



To Disclose or Not to Disclose: Preparing Youth to Talk About Disability

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TransCen/Mid-Atlantic ADA Center

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Overview

- ADA Basics – a brief review
- Simply the ADA Packet – focus on employment
 - ADA Overview
 - Requesting and Negotiating A Reasonable Accommodation
 - Disclosure Decision Worksheet
 - Making Choices, Getting Ready
- Different Ways to Use Your Tools
- Resources

Why Talk About the ADA?



Civil Rights
Self-Advocacy
Education
Employment

IDEA, 504, ADA

IDEA = Entitlement

504 and ADA = Civil Rights

“The ADA will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream.”

— GEORGE H.W. BUSH —

Disclosure- What is it?

- To intentionally release personal information about yourself for a specific purpose.
- One of the most personal decisions a youth with a disability makes is whether or not to tell someone about his or her disability.

THE ADA

Definition of Disability



ADA: Definition of Disability

Based on the 1973 Rehabilitation Act

1. An individual who has a **physical or mental impairment** that **substantially limits** one or more **major life activities**
2. An individual *who has a record of* such an impairment
3. An individual *who is regarded as* having such an impairment



Major Life Activities

- Activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working
- Operations of major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

Embedded Ableism

- A mindset and approach that assumes people with disabilities are abnormal or “less than” can be deeply rooted in *individuals* and *systems*



Qualified Individual with a Disability

A qualified individual with a disability “satisfies the requisite skill, experience, education and other job-related requirements of the employment position...and, with or without reasonable accommodation, can perform the essential functions”

Essential Job Functions

- What makes a job function essential?
 - Job exists to perform the function
 - Limited number of workers to perform the function
 - Level or type of expertise or skill needed





Reasonable Accommodation

Title I: Employment

Reasonable Accommodation

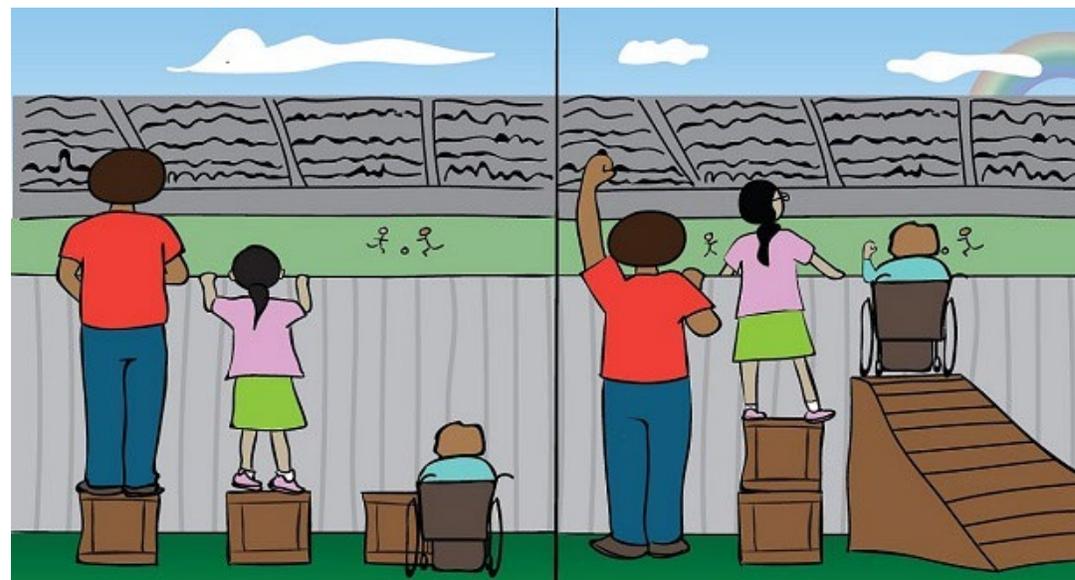
- What is it?
- Who is entitled to it?
- What triggers an employer's obligation to consider it?
- How does an employer decide what to do?

