Slide 1
Simply Educating Clients About the Americans with Disabilities Act
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Slide 2
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

Slide 3
Why Talk About the ADA?
Picture: people in wheelchairs in front of the Nation’s Capital. Sign on back of wheelchair says “We Shall Overcome”
- Civil Rights
- Self-Advocacy
- Employment

Slide 4
The ADA
Definition of Disability

Slide 5
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

Slide 6
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

Slide 7
Title I: Employment

Slide 8
Title I: Coverage
- State and local government agencies and private employers
  - 15 or more employees
- Employment agencies
- Labor unions
  - Hiring hall or at least 15 members
• Joint labor management committees
  • Apprenticeship and job training programs

Slide 9
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”

Slide 10
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

Slide 11
Affirmative Action
Employers may invite applicants to self-identify for purposes of affirmative action, as long as it is clearly stated…
• Response is voluntary; no adverse action will result from declining to respond
• Information will only be used for affirmative action (i.e., to benefit applicants with disabilities)
• Information will be kept confidential
  • Forms or information recorded must be kept separate from other application materials

Slide 12
Reasonable Accommodation
Title I: Employment

Slide 13
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?

Slide 14
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

Slide 15
Reasonable Accommodation: Examples
• Schedule adjustments
• Equipment, furnishings, or assistive technologies
• Making facilities accessible
• Exchanging marginal job tasks

Slide 16
Reasonable Accommodation: More Examples
• Adjustments in communication or supervisory methods
• Adjustments in the work environment (e.g., lighting, temperature, air quality, noise)
• Changing location, including working from home
• Time off for disability-related needs
• Reassignment to vacant job (usually last resort; only available for employees, not applicants)

Slide 17
Reasonable Accommodation: What is it NOT?
• Eliminating essential functions of the job
• Lowering productions standards
• Providing personal items (items that an employee uses on and/or off the job)
• Indefinite leave
• Allowing direct threat
• Undue hardship

Slide 18
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.

Slide 19
Who is Entitled to Reasonable Accommodation?
• A qualified applicant or employee (full- or part-time, seasonal, temporary, etc.) with…
  o A disability
  o A record/history of disability
• Individuals who are regarded as having a disability are not entitled to reasonable accommodation

Slide 20
How Does it Work?
Picture: Circle labeled Applicant/Employee and a circle labeled Employer. A two-way arrow labeled Interact is between them.

Slide 21
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

Slide 22
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

Slide 23
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.

Slide 24
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.

Slide 25
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…
Picture: woman in a wheelchair at a desk showing her wheelchair fits under the desk

Slide 26
Interact! Communicate and Collaborate
Picture: Five boxes labeled employee, workplace manager, assistive technology specialist, accessibility consultant, rehabilitation professional arranged in a circle with double arrows connecting them. A smaller double arrow connects the circle of five boxes to a rectangle labeled employer/decision maker.

Slide 27
Title II and III: Coverage
• Title II covers all programs, services, and activities of state and local government agencies, also called “public entities”
• Title III covers private businesses
  o Public accommodations
    ▪ Private businesses that operate places that serve the general public
  o Commercial facilities

Slide 28
ADA Overview
• Provides basic overview of all the titles of the ADA
• Includes resources for more information
• Can be a general resource for anyone

Slide 29
Requesting and Negotiating a Reasonable Accommodation
  1. How
  2. Who
  3. Why
  4. Follow-up
  5. Monitor

Slide 30
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
Slide 31
Disclosure Decision Worksheet
- Tool for working through disclosure options
- Flow chart format to cover all bases
- Can be used multiple times

Slide 32
Ways to Use the Tools
Pair up with the person sitting next to you and discuss different ways you can use these tools.

Slide 33
How Can We Help Clients?
- Start ADA education early, keep it on the radar throughout transition planning and preparation
- Practice disclosing and requesting an accommodation
- Revisit and discuss missteps

Slide 34
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

Slide 35
Accommodations should assure equal opportunities, not guarantee success.

Slide 36
Resources
Information and Organizations

Slide 37
IRS Tax Credit
- Disabled Access Tax Credit for small businesses (gross receipts of $1 million or less in previous tax year OR 30 or fewer full-time employees)
  - Credit for 50% of eligible access expenditures; maximum credit of $5,000
  - Examples of eligible expenses: barrier removal, hiring qualified interpreters or readers, producing accessible materials (e.g. large print)

Slide 38
IRS Tax Deduction
- Businesses of any size can deduct up to $15,000 for costs of removing architectural or transportation barriers in existing facilities or vehicles

Slide 39
U.S. Department of Justice (DOJ)
Disability Rights Section ADA Home page – www.ada.gov
Screenshot: ADA.gov website and a document titled ADA Update: A Primer for Small Business.

Slide 40
Screenshot: EEOC.gov home page

Slide 41
Slide 42

State Assistive Technology (AT) Programs
Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) list of state programs –
www.resnaprojects.org/allcontacts/statewidecontacts.html
Screenshot: RESNA Catalyst Project page showing links to individual States.

Slide 43

ADA National Network
Ten regional centers
www.ADAta.org
1-800-949-4232
Graphic: Map of the 10 National ADA Network regions. Maryland is in Region 3.

Slide 44

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
Graphic: Map of States in the Mid-Atlantic Region – Pennsylvania, West Virginia, Maryland, Delaware, Washington DC, Virginia.

Slide 45

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

Slide 46

Social Media
- Facebook – www.facebook.com/midatlanticadacenter/
- Twitter – https://twitter.com/adainfo
- Pinterest – www.pinterest.com/midatlanticadac/
- LinkedIn – https://www.linkedin.com/company/mid-atlantic-ada-center
- YouTube – https://www.youtube.com/channel/UCDKDVmeTWktIdbplAXoHltQ

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Questions?