

DISABILITY EMPLOYMENT PRACTICES

A Resource Guide for Recruiting, Hiring and Employing People with Disabilities



A Program Sponsored By

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TRUST™**

Introduction

The purpose of this booklet is to help educate employers about the benefits of hiring people with disabilities and provide a basic guideline on how to start accessing this untapped labor pool. You'll learn more about recruiting, interviewing and employing people with disabilities, and what resources are available to help you do so.

You'll also learn more about how to apply for the Florida Business Leadership Network (BLN). The BLN provides information to members and access to a pool of qualified candidates with disabilities as well as recognition for disability employment practices. Membership in the BLN is FREE to all Florida Employers. Join today and begin taking advantage of the numerous benefits immediately. An application for the BLN can be found at the end of this packet.

The Able Trust believes that when people want to work, they should. The Florida Legislature created The Able Trust in 1990. It's mission is simple: to be the leader in providing Floridians with disabilities fair employment opportunities through fundraising, grant programs, public awareness and education. Nine governor-appointed directors oversee the Foundation. They are located throughout the state and are comprised of a diverse background in the areas of business, education, media, development and disability advocacy. The Able Trust receives its funding from a perpetual endowment, grants, charitable gifts, and support from the public and private sector. Since its creation, The Able Trust has awarded over \$14 million to individuals with disabilities and nonprofit organizations in Florida. This unique foundation has helped countless individuals overcome obstacles, and enter the workforce.

Some of The Able Trust programs include; grant awards, the Youth Leadership Forum, The Able Trust annual Gala at Mar-a-Lago, Disability Mentoring Day and High School/ High Tech. To learn more about The Able Trust and its programs, please visit the website at www.abletrust.org.

We congratulate you on taking the initiative to learn more about including people with disabilities in your business practices, and hope you enjoy the information we have provided for you. If you have any questions or need additional materials, please contact:

The Able Trust
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** Please note this information is not intended to provide specific guidance on legal obligations under the Americans with Disabilities Act (ADA). For more information on the ADA, please contact the Equal Employment Opportunity Commission at www.eeoc.gov or 1-800-669-4000 (TDD 1-800-669-6820).*

Dispelling Myths About People with Disabilities

The major barriers to achievement by people with disabilities in our society continue to be attitudinal barriers, stereotypical thinking, and assumptions about what people can and can't do. The truth is that the range of ability of persons within any disability group is enormous. We need to get rid of our stereotypical images and view each individual as just that: "an individual." Listed below are the kinds of assumptions that can be barriers to employment for persons with disabilities.

Assumption: A person with mental retardation cannot be trained to perform a job as well as an employee without a disability.

Fact: *Over two-thirds of the 4,000 participants in Pizza Hut, Inc.'s "Jobs Plus Program" are persons with mental retardation. The current turnover rate among these employees with disabilities is a modest 20% compared to the 150% turnover rate of employees without disabilities. This means a drop in recruitment and training costs.*

Assumption: An individual with a psychiatric disability cannot work in a stressful environment where tight timelines have to be met.

Fact: *All individuals perceive stress differently and their responses vary. Some individuals with psychiatric disabilities perform effectively in jobs that require specific timelines and structure.*

Assumption: There is no way that a wheelchair racer can compete with the world's best marathon runners.

Fact: *It takes a good runner over two hours to run a marathon. A competitive wheelchair racer can complete a marathon in less than one and a half hours.*

Assumption: A person with a developmental disability and difficulty with fine motor control is unlikely to be able to handle complex operations on the production line of a manufacturing plant.

Fact: *A person with this combination of functional limitations was hired for a production line job. The job involved labeling, filling, capping, and packing a liquid product. The only accommodation supplied for the worker was the creation of a plywood jig. The jig enabled the worker to hold the bottle steady for correct labeling.*

Assumption: It is unbelievable that a person with a double amputation can compete with the world's fastest 100-meter dash runners.

Fact: *The world record is 9.9 seconds. A runner who is a double amputee ran the dash in 11.76 seconds, just 1.8 seconds off the world mark.*

Assumption: People with severe disabilities can't compete in heavy duty weight lifting activities.

Fact: *A person with cerebral palsy has bench pressed weights in excess of 500 pounds.*

Assumption: A person who is blind and has a missing right hand cannot perform a job as a machinist.

Fact: *The applicant lost his vision and right hand in Vietnam. He persuaded a community college to train him as a machinist and was finally given a job on a trial basis. From the very first day, he broke production records and caused others to do the same. His only modification was to move a lever from the right side of the machine to the left.*

Assumption: Downhill skiers with one leg cannot really compete against racers with two legs.

Fact: *Top racers without disabilities have been clocked at 80-85 miles per hour; downhill skiers with one leg have been clocked at over 74 miles per hour.*

Assumption: It is unlikely that a man whose right leg is amputated six inches above the knee can perform the duties of a warehouseman that require loading and unloading trucks, standing, lifting, bending, and delivering supplies to various sections as needed.

Fact: *A person with this type of amputation was hired to work in a paper warehouse. He performed the job without any modification. He worked out so well that the company moved him to operating heavy equipment, a log stacker. The company did not have to make any accommodations, he was able to climb ladders and the heavy equipment without any problems.*

Communicating With and About People with Disabilities

The Americans with Disabilities Act, other laws and the efforts of many disability organizations have made strides in improving accessibility in buildings, increasing access to education, opening employment opportunities and developing realistic portrayals of persons with disabilities in television programming and motion pictures. Where progress is still needed is in communication and interaction with people with disabilities. Individuals are sometimes concerned that they will say the wrong thing, so they say nothing at all—thus further segregating people with disabilities. Listed here are some suggestions on how to relate to and communicate with and about people with disabilities.

Words

Positive language empowers. When writing or speaking about people with disabilities, it is important to put the person first. Group designations such as “the blind,” “the retarded” or “the disabled” are inappropriate because they do not reflect the individuality, equality or dignity of people with disabilities. Further, words like “normal person” imply that the person with a disability isn’t normal, whereas “person without a disability” is descriptive but not negative. The accompanying chart shows examples of positive and negative phrases.

Affirmative Phrases

person with an intellectual, cognitive, developmental disability
person who is blind, person who is visually impaired
person with a disability
person who is deaf
person who is hard of hearing
person who has multiple sclerosis
person with cerebral palsy
person with epilepsy, person with seizure disorder
person who uses a wheelchair
person who has muscular dystrophy
person with a physical disability, physically disabled
unable to speak, uses synthetic speech
person with psychiatric disability
person who is successful, productive

Negative Phrases

retarded; mentally defective

the blind

the disabled; handicapped
the deaf; deaf and dumb
suffers a hearing loss
afflicted by MS
CP victim
epileptic

confined or restricted to a wheelchair
stricken by MD
crippled; lame; deformed

dumb; mute
crazy; nuts
has overcome his/her disability; is courageous
(when it implies the person has courage because of having a disability)

Actions

Etiquette considered appropriate when interacting with people with disabilities is based primarily on respect and courtesy. Outlined below are tips to help you in communicating with persons with disabilities.

