

**READY,
WILLING,
& AVAILABLE**

**A BUSINESS GUIDE
TO IMPROVING
YOUR WORKFORCE
BY HIRING PEOPLE
WITH DISABILITIES**

**The President's Committee on Employment of People with Disabilities'
Business Leadership Network**

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Disabilities would be absorbed by the
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Policy at the U.S. Department of
Labor, where the BLN will receive
heightened visibility and status.*

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The President's Committee on Employment of People with Disabilities'
Business Leadership Network

Greetings from the President's Committee on Employment of People with Disabilities' Business Leadership Network. This booklet has been prepared by volunteer representatives from companies and government agencies with long records of hiring people with disabilities. We are the people responsible for recruiting, training, supervising, advancing, and terminating personnel.

Two-thirds of all Americans with disabilities between the ages of 16 and 64 are unemployed. Yet, according to two published polls, most want to work! Numerous studies show that employees with disabilities perform as well as employees without disabilities. These studies also show that the cost of employer-provided insurance is unaffected, and the cost of job accommodation is minimal. Still, thousands of people with disabilities who have training and job skills confront misinformation, misperception, unfair employment practices, inaccessible workplaces, and other barriers to jobs.

Though resources abound to help employers tap this underutilized employee pool, many employers do not know how to access these resources. The purpose of this publication is to bring this information to you.

“Knowledge and understanding are two of the most powerful tools in breaking down the barriers to employing people with disabilities. This guide should be a must read for every employer and every employee.”

— *Ed Evans, Sr. Vice President,*
Human Resources
Uniform Services
Aramark Corporation

PREFACE...THE LAW

On July 26, 1990, the Americans with Disabilities Act (ADA) became law. Title I of the ADA is designed to ensure equal employment opportunity for people with disabilities and covers all private sector employers with 15 or more employees (companies with federal contracts are also covered by Section 503 of the Rehabilitation Act of 1973—see Appendix B). The ADA requires employers to carefully review their hiring practices and take specific actions to be sure they do not deny equal employment opportunities to qualified people with disabilities. For an overview of this law, see Appendix A.

The President's Committee on Employment of People with Disabilities is reissuing this booklet, originally prepared before passage of

the ADA and based on the successful experiences of many companies in employing people with disabilities, as a valuable aid to compliance with the ADA. Many activities described in this booklet as helpful in meeting employers' human resource needs and in opening opportunities to qualified people with disabilities are now legally required by the ADA. However, this booklet itself is not intended to provide specific guidance on your legal obligations under the Act. For further guidance on legal obligations, employers should consult the final regulations for Title I and "The Technical Assistance Manual on the ADA" prepared by the Equal Employment Opportunity Commission (EEOC), the agency that enforces the ADA's employment requirements.

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Gary, an FAA employee who is deaf: After graduating from college with a degree in engineering technology, I was eager to get out in the work world. One of my first interviews at a government agency was conducted by note-

taking and lip reading. One manufacturing company told me they could not hire me because they considered me a safety threat, being deaf and working with heavy machinery. I finally got a job in the laundry department of a hotel. Meanwhile, I kept looking for jobs in my chosen field. I completed an application for a draftsman position at the FAA. They offered me a temporary position, which I accepted!

A few days before my contract was up, a co-worker assisted me in contacting companies needing engineering expertise. I landed another job, this time as an engineering technician for a company under government contract. The company did not make many accommodations. It was difficult to understand what was happening at staff meetings. Hands over faces, video screenings without closed-captioning, cassette tapes, and

Gary: I've enjoyed my job at the FAA. Sure, I've experienced my share of barriers, but this environment provides open communications to my concerns. Changes can't happen overnight. There have been constant improvements, but there is still a lot of work to be done. We're all learning from one another.

Richard: Hiring Gary has heightened my awareness and sensitivity toward all people with disabilities. It has become foremost in my mind when making hiring decisions. It's been for me one of the most rewarding experiences of my career.

conference calls contributed to my frustration and lack of communication! The company didn't provide an interpreter, so I missed out on a lot of information. Then, I learned the FAA had a full-time position

open for an "Engineering Technician." I submitted my application.

Richard, FAA Manager: I was ready to fill the position. As I had always done, I was prepared to look through lists of applications before hiring anyone. I remembered my past contacts with Gary and wished I could hire him. His abilities, strong work ethic, and positive attitude would be an asset to any organization. I visited with him and advised him of the position.

As I began to process paperwork through our Human Resource Office, I was surprised to learn that hiring a person with a disability is simple! No advertisement is needed, no list of applications is required, and the actual hiring method took two weeks!

GETTING STARTED

You can integrate people with disabilities into your workforce through a six-step process:

1. COMMITMENT

Let everyone in the company know of your organization's commitment to employing, advancing, and retaining people with disabilities. If the boss wants it to happen, everyone else will too. Remember, workforce diversity includes people with disabilities.

2. RECRUITMENT

Let it be known that you are aggressively seeking job candidates with disabilities. Send your vacancy announcements to disability-related organizations and agencies. Indicate your interest in receiving applications from people with disabilities.

3. INTERVIEWING

Train your interviewers to screen qualified applicants with disabilities. Look at essential functions, qualifications of the individual, and ways to make reasonable accommodations. Don't let the disability distract you as you evaluate qualifications. Be sure any tests or medical exams are performed in accordance with Title I of the Americans with Disabilities Act.

