Disability & Employment

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The Americans with Disabilities Act (ADA)

- Civil-rights legislation signed into law in 1990
- Established to protect the rights of people with disabilities
- Amended 2008
Disability as defined by the ADA

- The term **Disability** means:
  (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
  (B) a record of such an impairment; or
  (C) being regarded as having such an impairment

- **“Major Life Activities”**: 
  - Include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working
  - Include “Major bodily functions” such as: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
• Title I: Employment
  o Employers cannot discriminate at any point in the hiring process
    • Application, Interview, Hiring, Termination
    • Must provide reasonable accommodations at all phases
  o “Qualified Individual with a Disability”
  o “Reasonable Accommodations”
    • Scheduling
    • Re-assigning tasks
    • Physical barrier removal
    • Assistive Technology
  o “Essential Functions”
    • Core functions of a position
ADA (continued)

- Title II: Public Services
  - Municipal and government entities must provide accessible services
  - Both physical and programmatic access
  - Public housing
- Public Transportation
  - Para-transit required (unless undue burden can be shown)
  - Vehicles must be accessible
  - Can’t discriminate based on disability
ADA (continued)

• Title III: Public Accommodations And Services
  o Lodging
  o Recreation
  o Education
  o Stores
  o Transportation
• All new construction must be ADA compliant
• Existing facilities must remove barriers if “readily achievable
ADA (continued)

• Title IV: Telecommunications
  o Relay Services
  o Additional protections in the Telecommunications act of 1996
Other Protections for People with Disabilities

• Telecommunications Act
• Fair Housing Act
• Voting Accessibility for the Elderly & Handicapped Act
• Individuals with Disabilities Education Act
• Rehabilitation Act
  o Section 501- affirmative action in Federal agencies
  o Section 503- Federal Contractors
  o Section 504- Federal programs and activities
  o Section 508- Information Technology-web
What does it all mean?

• If you are covered by the protections of the ADA, your current or prospective employer cannot discriminate against you:
  o During recruitment
  o During Interviews/testing
  o For promotion
  o For termination
• You must be able to perform the “essential functions” of a job with or without accommodations
  o The employer can ask you this question during the interviewing process
• Your employer is required to provide “reasonable” accommodations
  o They don’t have to be what you requested
• Your employer must keep all disability-related information confidential
What does it all mean?

- Accommodations are considered on a case-by-case basis
  - Accommodations for one worker does not mean another worker will get the same
  - In many cases, accommodations can be simple and low-cost or no cost
  - It is best to consider accommodations as a collaborative process

- Accommodations must be “reasonable”
  - Burden of proof is on the employer

- Your Manager/Supervisor cannot tell other employees why you have been granted the accommodation
Disability Facts
How Common are Specific Disabilities?

- Difficulty walking/climbing stairs: 30.6 million
- Require assistance of others with everyday tasks: 12.0 million
- Vision difficulty (partial or total): 8.1 million
- Hearing difficulty: 7.6 million
- Using a wheelchair: 3.6 million
- Alzheimer’s, senility or dementia: 2.4 million

Source: Americans with Disabilities; 2010, from Survey of Income and Program Participation
Disability in New Hampshire

- One out of every 5 residents has a disability
- 55+ population is expected to grow by 27%
- As we age, disability becomes more likely
New Hampshire- Population – 844,600
With a disability- 78,700
Without a disability- 765,900

Belknap
With a disability- 1,000
Without a disability- 26,900

Carroll
With a disability- 1,400
Without a disability- 19,700

Cheshire
With a disability-1,700
Without a disability- 35,000

Coos
With a disability- 1,100
Without a disability- 12,700

Grafton
With a disability- 2,000
Without a disability- 39,700

Merrimack
With a disability- 3,800
Without a disability-67,000

Sullivan
With a disability- 1,300
Without a disability-19,000

Hillsborough
With a disability-8,800
Without a disability-190,900

Rockingham
With a disability-6,400
Without a disability-143,000

Strafford
With a disability- 3,500
Without a disability-59,000

Population Employed-675,900
With a disability- 31,100 (39.5%)
Without a disability-613,700 (80.1%)

Based on 2015 data
Disability etiquette

What do I do? What do I say?
Interacting with people with disabilities

- Always use “person-first” language:
  - “Mike is a person with a disability”
  - Customer service for “people with disabilities”