General Tips for Communicating with People with Disabilities

- When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
- If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- Treat adults as adults. Address people who have disabilities by their first names only when extending the same familiarity to all others.
- Relax. Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability.
- Don't be afraid to ask questions when you're unsure of what to do.

Tips for Communicating with Individuals Who are Blind or Visually Impaired

- Speak to the individual when you approach him or her.
- State clearly who you are; speak in a normal tone of voice.
- When conversing in a group, remember to identify yourself and the person to whom you are speaking.
- Never touch or distract a service dog without first asking the owner.
- Tell the individual when you are leaving.
- Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements.
- Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.
- If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.

Tips for Communicating with Individuals Who are Deaf or Hard of Hearing

- Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
- Look directly at the individual, face the light, speak clearly, in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences. Avoid smoking or chewing gum.
- If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.
- If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.
- If you do not have a Text Telephone (TTY), dial 711 to reach the National Telecommunications Relay Service, which facilitates the call between you and an individual who uses a TTY.

Tips for Communicating with Individuals with Mobility Impairments

- If possible, put yourself at the wheelchair user's eye level.
- Do not lean on a wheelchair or any other assistive device.
- Never patronize people who use wheelchairs by patting them on the head or shoulder.
- Do not assume the individual wants to be pushed —ask first.
- Offer assistance if the individual appears to be having difficulty opening a door.
- If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.

Tips for Communicating with Individuals with Speech Impairments

- If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
- Be patient. Take as much time as necessary.
- Try to ask questions which require only short answers or a nod of the head.
- Concentrate on what the individual is saying.
- Do not speak for the individual or attempt to finish her or his sentences.
- If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.

Tips for Communicating with Individuals with Cognitive Disabilities

- If you are in a public area with many distractions, consider moving to a quiet or private location.
- Be prepared to repeat what you say, orally or in writing.
- Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not “over-assist” or be patronizing.
- Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.

Remember:

- Relax.
- Treat the individual with dignity, respect and courtesy.
- Listen to the individual.
- Offer assistance but do not insist or be offended if your offer is not accepted.

Information for this fact sheet came from the Office of Disability Employment Policy; the Media Project, Research and Training Center on Independent Living, University of Kansas, Lawrence, KS; and the National Center for Access Unlimited, Chicago, IL.

Employment Checklist for Persons with Disabilities

Do!

- **Do** learn where to find and recruit people
- **Do** learn how to communicate with people
- **Do** ensure that your applications and other company forms do not ask disability-related questions and that they are in formats that are accessible to all persons with disabilities.
- **Do** consider having written job descriptions by the ADA that identify the essential functions of the job.
- **Do** ensure that requirements for medical examinations comply with the Americans with Disabilities Act (ADA).
- **Do** relax and make the applicant feel comfortable.
- **Do** provide reasonable accommodations that the qualified applicant will need to compete for the job.
- **Do** treat an individual with a disability the same way you would treat any applicant or employee with dignity and respect.
- **Do** know that among those protected by the ADA are qualified individuals who have AIDS, cancer, who are mentally retarded, traumatically brain injured, deaf, blind, and learning disabled.
- **Do** understand that access includes not only environmental access, but also making forms accessible to people with visual or cognitive disabilities and making alarms/signals accessible to people with hearing disabilities.
- **Do** develop procedures for maintaining and protecting confidential medical records.
- **Do** train supervisors on making reasonable accommodations.

Don't!!

- **Don't** assume that persons with disabilities are unemployable.
- **Don't** assume that persons with disabilities lack the necessary education and training for employment.
- **Don't** assume that people with disabilities do not want to work.
- **Don't** assume that alcoholism and drug abuse are not real disabilities, or that recovering drug abusers are not covered.
- **Don't** ask if a person has a disability during an employment interview.
- **Don't** assume that certain jobs are more suited to persons with disabilities.
- **Don't** hire a person with a disability if that person is a significant risk of substantial harm to the health or safety of the public and there is no reasonable accommodation to reduce the risk or the harm.
- **Don't** hire a person with a disability who is not qualified to perform the essential functions of the job even with a reasonable accommodation.
- **Don't** assume that you have to retain an unqualified employee with a disability.
- **Don't** assume that your current management will need special training to learn how to work with people with disabilities.
- **Don't** assume that the cost of accident insurance will increase as a result of hiring a person with a disability.
- **Don't** assume that the work environment will be unsafe if an employee has a disability.
- **Don't** assume that reasonable accommodations are expensive.
- **Don't** speculate or try to imagine how you would perform a specific job you if you had the applicant's disability.
- **Don't** assume that you don't have any jobs that a person with a disability can do.
- **Don't** make medical judgements.
- **Don't** assume that a person with a disability can't do a job due to apparent and non-apparent disabilities.
- **Don't** assume that your workplace is accessible.

How Do I Know If My Worksite Is Accessible?

The following are some questions to keep in mind when determining physical accessibility:

- Are there designated parking spaces for persons with disabilities that are close to the entrance of the worksite?
- Is there a pathway without abrupt level changes or steps that leads from the parking area to the entrance?
- If ramps are used to provide access, are they appropriately graded and are handrails provided?
- Are the doors wide enough (36 inches) for people using wheelchairs? Are they easy to open (e.g., not excessively heavy, with easily grasped handles, or automatic)?
- Is the personnel office in an accessible location?
- Are pathways to the bathroom, water fountain, and public telephone accessible? Can people with disabilities use them?
- Are elevators accessible to all persons with disabilities (e.g., control panels lower than 54 inches from the floor, raised symbols or numbers on the control panels)?
- Is all signage appropriate and accessible for persons with visual, learning, and cognitive disabilities (including the use of symbols and graphics)?
- Does the emergency warning system include both audible and visual alarms?

Where Can I Obtain Additional Information?

Office of Disability Employment Policy

(202) 693-7880 (VOICE), (202) 376-6205 (TTY/TTD), (202) 693-7888 (FAX)

Office of Disability Employment Policy's Job Accommodation Network (JAN)

(800) 526-7234 (VOICE/TTY/TTD), (304) 293-5407 (FAX)

jan@jan.icdi.wvu.edu (e-mail)

Disability and Business Technical Assistance Centers (DBTACs)

(800) 949-4232 (VOICE/TTY/TTD), (703) 525-6835 (FAX)

Access Board

(VOICE) (800) 872-2253, (202) 272-5449 or (800) 993-2822 (TTY/TTD),

(202) 272-5447 (FAX)

Recruitment! Recruitment! Recruitment!

