Governing Disability:

How County Human Resource Policies Address Disability as Diversity

Dana Lee Baker, Eloise Cervon, Shayonna Huley, and Noel Hubbard

Programs of Political Science and Global Studies

California State University Channel Islands

Abstract

Ableism exists and persists. Public sector workplaces serve as model employers, at least in theory. Creating workplaces more inclusive of capacity differences has long been an element of this aspiration. Of course, strategies and expectations involved in anti-ableism evolve over time. This article explores the question: How is disability considered in public human resource policies and to what extent do considerations reflect an understanding of disability as a positive element of human diversity? To explore this question, a policy analysis of county human resource policies focused on articulation of disability as diversity in their workforces. Especially as public sector workplaces adapt to changing workplace conditions and expectations in the twenty first century, how public sector workplaces practice disability as diversity demonstrates not only the quality of the workplaces created but the potential for these workplaces to effectively serve as representative governments.

Acknowledgements

Alaina Hooks, Nathan Ramos Rodriguez

Disability exists as a private difference made public as a result of inflexible public infrastructures. All human beings differ from each other in a myriad of ways. Which differences matter varies dramatically across time and context (McKearney and Zoanni 2018; Andrews 2019; Baker and Baker 2022). Once considered the purview of medicine, personal tragedy, charity, and captivating metaphor, decades of sustained activism, advocacy, policy development, and scholarly work have now established disability as an essential category of diversity. Furthermore, conditions and ways of being named disability are increasingly claimed as positive elements of identity. Contemporary disability policy design typically involves, at least, stakeholder aspirations to center questions of civil and human rights and focus the lenses of diversity, equity, inclusion, and belonging to be better incorporate disability as diversity.

In the United States, the hallmark federal law in the disability policy subsystem is the *Americans with Disabilities Act of 1990*, or ADA (42 U. S. C. Code § 12101). While by no means the first law to address disability nor even the first to work with disability as a rights based issue, the ADA articulated an intention to comprehensively reshape infrastructures responsible for exclusion on the basis of disability. Discourse about the ADA and its reauthorizations sought to address systemic ableist exclusion from the workforce (Kruse and Schur 2003; Blanck 2021). Labour force participation outcomes associated with the policy have been mixed. Despite the ADA and decades of sustained and substantial anti-ableist work, identified disability is consistently associated with less likelihood of employment and increased likelihood of underemployment. These experiences are exacerbated by layered oppressions and the Covid-19 pandemic (Blanck 2021). Threats to inclusion persist professional and academic qualifications in contexts in which no discernable logic for a particular capacity as necessary for a position exists. Ongoing ableism constrains labour force participation and robs society of productive diversity.

Governments in the United States understand themselves as model employers (Løkke, 2021). This ideal includes upending systems of oppression such as racial caste and other discriminations built into social, economic, and political infrastructures in the United States. For example, President Biden asserted by Executive Order that, “As the Nation’s largest employer, the Federal Government must be a model for diversity, equity, inclusion, and accessibility, where all employees are treated with dignity and respect” (June 25, 2021). Manifesting this reality involves ongoing policy development in response to changing expectations, hopes, and ideals surrounding work and governance (Yelin 2016; Moon and Christensen 2021). This work has not been linear. Practicing inclusion has also meant grappling with aspects of the Oppression Olympics, such as movement backlash and willful blindness (Hancock 2011). Public policy articulates these contested conversations, thereby providing potential for unique insight into how rights, power, and responsibility were balanced around a given issue at a given place and time.

In federalist systems, goals articulated through public policy can be variously understood and expressed by sub-national governments. Described as laboratories of democracy (Bolick 2022) local governments’ policy distinctions reflect and refract intentions underlying public policy, especially in instances in which policy subsystems have undergone periods of reframing and testing of novel approaches (Garlick 2022). This paper explores the questions: How is disability considered in public human resource policies and to what extent do considerations reflect an understanding of disability as a positive element of human diversity? To consider these question, a policy analysis of county human resource policies focused on how public employers address disability as diversity in their workforces. Especially as public sector workplaces adapt to changing workplace conditions and expectations in the twenty first century, how public sector workplaces practice disability as diversity demonstrates not only the quality of the workplaces created but the potential for these workplaces to effectively serve as representative governments.

**A Note on Language**

 As with language associated with other social movements, language surrounding disability remains contested. Specificity of language is a living component of the work around the issue. Both person first language (individual or person with a disability) and disability first language (disabled individual person) are celebrated as liberatory, condemned as oppressive and everything in between (Baker, Drapela, and Littlefield 2021; Pitney 2015). Furthermore, use of the word disability in connection to particulars of the human experience remains fraught, especially when given medical diagnoses provide access to services, programs, and resources or, alternatively, exclude those carrying them from specific opportunities. Claiming disability (or divergent abilities) as an element of one’s identity (positive or negative) remains a personal choice for some while others can rarely avoid public notice of a difference considered disabling. Finally, intersectionality shapes identification choices, especially for those individuals embodying multiple characteristics associated with history and systemic oppression (Walker 2021; Hancock 2011). While language such as “divability” more accurately describes prevailing contemporary attitudes toward human and civil rights and public policy relating to human difference, use of such language is also contested and rare.