What is Reasonable Accommodation

- A modification, adjustment, allowance, or provision that facilitates an *equal employment opportunity* for a worker with a disability
 - Applying for a job
 - Performing essential job duties
 - Accessing benefits and privileges of the job

Reasonable Accommodation: Examples

- Schedule adjustments or time off
- Equipment, assistive technologies, making facilities accessible
- Exchanging marginal job tasks
- Adjustments in the work environment (e.g., lighting, temperature, air quality, noise)
- Adjustments in communication or supervisory methods
- Reassignment to vacant job



Reasonable Accommodation: What is it NOT?

- Eliminating essential functions of the job
- Lowering production standards
- Providing personal items (items that an employee uses on and/or off the job)
- Indefinite leave
- Allowing direct threat
- Undue hardship

Undue Hardship

Means “significant difficulty or expense in, or resulting from, the provision of the accommodation,” including “any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation” of the covered entity

Who is Entitled to Reasonable Accommodation?

- **A qualified applicant or employee** (full- or part-time, seasonal, temporary, etc.) with...
 - A disability
 - A record/history of disability
- Individuals who are regarded as having a disability are not entitled to reasonable accommodation



How Does it Work?



The Interactive Process

Applicant/Employee

- Make request
- Provide medical documentation if needed
- If possible, offer accommodation ideas and options
- Implement
- Revisit if necessary

Employer

- Review request
- Request medical documentation if needed
- Determine disability
- Explore/investigate options
- Decide on option(s)
- Implement
- Monitor

Individual Solutions

Reasonable accommodation depends on the nature of ...

- The job
 - Application process
 - Essential functions
 - Benefits and privileges
- The specific limitations and needs of the individual applicant or employee

Let's Get this Process Started

Individual must request accommodation

- Formal request or specific language is not necessary, but the individual must let employer know he needs something from the employer because of a disability, health condition, etc.



Medical Documentation

Employer can require documentation from a qualified professional to verify **disability** and **need for accommodation**, unless both things are obvious

- Including during the pre-offer stage, if an applicant requests accommodation for the job application process, pre-offer tests, etc.