According to a recent Society for Human Resource Management survey, large companies are more likely to actively recruit applicants with disabilities than smaller companies. Sixty-one percent of the respondents from large companies indicated that they proactively seek out qualified employees with disabilities as compared to 53 percent of the respondents from medium size companies and 39 percent of the respondents from small companies. Historically, large employers may have had an easier time developing relationships with organizations that have access to qualified candidates with disabilities, making it easier for large companies to hire candidates with disabilities and giving them a distinct advantage in capitalizing on this available and reliable labor pool. Yet, there are a variety of recruitment resources available to all employers. This fact sheet provides some key resources.

U.S. Department of Labor's Office of Disability Employment Policy Programs

Employment Assistance Referral Network (EARN)

866-EarnNow (866-327-6669) (V)

www.earnworks.com (Internet)

The U.S. Department of Labor's Office of Disability Employment Policy has contracted for a new service: the Employment Assistance Referral Network (EARN), which provides all employers with a direct connection to their local community service providers.

EARN, a national toll-free service, makes it simple for all businesses to locate applicants with disabilities for any type of position. When EARN receives a call from an employer who wants to recruit qualified candidates with disabilities, the EARN staff takes the employer's vacancy information and then communicates with the local employment provider community to locate providers who have contact with appropriate job candidates. Once these providers are identified, EARN calls the employer back. The employer receives the appropriate contact information and may call the designated providers to connect with applicants. Providers do not receive the employer's contact information. This allows the employer to be in control of the process.

EARN also provides employers with technical assistance related to the employment of people with disabilities, such as tax credits, disability-related laws, lawful job interviewing techniques, recruitment and hiring strategies, ways of dealing with co-worker attitudes, personal assistance services and reasonable accommodations. EARN operates Monday through Friday, from 9:00 a.m. to 10:00 p.m. EST.

EARN is a great place for companies to begin their recruitment efforts. Yet there are many other resources available to assist employers.

Workforce Recruitment Program (WRP)

724-891-3533 (V); 724-891-0275 (Fax)

www.wrpjobs.org (Internet)

The Office of Disability Employment Policy's contracted service, the Workforce Recruitment Program (WRP), is another excellent resource for locating college students and recent graduates. Through the WRP, employers may request a database of pre-screened college students with disabilities to fill summer or permanent hiring needs. These candidates, from more than 160 colleges and universities, represent a variety of academic majors and range from college freshmen to students in graduate school or law school.

Job Links

US Department of Labor Office of Disability Employment Policy

www.dol.gov/dol/odep (Internet)

The Office of Disability Employment Policy operates Job Links, which takes prospective job applicants to job listings on the Internet employment pages of businesses and organizations who seek to hire people with disabilities

Company and College Alliances

Some companies, such as Cisco Systems, forge alliances with colleges or universities. Cisco, based in San Jose, CA, is developing a relationship with the National Technical Institute for the Deaf (NTID) in Rochester, NY. The company, which makes computer routers that direct traffic to the Internet, sees NTID as a great place to recruit employees with strong skills. If a company has not developed a relationship with a college's disability student services office, it may want to do so. The Association of Higher Education and Disability can point the employer in the right direction.

Association of Higher Education and Disability (AHEAD)

617-287-3880 (V/TTY); 617-287-3881 (Fax)

www.ahead.org (Internet)

AHEAD is a membership organization involved in the development of policy and in the provision of quality support services to serve the needs of persons with disabilities in higher education programs. The organization can provide the name and number of the college and/or university coordinators of services for students with disabilities in your area.

Community Resources-Federally Funded

I-NABIR, The Association of Projects with Industry

202-543-6353 (V)

To tailor training for specific tasks, an employer may want to work directly with a provider. I-NABIR is an organization of federally-funded programs that provides employment preparation and job placement services for persons with disabilities under the guidance of employers. Contact I-NABIR for the location of Projects with Industry programs in your area.

Goodwill Industries International

301-530-6500 (V)

www.goodwill.org (Internet)

Another resource is Goodwill Industries of America, which offers employment, training and placement services for people with disabilities in programs throughout the United States. Contact Goodwill headquarters for the programs in your area.

Government Resources

U.S. Department of Education, Rehabilitation Services Administration

202-205-8719 (V)

The Rehabilitation Services Administration (RSA) is a federal agency that oversees programs that help individuals with physical or mental disabilities obtain employment. RSA's major formula grant program provides funds to state vocational rehabilitation agencies who, in turn, provide employment-related services for people with disabilities. State and local vocational rehabilitation agencies are listed in this booklet in the resources section.

Department of Veterans Affairs

800-827-1000 (V)

The U.S. Department of Veterans Affairs supports a nationwide employment training program for veterans with service-connected disabilities who qualify for vocational rehabilitation. Regional or local offices are listed under federal government agencies in the telephone directory.

State Governors' Committees on Employment of People with Disabilities

www.dol.gov/odep/state/state.htm (Internet)

The governors' committees provide employment information and referral services within their respective states. The Able Trust, the lead sponsor of the Florida Business Leadership Network, serves as the Florida Governor's Alliance for the employment of citizens with disabilities.

U.S. Department of Education, Office of Special Education Programs (OSEP)

202-205-8112 (V)

The Secondary Education and Transitional Services for Youth with Disabilities program assists youth with disabilities in the transition from secondary school to post-secondary environments. Through awards to institutions of higher education, state educational agencies, local educational agencies and other appropriate public and private nonprofit institutions, the program ensures that secondary special education and transitional services result in competitive or supported employment for youth with disabilities.

Job Analysis: An Important Employment Tool

All hiring decisions and supervisory evaluations should be made on objective criteria. A supervisor needs to know each job under his or her supervision, and the qualifications needed to perform it, to develop objective interview questions and objectively evaluate an employee's performance. Human resource specialists who are responsible for initial screening of job applicants and mediating performance appraisal disputes must also understand the key components of the jobs in their organization.

Job analysis provides an objective basis for hiring, evaluating, training, accommodating and supervising persons with disabilities, as well as improving the efficiency of your organization. It is a logical process to determine (1) purpose-the reason for the job, (2) essential functions-the job duties which are critical or fundamental to the performance of the job, (3) job setting-the work station and conditions where the essential functions are performed, and (4) job qualifications-the minimal skills an individual must possess to perform the essential functions. A job analysis describes the job, not the person who fills it.

How to Conduct a Job Analysis

The following questions can help you to analyze each job in your organization.