In interpersonal interactions, preferred languages of individuals can be honored. At the level of public policy, honoring choice becomes entangled with the fact that one sided liberation does not exist outside of individual minds. Furthermore, direct experience of disability occurs always in relation to inflexibility of infrastructures, be they physical, economic, political, cultural, or other in nature. In the context of public discourse and public policy, multiple, divergent preferences exist, even for the same individual across differences in time, space, and circumstance (Baker and Baker 2022). In this paper, individualization of disability is often not appropriate since the analysis considers policies for workforces as a whole or society at large. When individualization is necessary, disability (identity) first language is employed as the default unless a preference for person first language is found in a quote or a preference for person first language is publicly articulated. This selection reflects contemporary (at least emerging) consensus of disability scholars, advocates, and activists, especially outside the United States (Walker 2021; Best et al 2022). Language preferences will likely continue to evolve as the dismantling of ableism progresses.

**County Human Resource Statements**

Ableism exists and persists. Even those otherwise committed to diversity, equity, inclusion, and belonging practice disability based discrimination. Acceptance of ableism often turns on a sense of powerlessness to manifest inclusion, failure to distinguish between disability and disease, and on the misunderstanding of mental health and other lived experiences leading to unsupportable conclusions about human laziness (Andrews 2019; Sjunneson 2021). This challenge in particularly poignant for public sector entities identifying as model employers (Yelin 2016).

Furthermore, especially in the United States, public sector workplaces are habitually disparaged (Theodoulou and Roy 2016). Public employers face ongoing laziness stereotype threats, too often comingling with habits of discrimination and oppression. For example, assuming laziness and incompetence in public employees intertwines with White supremacist efforts in the United States (Yelin 2016). In brief, one way in which contributions of black government workers in the United States have been undermined and misrepresented is through use of the racial trope of laziness and unearned professional entitlement (Wilkerson 2020). Developing policies for model workplaces also aiming to dismantle knee-jerk accusations of public sector incompetence involves effort.

 Over three thousand counties (and similar public entities) exist in the United States. Unlike states, counties are created and authorized by states and owe their existence to state governments. States, on the other hand, have more independent locus of authority under federalist approaches to separation of powers. Even so, in the implementation of public policy and design of local level policy, county and other local governments exercise discernment (Pereira 2022; Godwin and Schroedel 2012). As disability policy aims for a rights basis and anti-ableism, articulation of disability as separate from disease in human resource protocols can be expected to increase. Furthermore, the past several years became a period transition in these areas of public policy as a result of changes to work and workplaces experienced and inspired by the global pandemic. Many of the artifacts in this study were created in the period surrounding the Covid-19 pandemic, making them a potentially rich source of information about how thinking around disease, disability, divergence, and diversity was occurring in tandem with both the pandemic and ongoing disability social movements.

 Human resource statements are a generic descriptor used in this article to refer to local government policies addressing workforce rights, expectations, standards, and protocols. In general these management oriented documents serve to both interpret federal and state labor laws as well as create starting (and ending) point for common, general job expectations for public sector employees. The purpose of these documents is to serve as references for evaluation of, primarily, the work of street-level bureaucrats. In other words, these documents focus on public servants who work directly with the public to implement programs and services designed by elected officials. In part because of the litigious and civil rights oriented world view present in the twentieth and twenty-first century United States of America (USA), these documents can be expected to tilt toward articulation of protocols in the event of lack of success, of crisis, or other (generally individually) problematic circumstances involving a specific employee (Baker et al. 2017).

 Human Resources as a conceptual ideal in western democracies was invented in tandem with the Progressive Era, towards the end of the Industrial Revolution and in coordination with advancements in modern organized labor (Theodoulou and Roy 2016). Whereas interest in work and, to some extent, workers, presumably existed across eras and socio-political cultural contexts, human resources represented a divergence from historical practices in that it sought to emphasize both the rights and expectations of workers while formalizing and specifying the roles performed by particular people in a given organization. Early human resource management efforts focused transactional issues and then turned to hiring, training, evaluation, and disciplinary actions including termination (Obedgiu 2017; Rotlich 2015). Emphasis on these aspects of employment continue to this today despite ongoing efforts to enhance elements related to strategic planning and goals.

Contemporary human resource documents also reflect evolution of rights based politics and growing emphasis on diversity, equity, inclusion, and belonging. In particular, efforts to avoid discrimination on the basis of protected classes and other personal characteristics evolved over the course of the twentieth century and into the twenty-first. While certainly not without detractors, the trend during this time period was toward increased reconsideration of the necessity of exclusion unassociated with professional preparation and rejection of systemic oppression of groups. Recognizing both the diversity of talent individuals can bring to workplaces and the benefits inherent in diversity, equity, and inclusion became standard (at least aspirational) features of the majority of public sector workplaces. Human resource policies expanded alongside evolving general comprehensions of diversity, equity, inclusion, and belonging.

**Disability Labours**

Despite sustained dismantling of discrimination, work continues owing to both the large number of human characteristics selected by as targets and the complexity with which efforts to buttress constructed supremacy are woven into governance. Of course, individuals and groups committed to caste systems remain and were emboldened in the United States following the election of President Donald Trump in 2016 (Giroux 2017; Sanchez 2018; Wilkerson 2021). Tolerance of such opinions and efforts strains the margins of diversity, equity, inclusion, and belonging given the internal tension of holistic inclusion. Practicing democratic governance is messy. Inclusion and belonging efforts cannot incorporate their antitheses beyond allowances for expression. Tensions between conservation and liberation continue to motivate emphasis on fear and guilt in many political contexts and dampen the pace of diversification of governments (Marietta, 2011). For human resource professionals working these dynamics involves addressing concerns surrounding revers ls of historical discrimination patterns as a possible outcome of efforts to dismantle existing and historical oppressions. In the context of disability, concerns around the relationship between disability and capacity to perform a job well are both expression and, at times, weaponized.

