

Assisting Workers with Disabilities through the Rapid Response and Retraining Process

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Let's Look at the Numbers

- ▶ Between 2007 – 2009
 - # of people with disabilities in the workplace declined by 9%
- ▶ Between 2008 –2009
 - 1 / 3 of people with disabilities were unemployed for at least 6 months (Long-term unemployed) compared to 1 / 4 of people without disabilities
- ▶ July 2011 Bureau of Labor Statistics
 - 15.9% Unemployment rate for people with disabilities compared to 9.5% people without disabilities

Who is a person with a disability?

- ▶ Legal Definition – Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973
 - Individual with a physical or mental impairment that substantially limits them in one or more major life activities:
 - Physical Disability (paralysis, cerebral palsy, Stroke, etc.)
 - Cognitive Disability (Head Injury, Downs Syndrome, etc.)
 - Learning Disability (ADD/ADHD, Dyslexia,
 - Psychiatric Disability (Autism, Aspergers, Bi-Polar, Clinical Depression, Schizophrenia, etc.)
 - Major health condition (Diabetes, Heart Disease, Epilepsy, HIV/AIDS, etc.)
 - Sensory Impairment (Blind, Deaf, etc.)

Who is a person with a disability?

- ▶ Legal Definition – Wisconsin Fair Employment Act
 - An individual who has a physical or mental impairment that makes achievement unusually difficult or limits the capacity to work
 - Physical Disability (paralysis, cerebral palsy, Stroke, etc.)
 - Cognitive Disability (Head Injury, Downs Syndrome, etc.)
 - Learning Disability (ADD/ADHD, Dyslexia,
 - Psychiatric Disability (Autism, Aspergers, Bi-Polar, Clinical Depression, Schizophrenia, etc.)
 - Major health condition (Diabetes, Heart Disease, Epilepsy, HIV/AIDS, etc.)
 - Sensory Impairment (Blind, Deaf, etc.)

Prevalence of Disability

- ▶ 16% of people with disabilities use mobility devices (crutches, canes, wheelchairs, etc.)
 - Face greatest # of physical barriers in community
- ▶ 49% of people with disabilities have either vision or hearing impairment
- ▶ 33% of people with disabilities have major medical condition (diabetes, heart disease, HIV, etc.)
- ▶ Majority of disability is “invisible”

Disclosure of Disability

- ▶ When is an individual “legally” required to disclose a disability?
 - When requesting a reasonable accommodation to perform a job function
 - When subject to medical inquiry/questions as part of the conditional offer of employment phase
 - When requesting a modification of policy or procedure to enable participation in a program or service

Why would I not want to disclose a disability?

- ▶ Presence of a “hidden” disability that the individual feels does not require an accommodation
- ▶ Fear of rejection or denial of a service or program because of stereotypes associated with a disability/diagnosis
- ▶ Previous negative experience when disclosing a disability to an employer or service provider

Consequence of Non-Disclosure

- ▶ Individual fails in the program or job because they are unable to achieve optimum benefit due to the lack of needed accommodations
- ▶ Individual does not receive the benefits or services that they are eligible to receive

What questions can be asked?

- ▶ Cannot ask specific questions about the presence of a disability on applications for Employment or to gain access to programs and services
 - Voluntary disclosure permitted for affirmative action purposes
 - Information must be kept confidential and released on a “need to know” basis
- ▶ May ask questions regarding “how” someone would perform or complete a task
 - Focus is on the “doing”, not on the limitation/disability

Documentation Of A Disability

- ▶ Employer is entitled to sufficient documentation to determine if a disability is present and that the requested accommodation(s) are related to impairments associated with the disability.
- ▶ Qualified Medical Professional
 - Individual with sufficient knowledge of the individual and the condition of that individual
 - Doctor, Psychologist, Chiropractor, Treating medical professionals (Physical/Occupational Therapist, Speech Therapist/Audiologist, etc.)

- ▶ Employer drives what constitutes “sufficient” documentation
 - Set criteria for what is acceptable
 - Provide information to employees regarding what is required
- ▶ 2nd Opinions may be sought by the employer but at their expense (not the employees).

What are hidden disabilities?