Purpose:

What are the particular contributions of the job toward the accomplishment of the overall objective of the unit or organization?

Essential Functions:

What three or four activities actually constitute the job? Is each really necessary? (For example a secretary types, files, answers the phone, takes dictation.)

What is the relationship between each task? Is there a special sequence which the tasks must follow?

Do the tasks necessitate sitting, standing, crawling, walking, climbing, running, stooping, kneeling, lifting, carrying, digging, writing, operating, pushing, pulling, fingering, talking, listening, interpreting, analyzing, seeing, coordinating, etc.?

How many other employees are available to perform the job function? Can the performance of that job function be distributed among any other employees?

How much time is spent on the job performing each particular function? Are the tasks performed less frequently as important to success as those done more frequently?

Would removing a function fundamentally alter the job?

What happens if a task is not completed on time?

Job Setting:

Location - Where are the essential functions of the job carried out?

Organization - How is the work organized for maximum safety and efficiency? How do workers obtain necessary equipment and materials?

Movement - What movement is required of employees to accomplish the essential functions of the job?

Conditions - What are the physical conditions of the job setting (hot, cold, damp, inside, outside, underground, wet, humid, dry, air-conditioned, dirty, greasy, noisy, sudden temperature changes, etc.)? What are the social conditions of the job (works alone, works around others, works with the public, works under close supervision, works under minimal supervision, works under deadlines, etc.)?

Worker Qualifications:

What are the physical requirements (lifting, driving, cleaning, etc.)?

What are the general skills needed for the job (ability to read, write, add, etc.)?

What specific training is necessary? Can it be obtained on the job?

What previous experience, if any, can replace or be substituted for the specific training requirements?

How to Use the Job Analysis

Once the job analysis has been completed you will be in a better position to:

Develop objective job-related interview questions.

Write current and accurate position descriptions. Position descriptions should be updated on a regular basis and a job analysis done if any factors outlined above have to be altered.

Perform objective performance appraisals.

Determine if accommodations can assist a person with a disability to perform the job.

Conduct personnel functions in a nondiscriminatory manner.

Information for this fact sheet was taken in part from Ready Willing and Available, A Business Guide for Hiring People with Disabilities.

Job Accommodations—Situations and Solutions

In December 1994 the Office of Disability Employment Policy's Job Accommodation Network (JAN) reported that 68% of job accommodations made cost less than \$500, and further, that employers report that for every dollar spent on accommodations, the company received \$28 in benefits.

Accommodations, which are modifications or alterations, often make it possible for a qualified person with a disability to do the same job as everyone else but in a slightly different way. Some accommodations are simple adaptations; others require technically sophisticated equipment. The essential functions of the job and the functional limitations of the individual are what the employer and the employee want to match up.

An employer should analyze the job tasks, basic qualifications needed to do those tasks, and the kinds of adjustments that can be made to ensure that performance standards will be met. The way the worker does the job is far less important than the outcome.

The following examples are a small sampling of real situations that businesses have reported, along with the solutions used. What is common to all these situations is that accommodations are always made on an individual basis. To find solutions to your own situations, call JAN toll-free at 1-800-526-7234.

Situation: A greenhouse worker with mental retardation has difficulty staying on task and knowing when to take breaks.

Solution: *At no cost to the employer, a job coach gave initial training. The worker then carried a tape recorder that provided periodic reminders to stay on task and indicated break time. The worker also carried a set of laminated cards which showed the basic list of tasks to be completed. Cost: \$50.*

Situation: A radio broadcaster/announcer who is blind needs to read the AP wire news desk material.

Solution: *The employer connected a Braille printer to the incoming news service, and installed a switch to move from regular printed material to Braille. Cost: \$1,700.*

Situation: An administrative assistant in a social service agency has a psychiatric disability that causes concentration and memory problems related to word processing, filing, and telephone work.

Solution: *Accommodations included using soothing music in one earphone to block distractions and taped instructions to augment written material. Cost: \$150.*

Situation: A police officer has a learning disability that makes it difficult to take standard civil service tests.

Solution: *Officer was permitted 50% more time to take the test and was allowed to use a dictionary during the examination. Cost: \$0.*

Situation: A laboratory technician has a permanent restriction on mobility of head and neck, and must use a microscope on the job.

Solution: *A periscope was attached to the microscope so the worker does not need to lower her head and bend her neck to perform the job. Cost: \$2,400.*

Situation: A chef who is paraplegic needs a way to move around the various work stations in the kitchen.

Solution: *The chef was provided with a stand-up wheelchair that allowed flexibility and mobility, thereby eliminating the need to change the worksite itself. Cost: Approximately \$3,000.*

Situation: A highly skilled electronics company technician who has AIDS was taking large amounts of annual and sick leave.

Solution: *The employer provided a flexible work schedule and redistributed portions of the workload. The company also instituted AIDS awareness training for employees. Cost: \$0.*

Situation: A severe brain injury has resulted in a computer programmer's inability to read past the vertical midline of his computer screen, starting at the left side.

Solution: *The employer acquired a software package that has a feature for splitting the screen.*

Diversity and Disabilities

Diversity Includes Disability

Workforce diversity has become a major management strategy for many employers in the 1990's because it makes good business sense. A diverse workforce gives companies a competitive advantage by enabling them to better meet the needs of their customers, successfully compete in the global marketplace, and hire from an expanded labor pool.

Managing diversity involves the creation of an open, supportive, and responsive organization in which diversity is acknowledged and valued. Diversity is defined as all of the ways in which we differ. Some of these dimensions are race, gender, age, language, physical characteristics, disability, religion, sexual orientation, and other differences irrelevant to one's capacity to perform a job.

Why Do I Need To Know about Diversity and People with Disabilities?

According to recent studies, America's workforce is changing and rapidly growing more diverse. Over the next few decades, the largest percentage of new growth will be composed of women, ethnic minorities, and immigrants. The number of employees with disabilities will also increase. The current generation of Americans with disabilities is well prepared to be tapped for the job market and able to provide an added solution for the labor shortages facing American business.

People with disabilities are the nation's largest minority, and the only one that any person can join at any time. If you do not currently have a disability, you have about a 20% chance of becoming disabled at some point during your work life. People with disabilities cross all racial, gender, educational, socioeconomic, and organizational lines.

Companies that include people with disabilities in their diversity programs increase their competitive advantage. People with disabilities add to the variety of viewpoints needed to be successful and bring effective solutions to today's business challenges. The American economy is made stronger when all segments of the population are included in the workforce and in the customer base.

How Can My Company Support Diversity, Including Employees with Disabilities?