Problematic assumptions about disability therefore continually affect workplaces. First, regardless of the policy or logistical challenge in play, leaping to the policy solution of paid (or unpaid!) leave is routine. This often misbegotten and shortsighted policy linkage also occurs with other aspects of labour and human resources policy. For example, this is a common design of policy aiming to address parenting and caregiving obligations of workers. Circumstances in which temporarily absenting the workplace is indeed the most appropriate policy solution exist (for example, while a person is actually giving birth or undergoing surgery). However, exclusively telling employees to go away in response to disability and other divergences from the eugenic “ideal” of a worker does not secure workplace diversity, equity, inclusion, and belonging.

A second common assumption involves perceiving disability as primarily divergences in physical capacity or to confound disability with bodily circumstances such as disease or pregnancy (Scotch 2001). This connects back to an ancient and inaccurate sense of separation of the human body, mind, and spirit often attributed to Descartes. Substantial progress has been made in the expansion of understanding of disability to include divergences attributed to the brain or mind but when disabling more often the result of unnecessarily rigid social, political, cultural, and economic infrastructures (Baker et al. 2017; Pitney 2015). Furthermore, comprehension of human psychology and neurology as not distinct from the body has expanded and become more complex, including for example enhanced scientific understanding of the role of the gut and the presence of neurons outside the brain (Mirioka 2022; Schellekens 2022). Even so, Descartes perceived separation continues to affect attitudes including tolerance of diversity, equity, inclusion, and belonging efforts tied to disability because of a residual sense of its fundamental Truth.

Despite this progress, policy and program distinctions between physical and mental/neurological disability persist alongside parallel distinctions between the so-called visible and invisible disabilities (this terminology remains in use despite the ableist language). Such misconceptions correlate with increased likelihood of focus on physical infrastructures. This focus also facilitates tolerance of discrimination on the basis of disabilities without an identified physical cause. Similarly, disability is too often assumed synonymous with distress (Sjunneson 2021). Confounding disability with conditions such as illness or pregnancy produces similar challenges and gaps in human resources policy. Disability coexists with other human experiences. Other conditions can also be correlated with likelihood of disability. As with other circumstances involving intersectionality, co-location does not imply either the capacity to effectively address both elements individually nor that, generally speaking, addressing one category of difference associated with oppression or exclusion addresses the other (Crenshaw 1989; Hancock, 2011; Horner-Johnson, Willi, 2021). It also typically suggests that creative efforts to address related issues will emerge outside and beyond the awareness of governments and dominant sociocultural settings (Schalk 2022). Because one-sided liberation is a fallacy, all are impoverished as a result.

 A third misconception comes with assuming divergence exists *exclusively* in the individual identified as disabled through applications of human resource or other policy. In particular, this assumption tends to manifest in assuming disability is located primarily in those served by public sector programs. For example, neurodiversity is expected to be present in classrooms in the student body more than in the teachers or professors, despite the fact that educators have rates of diagnosis of neurological differences and mental health challenges at least on par with the general population (Coghill 2020; Baker and Leonard 2016). Failure to imagine circumstances in which divergent needs or preferences of multiple people might collide complicates implementation of policies designed to promote diverse, equity, inclusion and belonging in public workplaces. This mistake can also exacerbate effects of intersectionality either because one form of disability co-located with a particular set of personal characteristics is more familiar or because associated differences in privilege permit one individual to exercise rights at the expense of another with a similar rights claim. All of this ties to the tendency to focus anti-ableism on identified individuals rather than biased limitations to institutional flexibility and unnecessary systemic rigidity.

Such challenges co-occur with reliance on individualized, civil rights based disability policy in the United States. Even keystone public policies such as the *Americans with Disabilities Act of 1990* (ADA) and *The ADA Amendments Act of 2008* depend on identified trespass on a particular individual’s rights motivated by disability. Real world circumstances tend to involve multiple people with a variety of disabilities and complex identities, especially workplaces involving dynamic delivery of programs intended to improve society. At the most basic level, conflicting needs for flexibility or change in public infrastructures burgeon in the absence of ever-elusive universal design and often mask the actual goal of universal belonging. For example, differences in sensory needs could involve both more and less complex sensory environments. Furthermore, disability policy implementation in the United States foster diagnosis based discrimination, timing privileges, and differential status rights not-coincidentally similar to how childhood has been constructed in modern public policy (Gash and Tichenor 2022). When, for example, disabilities are not obviously and constantly apparent to all, social costs associated disabilities vary even within a single sociocultural context. Similarly, owing to the procedures employed by many human resources entities, timing of when a disability appears on official records matters. When individual civil rights are the sole mechanism marshalled to force an offset for the tendency of human beings weaponize belonging and exclude on the basis of difference, temporal injustices abound.

**Transparency, Disability, and Human Resource Policies**

The rights basis of disability policy also intersects with public claims to ownership of government and right to rule over public sector governance. Public human resources management is encumbered by a generalize sense of authority over the work conducted by public sector employees in democratic contexts. In part, this authority manifests the dreams of early scholars of modern Public Administration, including Woodrow Wilson (1886). Early scholars of modern public administration searched for public focus on running constitutions once created as one of the key challenges of operations of democratic government. Wilson described a sense of entitlement to an opinion on the operations of government as one of the fundamentals of constitutional governance. In the contemporary era, the perception of entitlement differs somewhat. Though unevenly distributed and still including many generally made to feel as though they have less of a say than others, contemporary public administration involves working with those who feel entitled to an opinion and to service at their own convenience regardless of the level of investment or interest they demonstrate in governance on a day to day basis.