- ▶ Conditions which are not readily visible.
 - Examples:
 - Major health conditions such as Diabetes, High Blood Pressure, seizure disorders, Cancer, asthma, HIV/AIDS, Traumatic Brain Injury, etc.
 - Psychiatric conditions such as Major Clinical Depression, Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder, Anxiety Disorder, Seasonal Effectiveness Disorder, Post Traumatic Stress Syndrome, Bi-Polar Disorder, etc.
 - Learning Disabilities such as Dyslexia, Dyspraxia, Auditory, Memory and Processing Disorder, etc.
 - Sensory conditions such as hearing loss/deafness, low vision, monocular vision, etc.
 - Physical conditions such as back impairment, amputation w/ prosthetic, Carpal Tunnel Syndrome, Fibromyalgia, etc.

Common Forms of Reasonable Accommodation – Hidden Disabilities

- ▶ **Make existing facilities accessible**
 - Accessible Parking
 - Lighting
 - More Direct Light or Natural Light
 - Incandescent versus Florescent
 - Address Air Quality Issues
 - Air Filters/Purifiers
 - Change type of chemicals used for cleaning
 - Policies banning certain products

▶ Relocate Work Area

- Establish Quiet Areas/Use of “white noise” machines
- Locate near restrooms, water fountain, Private Office
- Work from home or alternative location

▶ Job restructuring

- Reassignment of marginal functions that a worker with impairments may not be able to do safely and/or physically (heavy lifting, walking long distances, etc.)
- Adjust time of day when activities are performed
 - Morning versus afternoon to address fatigue issues

- ▶ **Part-time or modified work schedules**
 - Retain worker who is qualified but may not be able to retain full time workload due to disability issues
 - avoid loss of expertise/knowledge
 - Flexible scheduling
 - Reduce # of hours worked
 - Additional breaks or longer break periods

- ▶ **Acquiring or modifying equipment**
 - Ergonomic seating/positioning
 - Adjustable work surfaces (sit/stand)
 - Larger Monitors and/or magnification software
 - Word Recognition Software
 - Large Button phones/keyboards
 - Refrigerator for storing medications

- ▶ **Modified policies and procedures**
 - Altered dress code (comfortable shoes, etc.)
 - Use of sick/vacation time
 - Written instructions vs verbal
 - More frequent supervisor feedback

- ▶ **Providing communication assistance**
 - Large Print Materials
 - Tape Recorder
 - Assistive listening systems
 - Real-time captioning
 - Notetakers

▶ Reassignment to a vacant position

- If unable to do the job that they currently hold, examine availability of vacant positions for which they are qualified
 - Equivalent position in terms of pay/authority 1st priority
 - If not available, position with lower pay, rank
 - Employee not required to accept reassignment but may no longer be qualified and subject to discharge or other options (disability retirement, etc.)

Wisconsin Resources

- ▶ Disability Benefit Specialist Program
 - <http://www.dhs.wisconsin.gov/disabilities/benspecs/program.htm>
- ▶ Work Incentives Planning and Assistance (WIPA)
 - <http://www.eri-wi.org/wipa.htm>
- ▶ WI Aging and Disability Resource Centers
 - <http://www.dhs.wisconsin.gov/lcicare/adrc/>
- ▶ Centers for Independent Living
 - <http://www.dhs.wisconsin.gov/disabilities/physical/ilcs.htm>

Wisconsin Resources (con't)

- ▶ Vocational Rehabilitation Services
 - <http://dwd.wisconsin.gov/dvr/>
- ▶ Wisconsin Technical Colleges
 - Specialized Services for Students with Disabilities
 - http://www.witechcolleges.org/special_accommodations/index.php
 - Assistive Technology Services Available on several campuses
- ▶ Wisconsin Assistive Technology Program (WisTech)
 - <http://www.dhs.wisconsin.gov/disabilities/wistech/>
- ▶ WisLoan – low interest loans for assistive technology
 - <http://www.dhs.wisconsin.gov/disabilities/wistech/wisloan.htm>

National Resources

- ▶ US Equal Employment Opportunity Commission (EEOC)
 - www.eeoc.gov
- ▶ Job Accommodation Network (JAN)
 - www.jan.wvu.edu
- ▶ HR Tips
 - www.hrTips.org

National Resources (con't)

- ▶ RERC on Workplace Accommodations
 - www.workplacerc.org
- ▶ RRTC on Workplace Supports
 - www.worksupport.com
- ▶ National Business Group on Health
 - www.wbgh.org
- ▶ Bazelon Center for Mental Health Law
 - www.bazelon.org



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