Educate Yourself

- Before moving ahead, study the issue.
- Learn more about people with disabilities. A good way to start is to contact disability-related organizations for information.
- Contact your local Governor's Committee on Employment of People with Disabilities, Centers for Independent Living, State/Local Vocational Rehabilitation Agencies, and organizations and agencies that serve or represent specific disabilities. Many of these organizations want to assist the business sector, and some provide free training and literature.
- Talk to people with disabilities in your company and ask for their ideas and input.

Develop A Plan

- Establish a system for educating and sensitizing all levels of your workforce on the value of hiring people with disabilities.
- If you have a diversity training program, make sure that employees with disabilities are included in this effort.

Consider The Following Action Items:

Recruitment and Outreach

- Even before positions open, seek out opportunities to develop relationships with organizations, agencies, and programs that represent or train people with disabilities.
- Participate or increase participation in summer internships or similar programs to increase the flow of qualified individuals with disabilities in the "pipeline."
- When a position is approved for external hire, seek out qualified professional organizations that represent and serve people with disabilities.
- When contracting with a retainer or contingency search firm, develop the contract to include qualified people with disabilities in the search. The contract should outline the steps that will be implemented to locate qualified people with disabilities.

Development and Planning

- When task forces or other special committees are established, they should include people with disabilities.
- Monitor to ensure that internal developmental programs are available to employees with disabilities.
- Provide employees with disabilities candid and prompt feedback on their performance.
- When providing training or other off-site activities, make sure that they are accessible to employees with disabilities.

Compensation and Recognition

- Monitor bonuses and stock awards so that consistent job-related standards are applied.
- Monitor appraisal and total compensation systems so individuals with disabilities are treated without discrimination.

Where Can I Obtain Additional Information?

Office of Disability Employment Policy
(202) 693-7880 (VOICE), (202) 693-7881 (TTY/TTD),
(202) 376-6219 (FAX)

Office of Disability Employment Policy's Job Accommodation Network (JAN)
(800) 526-7234 (VOICE/TTY/TTD), (304) 293-5407(FAX)
jan@jan.icdi.wvu.edu (e-mail)

Disability and Business Technical Assistance Centers (DBTACs)
(800) 949-4232 (VOICE/TTY/TTD), (703) 525-6835 (FAX)

What You Should Know about Workplace Laws

What are the Workplace Disability Laws?

During the last few years, employees have been exposed to many new laws, regulations, and acronyms. The Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), and Occupational Safety and Health Act (OSHA) impact upon the workplace. These are different laws enacted at different times with different purposes, and are not totally uniform. You should know about these.

The Americans with Disabilities Act (ADA)

The ADA is a federal antidiscrimination statute designed to remove barriers for individuals with disabilities. The ADA seeks to ensure equal access to employment opportunities regardless of whether someone has a disability. Title I prohibits discrimination against any qualified applicant or employee with a disability in all aspects of employment.

Family and Medical Leave Act (FMLA)

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours during the previous 12 months, and if the company employs at least 50 people within a 75-mile radius. There are some areas of interaction between FMLA and ADA. These areas include medical conditions and reasonable accommodations.

A condition that qualifies as a serious health condition may or may not satisfy the ADA definition of disability. Temporary impairments of short duration constitute a serious health condition, but are not disabilities. Conversely, being a person with a disability (e.g., quadriplegia) does not necessarily constitute having a serious health condition.

The concept of reasonable accommodation under the ADA and FMLA are different. For example, an employee undergoing chemotherapy for cancer may request a modified work schedule as a reasonable accommodation under the ADA; it must be provided unless the employer can prove it would create an undue hardship. The same employee could request time off as FMLA leave. The employer must grant an eligible employee up to 12 weeks of unpaid FMLA. There is no undue-hardship exception.

Occupational Safety and Health Act (OSHA)

The OSHA Reform Act requires an employer to furnish a work environment that is free of recognized hazards causing or likely to cause death or serious injury, as well as to comply with government safety and health standards. There are some areas of interaction between OSHA and ADA. These areas include standards and reporting requirements. In complying with specific OSHA standards, employers may want to consider incorporating ADA reasonable accommodation concepts. For example, OSHA requires employees to label, in writing, certain toxic materials and give written materials explaining their potential dangers to employees. An ADA reasonable accommodation could be also using the universal symbol for poison, and providing verbal warnings of the potential danger of certain toxic materials.

Work Opportunity Tax Credit (WOTC)

What is it? The Work Opportunity Tax Credit (WOTC), which replaces the Targeted Jobs Tax Credit (TJTC) program, provides a tax credit for employers who hire certain targeted low-income groups, including vocational rehabilitation referrals, former AFDC recipients, veterans, ex-felons, food stamp recipients, summer youth employees, and SSI recipients.

How does it apply to persons with disabilities? Employers that hire individuals who are SSI recipients or certified vocational rehabilitation (VR) referrals and meet all of the criteria described below may claim the WOTC.

A VR referral is certified by the State Employment Security Agency (SESA) as:

- having a physical or mental disability resulting in a hindrance to employment, and
- referred to an employer upon completion of or while receiving rehabilitative services, pursuant to the Vocational Rehabilitation Act of 1973, as amended.

What is the amount? An employer may take a tax credit of up to 40 percent of the first \$6,000, or up to \$2,400, in wages paid during the first 12 months for each new hire.

What are the effective dates? January 1, 2002 through December 31, 2003. This program is subject to yearly Congressional renewal.

What are the Minimum Employment Requirements? Eligible employees must work 180 days or 400 hours; summer youth must work 20 days or 120 hours. A partial credit of 25 percent for certified employees who worked at least 120, but less than 400 hours may be claimed by the employer.

What agency provides the WOTC certification? The local State Employment Security Agency (SESA).

How do I file for this credit? Complete and submit IRS Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity and Welfare-to-Work Credits, to your local SESA.

How does it work?

- The employer determines likely eligibility by including the WOTC Pre-Screening Notice as part of the application process.
- On or before the day employment is offered, the Pre-Screening Notice must be signed by the employer and employee and mailed to the SESA within 21 days after the employee begins work.
- The employer documents eligibility (based on information received from the employee) and submits documentation to the SESA.
- SESA certifies which individuals are eligible for WOTC, and notifies the employer in writing for purposes of filing the tax credit.

Where can I obtain IRS Form 8850? Call 800-829- 1040 (voice) or 800-829-4059 TTY or visit the IRS Website at <http://www.irs.ustreas.gov/prod>

Where can I obtain additional information?

U.S. Department of Labor

Employment & Training Administration

<http://workforcesecurity.doleta.gov/employ/wotcdata.asp>

or your local SESA

Workers' Compensation: Developing Company Policies

Disability Management Program

An effective disability management program can curb the escalating costs for workers' compensation disability claims. The key to a successful disability management program is communication—early, frequently, and on a continuous basis among the employee who is injured, management, and labor. An effective program should include the following components: having a written plan with top down support; implementing safety and prevention programs, including keeping employees fit, safety training, and careful design of the workplace; using a managed health care network of providers; avoiding litigation; using a team approach, which includes representatives from all relevant departments; and implementing early return to work programs, which include modified duty jobs.