Ownership has long been a much more complex concept and practice than commonly assumed (Maurer 2012). In the context of contemporary democracies, vague senses of public ownership of the governments pervades. When personalized this sense of ownership can be articulated through the statement that having paid taxes creates ownership. Of course, to the extent that possession of the public sector makes sense, taxes buy civilization and that civilization is owned by the people. This civilization is collectively built, however, not personally owned. Ownership in the capitalist sense is often the antithesis of how public stewardship of collective resources exists in functioning democracies. When mistaken for incidental convenience or even feelings about a disastrous error in response to a negative experience with the public sector, articulation of ownership of the public sector as a private concern confuses and confounds. It also contributes to misidentification of events as patterns.

Mistakes and failures in public administration exist. Given that a healthy democracy is in part fueled by discontent, public articulation of displeasure with mistakes and failures functions to advance democracy (Baker and Stokes 2007). Over time, government entities hopefully fail better. However, negativity bias also means that human beings are generally sooner captivated by negative stories than positive ones. Stories of government and governance failures are more enthusiastically reported in democratic contexts than are successes or stability. As a result of this tendency and the centrality on public administration on the avoidance of waste rather than customer service, specific interactions with public agencies tend to be shrouded in low expectations from the outset (Macdonald, 2018). Given this environment and other vulnerabilities that people carry into interactions with public sector agencies, individuals come into interactions with the public sector with low expectations with little protection against confirmation bias. Public human resource practices negotiate particular challenges of discerning between standard negative and complaints about public service from more concerning employee behavior. The dynamic can produce a habit of defensiveness of colleagues. In addition, it can also exacerbate existing biases, especially those that are more unconscious or implicit. Human resource policies may be, therefore, at risk of being set up to better protect those without identified disabilities than other employees owing to long, well entrenched ableism.

Finally, public sector boundaries exist. The people of contemporary democracies long ago satisfied modern Public Administration’s inaugural wish articulated by Woodrow Wilson as a sense of entitlement to having an opinion on public matters (Wilson, 1886). This sense of entitlement to opinion cannot possibly be accompanied with full knowledge of all operational details of all governments and their agencies. Furthermore, not all with opinions take responsibility for knowing any specifics aspects of governance. This limitation is compounded by entrenched and expanding distrust in governments (Theodoulou and Roy 2016). Both the expectations for and impressions of public sector work tend to include unfair, and unrealistic elements well beyond those routinely held for the private sector or personal affairs. As Stella Theodoulou and Ravi K. Roy described “forced to work in increasingly fierce political climates where government is seen as ‘the problem and not the solution,’ public administrators have been compelled to radically re-think how they govern in the modern age” (2016, xiv). A goal of this article is to contemplate signals of such re-thinking in the consideration of job-irrelevant capacity differences in public sector workplaces.

**Method**

Workplaces are shaped by a multitude of policies, regulations, and conventions. Experiences of disability in public sector workplaces will be impacted by numerous formalities. Since the invention of human resources, however, human resource policies have provided key infrastructures including backstops for workplace practices. Importantly, these policies become determining factors in circumstances that test conventions in pursuit of progress. They have also become ways in which the rights of individual employees are balanced explicitly with the needs and demands of organizations.

 The county human resource documents examined in this study constitute a starting space rather than a starting point. Whereas human resources units are commonplace across the public sector, as with other elements of local governments within a federalist system the details of the public structures vary. This is an intentional component of laboratories of democracy. Furthermore, while local governments must be responsive to relevant federal and state laws in the details of their administration, the timing of policy developments vary. Public sector human resource policies do not tend to be released on an annual or, in many locations, even regular basis. As a result, the common feature of the sample starting space is that these are the policies in force at the time at which the sample was collected. Since the goal of the study is to gain a sense of the policy space in which disability as diversity exists toward the end of the Covid-19 global pandemic, this set of documents serves the intention of the study.

Sample

 As mentioned above, over 3000 counties or similar entities exist in the United States. This study focuses on counties in California. The study aimed to include policy statements from each of the counties and similar entities. To locate policies, government websites were searched for the relevant policies. Since the interest in the study includes a focus on the public-facing policy infrastructure, these policies were employed even in this study despite recognizing the fact that some organizations’ websites are less frequently updated than others. Given the nature of human resource policies, however, it is assumed likely that these policies will be among the more likely to be kept up to date on websites. Furthermore, even if out of date, the available policies are the public facing elements of this discourse.

Context Variables

 Public administration occurs in complex societies. Each of the governments included in this study exists in a mature democracy with a late-capitalist economy. Each government is also unique in a myriad of ways, which, like human capacities, have dynamic relevance. A set of variables anticipated to influence the articulation of human resource policies in ways relevant to this study. Context variables are shown in Table 1 below:

**Table 1: Context Variables**

|  |  |
| --- | --- |
| **Variable** | **Rationales** |
| State | State social, cultural, economic, and political histories shaped state entities.Contemporary state culture, environment, and economies affects public workplaces |
| Population | The size of the county or similar entity affects scope and nature of workplaces |
| FoundingDate | The timing of creation of an entity leaves on imprint on the human resource culture, philosophers, and policy makers. |
| Governor’s Party | State political culture is reflected by the party membership of the governor which, in turn, public sector workplaces conditions. This is the party of the governor at the time at which the sampled policy was created or modified. |
| Unionization | The degree to which public sector unionization is permitted in a given state affects public sector working conditions. |

 Descriptive statistics and correlations were calculated for these variables. The variables were also used to disaggregate findings for other study variables.