4. ACCOMMODATION

Be sure to test accommodations and adaptations once the person is on the

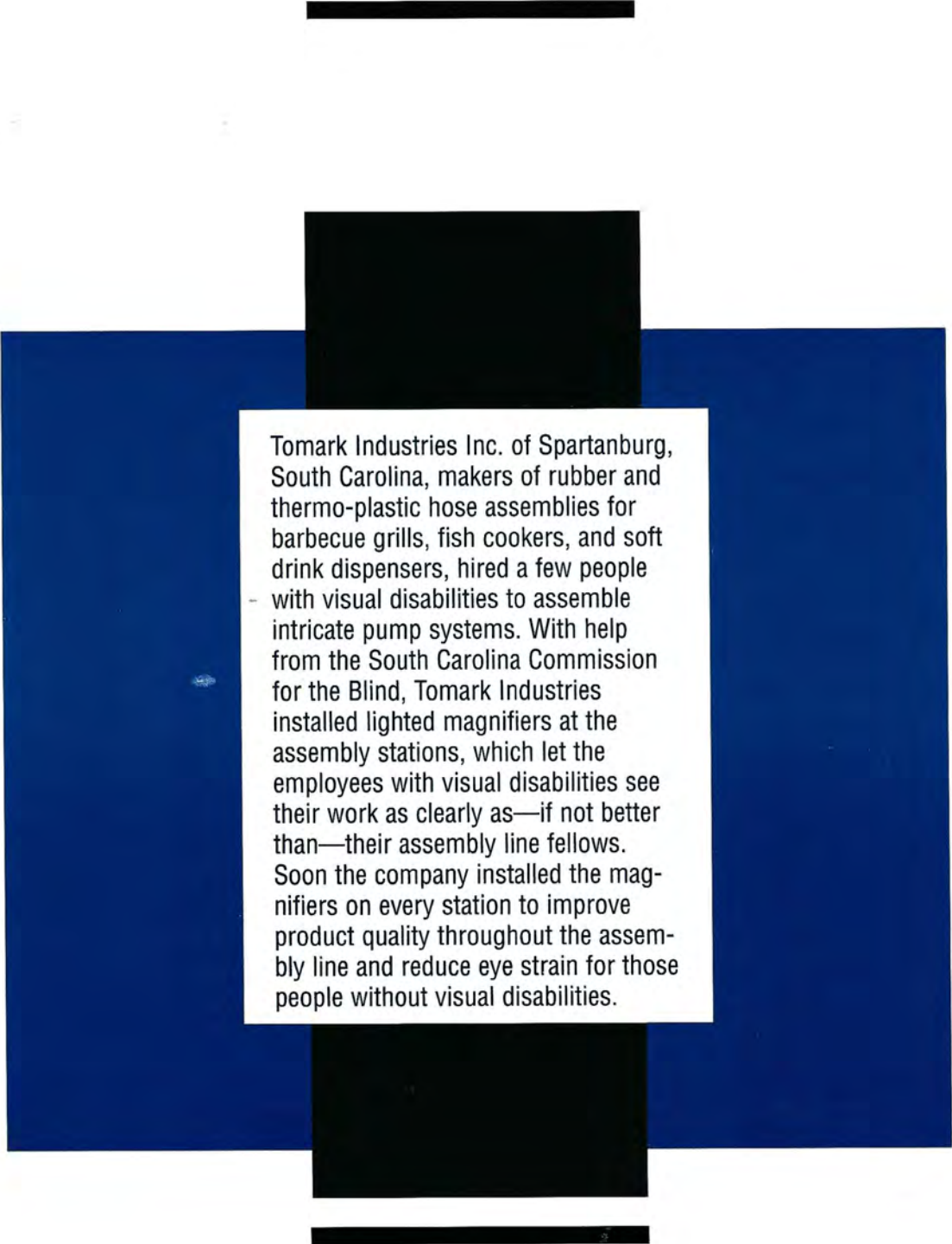
job. If the adaptations are not adequately accommodating the employee, make adjustments or try new ideas. Include the employee with a disability in the process of finding and implementing reasonable accommodations and, if necessary, call the Job Accommodation Network (JAN) on 800-526-7234.

5. TRAINING

Every employee's success hinges on proper orientation and training. Be sure all such programs are accessible to your employees with disabilities. Also, make sure programs that lead to upward mobility and career advancement are available and accessible.

6. AWARENESS/SENSITIVITY

Explain to all workers the principle of reasonable accommodations and why accommodations or adaptations are made. Knowledge is the key to understanding. Also, have someone knowledgeable speak to co-workers about disability myths and misconceptions. Your local Independent Living Center or disability organizations may provide training and orientation to your workforce (see resources at the back of this book). An educated workforce will be better able to ensure the success of your new worker with a disability.



Tomark Industries Inc. of Spartanburg, South Carolina, makers of rubber and thermo-plastic hose assemblies for barbecue grills, fish cookers, and soft drink dispensers, hired a few people with visual disabilities to assemble intricate pump systems. With help from the South Carolina Commission for the Blind, Tomark Industries installed lighted magnifiers at the assembly stations, which let the employees with visual disabilities see their work as clearly as—if not better than—their assembly line fellows. Soon the company installed the magnifiers on every station to improve product quality throughout the assembly line and reduce eye strain for those people without visual disabilities.

WHERE AND HOW TO LOOK

With a tight job market, one in which skilled, dedicated workers are hard to find, it is important to look everywhere for talent. Recruiting should extend to nontraditional sources, including individuals with physical, mental, and communication disabilities. Employers may successfully recruit applicants with disabilities through job announcements, advertisements, and other recruitment notices. Include information on the essential functions of the job. If “good oral skills” are not essential for a vacant position, listing this criterion in a job announcement may misrepresent the job and unnecessarily discourage individuals with speech disabilities from applying for that position. Employers may indicate in job notices that they do not discriminate on the basis of disability. Employers should also make all information about job openings accessible to people with different disabilities. For example, to access people with visual or other reading disabilities, make job information available in Braille, large print, audio-tape, and computer disk. Get a TTY (Text Telephone) and list its number on all your recruiting notices – doing so says your company is sensitive to the needs of people with disabilities.

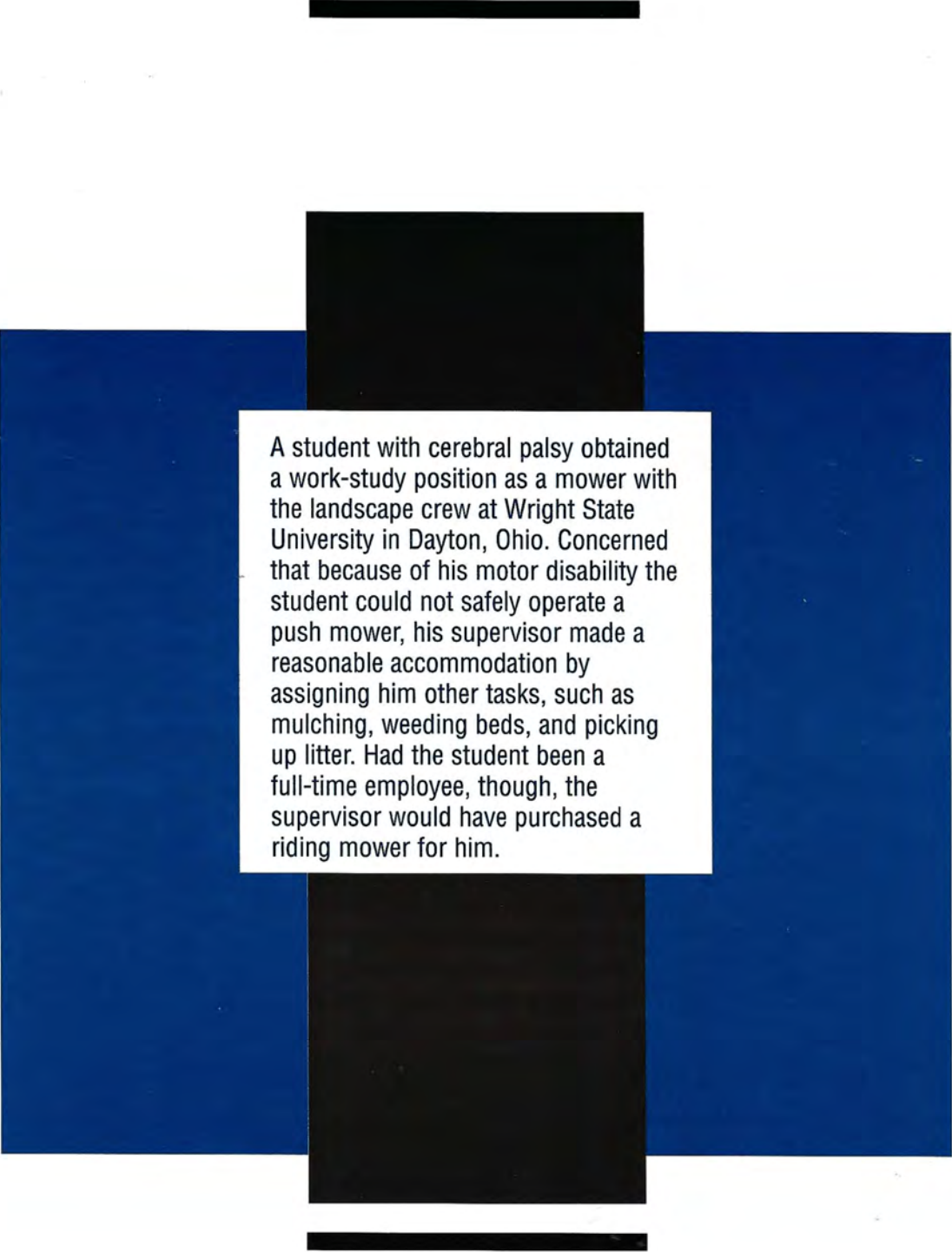
You can obtain help in reaching this talent pool from rehabilitation, independent living, social service, and

education agencies who know people with disabilities in careers that could coincide with your business needs. You can obtain a list of some of these agencies, including the services and programs they provide, by contacting the resources listed at the back of this book.