Federal disability nondiscrimination laws and an effective workers' compensation program share the goal of retaining employees with disabilities in the workforce. Each state has its own workers' compensation law and second injury fund. The employers' return-to-work policies and procedures must be consistent not only with state workers' compensation laws, but also with federal disability nondiscrimination laws.

Workers' Compensation and Federal Disability Nondiscrimination Laws

Workers' compensation laws are designed to provide needed assistance to employees who are injured on the job, whereas the purpose of federal disability nondiscrimination laws is to protect people from discrimination on the basis of disability. These laws prohibit an employer from discriminating against a person with a disability who is qualified for a job. The EEOC regulations prohibit employers from making medical inquiries of employees that are not job-related and consistent with business necessity. However, the federal disability nondiscrimination laws are consistent with an employer taking reasonable steps to avoid increased workers' compensation liability claims while protecting persons with disabilities against exclusion from jobs they can safely perform.

The following questions and answers will assist employers in developing its workers' compensation policies and procedures, as part of its disability management program.

Are all injured workers protected by federal disability nondiscrimination laws?

Whether federal disability nondiscrimination laws protect an injured employee will depend on whether the person meets the definitions of an “individual with a disability” and “qualified individual with a disability.” The person must have an impairment that “substantially limits a major life activity,” or have a “record of” or be “regarded as” having such an impairment. The worker also must be able to perform the essential functions of a job currently held or desired, with or without a reasonable accommodation.

The fact that an employee is awarded workers’ compensation benefits, or is assigned a high workers’ compensation disability rating, does not automatically imply that federal disability nondiscrimination laws protect her or him. Not every employee injured on the job will meet the definition of disability. An employer must consider work-related injuries on a case-by-case basis to determine if the nondiscrimination laws protect a worker.

When are medical examinations allowed?

With regard to employees, employers are prohibited from making disability-related inquiries and requiring medical examinations that are not job-related and consistent with business necessity. However, there are exceptions to this general prohibition:

- Post-offer medical examinations following a conditional offer of employment and before work begins, provided these are required of all individuals in that job classification,
- Fitness-for-duty examinations if such examinations are job-related and consistent with business necessity (e.g. to determine if the employee can perform the essential functions of the job), as well as to determine what reasonable accommodations may be required, and
- Voluntary medical examinations that are part of on-site employee health programs (e.g., “wellness programs”).

An employer may not subject applicants, before a conditional offer of employment, to disability-related inquiries or medical examinations.

If post-offer inquiries or examinations are given before entry on duty, they must be required of all entering employees in a particular category regardless of disability. The results may not be used against individuals with disabilities unless they show that the individual is not qualified for the job. For example, a moving company may test all of its furniture moving laborers, but not its other employees, as long as it tests all furniture moving laborers.

Once an employee is on the job, actual performance is the only permissible measure of the employee’s ability. When the need arises to question a person’s continued ability to do the job, the employer may make disability-related inquiries, including medical examinations only if they are job-related and consistent with business necessity. Such circumstances generally occur when an employer has a reasonable belief, based on objective evidence, that (1) an employee’s ability to perform essential job functions will be impaired by a medical condition; or (2) an employee will pose a direct threat due to a medical condition.

Who can employers inform of an individual's medical data?

In all situations in which medical information is obtained, strict confidentiality is required. Medical information must be maintained in separate files from personnel and other information. While maintaining strict confidentiality, the employer may inform the people listed of an individual's personal medical data to the following extent:

- Supervisors and managers, regarding necessary restrictions in the employees' duties and reasonable accommodations,
- First aid and safety personnel if the disability may require emergency treatment, and
- Government officials investigating compliance with federal disability nondiscrimination laws, upon request.

How can information from these inquiries and examinations be used?

The employer may use information from post-offer medical inquiries and examinations for various purposes, such as:

- To verify employment history,
- To screen out individuals with a history of fraudulent workers' compensation claims,
- To provide information to state officials as required by state laws regulating workers' compensation and "second injury" funds,
- To screen out individuals who would pose a "direct threat" to the health and safety of themselves or others, which could not be eliminated or reduced to an acceptable level by a reasonable accommodation.

What is the role of "light duty" under federal disability nondiscrimination laws?

Many employers provide what is generally called "light duty" or modified duty for employees who are recovering from an injury or other disability. This may involve a temporary reassignment of the employee to an entirely new job with lighter physical demands, or it may consist of allowing the worker to perform the regular job at less than full productivity. Light duty may also include a temporary exclusion of certain difficult tasks from the employee's regular job duties. Federal disability nondiscrimination laws do not require an employer to allow a person with a disability to work permanently on a reduced productivity basis.

Can employers refuse to allow an individual with a disability to return to work?

The employer cannot refuse to let an individual with a disability return to work on the basis that the employee is not fully recovered from injury, unless she or he:

- Cannot perform the essential functions of the job she or he holds or desires with or without a reasonable accommodation, or
- Would pose a significant risk of substantial harm that could not be reduced to an acceptable level with reasonable accommodation (i.e. "direct threat").

Since reasonable accommodation may include reassignment to a vacant position, an employer may be required to consider an employee's qualifications to perform other vacant jobs for which she or he is qualified.

The information in this fact sheet came from various DOL agencies, as well as the following sources: Center on Education and Work, University of Wisconsin-Madison ADAlliances to Educate and Employ People with Disabilities: Ideas to Solve your ADA Problems, September 1994; and the Workers' Compensation Research Institute, Cambridge, MA.

Tax Incentives For Business

There are three tax incentives available to help employers cover the cost of accommodations for employees with disabilities and to make their places of business accessible for employees and/or customers with disabilities.

Small Business Tax Credit: IRS Code Section 44, Disabled Access Credit

What is it? Small businesses may take an annual tax credit for making their businesses accessible to persons with disabilities.

Who is eligible? Small businesses that in the previous year earned a maximum of \$1 million in revenue or had 30 or fewer full-time employees are eligible.

What is the amount? The credit is 50 percent of expenditures over \$250, not to exceed \$10,250, for a maximum benefit of \$5,000. The credit amount is subtracted from the total tax liability after calculating taxes.

What expenses are covered? The credit is available every year and can be used for a variety of costs such as:

- sign language interpreters for employees or customers who have hearing impairments;
- readers for employees or customers who have visual impairments;
- the purchase of adaptive equipment or the modification of equipment;
- the production of print materials in alternate formats (e.g., braille, audio tape, large print);
- the removal of architectural barriers in buildings or vehicles.

