

DID YOU KNOW?

THE AMERICANS WITH DISABILITIES ACT HAS MADE OUR COMMUNITIES MORE ACCESSIBLE FOR **ALL** PEOPLE



ADA 29

1990 - 2019

Americans with Disabilities Act

Session #3:
The ADA and Developmental Disabilities - Employment

Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Mid-Atlantic ADA Center is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the ADA. The contents of this document were developed under a grant from the Department of Education, NIDRR grant number H133 A110020. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.



Starting with hope...some positive changes



- ADA AAA
- Increasing educational inclusion & achievement for people with disabilities
- Growing awareness among employers of the value of disability inclusion
- Economy (slowly) improving
- Federal hiring incentives



It's not just about disability...



ASL for "Hire"

- What have I loved to do for most of my life?
- What would I do even if I didn't get paid?
- What am I really good at?
- What comes easily to me that doesn't come easily to others?
- What skills, education, experience do I bring to an employer?
- Why would an employer want to hire me; what can I do that others can't?
- What are the ways I could add value to a workplace?

Quick glimpse: The ADA & hiring



- All parts of hiring process must be made accessible.
- Accommodations must be provided to participate in hiring process.
- No disability inquiries during hiring (though applicant may choose to disclose/discuss a disability).
- Applicants can be asked to show how they would perform an essential job function (but they can use an accommodation to do this if needed).
- Applicants can be asked to explain gaps in work history.

Discussing a disability during hiring

Options & choices

The choice to disclose or discuss a disability during hiring is a legally protected choice.



Even when...

- Applicant knows they will need an accommodation if hired
- The disability may impact the job

Whether you disclose or discuss your disability when applying for a job, you still have a right to a reasonable accommodation if you are hired.



Discussing a disability during hiring

Options & choices



Why some choose to disclose/discuss:

- When disability is apparent, employer may hesitate to hire if this is not addressed
- When disability is non-apparent, applicant might:
 - Not want any surprises if hired
 - Trust the hiring manager
 - Not want to live “in the closet”

Why some choose not to:

- Fear they won't be hired
- Don't trust the employer
- Don't think it will impact the job
- Believe their disability is a private matter

During an interview, what if you're asked:

Do you have any disability that would prevent you from doing this job?



What are the pros/cons of these three ways of responding:

1. Stating that Title I of the ADA prohibits the questions, so s/he refuses to respond.
2. Saying that s/he does not have a disability.
3. Deflecting the question by responding, "That question makes me believe you may be concerned about my ability to do this job. Let me tell you why I believe I can do this job..."

Your best face forward: Preparing for the hiring process as a person with a disability



Think through ...

- Do I want to disclose or discuss a disability?
- If yes, do I want to discuss accommodation needs?
- Am I prepared to discuss possible costs for accommodations?
- Can I help my potential employer by informing them of tax credits/incentives around accessibility or accommodation?
- How will I respond to possible questions about my disability?



Your best face forward: Preparing for the hiring process as a person with a disability

Think through issues related to effective job seeking...



- Are you ready to discuss and/or demonstrate why you are competent to do each of the essential functions of the job
- Can you draw upon your past educational, volunteer or job experience to show why you can perform each essential function of the job?
- Can you explain possible gaps in your resume?
- Can you show that you have both the technical and “people” skills needed to be effective in the job?



The interactive process:

After the employer is informed, something needs to happen in a timely manner



Both employee and the employer play a role

Employee needs to be prepared to discuss:

- How the disability impacts the job
- Some accommodation suggestions
- Some suggestions for resources or employer incentives
- Do some homework: Job Accommodation Network* and ADA Centers** can help!

Some accommodations are better than others—leave and re-assignment should be considered as last resorts

*Job Accommodation Network: www.askjan.org or call 800 526 7234; TTY: 877 781 9403

**ADA Centers: Call 800 949 4232



Avoid these pitfalls:



- Discussing your disability too late: Waiting until your disability seriously impacts your job performance.
- Discussing your disability too early (or unnecessarily): Discussing a disability even when it has no impact on the job.
- Providing too much information: Employers and co-workers do not need detailed information about your diagnosis.
- Providing too little information: Not responding to valid requests for information about your disability and its impact on the job.
- Being unclear and unprepared.

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ADA and DD

COMMON QUESTIONS

How does the ADA apply to people with developmental disabilities who want jobs?



- Employers with more than 15 employees are covered by the ADA. They may not discriminate against qualified employees with disabilities.
- A qualified employee with a disability is one who meets skill, experience, education, or other requirements of a position AND who can perform the essential functions of the job with or without reasonable accommodation.
- An employer does not have to create a job for a person with a disability, or remove the essential functions of the job.
- An employee with a disability has to request an accommodation and may have to provide documentation of the disability.

What are some examples of reasonable accommodation for people with DD?



- A reasonable accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.
- Accommodations might include use of job aids such as checklists or reminders, changes in schedule, reassignment of marginal tasks, job coaches, and assistive technology.

What if I am interested in a job I saw advertised, but there are some tasks I can't do because of my disability?



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- You must be able to perform the job's essential functions (i.e., its fundamental duties) with or without a reasonable accommodation.
- A reasonable accommodation might include reassigning marginal functions.

I just got a job, but I am having trouble getting to work on time on Metro Access (paratransit). What can I do so I don't lose my job?



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- A change in schedule might be available as a reasonable accommodation.
- You and your employer need to think about how important it is for you to be at your job at a specific time, or whether some flexibility is possible.
- A reasonable accommodation might be the ability to arrive between 9:00 and 9:30 and leave between 5:00 and 5:30 so long as you work the required number of hours each week.

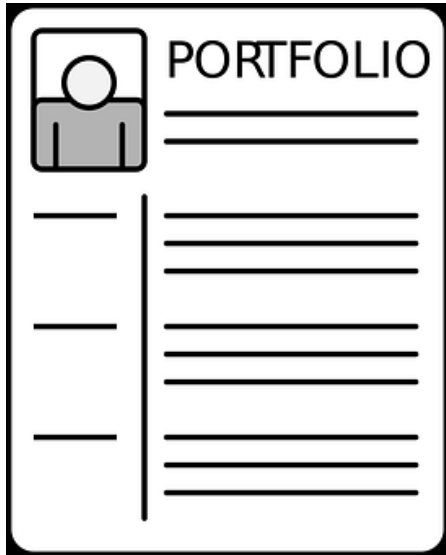
If I am working with a job coach, can they set up my interview and go to the interview with me?



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- The hiring process must be accessible to people with disabilities.
- If you need a job coach in order to participate in the interview process, you may request that as a reasonable accommodation. It is important that you make that request when you schedule the interview.

I don't do well in interviews. Is there any alternative?



- If your disability affects your ability to communicate verbally in an interview setting, you may ask for a reasonable accommodation that helps you demonstrate your qualifications.
- For example, you may ask if you can respond to questions in writing or submit samples of your work in addition to the interview.

What are some resources to help me find a job?



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- You may be eligible to receive support in your job search from an agency like the Department of Aging and Rehabilitation Services (DARS) or a service provider that has a contract with your local Community Services Board (CSB).
- Many people, with and without disabilities, find jobs by networking with their family and friends.

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