<table>
<thead>
<tr>
<th>Some terms to avoid:</th>
<th>Better:</th>
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<tbody>
<tr>
<td>“Wheelchair bound”, “Confined to a wheelchair”</td>
<td>“is a wheelchair user”</td>
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<tr>
<td>“Suffers from…” “Victim”</td>
<td>“has MS” or “is a person with..”</td>
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<td>“Afflicted with…”</td>
<td>“is a person living with..”</td>
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<tr>
<td>“Retarded”,</td>
<td>“has a developmental or cognitive disability..”</td>
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<tr>
<td>“Mental”, “Crazy”</td>
<td>“is a person with mental illness”</td>
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<tr>
<td>“Handicapped”, “Crippled”</td>
<td>“is a person with a mobility impairment”</td>
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The Basics

• Ask before you help
  o Individuals with disabilities want to be independent
  o If you are asked to help, ask how
• Avoid touching a individual’s assistive or adaptive equipment
  o Wheelchair
  o Scooter
  o Cane
• Remember “person first” language
Individual Utilizing a Wheelchair

- Have unique disabilities and varying abilities
  - Some may rise out of their chairs and walk for short distances
- Don’t lean over an individual in a wheelchair
- Don’t push or touch an individual’s wheelchair unless asked to do so
  - It’s part of their personal space
- Keep work spaces clear of obstructions allowing accessibility
- Be aware of reach limits
  - Place items within grasp
  - Lower service counters
  - Provide adjustable height tables
Individual Utilizing a Wheelchair

• When speaking with an individual utilizing a wheelchair:
  o Always attempt to sit at their eye level
  o If that’s not possible, stand at a slight distance so that eye contact is not difficult
• Do not ask an individual utilizing a wheelchair to hold things for you
• Some individuals have limited use of their hands, wrists or arms
  o Be prepared to assist (upon request) with reaching, grasping, lifting, opening doors, operating vending machines
Individuals with Visual Impairment or Blindness

• Be prepared to offer assistance *when asked*
• Identify yourself before making contact or before speaking
• Be prepared to describe the environment
• Do not grab the individual’s arm or hand
  o Offer your arm if he or she requests guidance
• It’s OK to ask!
• If the individual has a guide dog, walk on the opposite side from the dog… Never pet or feed a working dog
• As you are walking, describe hazards and be descriptive
Individuals with Visual Impairment or Blindness

- Don’t touch an individual’s cane
- If a person sets their cane down, do not disturb it
  - It’s OK to let the person know it’s in the way
- Offer to read written information
- If you place materials, food etc in front of the individual, describe where they are (12 o’clock is furthest, 6 o’clock is closest)
- Be specific when giving directions, remember the individual is unable to see reference points
Individuals with Low Vision

- Good lighting can help, but not overly bright
- Print materials in large font, minimum of 16, 18 is preferred
- Standard Roman or Sans Serif are best
- White print on dark background is best for most individual’s
- Keep walkways and work areas clear of obstructions
- Inform the individual of any changes in the environment
  - New furniture
  - Items that have been moved
Individuals who are Deaf

• Deaf is capitalized when an individual identifies as culturally deaf. Small d deaf refers to the condition of deafness.

• Individuals who are Deaf often communicate using American Sign Language (ASL)
  o Entirely different language

• Speech reading (lip reading) is often difficult for ASL speakers

• The best way to communicate complex information is through a certified Sign Language Interpreter
  o Always look at the person, NOT the Interpreter!

• If no interpreter is present, writing back and forth can work
  o UbiDuo

• Video Relay Service (VRS) can make telephone conversations easier
Face-to-Face Communication between Deaf, Hard of Hearing, and Late Deafened, and Hearing

AVAILABLE HERE
Individuals who are Hard of Hearing

• English is *most often* the primary language
• May have some hearing, but use other tools:
  o Amplification such as hearing aids, telephone amplification etc
  o Speech/lip reading
• Most individuals who are hard of hearing do not use ASL
• Always face the individual and speak clearly
  o Do not shout
  o Do not cover your mouth (to help with speech reading)
Individuals with speech disabilities

- Give the individual your full attention
- Don’t interrupt or finish sentences
- If you don’t understand, it’s OK to ask for repetition
- If you’re not sure you understand, repeat for verification
- If you still don’t understand, it’s OK to ask a person to write it down, or you can suggest other options
- A quiet environment can be helpful
Hidden Disabilities

Not all disabilities are apparent
Epilepsy or Seizure Disorders

• If an individual has a seizure, you cannot do anything to stop it. If he/she has fallen, be sure their head is protected and wait for the seizure to end.