When reviewing each agency’s services, ask these questions:

1. Does the agency evaluate its clients’ work potential? If so, how?
2. Does the agency provide skills training? If so, what type?
3. Are there additional incentives for hiring the persons the agency represents (e.g., tax credits or training grants)? If so, how do these work?
4. Does the agency provide on-the-job training? Coaching? Follow-up?
5. Does the agency offer “awareness” training for supervisors and managers? Ask the agency about its placement record, including placements in specific jobs, retention rates, etc.
6. Do the agency’s representatives seem to understand my needs as an employer?

Once a relationship is established with one agency, you will find that other agencies with similar services will contact you. Just one successful placement will open other avenues of opportunity.



A student with cerebral palsy obtained a work-study position as a mower with the landscape crew at Wright State University in Dayton, Ohio. Concerned that because of his motor disability the student could not safely operate a push mower, his supervisor made a reasonable accommodation by assigning him other tasks, such as mulching, weeding beds, and picking up litter. Had the student been a full-time employee, though, the supervisor would have purchased a riding mower for him.

MEETING THE CANDIDATE

You have a job to fill and a person with a disability applies. This individual is the same as any other job applicant except that he or she has a physical, mental, or communication disability. It is your responsibility to determine if the person is qualified, but you should do it the same basic way you would handle any other applicant. This is where your own feelings about people with disabilities come into play. If you are uncomfortable, ask yourself, "Why?" Is the reality of the disability the applicant's problem? Or is it your problem?

Here are some tips to help you and the applicant with a disability feel at ease with each other:

GREETING THE APPLICANT

Perhaps you have a friend or relative who has a significant disability. If so, you probably see this person as an individual rather than as a person with a disability, and you have some understanding of what he or she can and cannot do. For many who do not have close contact with a person with a disability, the first experience might cause anxiety: "Am I going to say and do the right things?" When in doubt as to whether to assist an individual, asking "May I be of assistance?" or "Is there anything I can do to make your visit more pleasant?" should break the ice and allow the applicant to tell you what, if anything, is needed.

For example, if the applicant has a visual disability or is blind, identify yourself, shake hands and offer the applicant the option of taking your arm for direction if you need to go to another location. If a guide dog comes, too, just let it do its job and do not pet or speak to it.

If the applicant has a hearing limitation, and you have no experience in sign language, look at the individual, speak in your normal tone of voice, and be prepared to exchange information in writing. Have note pads and pencils handy. Ask the applicant whether an interpreter would facilitate full and effective communication, and if necessary, reschedule the appointment when an interpreter is available. If the applicant is accompanied by an interpreter, talk to the applicant. The interpreter may ask to sit next to you to better interpret your conversation.

If the applicant has a cognitive disability, greet him or her as you would any other applicant and use the vocabulary common to the job.

Like all applicants, people with disabilities need to discuss their assets and liabilities during the interview. After you understand the person's potential for the job, it is okay to say something like: "Would

you explain to me how you will perform the job and what, if any, kind of accommodation you might need?" Remember, the individual may be the best expert on what accommodations he or she may need.

Wrong perspective—"If I were in your shoes, I don't know how I could possibly do this job."

Right perspective—"This person with a disability is applying for the job. If I became disabled but was capable of performing this job, would I wish to be treated like any other applicant without a disability? Let's see about the applicant's experience, training, and education; then we'll deal with the possibility that the disability might require an accommodation in order for the individual to do the functions of the job."

PROCESSING THE APPLICATION

Your company's regular procedures should be consistent with the ADA (see Appendix A), and you should follow them. (Note that the ADA prohibits any pre-employment inquiries about disability.) If the applicant's disability prevents him or her from filling out an application, offer assistance in filling out the application or allow him or her to take

"You do not have to hear or speak to do sheet-metal work."

— *Wray Calahan,*
Human Resources
Specialist,
The Boeing Co.

it home, stating a specific time to return. This action is a reasonable accommodation to your procedures.

TESTING THE APPLICANT

The ADA has specific requirements for testing people with disabilities, including the obligation to provide a reasonable accommodation, if needed, to ensure that tests reflect an individual's ability to do a job rather than the effect(s) of a disability. The ADA requires that employers test people with visual, hearing, speaking, or mobility disabilities in ways that do not test the disability. A job applicant has the responsibility, under the ADA, to request an alternative test format. The EEOC suggests that employers may wish to inform applicants in advance that a test will be given, so that an applicant can notify the employer of any need for accommodation or different format. If the requested accommodation is not available at the time the test is administered, the employer may need to reschedule the test. If your company requires any kind of test and the applicant's disability does not interfere, give the test in the same way you would for any other candidate.

Blindness, motor disability affecting the use of hands or eye/hand coordination, and learning disabilities

“GM’s philosophy is to bring people who are disabled into the mainstream workforce and view them as part of the mainstream marketplace. This is not only the right thing to do; it also makes good business sense. A market of 54 million people is one we want to serve.”

— *John F. Smith,*
Chairman and
CEO,
General Motors
Corporation

may prevent an applicant from passing some tests even though he or she might have the ability to do the job. Rely instead on the applicant’s work experience, training, and education. Remember, when the applicant’s disability makes it impractical to complete a test, particularly one which is timed, the results may not accurately predict the applicant’s abilities and potential suc-

cess on the job. Reading a test to an applicant who has a reading or learning disability is one way to measure abilities for jobs where reading skill is not necessary to perform the job. Consult EEOC’s regulations for further guidance on the ADA’s requirements related to testing.