Document Variables

A set of variables regarding the documents specifically was employed to serve as control variables. These allowed for a more diverse sample that did not force uniformity of document types. While certain documents may be required by law or anticipated by regulations or public policies, these documents are not necessarily to most public facing when a government entity describes itself publicly. Furthermore, even rigid requirements permit some variation in expression in contexts of sub-national governance. Variables reflecting differences in sample documents are shown in Table 2 below.

**Table 2: Document Variables**

|  |  |
| --- | --- |
| **Variable** | **Rationales**  |
| Publication Date | Fashions in governance change. Documents reflect moments of creation and revision. In the context of disability, for example, use of person first or identity first language holds difference meaning in different eras. |
| Publication Type | Modes of written communication differ. While sampled documents will primarily be prose presented in a Word (or similar) document, options such as PowerPoint exist. |
| Length | The length of the document affects the content of the document. Included in part because of the inclusive sampling. Length in and of itself does not necessary communicate attention or priority. Frequencies of word use are also examined alongside the qualitative content analysis.  |

 Descriptive statistics were calculated as appropriate for the coding scheme employed for each variable. Cross-tabulations were examined to further explore patterns across the sample.

Content Analysis

 In order to gain a better sense of the capacity related discourse in county human resource policies, qualitative variables were coded as well. Variables including in the quantitative component of the content analysis appear in Table 3 below.

**Table 3: Quantitative Content Analysis Variables**

|  |  |
| --- | --- |
| **Variable** | **Rationales** |
| Disability | A count of the number of appearances of the words “disability” and “disabilities” in the text used for frequency measures and analysis. This is included to help measure density of disability related discourse.  |
| Disease | A count of the number of appearances of the words “disease,” “diseases,” “illness,” or “illnesses” in the text used for frequency measures and analysis. This is included to help measure to help measure density of disease related discourse. |
| Injury | A count of the number of appearances of the words “injury” and “injuries” in the text use for frequency measures and analysis. This is included to help measure density of injury related discourse. |
| Element of diversity | Inclusion of disability as a listed element of diversity anywhere in the sampled document. This is included as a signal of disability policy framing and contemporary consideration of disability politics.  |
| Definition of disability | Document provides a specific definition of disability. Included because it speaks to the framing of disability as a public issue and the degree of awareness of recent disability policy development.  |
| Definition of disease | Document provides a specific definition of disease. Included because it speaks to the connection between disability and disease in human resource policies and well as the history of confounding disease, disability, and distress.  |
| Definition of injury | Document provides a specific definition of injury. Included because it reflects the historical focus on acquired (particularly combat-acquired) differences in capacity in human resources policies.  |

A content analysis was also conducted. For each of this analysis, each paragraph or similar text component containing selected terms in each of the sample documents were catalogued. Once the catalog was complete, it was examined for emerging themes. Finally this data was combined with coded variables for analysis. Representative and compelling quotes were also incorporated into the discussion of findings.

 Given the study’s focus on questions of capacity and the ongoing tendency to describe differences in capacity perceived as interfering in so-called major life functions as disability, instances of use of “disability” and “disabilities” were collected. In the initial collection of data all appearances of the word were collected, including those in which these words are used metaphorically. In some disability related policies, specific capacity differences such as “blind,” “deaf,” or “physical impairment” are mentioned. The focus of this study is on disability policy as such and so for this content analysis the variable focuses on the general category.

 Disability is distinct from disease in that disease implies a hurtful change in capacity or other distress. This change may be temporary or permanent. Change may also be understood as relatively minor or catastrophic, at times resulting in loss of life. Disease can produce disability and some diseases are statistically significantly more likely to be experienced or experienced severely given identification of a disability. Public policy development around disease has also been distinct from that of disability, particularly in the United States. At the individual level the degree of connection between these experiences varies. This study focuses on examination of disability policy first with some secondary consideration of intersections with disease.

 Injury is similarly distinct from disability. Certain injuries result in acquired, long term differences in capacity which can interact with social and political infrastructures to produce disability. In addition, historical disability policy development has been tied to rehabilitation into the workforce (or potential workforce) following combat related injuries. Intersectionality with veteran status continue to affect disability policy development and design, especially in the areas of labor and human resource policy. Injuries can also produce the complex category of temporary disability creating at times tense dynamics between disability as a permanent element of identity and disability as a temporary role in society from which a person hopes to recover.

 Paragraphs served as both the unit of observation and the unit of analysis with the qualitative variables. Once the data was collected and catalogued, the data was coded for emergent themes. After that the data was organized by emergent themes for exploration and analysis in tandem with the other study variables.

**Findings**

A total of 28 documents were included in the sample thus far. Ultimately, documents from all counties in California will be included. The results presented in this paper are preliminary and exploratory. All documents included in the sample are word documents (or similar texts) published between 2010 and 2021. The documents ranged from 4,157 to 50,033 words with a mean length of the 21,273 words (SD=11652). The length of the documents was highly variable and not strongly correlated with the date of founding of the county, county population size, or the publication date of the document itself. This variation in documents suggests considerable local democratic engagement of these artifacts in keeping with the laboratory of democracies anticipated in local governance.

Documents were collected between December 2021 and March 2023. Given that it is possible that some of the counties in this study updated their documents during the period of collection. Since the goal of the study is to examine discourse during a period of time rather than track patterns in which such updating could make a material finding to the analysis, this is a minor limitation to the purposes of this study. However, interpretations about, for instance, regional patterns or policy diffusion based on these findings should be made with some caution. This paper focuses on discourse patterns present across policies during a particular era not on the diffusion of innovation.

