

RESOURCE ●





Working with individuals with disabilities



What is a disability?

- A disability is a permanent physical, medical or mental health condition that interferes with major life activities.
- A handicap is the interaction between the disability and environment that interferes with a person's mobility, employment and or transportation.
- *Thus, a person with a disability may or may not be handicapped.*



An individual with a disability

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such impairment
- Is regarded as having such an impairment



Disability Statistics

According to the 2010 US Census Bureau

- 56.7M Americans have a disability (one in four) – 20% of the US Population
- 8% of people with disabilities are under 15 years old
- 1 out of 5 Americans have a disability
- 7.6M are hearing impaired
- 8.1M have a visual impairment
- 30.6M have difficulty walking or climbing stairs
- 3.6M use a wheelchair
- 2.4M have Alzheimer's'/memory loss
- 1.5M are on the Autism Spectrum
- 15% of individuals with disabilities were born with them



Examples of types of disabilities

- Cognitive
- Physical
- Mental health
- Hidden and changing
- Spinal cord injuries
- Visual impairments
- Hearing impairments



Think about it!

- Myth:
- Persons with disabilities can't meet performance standards.

- Fact:
- Employees with disabilities rate average or better than average in job performance compared to employees without disabilities



Think about it!

- Myth:
- Employees with disabilities have a higher absentee rate than employees without disabilities

- Fact:
- Employees with disabilities are not absent any more than employees without disabilities.



Think about it!

- Myth:
- Accommodations for employees with disabilities are expensive and cost-prohibitive.

- Fact:
- Most job accommodations cost nothing at all!



Think about it!

- Myth:
- Workers compensation rates increase when hiring employees with disabilities.

- Fact:
- Workers compensation rates are based on the relative hazards of the operation and the organizations accident experience, not on whether workers have disabilities.



Think about it!

- Myth:
- It's hard to fire an employee with a disability than an employee without a disability.

- Fact:
- Labors laws are no different for those with disabilities than those without. Any employee who is not performing up to the requirements of the job can be fired. As in all cases, specific documentation must support the job termination.



American with Disabilities Act

The ADA was passed in 1990 and went into effect in July of 1992 which prohibited employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring/firing, advancement, compensation, job training and other terms/conditions and privileges of employment.



The Americans With Disability Amendments Act (ADAAA)

Was enacted in September of 2008 and became effective on January 1, 2009 and broadens the definition of the word “disability” making it easier for individuals seeking protection under the ADA to establish that he/she has a disability within the meaning of the statute.



ADA Amendments Act Changes

- The ADA term “substantially limits” is now construed more broadly and requires a lower degree of functional limitation to be classified disabled (examples include learning, hearing, seeing, breathing, concentrating)
- Determining whether or not an impairment substantially limits a major life activity is made without considering an accommodation
- An episodic impairment or one in remission must be considered as if though active
- The determination of a disability itself should not require extensive analysis



Working with people with disabilities

“Attitudes are the Real Disability”

— SAF Disability Diversity Training



Small group activity

- What comes to mind when you hear this question?
- How would you recommend working with individuals with disabilities
 - What are the challenges?
 - What are the benefits?
 - What variables exist?



Disabilities in the Workplace

- A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of a job
- An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it does not impose “undue hardship” on business operations.
- An employer is not required to lower quality or production standards for an individual with a disability
- An employer may not ask employees or applicants about the existence, nature or severity of a disability but may ask about their ability to perform specific job functions,
- Medical examinations of employees must be job related and consistent with the employer’s business needs but tests for illegal drugs are not subject to the ADA’s restrictions on medical examinations.



Disclosing a Disability

Why disclose?

- To receive an accommodation
- To reduce the stress of hiding the disability
- To make it easier to talk about a flare up, exacerbation or change in condition down the road
- To maintain health benefits



Disclosure – Keep in mind

- Keep the conversation and process confidential
- This may be the first time the employee has disclosed and they do not always know how much disability information to share so keep the conversation related to the job
- Ask how the disability affects their ability to do the job and whether or not they need an accommodation – don't assume
- Setup a second meeting to further discuss potential accommodation needs – make it a step-by-step process



What are Workplace accommodations

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities
- Job restructuring, modifying work schedules, reassignments to a vacant position
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, policies and providing qualified readers or interpreters.
- NOTE: Accommodation needs may change over time.



Steps to the accommodation Process


- Determine if the employee has a disability
- Determine if the employee is a “qualified” individual under the ADAAA
- Determine the disability’s impact or functional limitations as they pertain to the job
- Determine what accommodations are needed
- Determine if the accommodations are reasonable
- Implement accommodations
- Assess effectiveness of the accommodations over time



Scenario #1

John has worked in the maintenance department of your company for the past 5 years. He walks with a noticeable limp but has never disclosed that he has a disability. Six months ago he was out for surgery and returned back to work without any restrictions. Since his return, co-workers have noticed him sitting frequently while on the job. He is also slower in getting around the building and is not getting all of his job duties done during his regular work shift.

His supervisor met with him to address his “below standard” work performance during quarterly reviews. John is very quiet but does not say anything about his physical disability. He continues to say he will work harder to get the job done.



Scenario #1 – What to do!

- Be up front with the employee and meet on a frequent basis to address the work performance issues. The employee may be in denial and not wanting to admit he has a disability.
- Be proactive and positive. It will make the process easier for the employee to disclose.
- Work with the employee to identify restrictions of the disability as they affect job duties.
- Ask the employee if he needs a reasonable accommodation.
- Work with the employee to identify reasonable accommodations – many times people aren't sure how a job can be accommodated.
- Identify outside resources if appropriate.
- Look at the job description to determine the essential functions of the job to ensure accommodations enable the employee to perform the essential duties.



Scenario #2

Bob has worked for your company for 10 years as a computer programmer. Bob disclosed to you, his supervisor, shortly after he was hired that he has bipolar disorder. He provided you with a doctor's report stating that he requires a low stress environment. Over the past decade, Bob has consistently received satisfactory performance reviews. However, Bob hasn't seemed like himself lately and in the past two months he has neglected to perform some of his work assignments, stating he was confused about the instructions. His ability to now prioritize job assignments is also faltering. When you ask Bob how he is feeling, he tells you that his doctor feels he is doing better and lowered his medication dosage at his last appointment.



Scenario #2 – What to do!

- Address Bob's faltering work performance and document the performance discussion.
- Address the recent reduction in medications and whether or not Bob feels his stress level has increased since the reduction.
- Ask Bob what he feels has changed in his work performance and why he can no longer complete work assignments.
- Define what the job stressors are for Bob and ways to reduce those stressors while bringing up performance.
- Encourage Bob to see his doctor to further discuss the reduction in medications and how his performance has changed since that reduction.



Scenario #3

Sharon has returned to work following chemotherapy treatment and continues to feel fatigued. She works as a clerical support specialist for a large law firm. Her performance has declined and her co-workers are assuming some of her work load. Sharon is aware of her co-workers resentment and requests a meeting with her supervisor to discuss the situation.

Scenario #3 – What to do!

- Listen to what Sharon has to say and allow her to lead the disclosure conversation with prompting from you.
- Ask how her disability is affecting her ability to do the job.
- Ask Sharon if she need a reasonable accommodation.
- Identify potential accommodations such as
 - - Flexible work schedule to eliminate fatigue
 - - Telecommuting a couple of days a week
 - - Schedule short breaks throughout the day
 - - Re-structure the job duties to ensure improved performance.
 - - Discuss ways to share her disability symptoms with co- workers
 - - Schedule regular meetings to determine whether or not the accommodations are working or need to be modified



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