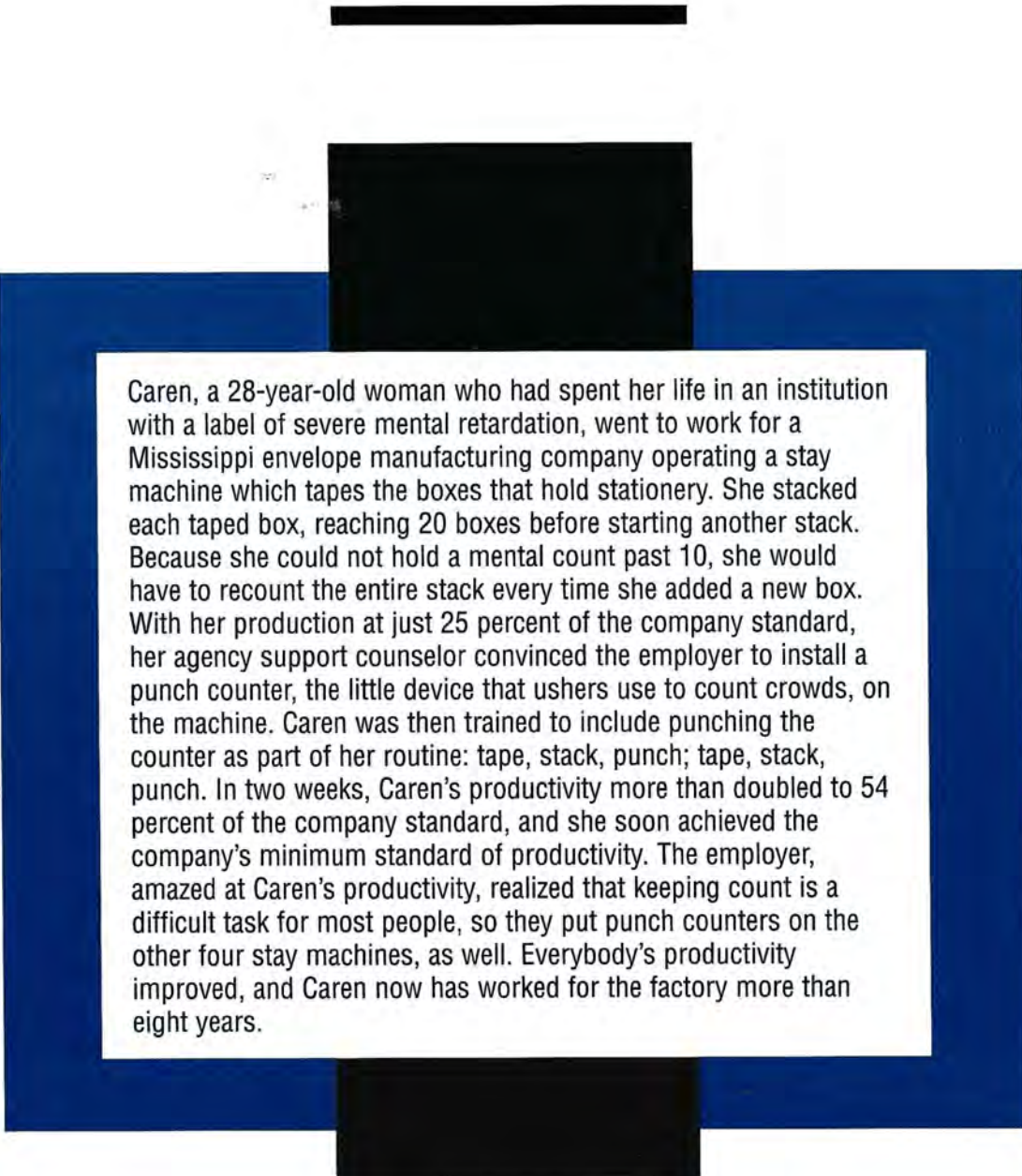
DECIDING WHAT THE JOB IS

Job analysis is the process of breaking down a particular job into its essential functions or parts. This is a useful tool in interviewing, selecting, training, and promoting employees as well as determining pay. Under the ADA, a person is considered to be qualified for a job if he or she can perform its essential functions, with or without accommodation. You should consult EEOC regulations for further guidance on determining the essential functions of a job.

The first step in a job analysis is to make a list of the tasks. Next, ask yourself the following questions about each:

1. How is the task performed? What methods, techniques, and tools are used?
2. How often is the task performed? Are the tasks performed less frequently as important to success as those done more frequently?
3. How much time is allotted to perform the task? Is the pace consistent?
4. Why is the task performed?
5. Where is the task performed?
6. How is success measured?
7. What happens if the task is done wrong?
8. What aptitudes are necessary? (Aptitude refers to the potential to learn and accomplish a skill.)
9. What knowledge is necessary? (Knowledge refers to the level of general or technical information.)
10. What skills are necessary? (Skills refer to the applied ability through training required.)
11. How much physical exertion is required? (Physical exertion refers to lifting, standing, bending, reaching, twisting, and crawling.)
12. What happens if the task is not completed on time?
13. What are the environmental conditions (i.e., hot, cold, dusty, wet, etc.)?
14. How much mental exertion is needed?
15. How much emotional exertion is needed?

Supplement your knowledge of the job with information from other sources. Interviewing the worker and supervisor is critical for office jobs where output cannot be continually measured. Observation is used for manufacturing jobs and jobs that involve manual labor. Worker task logs and questionnaires also might be used. Job analysis is particularly use-



Caren, a 28-year-old woman who had spent her life in an institution with a label of severe mental retardation, went to work for a Mississippi envelope manufacturing company operating a stay machine which tapes the boxes that hold stationery. She stacked each taped box, reaching 20 boxes before starting another stack. Because she could not hold a mental count past 10, she would have to recount the entire stack every time she added a new box. With her production at just 25 percent of the company standard, her agency support counselor convinced the employer to install a punch counter, the little device that ushers use to count crowds, on the machine. Caren was then trained to include punching the counter as part of her routine: tape, stack, punch; tape, stack, punch. In two weeks, Caren's productivity more than doubled to 54 percent of the company standard, and she soon achieved the company's minimum standard of productivity. The employer, amazed at Caren's productivity, realized that keeping count is a difficult task for most people, so they put punch counters on the other four stay machines, as well. Everybody's productivity improved, and Caren now has worked for the factory more than eight years.

ful when hiring people with disabilities. It is equally useful for bringing experienced workers back to a job who are recovering from injury or illness. Frequently a referral agency will provide an analysis free of charge. A careful match of the individual's aptitudes and abilities with the job enhances the probability of success. The job analysis also helps in determining if a job accommodation is necessary. Accommodations can

include additional assistance to the individual with a disability, a physical change to the worksite, a restructuring of tasks or working hours, etc. Several formats for job analysis are available. A sample format is found in Appendix F.

ACCOMMODATING THE WORKER WITH A DISABILITY

You have many resources available to assist in modifying, adapting, and providing accessibility to your office or plant for both the newly hired or newly hired. Most of these changes could cost you nothing.

An excellent resource is the Job Accommodation Network (JAN), which offers free and confidential consultation. If you need to accommodate an applicant with a disability, a new employee, or return to work an employee who is newly disabled, and you do not know what to do, just call JAN.

In about 85 percent of cases handled, JAN has helped employers find modifications that cost less than \$1,000, and often accommodations cost nothing at all. In addition to its database of more than 200,000 specific accommodations, JAN can provide you with specific resources to assist in solving difficult or unique accommodation

A photographer lost the use of one hand and could no longer hold and manipulate a camera at the same time. His company provided a tripod, but that proved too cumbersome.

JAN Solution:

The photographer received a waist pod, the kind used to carry flags to support the camera on a rod, while he shot pictures with his functional hand.

Cost: \$50

A police officer with dyslexia committed too much time at the end of each day to filling out forms.

JAN Solution: The officer was provided a tape recorder to dictate the reports. A secretary who typed the handwritten reports of other officers typed this officer's reports from dictation.

Cost: \$69

or adaptation problems. JAN can also answer basic questions and provide referral information on the Americans with Disabilities Act (ADA). Anyone may call JAN toll-free at 800-526-7234 (voice or TTY) or 800-ADA-WORK, 800-232-9675 (voice/TTY). To learn more about JAN on the Internet, visit www.jan.wvu.edu.