Documents included discussion of disability, diversity, and injury. Fifteen of the documents (53%) mentioned disability as an element of diversity. Discussion was generally cursory. Only 6 (21%) provided a definition of disability, close to the numbers that provided definitions of disease (7) and injury (10). Disability was generally more intensively present in the text than injury and disease.

**Table 4: Density of Discussion (Appearance per 1,000 Words of Text)**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Range**  | **Mean** | **Standard Deviation** |
| **Disability** | 0 to 6.01 | 1.15 | 1.12 |
| **Disease** | 0 to 1.33 | 0.49 | 0.42 |
| **Injury** | 0 to 3.84 | 0.59 | 0.74 |

Emergent themes around the qualitative variables also suggested a rights but not necessarily diversity, inclusion, or belonging based focus. In essence, policy design tends to focus on solving the problem of the disability rights rather than on the presence and contributions across capacities not central to job performances. Essentially, current policy designs appear to suggest acceptance of disability rights as an unavoidable source of challenges which must be carefully conscribed to protect the workplace. A sense of the inconvenience of rights in the context of disability pervades. Finally policy designs echoed historical understandings of disability as divisible between worthy and unworthy disability, with the most worthy (yet still inconvenient) differences in abilities being those that are acquired and, ideally, temporary afflictions of an otherwise able worker.

Disability as Diversity

 Documents presented a loose, but extant connection between disability and diversity. Importantly, county governments tended to assert a centrality of diversity to their mission. For example, the policy from Kern County stated, “Kern County government is a diverse organization. Every team, division and department within our organization continues to find its own way to put this vision into practice, but our core values are universal. Through our continuous effort to serve these values with all of the talent, work ethic and leadership that we possess, we succeed” (2014, 10). Expressed values clearly support the vision of diversity as a positive value. In some cases, articulation of this value extended beyond the workforce in connection to the population at large. For example, the County of Modoc policy states, “The County of Modoc respects the diversity of its residents and its workforce. This policy provides guidelines on dress and appearance appropriate to the nature of the work environment, nature of work performed, involvement with the service provided to the public, and/or other circumstances or business needs as defined by the Department Head" (2021, 57). Emphasis on, particularly, intention to recruit for diversity was found. Many policies also included brief statements disallowing harassment on the basis of disability, referencing federal, state, and local laws protecting against such discrimination.

 About half of the documents included disability as an element of diversity. Often this was as part of a list of human characteristics traditionally associated with exclusion and oppression which remain underrepresented in many public settings. For example, in the document from the county of San Benito states, “applicants may be recruited internally or externally as determined by the Personnel Officer…however, recruitment(s) may be limited to employees within the County service if the Personnel Officer determines that the applicant pool within the County service or a specific department provides sufficient qualified and diverse applicants" (2020, 16). Unlike other elements of diversity, however, qualifications relating to inclusion can be found. For example, the County of Contra Costa’s policy reads:

There shall be no discrimination because of race, creed, color, national origin, sex, sexual orientation or Union activities against any employee or applicant for employment by the County or by anyone employed by the County; and to the extent prohibited by applicable State and Federal law there shall be no discrimination because of age. There shall be no discrimination against any disabled person solely because of such disability unless that disability prevents the person from meeting the minimum standards established for the position, or from carrying out the duties of the position safely (2016),

It necessarily true that a successful candidate for a position would be expected to be able to carry out the minimum standards for a position (and this stipulation is not mentioned for other elements of diversity. Furthermore, the policy fails to consider the fact that the minimum standards might themselves be rooted in ableism and not necessarily fundamental to the performance of the job itself.

Capacities and Life Experiences: Disability, Pregnancy, and Injury

 One way in which worthiness of disability crept into contemporary public human resources policy design was in the overwhelming presence of pregnancy and injury as conflating factors. Of course, both pregnancy and injury are human life experiences which should be respected and not seen as disqualifying for employment. Furthermore, both of these experiences are correlated with increased risk of acquired disability.

Even so, disability, pregnancy, and injury are not synonymous. Efforts to clarify this distinction where found in the policies examined. For example, the policy from the county of Del Norte reads, ironically in a section entitled “Pregnancy Disaiblity Leave” that "normal pregnancy and/or complications arising from pregnancy shall be considered an illness” (Del Norte, 33). Importantly, the policy also clarifies that return to normalcy following a disabling condition during pregnancy involves time to bond with a newborn. As described in the policy,

"employees disabled by pregnancy may, if eligible under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA), be entitled to additional time off for parenting leave (aka baby bonding time) following the period of incapacity related to the pregnancy disability….medical certification from a qualified health care provider may be required under FMLA and/or CFRA" (Del Norte, 33). Kings county makes a similar distinction in that "A female employee may take leave (up to four months, depending on medical certification) when she is disabled by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth…this leave is separate and distinct from the provisions of Family and Medical Leave. Certification from the employee's medical provider is required." (23)

 The acquisition of disability during or following pregnancy may also include both unpaid leave and transfer to a different position. Qualification for these protocols is defined by a medical provider. As explained in text from Imperial county:

You may be eligible for an unpaid pregnancy disability leave if you are disabled because of pregnancy, childbirth, or any related medical conditions. A written statement from your physician or medical provider must be submitted for such leave to be authorized. Upon your request and as recommended by your physician, the County may consider a reasonable accommodation or transfer you to a less strenuous or hazardous position." (Imperial, 32)

The use of the second person and the statement of the counties and other professional authorities echo the presumed necessity of a high standard of proof present in disability policies centering worthiness in their policy design.