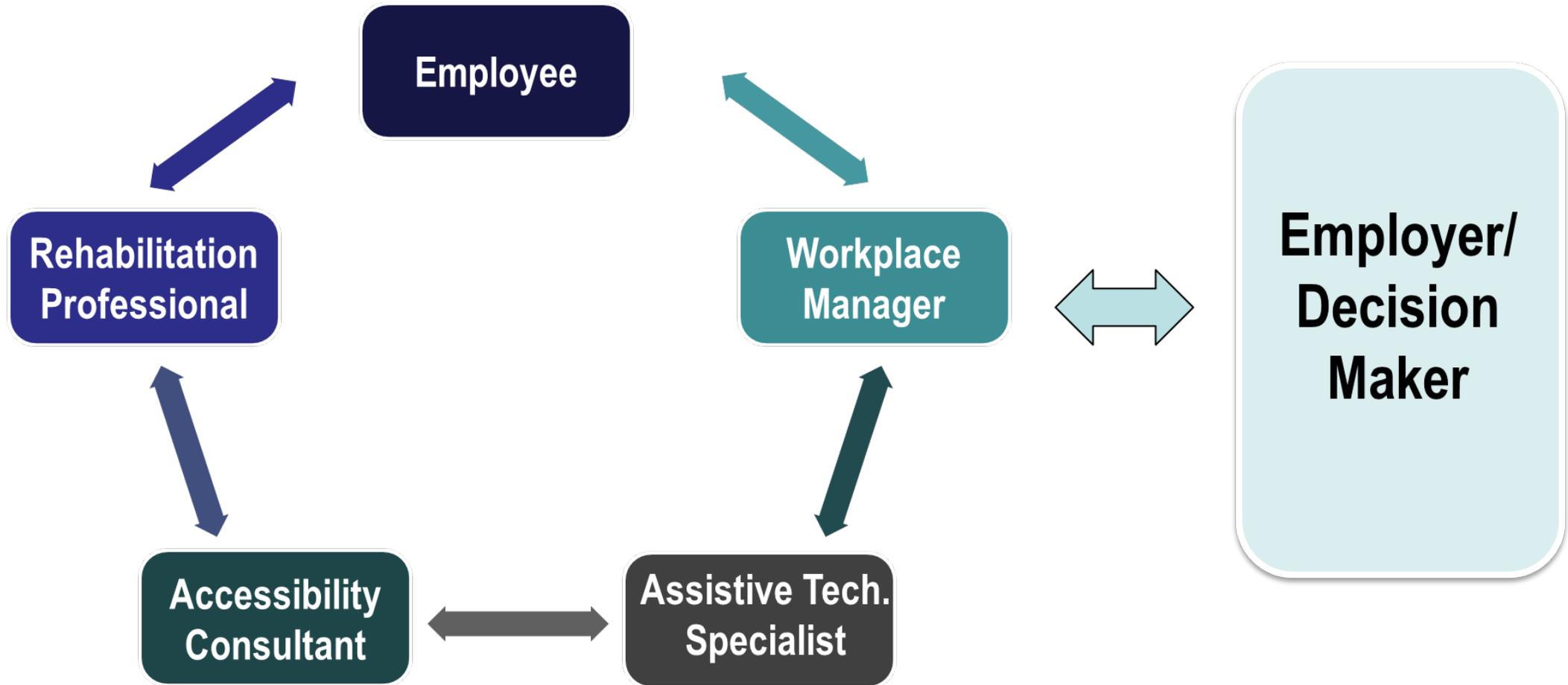


Sometimes it's Simple

- Many requests for accommodations come from workers with known or obvious disabilities, who ask for simple, common-sense things, and such requests are often quickly and easily implemented
- Some situations are more complex...



Interact! Communicate and Collaborate



Disclosure

You are not required to disclose disability prior to beginning work

You can disclose anytime during your employment career

Effective Disclosure

- Not essential to divulge specific personal information about your disability- a “need to know” approach to sensitive information
- Explain how your disability affects your capacity to learn and perform effectively
- Describe the environment, supports, and services needed in order to access, participate in, and excel in your job, studies, and community.
- Provide creative suggestions for accommodations.

Advantages to Disclosing

- Legal protection against discrimination
- Obtaining accommodations (one must disclose disability-related needs to receive accommodations)
- Disclosure may open opportunities to participate in and succeed at activities previously considered “inappropriate” or “impossible.” Seeking help *after* a problem arises often leads to awkward and difficult situations.
- Disclosure allows a youth to involve professionals in the learning of skills and the development of accommodations.

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Consequences of Not Disclosing:

- Not performing at your best
- Falling behind in your work load
- Increasing stress of not using the accommodations you had become accustomed to, or need



What to Disclose

- That you have a disability
- That you need an accommodation
- How your disability affects your ability to perform
- What accommodations have worked in the past
- What you anticipate needing now



Disclose Only Enough to Justify the Accommodation

- You do not have to disclose all of your disabilities
- Only disclose the disability that impacts on the accommodation you need, and then only to the extent it is needed for the accommodation



When to Disclose

- In a cover letter or application, if it would be beneficial
- Before an interview, if you need an accommodation
- At the interview, if deemed helpful to dispel doubts about ability to perform
- After you have a job offer
- Before any drug testing for illegal drugs
- During the course of employment
- Never

Know What Accommodations You Need

- Review what has worked in the past
- Determine what other procedures or devices might be of assistance
- Emphasize how an accommodation will assist you in performing your job

Interview Process

- Be very positive about your skills and abilities
- Be prepared to answer how you can do the job
- Discuss examples of how you have done similar activities



Interview Process

- Decide ahead of time if you are going to disclose your disability
- If you have a visible disability, consider discussing how you have learned to perform the required tasks

Potential Pitfalls

- Requesting accommodation too late
- TMI disclosing disability when it's not necessary or providing too much information about your disability
- Not providing enough information
- Being unclear and unprepared

Equal Opportunities for Education

- Non-discrimination
- Reasonable modifications of policies, practices, procedures
- Auxiliary aids and services for effective communication
 - Sign language interpreters, assistive listening devices, materials in accessible formats (including websites, online courses, etc.)