The JAN Web site includes a Searchable Online Accommodation Resource (SOAR) which allows visitors to explore the vast database of accommodations ideas and resources online. Using the SOAR system is as easy as 1-2-3: (1) Visitors to the site choose from a list of disability types—from AIDS/HIV to back injury to muscular dystrophy to vision disorders. (2) A second menu prompts selection of a more specific functional limitation. For example, if the visitor requests information regarding hearing disabilities, the second menu will ask whether the person has

difficulty communicating with customers, using a telephone, responding to emergency signals, etc.

(3) The database generates a range of suggestions for accommodating individuals with a given type of functional limitation. Someone with a hearing-related disability might be alerted to emergency signals with a visual, tactile, or other non-auditory type of signal. The direct URL for this service is <<http://www.jan.wvu.edu/soar>>.

In addition to job modification, in some cases you will need to make structural changes. In most instances, though, the changes required are minimal and involve ramping, doorway widening, and providing accessible restrooms. Persons using wheelchairs may need space for their chairs entering and leaving as well as in work areas, bathrooms, cafeteria, and training sites. Often, simply raising an ordinary desk

An employee was assigned to sort checks into appropriate stacks. However, because of bilateral carpal tunnel syndrome, the employee could not manually pick up the checks.

JAN Solutions: The employee could use a vacuum pick-up pen that suctions objects which could then be dropped in bins. Or, the employee could be fitted with a cuff-type writing aid which holds a pen in place along the index finger. The employee could then slide checks to appropriate bins.
Cost: \$100

A radio broadcast announcer who is totally blind needed to be able to read over the airwaves Associated Press wire news received through phone lines into a standard printer.

JAN Solution: The station supplied the announcer with a Braille printer which could be connected to the Associated Press wire. A switch allowed any user to quickly move between the Braille and regular printers.
Cost: \$1,700

or worktable on blocks will allow the user to draw his or her chair up to the work area and work comfortably.

In most cases the cost of accessibility is relatively small. However, cost should not be viewed as a barrier, and you may qualify for a tax credit for accommodations you make (see Appendix E). Remember, today's successful business recognizes that in a

dwindling labor supply, success comes only to those willing to use all the resources available. That means recruiting and employing the qualified person with a disability and maintaining the employee who is newly disabled.

Consult the ADA Accessibility Guidelines published by the U.S. Access Board for guidance on correct space requirements (800-872-2253 V/TTY; 800-993-2822 TTY; .) Other excellent resources are the 10 federally funded Disability and Business

Technical Assistance Centers (DBTACs). The Center in your area can be reached by calling 800-949-4232.

Accommodating individuals with hearing disabilities may be no more complicated than turning a receptionist's desk to face the door. A variety of devices are available for telephones to amplify hearing and speech.

Devices that flash lights instead of ring bells can be provided for emergency alarms as well as for telephones. Some people with hearing disabilities cannot use regular telephones even if they are adapted with amplifying devices. Instead, people with significant hearing loss use TTYs. These devices make the telephone accessible and productive to people who would otherwise not be able to use them. Under Title IV of the ADA, all states must have relay services allowing people without TTYs to talk to people using TTYs; check your phone book

A chef who has paraplegia and uses a wheelchair needed to access several different areas in the restaurant kitchen. His co-workers preferred to continue standing as they cooked, and the restaurant did not want to install adjustable height work stations.

JAN Solution: The chef could use a stand-up wheelchair, allowing him to remain in his wheelchair but work at standing height when necessary. Cost: \$11,000

for the relay number and learn how to use the system.

Individuals with limited or no vision can be accommodated in various ways. Examples include raised lettering or Braille symbols on signs and elevator buttons. A variety of magnification devices exist, but be sure to allow the individual who will be using the device

to try it before investing. Devices which produce Braille symbols or synthesized speech can assist those with severely limited or no vision to

read printed material and access computers. While such devices may be expensive initially, they often pay for themselves in increased productivity.

You might not need any special equipment to accommodate individuals with cognitive disabilities. Providing extra training and guidance to an individual and breaking a complex task down into simpler components

A person with multiple sclerosis was extremely sensitive to heat. If the office thermostat were adjusted to meet her needs, her co-workers would be too cold, and the company was not able to provide her a private office.

JAN Solution: The individual was provided a cool vest that kept her body temperature down without affecting her colleagues' comfort. Cost: \$350 to \$2,000, depending on the system chosen



may be all that is needed to ensure understanding and productivity. Avoid giving too many instructions at once. Also, try to limit the number of people who give instructions. Multiple instructors often can confuse a situation as much as multiple instructions. Agencies that work with

A company used two-way radios to keep its field workers in touch with each other and the main office. One employee, however, could not use the system because of a hearing loss.

JAN Solution: The field worker with hearing loss was outfitted with a portable text telephone. This allowed the employee to contact the main office, which was equipped with a TTY.
Cost: \$500

people with specific disabilities and state and local rehabilitation facilities are good sources for assistance in providing successful accommodations. In many instances, these agencies also can help pay for some of the more expensive types of equipment.



BUILDING 'PEOPLE' SUPPORT

Gaining the support and commitment of supervisors requires planning, education, support, and feedback. The supervisor is key to the success of the worker with a disability.

You can help supervisors prepare for the specific needs of the individual by providing written information, contacts with community resources, and interaction with people who have disabilities.

Depending on the size of your organization, it might be best to develop a training program for all supervisors using knowledgeable people who can lead discussions about the role of the supervisor. This will create an internal network and increase awareness throughout the organization. Use accurate facts and data to help the supervisor enter the relationship with a realistic, positive attitude.

Knowledge of a person's performance expectations, reliability, and special needs is paramount. For example, knowing that most workers with disabilities are extremely dependable and responsible will help the supervisor

begin to see the person as an asset. Apprehension may not totally disappear until the supervisor has experienced some degree of success with workers who have disabilities. But the new or experienced worker with a disability should be held to the same standard of performance against which nondisabled workers are measured.

At a branch of Lockheed Martin Energy, an employee had his arms amputated and came back to work with prosthetics. Because of the prosthetics, he could not turn the doorknobs at the building where he worked.

As a reasonable accommodation, the company changed all the knobs to levers. This accommodation for one employee with a disability proved beneficial for every other employee in the building. Employees carrying a load of boxes or who otherwise have their hands full can just elbow the lever and the door opens.

Ongoing support from others, particularly top management, is important. Management must be clear about its commitment, providing consistent goals to the supervisor and the worker. This should include support and encouragement for supervisors who successfully manage workers with disabilities. You can also assist by listening to the supervisor's concerns, providing feedback, praising his or her successes, and encouraging efforts to make a good supervisor a role model. Also, he or she will probably derive satisfaction by

seeing someone become a productive part of your organization.

Start by involving the supervisor in the employment process, including recruitment, interviewing, and job modification. The supervisor will know what is expected of him or her and will become aware of the independence that most workers with disabilities wish to attain. With the exception of possible job accommodations, the supervisor's role should not significantly change.

A supervisor should ensure that an employee with a disability has the same opportunity as other workers to fully and effectively perform job duties. Indeed, being overly cautious or protective will have a negative effect on the person's career mobility, self-esteem, and relationships with co-workers. The primary responsibility for getting help once on the job rests with the worker. However, if an employee is obviously unable to perform the essential functions of a job because of a disability, then the employer must find a reasonable accommodation that would enable this person to perform these functions.