What expenses are not covered? The tax credit does not apply to the costs of new construction, and a building being modified must have been placed in service before November 5, 1990.

How can this credit be claimed? Businesses can claim the Disabled Access Credit on IRS Form 8826.

Where can I obtain additional information?

Contact Mark Pitzer, Attorney
Office of Chief Counsel, IRS
1111 Constitution Avenue, NW
Washington, DC 20224
(202)622-3110.

Architectural/Transportation Tax Deduction: IRS Code Section 190, Barrier Removal

What is it? Businesses may take an annual deduction for expenses incurred to remove physical, structural, and transportation barriers for persons with disabilities at the workplace.

Who is eligible? All businesses are eligible.

What is the amount? Businesses may take a tax deduction of up to \$15,000 a year for expenses incurred to remove barriers for persons with disabilities. Amounts in excess of the \$15,000 maximum annual deduction may be depreciated.

What expenses are covered? The deduction is available every year. It can be used for a variety of costs to make a facility or public transportation vehicle, owned or leased for use in the business, more accessible to and usable by persons with disabilities. Examples include the cost of:

- providing accessible parking spaces, ramps, and curb cuts;
- providing telephones, water fountains, and restrooms which are accessible to persons using wheelchairs;
- making walkways at least 48 inches wide.

What expenses are not covered? The deduction may not be used for expenses incurred for new construction, or for a complete renovation of a facility or public transportation vehicle, or for the normal replacement of depreciable property.

May I use the tax credit and tax deduction together? Small businesses may use the credit and deduction together, if the expenses incurred qualify under both Sections 44 and 190. For example, if a business spent \$12,000 for access adaptations, it would qualify for a \$5,000 tax credit and a \$7,000 tax deduction.

Are there limits on annual usage? Although both the tax credit and deduction may be used annually, if a business spends more than may be claimed in one year, it cannot carry over those expenses and claim a tax benefit in the next year.

How can this credit be deducted? The amount spent is subtracted from the total income of a business to establish its taxable income. In order for expenses to be deductible, accessibility standards established under the Section 190 regulations must be met.

Where can I obtain additional information?

Contact Mark Pitzer, Attorney
Office of Chief Counsel, IRS
1111 Constitution Avenue, NW
Washington, DC 20224
(202)622-3110.

Statewide Division of Vocational Rehabilitation Contact Information

Division of Vocational Rehabilitation
2002 Old Saint Augustine Road, Building A
Tallahassee, Florida 32301
800/451-4327

Director: Loretta Costin

Area 1 (Regions 1,2,3,4,5, and 6)
David Riley - Area Director
1 South A Street, Suite 106
Pensacola, FL 32501-5575
850/595-8855

Area 2 (Regions 7,8,9,10, and 11)
Vacant
2141-0120 Loch Rane Blvd.
Orange Park, FL 32073
904/213-3040

Area 3 (Regions 12,13,17,19 and 20)
James Shalls, Area Director
3555 Maguire Boulevard
Bennington Bldg., Suite 205
Orlando, Florida 32803-3723
407/897-2725

Area 4 (Regions 14,15,16, and 18)
Maria O. Risco, Area Director
1313 N Tampa Street, Suite 801
Tampa, Florida 33607-6209
813/233-3600

Area 5 (Regions 21,22,24)
Mary Watford, Area Director
3745 Broadway, Suite 203
Ft. Myers, Florida 33901-8144
941/278-7317
or

Area 6 (Regions 23)
Cynthia Gaber - Area Director
1111 Park Center Blvd, Suite 103
Miami, Florida 33169
305/628-7033

2550 W. Oakland Park Blvd.
Ft. Lauderdale, Florida 33311
954/714-3517

Disability Resources

The Able Trust/ Florida Governor's Alliance for the Employment of Citizens with Disabilities

106 East College Avenue, Suite 820
Tallahassee, FL 32301
(888) 838-2253 Toll-free V/TDD
www.abletrust.org

Clearinghouse on Disability Issues

Governor's ADA Working Group
4040 Esplanade Way, Suite 180
Tallahassee, FL 32399
877-232-4968 (Toll-free helpline)

Florida Division of Vocational Rehabilitation

2002 Old St. Augustine Road, Bldg. A
Tallahassee, FL 32301
850-487-3431
www.rehabworks.org

The Equal Employment Opportunity Commission (EEOC)

1801 L Street NW
Washington, DC 20507
Employment 800.669.4000 (V), 800.669.6820 (TTY)
Documents 800.669.3362 (V), or 800.669.3302 (TDD)
www.eeoc.gov

US Department of Labor Office of Disability Employment Policy

1331 F Street, NW
Washington, DC 20004-1107
202.376.6200 (V)
202.376.6205 (TTY)
202.376.6219 (FAX)
www.dol.gov/dol/odep

US Department of Justice Disability Rights Section Civil Rights Division

PO Box 66738
Washington, DC 20035-6738
800.514.0301 (V)
800.514.0383 (TTY)
www.usdoj.gov/crt/ada/adahom1.htm

Architectural and Transportation

Barriers Compliance Board (The Access Board)

1131 F Street NW, Suite 1000

Washington, DC 20004-1111

800.872.2253 (V)

800.993.2822 (TTY)

www.access-board.gov

Internal Revenue Service

Tax code information 800.829.1040 (V)

800.829.4059 (TTY)

Tax code legal questions 202.622.3110 (V)

TTY: use relay service

Publications 800.829.3676 (V)

800.829.4059 (TTY)

www.irs.ustreas.gov

US Department of Education Office of Special Education and Rehabilitation Services

Rehabilitation Services Administration

330 C Street, SW, Room 3211

Washington, DC 20202

202.205.9415

Provides a national directory of state vocational-rehabilitation services

Independent Living Research Utilization at TIRR

2323 S Sheperd, Suite 1000

Houston, TX 77019

713.520.0232 (V)

713.520.5136 (TTY)

www.ilru.org/Directory/index.html

Provides a national directory of local independent living centers

Job Accommodation Network (JAN)

800.526.7234 (V/TTY)

www.jan.wvu.edu/english/homeus.htm

A free consulting service of the Office of Disability Employment Policy that provides information and advice on job accommodations and the ADA.