Resources

Tools and Information

Requesting and Negotiating a Reasonable Accommodation



- 1) How
- 2) Who
- 3) Why
- 4) Follow-up
- 5) Monitor

Making Choices, Getting Ready

- Self-rating checklist format
- To prepare a client for a disability-related conversation with an employer or potential employer
- Addresses legal, practical, and human aspects of the conversation

Disclosure Decision Worksheet

- Tool for working through disclosure options
- Flow chart format to cover all bases
- Can be used multiple times



Ways to Use the Tools



Home Community

Communication: Key to Accommodation

- Students and employees must disclose disability and request accommodations
- Documentation of disability may be needed if disability and/or need is not obvious



ADA Research Findings

- Focus Group Study – 42 youth, a variety of disabilities, in three different states
- Tell us about your employment experience
- Identified barriers and facilitators to employment for youth
- Five themes emerged – stigma, disability condition, workplace supports/accommodations, anxiety, self issues
- Knowledge of the ADA

How Can We Help Employers?

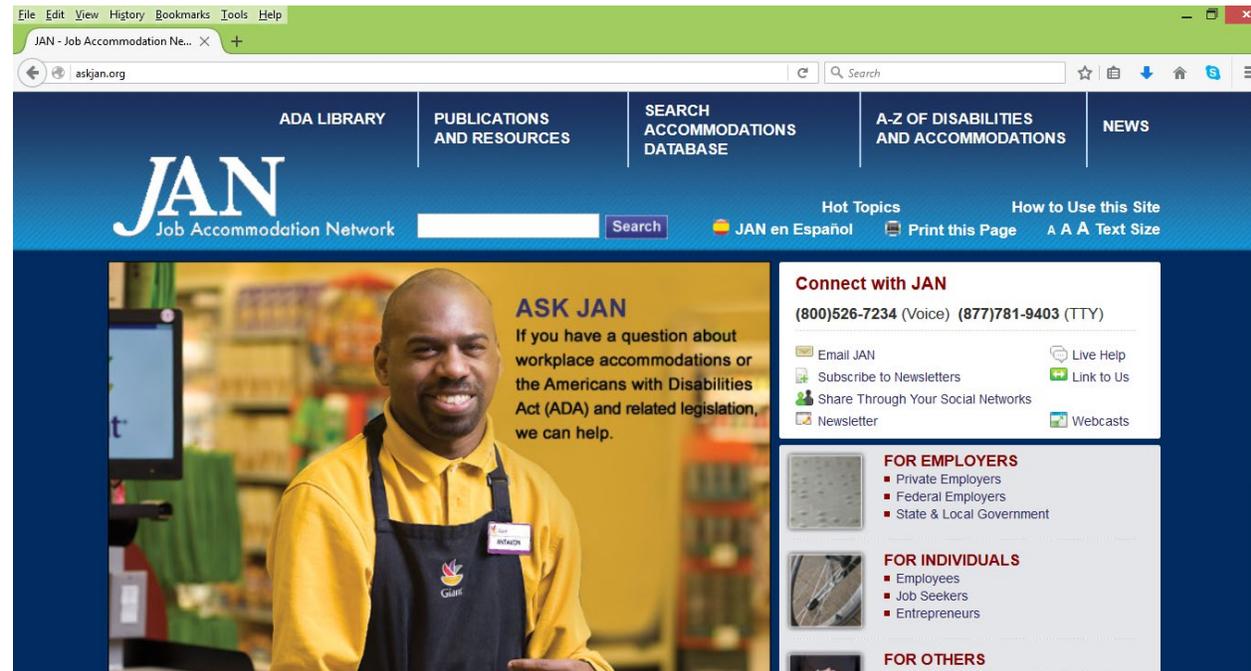
- Encourage them to be proactive
 - Establish and communicate policies, procedures, and requirements
 - Internally and to the public
 - Train and support employees
 - Identify essential requirements of activities, tests, jobs, etc. and purpose of methods
 - Collaborate while respecting confidentiality
 - Create inclusive spaces, materials, and activities