• When a seizure has ended, the individual may feel disoriented and embarrassed. Try to ensure that he/she has privacy to regain their composure.

• Be aware that beepers and strobe lights can trigger seizures in some individuals.
Individuals with Multiple Chemical Sensitivity and Respiratory Disabilities

- Sensitivity to stale air and fumes
  - Cleaning products
  - Perfumes
  - Carpeting
  - Air fresheners

- May request that staff refrain from excessive use of fragranced body-care products like cologne, hair spray, hand lotion, and after-shave.

- Second-hand smoke can be particularly harmful to people with MCS or respiratory disabilities.
Individuals with HIV & AIDS

• Individuals with HIV and AIDS are particularly susceptible to infection. If you have a respiratory infection or any other easily transmittable illness, be considerate of all your customers and employees and if possible stay home.

• You can’t catch HIV from casual contact such as shaking hands, so don’t be afraid of touching or being touched by a person with AIDS.

• Many Individuals with AIDS feel stigmatized. By simply greeting or shaking the individual’s hand, you are letting him know that he/she is accepted.
Individuals with Psychiatric Disabilities or Mental Illness

- Many different kinds of Mental Illness
  - Different for each person, Individual journey
  - Treat each person individually
  - Different coping skills/strategies
- Many things can affect a person’s ability to function
- If an individual is struggling, be calm, supportive, and listen
- Allow an individual to tell their story
  - Does the individual have a support structure to call?
  - Ask the individual if they are thinking of hurting themselves
Individuals with Developmental Disabilities

- Speak to the individual in clear sentences, using simple words and concrete—rather than abstract—concepts. Help them understand complex ideas by breaking it down into smaller parts.
- It can be difficult for individuals with developmental disabilities to make quick decisions. Be patient and allow the person to take their time.
- Clear signage with pictograms can help a person who has developmental disabilities to find her way around a facility.
- Individuals with developmental disabilities often rely on routine and on the familiar to manage work and daily living. Be aware that a change in the environment or in a routine may require some attention and a period of adjustment.
Individuals with dyslexia or other reading disabilities have difficulty reading written information. Provide them verbal explanations and allow extra time for reading and comprehension.

Because spoken information gets “scrambled”, an individual with an auditory processing disorder may need information demonstrated or in writing.

Ask the individual how you can best relay information. Be direct in your communication. A person with a learning disability may have trouble grasping subtleties.

It may be easier for the individual to function in a quiet environment without distractions.
Individuals with Traumatic Brain Injury (TBI)

• Some of the factors that affect individuals with learning disabilities also apply to those with traumatic brain injury.
• An individual with a brain injury may demonstrate poor impulse control. They may make inappropriate comments and may not understand social cues or process indications that they may have offended someone.
• An individual with a brain injury may be unable to follow directions due to poor short-term memory or poor directional orientation.
• The individual may have trouble concentrating or organizing their thoughts, especially in an over-stimulating social environment.
Individuals Who Utilize Service Animals

- Service Animals are a necessary accommodation
  - Service animals take precedence over health codes
- Do not touch or interact with the service animal
- Services animals can be used for a variety of disabilities
  - Brain injury
  - Anxiety disorders
  - Seizure disorders
  - Low vision or blindness
  - Other
- Therapy animals are not service animals
Final thoughts

- People with disabilities are just people.
- They are not heroes.
- They are not victims.
- They are not defined by their disability.
- They are your neighbors, friends, family members, and co-workers.
- For most individuals, a disability will be present at some point during their life.
- Disability is not scary if you have the right information and resources and if you don’t know how to help, try asking.
• New Hampshire Vocational Rehabilitation
  o http://education.nh.gov/career/vocational/index.htm

• New England ADA
  o www.newenglandada.org

• Department of Labor Office of Disability and Employment Policy
  o www.dol.gov/odep

• Job Accommodation Network
  o https://askjan.org/

• Disability Resources
  o www.disabilityresources.org
Questions?

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