally, many state agencies have very low disability parity rates. Such parity rates are impacted by policies related to disabilities that can be inconsistently or improperly implemented, leading to inflexible and overly rigid processes that often cause disability related retention issues. Providing fair and flexible reasonable accommodations of telework can help the state attract, employ, and retain persons with disabilities consistent with state policy provided by California Government Code 19230.

**Individual Assessments:** It is crucial for CalHR to ensure that all departments and agencies carefully evaluate the needs of employees with disabilities, fairly, on an individual, case-by-case basis. Highly restrictive blanket policies and even policies that can be well-intentioned, are too often not clear in their applicability to persons with disabilities. Such policy implementations can and do lead to misinterpretation and create barriers to employment for employees and job applicants with disabilities and should be avoided. ACSSED urges CalHR to provide departments and agencies flexibility to provide temporary reasonable accommodations extending existing telework agreements for employees if a new or revised RA request has not been processed by the implementation date of July 1, 2025.

**Right to Reasonable Accommodation:** ACSSED strongly urges CalHR to highlight employees' right to request reasonable accommodations if a disability-related reason puts their health or job performance at risk due to the order. Engaging in a fair and effective interactive process, promptly, and addressing the accommodation request without delay is essential. Statewide guidance should avoid recommending employees use leave or unpaid leave as an alternative to working in-person; doing so should be a last resort. ACSSED recommends that CalHR monitor timeliness of processing reasonable accommodation requests by tracking and reporting the number of RA requests received, the percentage approved or denied, and the number of RA requests that have remained unprocessed for 60 days or more. ACSSED respectfully requests that CalHR periodically, for the next six months, communicate these metrics with ACSSED and with the State Disability Advisory Council.

**Remote Work Success:** During the pandemic, we learned that many positions do not require a physical presence as an essential job function. COVID-19 has caused everyone to rethink how essential duties are performed and broadened views on workplace accommodations. The pandemic normalized remote work, which, according to the American Community Survey, people with disabilities (PwD) are more likely to perform compared to people without disabilities.

**Effective Communication:** ACSSED acknowledges that some positions require contact and coordination with other employees, clients, or the public. However, EEOC guidance stipulates that an employer should not deny a request to work from a home office as a reasonable accommodation solely because a job involves some contact and coordination with other employees. Meetings can often be conducted effectively by telephone or over the internet, and information can be exchanged quickly through email.<sup>1</sup>

**Equitable definition of "near":** When issuing guidance for EO N-22-25, CalHR "shall address . . . employees who do not live near their duty stations and were hired with a mutually agreed-upon telework arrangement." ACSSED urges CalHR to consider equitable factors for staff with travel-limiting disabilities when addressing this. More than half of working-age PwD have a travel related disability.

(<https://www.bts.gov/travel-patterns-with-disabilities>) Persons with travel-limiting disabilities are "less likely to own or have access to vehicles than people without disabilities." (Id.) As such, ACSSED encourages CalHR to use metrics that incorporate mode of travel and travel time when defining the word "near" in its guidance.

**Historical Precedent:** Historically, the State of California has recognized for over a decade that 100% teleworking is permissible when necessary to accommodate medical restrictions or physical disabilities. Telework provides an enhanced working experience and opportunities for those with mobility restrictions.<sup>2</sup> Extending telework will enable employees with

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<sup>1</sup> [Work at Home/Telework as a Reasonable Accommodation | U.S. Equal Employment Opportunity Commission](#) downloaded on March 5, 2025.

<sup>2</sup> Telework Program, A policy and procedural guide to telework for supervisors and employees in the State of California, January 2010.

various types of disabilities to retain employment, whether recovering from an injury or illness, pregnancy, having a mobility restriction, managing a mental or physical disability, or needing to care for personal or medical needs from home.

**Managerial Discretion:** ACSED urges CalHR to empower managers and supervisors by providing flexibility to make exceptions to the order where working conditions permit and where an exception would not cause undue hardship. The Executive Order's directive requiring a default hybrid policy of four in-person workdays per week should not override a justifiable request for accommodation based on physical or mental disability.

ACSED is available for consultation regarding the statewide guidance for implementing Executive Order N-22-25. To discuss this further, please contact me by phone on (925) 639-1896.

Sincerely,

**/S/ Joyce Steingass**

President, Association of California State Employees with Disabilities

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Cc: Pam Chueh, State Chief Equity Officer