Civil Rights

***Accommodations
should assure equal
opportunities,
not guarantee success***

Job Accommodation Network (JAN)

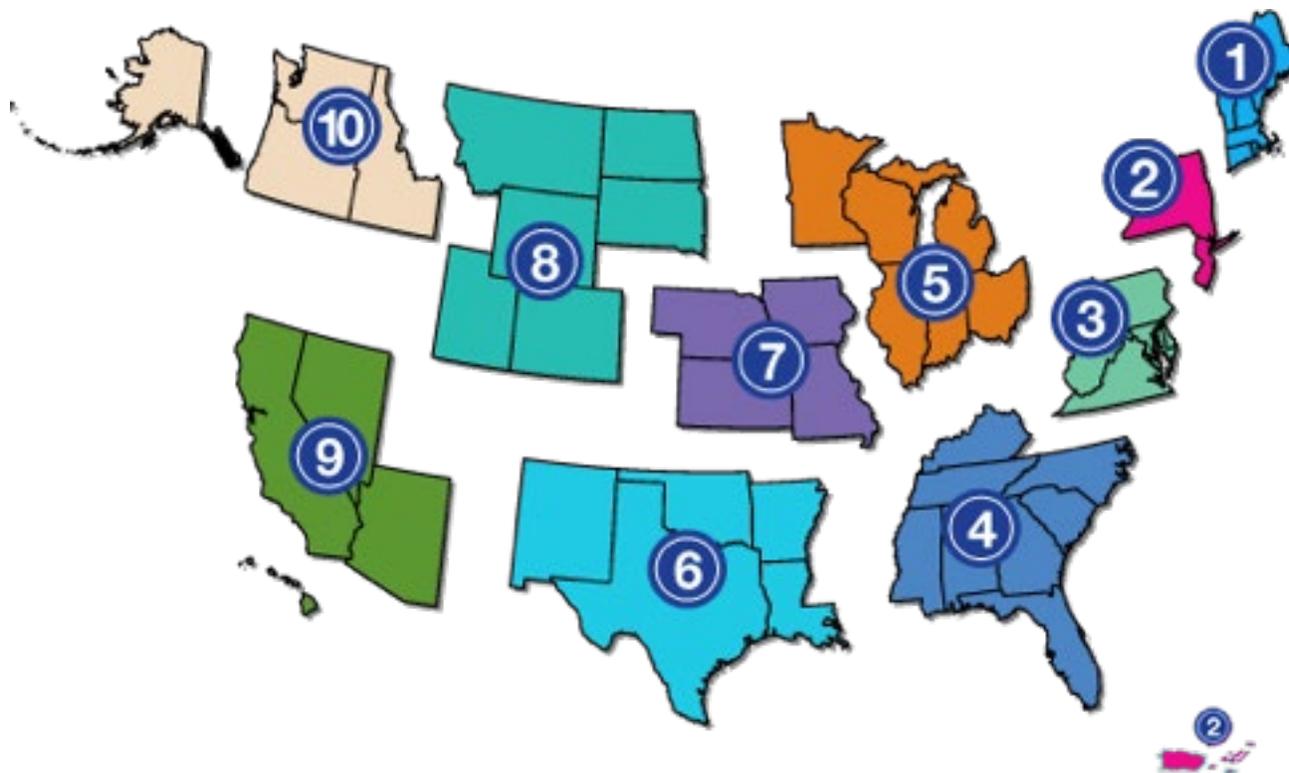
JAN (www.askjan.org)