It is possible that the supervisor may be unsure of his or her own abilities and require extra coaching and support. Still, increasing understanding and ability to supervise workers with disabilities needs to become an integral part of the supervisor's responsibilities. Remember, you can help ensure success for the supervisor by:

1. carefully planning a process for gaining support;
2. involving the supervisor in the employment process;
3. providing education and resources;
4. providing coaching and feedback; and
5. rewarding results.

And be sure to publicize your commitment and actions so that everyone in your workforce becomes a part of the process.

KEEPING CAREER PATHS

OPEN TO ALL

We hear this question a lot: "Once I hire a person with a disability, what kind of support will I need to give?" That support includes what you have already read in this booklet, but it also extends to what we know collectively as career development. People with disabilities are just like other workers. They want to do a good job, they appreciate constructive supervision, and they want to get ahead. The myth that people with disabilities are grateful just to work and are happy to stay in entry-level positions is precisely that: a myth. Some people need or want a steady routine, but most enjoy new challenges, and people with disabilities are no exception. You should think about goal setting, team building, networking, mentoring, performance evaluations, and training.

GOAL SETTING

Recognize that people with disabilities have career goals. Sit down with your employees and talk about goals. If the goals seem unreasonable to you, ask the employees what they think it would take for them to achieve the goals. See if you can reach a consensus. If the goals are unreasonable for business reasons, say so; but do not automatically assume that the employees' disabilities will be barriers. The biggest barrier may be your lack of experience or understanding. Workers with disabilities simply add to the cultural diversity that employers

must manage in today's labor market.

TEAM BUILDING

It is easy to fall into the trap of isolating your employees with disabilities from the others. Make sure these employees have opportunities not only to work with others on group projects but, when appropriate, to take on leadership roles.

NETWORKING

Bring your employees with disabilities not only into formal work groups but also into informal employee gatherings. Do not assume that just because an employee uses a wheelchair that he or she would not be interested in joining the ski club or that a worker who is deaf would not like to attend the company dance. People with disabilities enjoy all sorts of social and athletic activities. Very often, important business is discussed at these events, and all your employees should be given the opportunity to participate. Be sure to schedule these events in accessible facilities.

MENTORING

If your company uses mentors for new employees, be sure to extend the program to employees with disabilities. Try to train your employees with disabilities to be mentors, too, and do not restrict their services to new employees with disabilities. Everyone, whether disabled or not, can benefit

from the guidance of a more experienced worker, whether disabled or not.

PERFORMANCE EVALUATIONS

Every company differs in how it evaluates its employees. Some procedures are formal, written documents; others are less formal and oral. Whatever procedure your company uses, treat your employees with disabilities as you treat all others. If you have restructured jobs to accommodate disabilities, you should evaluate the employees only on those tasks they are expected to perform. But you should apply the same performance criteria to those employees that you apply to all other employees.

TRAINING

When you have training opportunities, give your employees with disabilities an equal chance. If there are formal classes, arrange accessible facilities, make materials available in Braille,

large print, audiotape, and computer disk for persons who have visual disabilities, provide interpreters for participants who have hearing disabilities, and make other necessary accommodations. If one of your employees who has a disability happens to be an expert in the skill or topic being taught, consider having that person be the trainer for the course.

TRANSPORTATION

If you offer any form of transportation for your employees, the ADA requires that you provide access to such transportation for employees with disabilities. As with anyone, how well your employees with disabilities support you may depend on how you support them.

MOVING FORWARD

Remember the six-step process to integrating people with disabilities into your workforce:

1. COMMITMENT
2. RECRUITMENT
3. INTERVIEWING
4. ACCOMMODATION
5. TRAINING
6. SENSITIVITY

The global marketplace requires companies to compete with diverse workforces. The strongest competitors are those that utilize every possible source of talent. Do not let myths, misperceptions, or misunderstanding about people with disabilities keep your company out of the competition for this resourceful and reliable pool of skilled workers who are ready to work, willing to work, and available now.

“The last group of people in this country who could keep the economy going for all of us, with low inflation, are Americans with disabilities, who want to work, who can work, who are not in the work force.”

— *President Bill Clinton,*
June 4, 1999

“I think critical to the acceptance of people with disabilities is education. IBM employees are open and helpful, but they often don't have experience or knowledge about disabilities. As I've seen with my team (which includes three individuals with disabilities), once they have the information and experience, they become supportive, enthusiastic champions. And as their successes have demonstrated, it's good business sense.”

— *Jim Bould,*
Senior Program Manager
IBM

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is modeled after the Rehabilitation Act of 1973 and the Civil Rights Act of 1964. The purpose of the ADA is to ensure civil rights protections to people with disabilities.

The ADA prohibits discrimination on the basis of disability in the private sector and in state and local governments. In addition to prohibitions against discrimination in employment, the ADA also prohibits discrimination in public accommodations and services, transportation provided by public and private entities, and in the provision of telecommunication services.

TITLE I OF THE ADA: EMPLOYMENT

The ADA requires nondiscrimination in all employment practices on the basis of disability, and specific actions to ensure equal employment opportunity. The ADA's employment provisions cover all employers who have 15 or more employees, the same scope of coverage which exists under Title VII of the Civil Rights Act of 1964. Under the ADA, an employer may not discriminate against a person with a disability when the person is qualified to perform the essential functions of the job, with or without a reasonable accommodation.

DISABILITY DEFINED

- A person who:
 - Has a physical or mental disability which substantially limits a major life activity, or
 - Has a record of such disability, or
 - Is regarded as having such an disability
- Same as definition in the federal Rehabilitation Act of 1973, as amended.

EXAMPLES OF MAJOR LIFE ACTIVITIES DEFINED, but not limited to

- Seeing
- Learning
- Hearing
- Breathing
- Walking
- Working
- Caring for oneself

PHYSICAL OR MENTAL DISABILITY DEFINED, but not limited to

- Physiological disorder or condition, cosmetic disfigurement, or anatomical loss
- Mental or psychological disorder, such as mental retardation, emotional or mental illness, specific learning disabilities. May include:
 - cerebral palsy
 - epilepsy

- muscular dystrophy
- multiple sclerosis
- AIDS
- cancer
- heart disease
- diabetes
- Does not include:
 - minor or temporary disabilities
 - simple physical characteristics, such as hair or eye color
 - environmental or cultural disadvantages
 - current illegal use of drugs
 - transvestism
 - homosexuality
 - sexual behavior disorders
 - compulsive gambling
 - kleptomania
 - pyromania

QUALIFIED INDIVIDUAL WITH A DISABILITY DEFINED

Person must be a “qualified” individual with a disability to be protected under the ADA. An “individual with a disability” as defined by the ADA is one who with or without reasonable accommodation can perform the essential functions of the job.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an undue hardship on the operation of the employer’s business.

UNDUE HARDSHIP DEFINED

Undue hardship is an action requiring significant difficulty or expense when considered in light of factors such as the employer’s size, financial resources, and the nature and structure of the operation. Factors to be considered in determining whether an accommodation would cause an undue hardship include:

- the nature and cost of the accommodation;
- the resources and size of the business as a whole and of the facility making the accommodation;
- the type of business operation, function, and structure of the workforce and;
- the impact that the accommodation would have on the facility making it and on the business as a whole.