Pregnancy is discerned from disability with regard to accommodations which are, similarly, discerned by medical professionals. In San Benito, the role of the professional in discerning worthiness is stated in that “prior to being allowed to return to work from pregnancy disability leave, the employee may be required to submit a certification from the employee’s health care provider stating that the employee is able to perform the employee’s essential job functions with or without accommodation" (56). Contra Costa also articulates this in that:

If an employee does not apply for leave and the appointing authority believes that the employee is not able to properly perform her work or that her general health is impaired due to disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery therefrom the employee shall be required to undergo a physical examination by a physician selected by the County. Should the medical report so recommend, a mandatory leave shall be imposed upon the employee for the duration of the disability (40).

Selection of the physician by the county prioritizes worthiness of disability over inclusion and belonging. Reserving the right to select the physician creates not on a preference for the judgment of the medical professional but an additional prioritization of the judgement of the state. In general this also reflects overreliance on (permitted) leave as the solution to challenges related to inclusion and belong across differences in abilities and lived experience, however temporal or permanent.

**Conclusion**

Ableism has a long history in the United States, and in other nations around the world. In practicing anti-ableism local governments directly affect the daily lives of individuals and the social and political infrastructures of communities. As with all policies considering working conditions and employee expectations, shifts in the social and cultural contexts lead to policy development. When these shifts take place in a governance context involving evolution rather than revolution, as will all evolutionary processes imprints of previous incarnations remain in contemporary public policy. The degree to which this is consequential depends similarly on the degree of adaptation to the current environment and whether contemporary circumstances render a specific detail consequential or even relevant. Discourse on capacities in public human resource polices reflected the history of disability and labor policy development in the United States. However, discourse on diversity as such was more limited than anticipated.

As a group, the policies testify to contested conversation around the complexity of the issues in play as well as the focus on the individual, civil or status rights centered in disability policy in the United States during most of the twentieth century. Premises feeding into public policy design involve baseline assumptions in addition to articulations of what should be protected or changed. In the case of country human resource policies, the baseline assumption appears to be relatively homogenous capacity with the structured possibility for exceptions rather than a baseline assumption of inclusion and flexibility.

 Even so, at the time of this writing, a reckoning with workforces appears underway. As has been historically common in democratic settings, public sector workplaces find themselves on the forefront of this moment in history. One facet of this reckoning has been underway for some time—workforce stability and burnout. Whereas once public service involved the understanding of lowered lifetime compensation and stable support in retirement, reduced retirement protections and failure of salaries to keep up with inflation have made long term commitment to organizations less tenable in both the public and private sectors. As Moon and Christensen describe, “Continuance commitment is defined as commitment based on an employee’s awareness of the social and economic costs of leaving the organization” (2022, 382). Workforce instability produces a continuum of disruption effects, some positive, some negative, and most incorporating a combination of both and appearing differently from different perspectives. It is time for both good trouble and chaotic good. The degree to which presumption of inclusion and flexibility will emerge from the workplace reckoning may well depend on this effort, especially in order to develop practice and facility of policy solutions beyond leave.

As with many aspects of public administration, with regard to diversity, equity, inclusion and belonging “today’s public administrator is compelled to adopt flexible strategies and practices to cope with ever-changing political and economic landscapes” (Theodoulou and Roy 2016, 16) In the context of disability as an element of diversity, it is possible to imagine that the third and fourth decades of the 21st century will become known as a period of transition in which new policies designs, less confusion between disability, pregnancy, and illness, and a more complete appreciation of the presence of divergent abilities in workplaces combined to improve diversity, equity, inclusion, and belonging in governance. Dedicated focus on universal inclusion strategies (such as improved practice of hybrid and hy flex work) alongside ever more flexible or universal design will be key to this multisided liberation.

References

Andrews, Erin E. (2019). *Disability as Diversity: Developing Cultural Competence.* Oxford:

Oxford University Press.

Baker, Dana Lee, editor. (2017). *Disability and U.S. Politics: Participation, Policy, and*

*Controversy.* Praeger.

Baker, Dana Lee and Raquel Lisette Baker. (2022). *Neuroethical Policy Design: A Lifetime’s*

*Exploration of Public Policy and Human Brains.* Cham, Switzerland: Springer Nature.

Baker, Dana Lee and Brandon Leonard (2016). *Neuroethics in Higher Education Policy*. New

York: Palgrave MacMillan.

Baker, Dana Lee, Laurie Drapela, and Whitney Littlefield. (2021). *Law and Neurodiversity:*

*Youth with Autism and the Juvenile Justice Systems in Canada.* Vancouver: UBC Press.

Baker, Dana Lee and Shannon D Stokes (2007). Brain Politics: Aspects of Administration in

Comparative Issue Definition of Autism-Related Policy. *Public Administration Review 67*(4): 757-767.

Biden, Joseph R. (June 25, 2021). *Executive Order on Diversity, Equity, Inclusion, and*

*Accessibility in the Federal Workforce.* Washington, D.C.: The White House.

Best, K. L., Mortenson, W. B., Lauzière-Fitzgerald, Z., & Smith, E. M. (2022). Language

matters! The long-standing debate between identity-first language and person first language. *Assistive Technology, 34*(2): 127-128.

Blanck, P. (2021). On the importance of the Americans with Disabilities Act at 30. *Journal of*

*Disability Policy Studies*, 10442073211036900.

Boehm, Stephan et al. (2014). Expanding Insights into the Diversity Climate-Performance Link.:

The Role of Workgroup Discrimination and Group Size. *Human Resource Management 53*(3): 379-402.

Bolick, C. (2022). A Golden Age of Federalism: Amid turbulent times and partisan rancor, state

governments--our" laboratories of democracy"--are busier than ever. *Hoover Digest*, (1), 115-118.