ADA National Network

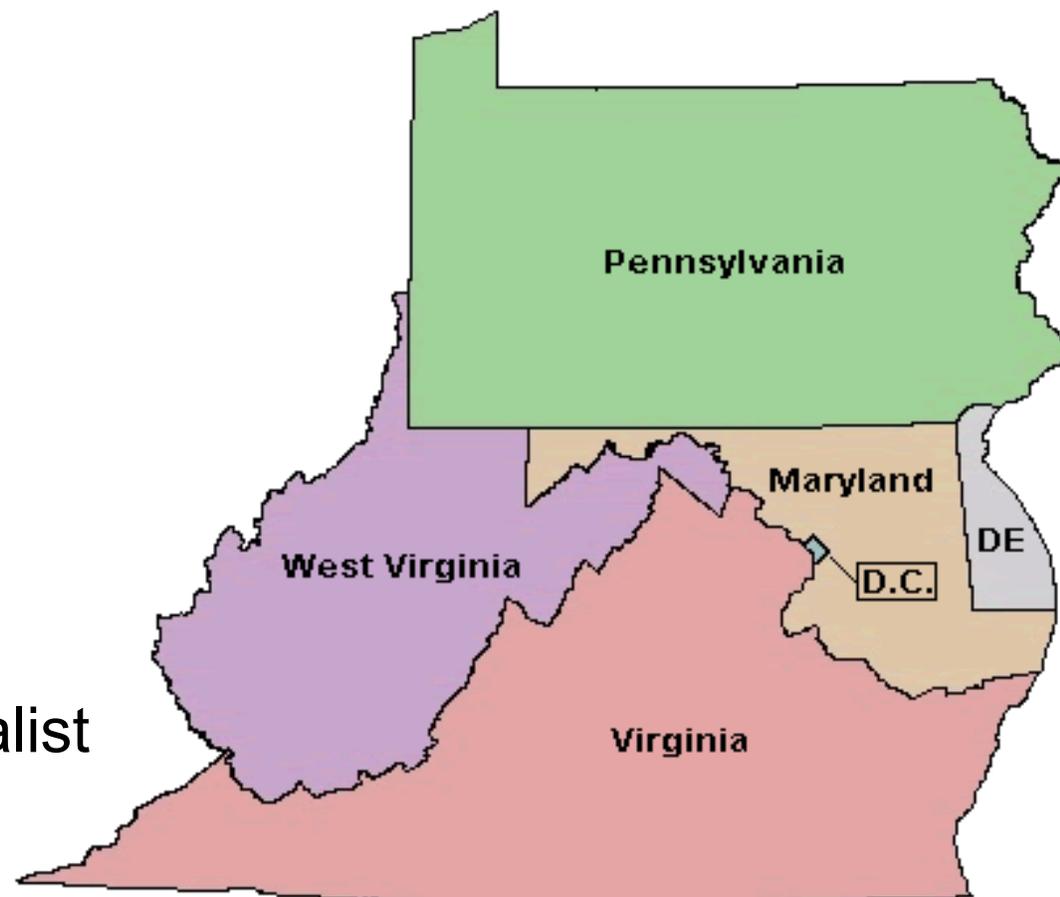
Ten regional centers

- www.ADAta.org
- 1-800-949-4232



Mid-Atlantic ADA Center

- Information
- Guidance
- Training
- Materials
- Newsletter and E-Bulletin
- Speak to an ADA Information Specialist
Toll-free: 800-949-4232
- Website: www.ADAinfo.org



Resource Networks



- Learn, share, and connect through the Mid-Atlantic ADA Center's networks
 - Leadership Network for ADA trainers
 - Community Partners share information
 - Title II Network for state and local government professionals



Join the Fun on Social Media!

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Twitter
[@TransCenInc](https://twitter.com/TransCenInc)

Instagram
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Thank You!