REASONABLE ACCOMMODATION DEFINED

Reasonable accommodation means that there is some modification in a job’s tasks or structure, or in the workplace, which will allow the qualified employee with the disability to do the job. Employers also must make accommodations to enable people with disabilities to participate in the job application process and to enjoy benefits and privileges enjoyed by

other employees. The modification or change must be made unless it would be an undue hardship for the employer.

Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Employers may not ask applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. If the applicant has a known disability that appears to interfere with or prevent job performance, the employer may ask the

applicant to describe or demonstrate how he or she would do the job, with or without an accommodation.

A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of current employees must be job related and consistent with business necessity. The results of all medical examinations and information from inquiries about a disability must be kept confidential, and maintained in separate medical files.

The ADA explicitly provides that employers may prohibit the illegal use of drugs or alcohol by all employees, may require that employees not be under the influence of alcohol or drugs in the workplace, and may hold a drug user or alcoholic to the same qualifications, performance, and behavioral standards to which all employees are held, even if unsatisfactory performance or behavior is related to the individual's drug use or alcoholism.

Contact the Equal Employment Opportunity Commission for information on the Americans with Disabilities Act employment requirements.

Employment questions 800-669-4000 (V), 800-669-6820 (TTY)

Employment-documents, 800-669-3362
(V), 800-800-3302 (TTY)
Internet address: www.eeoc.gov

**TITLE III OF THE ADA:
PUBLIC ACCOMMODATIONS**

Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in places of public accommodation and in commercial facilities. The regulations were published by the Department of Justice and incorporate the ADA Accessibility Guidelines issued by the Architectural and Transportation Barriers Compliance Board as the standard for accessible design. The specific requirements for new construction and alterations in places of public accommodation and commercial facilities are contained in Subpart D of the regulations (Section 36.401 to 36.406, pages 35599 to 35602 and Appendix A (pages 35605 to 35690)).

For technical assistance with respect to the ADA Accessibility Guidelines, contact the Architectural and Transportation Barriers Compliance Board at 1-800-USA-ABLE (1-800-872-2253) (V/TTY) or 202-272-5434 (V), 202-272-5449 (TTY). Contact the Disability Rights Division of the U.S. Department of Justice ADA Information Line for documents, questions and referrals. 800-514-0301 (voice), 800-514-0383 (TTY), Electronic bulletin board 202-514-6193; Internet address www.usdoj.gov/crt/ada/adahom1.htm

As part of the ADA, Congress directed the Access Board to create accessibility guidelines for building modification and construction. These ADA Accessibility Guidelines (ADAAG), upon approval, are then folded into the Department of Justice regulations enforcing the ADA and have become the standards for such items as accessible paths of travel, parking space allotments, ramping, counter heights, rest room fixtures, and signage.

REHABILITATION ACT AMENDMENTS OF 1992

This law changed eligibility requirements and procedures for determining eligibility, strengthened requirements for interagency cooperation, strengthened consumer involvement requirements, and provided that ADA Title I Standards shall be applied to determine whether there has been non-affirmative action discrimination under the Rehabilitation Act.

FAMILY AND MEDICAL LEAVE ACT OF 1993

This law allows workers to take up to 12 weeks of unpaid leave a year to care for newborn children and family members with serious health conditions or to recover from serious health conditions.

TELECOMMUNICATIONS ACT OF 1996

This law requires telecommunications manufacturers and service providers to ensure that equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

This law improved access to health care for some Americans by guaranteeing that private health insurance is available, portable, and renewable, and has limited pre-existing condition exclusions.

WORKFORCE INVESTMENT ACT OF 1998

This law required consolidation of several federal education, training, and employment programs; reauthorized Rehabilitation Act programs through Fiscal Year 2003 and linked those programs to state and local workforce development systems; and expanded Section 508 to ensure that all federal departments and agencies procure, use, and maintain accessible electronic and information technology.

ASSISTIVE TECHNOLOGY ACT OF 1998

This law authorized state grant programs and protection and advocacy systems to address the assistive technology needs of people with disabilities, and authorized the development of alternative financing mechanisms to assist people with disabilities in purchasing assistive technology.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

This law allows for Medicaid and/or Medicare benefits to be extended for people with disabilities who go to work; and provides for a "ticket to work and self-sufficiency" which allows Social Security beneficiaries with disabilities choice and expanded options in pursuing employment and employment supports.

STATE AND LOCAL FAIR EMPLOYMENT STATUTES

Most states and many localities have statutes making discrimination against a person because of a disability illegal, whether it be in employment or in public and private services. Some states have statutes specifically addressing discrimination against people who have physical or mental disabilities, while other states include discrimination against people with

disabilities in a broader Human Rights Act which includes protection for other groups based on race, color, religion, sex, national origin, age, marital status, etc. The common purpose of all state statutes is stating, as a public policy, that people with disabilities should be given the same opportunity and be treated under the same conditions and privileges as people who are not disabled. Some states are revising their laws to be consistent with provisions of the Americans with Disabilities Act. However, many states will continue to have different provisions. For example, they may cover employers with fewer employees, or provide different remedies.

The ADA does not preempt state and local laws that prohibit discrimination against people with disabilities. Where the ADA provides greater protection for such persons, its provisions will apply, but where a state or local law provides greater protection, the provisions of that law will apply. Therefore, it is important to be familiar with state and local nondiscrimination laws that apply to your business as well as to know the requirements of the ADA. For more information, contact the Governor's Committee on employment of people with disabilities for your state or the Human Rights Commission of your state.

EMPLOYER INCENTIVES

DISABLED ACCESS CREDIT (DAC), (SECTION 44 INTERNAL REVENUE CODE) P.L. 101-508, The Omnibus Budget Reconciliation Act of 1990, (OBRA 190), contains a tax incentive to encourage small businesses to comply with the Americans with Disabilities Act.

DAC is available to an "eligible small business" and is equal to 50 percent of the "eligible access expenditures" which do exceed \$250, but do not exceed \$10,250, for a maximum credit of \$5,000 a year. It is included as part of the General Business Credit and is subject to the rules of current law which limit the amount of General Business Credit that can be used for any taxable year.

DAC can be carried forward up to 15 years and back for three years, but not back to a taxable year prior to the date of enactment.

An "eligible small business" is "any person" whose gross receipts did not exceed \$1,000,000 for the preceding taxable year, or who employed not more than 30 full-time employees during the preceding year. A full-time employee is defined as one who is employed at least 30 hours per week for 20 or more calendar weeks in the taxable year.

In general, all members of a controlled group of corporations will be treated as one person for purposes of credit eligibility, and the dollar limitation among the members of any group will be apportioned by regulation.

In the case of a partnership, the expenditure limitation requirements will apply to the partnership and to each partner. Similar rules will apply to S corporations and their shareholders.

"Eligible access expenditures" are defined as "amounts paid or incurred by an eligible small business for the purpose of enabling small businesses to comply with applicable requirements" of the ADA. Included are expenditures for:

1. removing architectural, communication, physical, or transportation barriers which prevent a business from being accessible to, or usable by, individuals with disabilities;
2. providing qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing disabilities;
3. providing qualified readers, taped texts, and other effective methods of making visually delivered materials available to individuals with visual disabilities;

4. acquiring or modifying equipment or devices for individuals with disabilities;

5. providing other similar services, modifications, materials or equipment.

All expenditures must be "reasonable" and must meet the standards promulgated by the Internal Revenue Service with the concurrence of the Architectural and Transportation Barriers Compliance Board. Expenses incurred for new constructions are not eligible.