Coghill, E. M. (2020). Chapter Thirteen. Supporting Neurodiverse College Student Success: A

Guide for Librarians, Student Support Services, and Academic Learning Environments*,*

*274.*

Crenshaw,  Kimberlé Demarginalizing the intersection of race and sex: A black feminist critique

of antidiscrimination doctrine, feminist theory and antiracist politics. u. Chi. Legal f..

1989:139.

Garlick, A. (2022). Laboratories of Politics: There is Bottom-up Diffusion of Policy Attention in

the American Federal System. *Political Research Quarterly*, 10659129211068059.

Gash, Alison L. and Daniel J. Tichenor (2022). *Democracy’s Child: Young People and the*

*Politics of Control, Leverage, and Agency.* Oxford: Oxford University Press.

Giroux, H. A. (2017). White nationalism, armed culture and state violence in the age of Donald

Trump. *Philosophy & Social Criticism, 43*(9): 887-910.

Godwin, M. L., & Schroedel, J. R. (2000). Policy diffusion and strategies for promoting policy

change: Evidence from California local gun control ordinances. *Policy Studies Journal*, *28*(4: 760-776.

Hancock, Ange-Marie (2011). *Solidarity Politics for Millennials: A Guide to Ending the*

*Oppression Olympics.* New York: Palgrave-Macmillan.

Horner-Johnson, Willi (2021). Disability, intersectionality, and inequity: Life at the margins.

*Public Health Perspectives on Disability*. Springer, New York, NY, 2021. 91-105.

Kruse, D., & Schur, L. (2003). Employment of people with disabilities following the

ADA. *Industrial Relations: A Journal of Economy and Society*, *42*(1), 31-66.

Løkke, A. K. (2021). Recruitment and selection: still a model employer?. In *Research Handbook*

*on HRM in the Public Sector* (pp. 77-90). Edward Elgar Publishing.

MacDonald, Colin (2018). “Are We There Yet? Government Online: Lessons from New

Zealand” in *Opening Government: Transparency and Engagement in the Information Age*, edited by John Wanna and Sam Vincent. Acton: Australian National University Press.

Marietta, Morgan (2011). *A Citizen’s Guide to American Ideology: Conservation and Liberalism*

*in Contemporary Politics.* New York: Routledge.

Marshall, Josheph M. III. (2002). *The Lakota Way: Stories and Lessons for Living.* New York:

Viking Press.

Maurer, Sara L. (2012). *The Dispossessed State: Narratives of Ownership in 19th Century Britain*

*and Ireland.* Baltimore: The Johns Hopkins University Press.

McKearney, Patrick and Tyler Zoanni. (2018). “Introduction: For an Anthropology of Cognitive

Disability.” *The Cambridge Journal of Anthropology 36*(1): 1-22.

Morioka, M. (2022). Mind-body correlation and its logic: The experience of “invisible body”.

*Integrative Psychological and Behavioral Science 56* (3): 560-572.

Moon, Kuk-Kyoung and Robert K. Christensen (2021). Moderating Diversity, Collective

Commitment, and Discrimination: The Role of Ethical Leaders in the Public Sector. *Journal of Public Administration Research and Theory 32*(2): 380-397.

Obedgiu, Vincent. (2017). Human Resource Management, Historical Perspective, Evolution, and

Professional Deveopment. *Journal of Management Development 36*(8): 986-990.

Pereira, M. M. (2022). How do Public Officials Learn About Policy? A Field Experiment on

Policy Diffusion. *British Journal of Political Science, 52*(3): 1428-1435.

Pitney, John J. (2015). *The Politics of Autism: Navigating the Contested Spectrum*. New York:

Rowman & Littlefield.

Reich, David (2019). *Who We Are and How We Got Here: Ancient DNA and the New Science of*

*the Human Past.* New York: Vintage.

Reynolds, Joel Michael (2022). *The Life Worth Living: Disability, Pain, and Morality*.

Minneapolis: University of Minnesota Press.

Rotich, K. J. (2015). History, evolution and development of human resource management: a

contemporary perspective. *Global Journal of Human Resource Management, 3*(3): 58-73.

Sanchez, J. C. (2018). Trump, the KKK, and the Versatility of White Supremacy Rhetoric.

*Journal of Contemporary Rhetoric*, *8*.

Schalk, Sami. (2022). *Black Disability Politics.* Durham and London: Duke University Press.

Schellekens, Harriet, (2022). All Roads Lead to the Gut-Brain Microbiome Network. *The Lancet*

*Gastroenterology & Hepatology 7*(10): 912.

Scotch, Richard (2001). *From Good Will to Civil Rights: Transforming Federal Disability*

*Policy, Second Edition.* Philadelphia: Temple University Press.

Sjunneson, Elsa (2021). *Being Seen: One Deafblind Woman’s Fight to End Ableism.* New York:

Simon & Schuster.

Theodoulou, Stella and Ravi K. Roy (2016). *Public Administration: A Very Short Introduction.*

Oxford: Oxford University Press.

Walker, Nick. (2021). *Neuroqueer Heresies: Notes on the Neurodiversity Paradigm, Autistic*

*Empowerment, and Postnormal Possibilities.* Autonomous Press.

Wilkerson, Isabel. (2020). *Caste: The Origins of Our Discontents.* New York: Random House.

Wilson, Woodrow (1886). The Study of Public Administration.

Yelin, Eric S. (2016). *Racism in the Nation’s Service: Government Workers and the Color Line*

*in Woodrow Wilson’s America.* Chapel Hill: The University of North Carolina Press.