ABLEDATA

800.227.0216 (V)

301.608.8912 (TTY)

www.abledata.com

A federal database of information on assistive technology for people with disabilities, sponsored by the National Institute on Disability and Rehabilitation Research, US Department of Education

Disability and Business Technical Assistance Centers Assistance Centers (DBTACs)

800.949.4232 (V/TTY)

www.adata.org/index-dbtac.html

Trace Research & Development Center

608.262.6966 (V)

608.263.5408 (TTY)

part of the College of Engineering, University of Wisconsin

www.trace.wisc.edu

Florida Developmental Disabilities Council

124 Marriott Drive, Suite 203

Tallahassee, FL 32301

850-488-4180 Voice/800-580-7801 Toll-free/888-488-8633 TDD

www.fddc.org

Florida Alliance for Assistive Services and Technology

1020 East Lafayette Street, Suite 110

Tallahassee, FL 32301

850-487-3278 Voice

www.faast.org

Advocacy Center for Persons with Disabilities

2671 Executive Center Circle West, Suite 100

Tallahassee, FL 32301-5092

800-342-0823 Toll-free/850-488-9071 Voice/800-346-4127 TDD

www.advocacycenter.org

Florida Commission for Transportation Disadvantaged

605 Suwannee St., MS-49

Tallahassee, Florida 32399-0450

1-800-983-2435 Helpline

www.dot.state.fl.us/ctd/

Florida Independent Living Centers

1018 Thomasville Road, Suite 100A

Tallahassee, FL 32303-6271

850-488-5624 Voice or TDD/877-822-1993 Toll-Free

www.filc.org

Glossary of Commonly Used Terms

Accessible: Easy to approach, enter, operate, participate in, or use safely, independently and with dignity by a person with a disability (i.e., site, facility, work environment, service or program).

Affirmative Action: Proactive action to accomplish the purposes of a program which is designed to increase the employment opportunities of certain groups, which may involve goals, timetables, or specifically outlined steps to be undertaken to assure that objectives are reached. The Americans with Disabilities Act does not mandate affirmative action for persons with disabilities, but does require that covered entities ensure nondiscrimination. Title 5, Section 503 of the Rehabilitation Act does require that affirmative action be taken in employment of persons with disabilities by Federal contractors.

Alternate Dispute Resolution (ADR): A variety of procedures for the resolution of disputes. Each ADR procedure is a fair and efficient alternative to court adjudication that must be entered into voluntarily by all parties. Some of the more common ADR procedures include arbitration, mediation, and conciliation. ADR is encouraged under the Americans with Disabilities Act to resolve conflicts.

Americans with Disabilities Act (ADA): A comprehensive civil rights law which makes it unlawful to discriminate in private sector employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, employment, public accommodations, transportation, and telecommunication. The law was enacted in July 1990. The private sector employment provisions (Title I) became effective for employers with 25 or more employees on July 26, 1992, and on July 26, 1994, for employers of 15 or more employees. The public sector employment provisions (Title II) became effective on January 26, 1992.

Auxiliary Aids and Services: Devices or services that accommodate a functional limitation of a person with a communication-related disability. The term includes qualified interpreters and communication devices for persons who are deaf or persons who are hard of hearing; qualified readers, taped texts, braille or other devices for persons with visual impairments; adaptive equipment for persons with other communication disabilities; or similar services and actions.

Essential Job Functions: The fundamental job duties of the employment position that the individual with a disability holds or desires. The term essential functions does not include marginal functions of the position.

Equal Employment Opportunity: Nondiscrimination in hiring, firing, compensation, promotion, recruitment, training, and other terms and conditions of employment regardless of race, color, sex, age, religion, national origin or disability.

Individual with a Disability: A person who has a physical or mental impairment that substantially limits one or more of that person's major life activities, has a record of such impairment, or who is regarded as having such an impairment.

Job Coach: A person hired by the placement agency or provided through the employer to furnish specialized on-site training to assist an employee with a disability in learning and performing a job and adjusting to the work environment.

Major Life Activity: Basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Mentoring: Mentoring is an educational process where the mentor serves as a role model, trusted counselor or teacher who provides opportunities for professional development, growth and support to less experienced individuals in career planning or employment settings. Individuals receive information, encouragement and advice as they plan their careers.

Natural Supports: Supports provided to an employee with a disability from supervisors and co-workers, such as mentoring, friendship, socializing at breaks or after work, providing feedback on job performance or learning a new skill together. These natural supports are particularly effective as they enhance the social integration of the employee with a disability with his or her co-workers and supervisor. In addition, natural supports are more permanent, part of the workplace and more readily available than paid job coaches, thereby facilitating long-term job retention.

Qualified Individual with a Disability: An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Reasonable Accommodation: (1) Modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires; (2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables qualified individuals with disabilities to perform the essential functions of that position; or (3) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Supported Employment: An employment option that facilitates competitive work in integrated work settings for individuals with the most severe disabilities (i.e., psychiatric, mental retardation, significant learning disabilities, traumatic brain injury) for whom competitive employment has not traditionally occurred, and who, because of the nature and severity of their disability, need ongoing support services in order to perform their job. Supported employment provides assistance such as job coaches, transportation, assistive technology, specialized job training and individually tailored supervision.

Title V of the Rehabilitation Act of 1973: Title of the law which prohibits discrimination on the basis of a disability by the Federal government, Federal contractors, by recipients of Federal financial assistance, and in Federally-conducted programs and activities.

Undue Hardship: With respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of certain factors. These factors include the nature and cost of the accommodation in relationship to the size, resources, nature, and structure of the employer's operation. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the employing facility to the larger organization.

Vocational Rehabilitation: Programs designed to assist individuals with disabilities enter or reenter gainful employment.

Sources for these definitions include the Americans with Disabilities Act, its implementing regulations and Title V of the Rehabilitation Act.

Florida Business Leadership Network

Membership Application

To assist us in meeting your needs please complete this application and fax to The Able Trust, (850) 224-4496, or mail to 106 E. College Avenue, Suite 820, Tallahassee, Florida 32301. This will enable us to maintain accurate membership records and provide you with all the benefits of membership. Your contact information will only be used for BLN purposes; we do not distribute our membership list.

Member Information

Name: _____

Title: _____

Company Name: _____

Mailing Address: _____

City: _____ FL, Zip: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Approximate Number of Employees: _____

*Note: If you are a nonprofit service provider for people with disabilities, please complete the following for Agency Affiliate Status:

Primary Type of Disability Group Served: _____

Primary Type of Careers/Jobs Your Clientele Qualify For and/or Seeking: _____

Employment Related Services You Provide

- Disability-Related Training Seminars
- Job Accommodation Advice/Consultation
- Access Technology Information/Consultation
- Job Applicants with Disabilities
- Job Fairs
- Other - please list: _____



**The Able Trust
106 E. College Avenue, Suite 820
Tallahassee, FL 32301**

**(888) 838- ABLE (2253) Toll-free
(850) 224-4493 Voice or TDD
(850) 224-4496 Fax
www.abletrust.org**