An eligible small business under Section 44 may deduct the difference between the disabled access credit claimed and the disabled access expenditures incurred, up to \$15,000, under Section 190, provided such expenditures are eligible for the Section 190 deduction.

The Disabled Access Credit is found in Section 11611 of OBRA '90, which establishes Section 44 of the Internal Revenue Code of 1986.

THE ARCHITECTURAL AND TRANSPORTATION BARRIER REMOVAL DEDUCTION (SECTION 190 INTERNAL REVENUE CODE)

In 1986, Congress amended Section 190 of the Tax Reform Act to extend permanently the annual \$35,000 tax deduction for the removal of architectural and transportation barriers. P.L. 101,508, the Omnibus Budget Reconciliation Act of 1990, amended Section 190 and reduced the deduction from \$35,000 to \$15,000, effective for tax years after 1990.

Under Section 190, businesses may choose to deduct up to \$15,000 for making a facility or public transportation vehicle, owned, or leased for use in the business, more accessible to and usable by individuals with disabilities. A facility is all or any part of a building, structure, equipment, road, walk, parking lot, or similar property. A public transportation vehicle is a vehicle, such as a bus or railroad car, that provides transportation service to the public, or to customers.

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.

In the case of a partnership, the \$15,000 limit applies to the partnership and to each partner.

Amounts in excess of the \$15,000 maximum annual deduction can be added to the basis of the property subject to depreciation.

In order for expenses to be deductible, accessibility standards established under the Section 190 Regulations must be met. For additional information on the Disabled Access Credit or Section 190, contact a local Internal Revenue Service office or:

Office of Chief Counsel
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224
202-622-3110

VOCATIONAL REHABILITATION SERVICES

WHAT IS VOCATIONAL REHABILITATION?

The objective of vocational rehabilitation is to empower individuals with disabilities and to prepare them for work. Vocational rehabilitation services can be provided by public and private agencies. Individuals who become disabled as a result of military service or during military service are most often provided rehabilitation services through the U.S. Department of Veterans Affairs. New vocational rehabilitation opportunities will be available as a result of the Ticket to Work and the Work Incentives Improvement Act of 1999.

PROCESS

Assessing the individual's aptitudes, abilities, and attitudes is the first step in vocational rehabilitation. The process includes medical, psychological, and vocational testing. The assessment provides the information needed to set up a rehabilitation plan, which might include physical, occupational, speech, or hearing therapy. Job-seeking skills, such as interviewing and resume preparation, are included. Finally, after an individual is placed, most vocational rehabilitation services do follow-up to ensure that the job match is successful.

DEVELOPING AN AFFIRMATIVE ACTION PROGRAM

If you are an employer who has a federal contract or subcontract of \$10,000 or more, you have an obligation, under Section 503 of the Rehabilitation Act, to take affirmative action to recruit, employ, and advance people with disabilities. You are also obligated, under the Vietnam Era Veterans Readjustment Act, to take affirmative action in employing disabled and Vietnam Era veterans.

If you have a contract or subcontract of \$50,000 or more and employ 50 or more persons, you have an obligation to develop and maintain a written affirmative action program, and to disseminate that program inside and outside your organization, in accordance with regulations of the Office of Federal Contract Compliance Programs of the U.S. Department of Labor. Employers with a contract or subcontract of \$50,000

or more who employ 50 or more employees also are required, by Executive Order 11246, to have a written affirmative action plan for the employment and advancement of minorities and women. Some employers who are federal contractors combine their affirmative action plan under all of these statutes.

JOB ANALYSIS FORM

Agency _____ Position _____ Salary _____ Reference _____

1. Job Description

2. Physical Requirements	Weight/Reach	% of Time	Adaptations	Remarks
Carrying				
Cleaning				
Climbing				
Collating				
Dialing				
Driving				
Filing				
Hearing				
Holding				
Indexing				
Inserting				
Lifting				
Maintenance				
Opening				
Pulling				
Pushing				
Removing				
Scheduling				
Sitting				



2. Physical Requirements	Weight/Reach	% of Time	Adaptations	Remarks
Sorting				
Speaking				
Stamping				
Standing				
Stapling				
Threading				
Turning Pages				
Typing				
Unfolding				
Unlocking				
Using Keyboard (coding)				
Walking				
Weighing				
Writing				
3. Cognitive Requirements	Level/Type	Recommendations		
Education				
Math				
Problem Solving				
Reading				
Reasoning				
Training				
4. Site Evaluation	Dimensions	Adaptations		
Job Site				
Desk				



4. Site Evaluation	Dimensions	Adaptations
Door Door Mechanism Elevators File Cabinets Floor Covering Obstacles Steps Threshold		
Bathroom Door Grab Bars Sink Toilet		
Cafeteria Accessibility		
Parking		

5. Comments:

Operation of Equipment

Job Analyst

Date

Reprinted with permission from the Job Development Bank and Enhanced Productivity for Severely Disabled Persons, K. Mallik and S. Yuspeh, 1979, G. Washington University Rehabilitation Research and Training Center, Washington, D.C., Grant # G008300123, NIDRR, Department of Education

GENERAL RESOURCES

**President's Committee on
Employment of People with
Disabilities**

1331 F Street, NW
Washington, DC 20004-1107
202-376-6200 (V)
202-376-6205 (TTY)
202-376-6219 (Fax)
www.pcepd.gov

**Equal Employment Opportunity
Commission**

1801 L Street NW
Washington, DC 20507
Employment - questions 800-669-
4000 (V) 800-669-6820 (TTY)
Employment - publications 800-
669-3362 (V) 800-800-3302 (TTY)
www.eeoc.gov

**U.S. Department of Justice
Disability Rights Section
Civil Rights Division**

P.O. Box 66738
Washington, DC 20035-6738
800-514-0301(V)
800-514-0383 (TTY)
www.usdoj.gov/crt/ada/adahoml.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

For a national directory of state
vocational-rehabilitation services:

U.S. Department of Education
Office of Special Education and
Rehabilitative Services
Rehabilitation Services Administration
330 C Street, SW
Room 3211
Washington, DC 20202
202-205-9415

or contact your Rehabilitation
Services Administration Regional
Office, a list of which can be found at:
www.ed.gov/offices/OSERS/RSA/rsaorg.html#RO

For a national directory of local
independent living centers:

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

ASSISTIVE TECHNOLOGY AND JOB ACCOMMODATION RESOURCES

Job Accommodation Network (JAN)
800-526-7234 (V/ TTY)

a free consulting service of the President's Committee on Employment of People with Disabilities that provides information and advice on job accommodations and the ADA.

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

ABLEDATA

800-227-0216 (V)

301-608-8912 (TTY)

a federal database of information on assistive technology for people with disabilities, sponsored by the National Institute on Disability and Rehabilitation Research, U.S.

Department of Education

www.abledata.com

Disability and Business Technical Assistance Centers (DBTACs)
800-949-4232 (V/TTY)

This number automatically routes the caller to the closest DBTAC

DBTACs are federally funded centers that provide information, referrals, training, and technical assistance on the ADA

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, the Trace Center provides information on computer access and is working on ways to make standard information technologies and telecommunications systems more accessible and usable by people with disabilities.

www.trace.wisc.edu



PRESIDENT'S
COMMITTEE
ON EMPLOYMENT
OF PEOPLE
WITH DISABILITIES

BUSINESS LEADERSHIP NETWORK