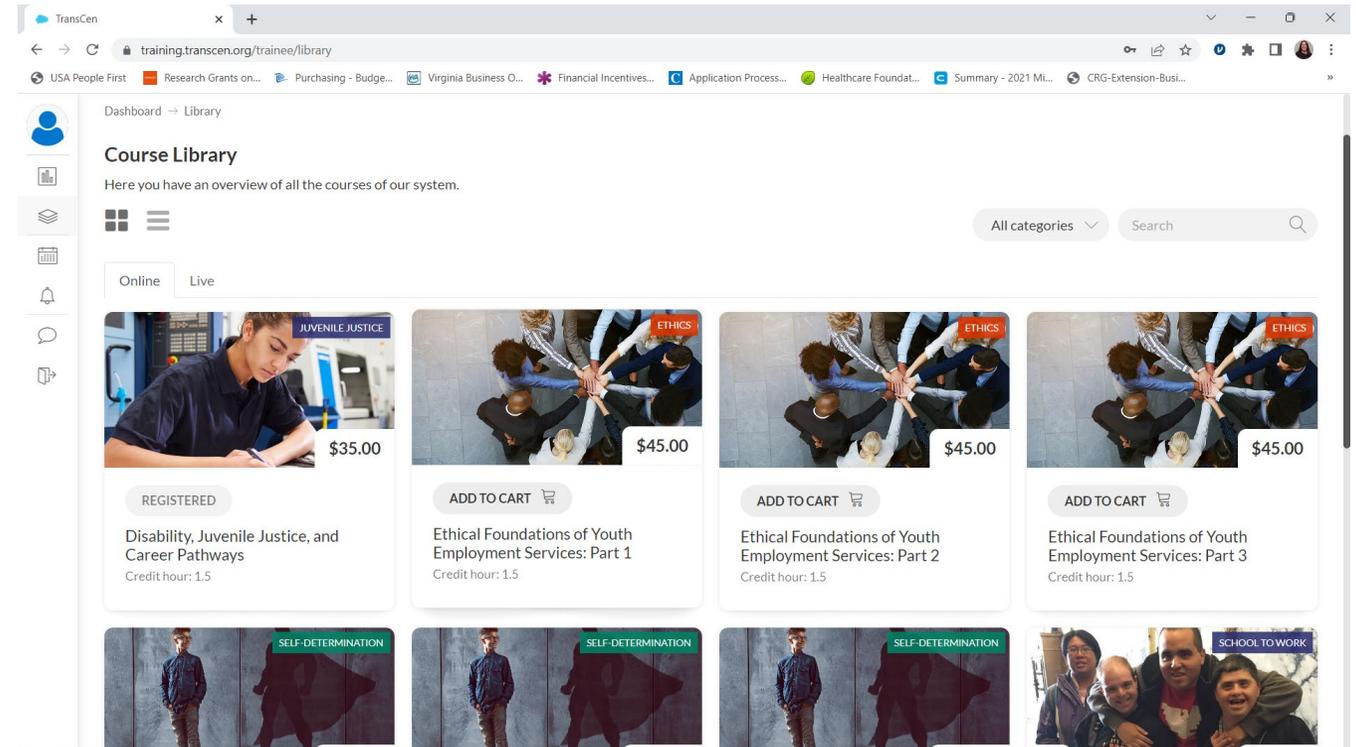
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TransCen On-Demand and Live Webinars

<https://training.transcen.org>

View and register for
upcoming and on demand
webinars!



The screenshot displays the 'Course Library' page on the TransCen website. The page features a navigation menu on the left with icons for user profile, dashboard, course library, categories, calendar, notifications, and help. The main content area is titled 'Course Library' and includes a search bar and a filter for 'All categories'. Below this, there are two tabs: 'Online' and 'Live'. The 'Online' tab is selected, showing a grid of course cards. Each card includes a thumbnail image, a category label (e.g., 'JUVENILE JUSTICE', 'ETHICS', 'SELF-DETERMINATION', 'SCHOOL TO WORK'), a price, and an 'ADD TO CART' button. The first card is titled 'Disability, Juvenile Justice, and Career Pathways' with a price of \$35.00 and a 'REGISTERED' status. The other three cards are titled 'Ethical Foundations of Youth Employment Services: Part 1', 'Ethical Foundations of Youth Employment Services: Part 2', and 'Ethical Foundations of Youth Employment Services: Part 3', each with a price of \$45.00 and an 'ADD TO CART' button. The bottom row shows the beginning of four more course cards with similar thumbnails and category labels.

About TransCen

TransCen, Inc. is a national organization offering web-based and in-person training for state agencies, school districts, provider organizations, and others interested in meaningful work and community inclusion for individuals with disabilities.

Learn more about our work: www.transcen.org

Contact us at inquiries@transcen.org for more information!

**MEANINGFUL
WORK**
+
**COMMUNITY
INCLUSION**

Questions?

