

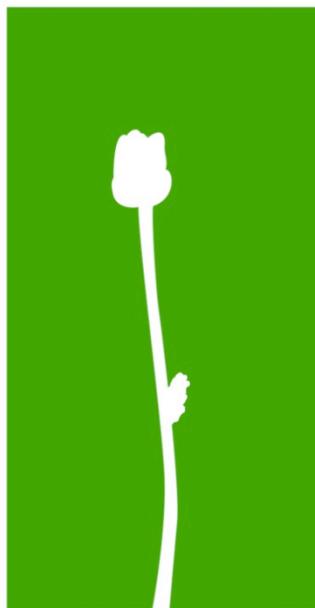


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## Workshop Outline:

- Welcome & Introductions
- Foundation Building – Who are People with Disabilities?
- Legal Responsibilities to Inclusion
- Interviewing, Disclosure & Management
- Case Study & Reasonable Accommodation
- Action Planning



## **A Corporation for National and Community Service Training and Technical Assistance Provider**



[www.serviceandinclusion.org](http://www.serviceandinclusion.org)

Toll-free hotline: 888-491-0326 (voice/TTY)

# National Partnerships

The National Service Inclusion Project partners with the following organizations to further enable all CNCS grantees to collaborate with the disability community. These disability organizations are committed to promoting national service and volunteerism as a valued option for individuals with disabilities to their respective communities.

Association of University Centers on Disabilities (AUCD)  
Association on Higher Education and Disability (AHEAD)  
National Down Syndrome Congress (NDSC)  
National Council on Independent Living (NCIL)





## The 2009 Edward M. Kennedy Serve America Act



**On March 31, 2009 the U.S. House of Representatives passed the Edward M. Kennedy Serve America Act to reauthorize the CNCS and its programs through 2014**

**On April 21, 2009. President Obama signed the bill into law.**

## The Edward M. Kennedy Serve America Act...

- Even more explicitly emphasizes a commitment to the inclusion of people with disabilities as active participants in national service...

**WHAT IS A DISABILITY?**

**or**

**A PERSON WITH A DISABILITY IS  
SOMEONE WHO...**

## Intent of Section 504 of the Rehabilitation Act of 1973 & the Americans with Disabilities Act (ADA)

- Ensure non-discrimination against people with disability
- Ensure equal access and opportunity



## **Section 504 of the Rehabilitation Act of 1973**

“No otherwise qualified disabled individual in the United States... shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

## **“Disability” as Defined by Section 504 of the Rehabilitation Act & the Americans with Disabilities Act**

- A physical or mental impairment that substantially limits one or more major life activities
- A history or record of such an impairment
- Being regarded as having such an impairment, even when no limitations exist
- Someone who has an association with someone with a disability

## “Major Life Activity” is Anything an Average Person Can Do with Little or No Difficulty

Major life activities include, but are not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, reaching, sleeping and mental/emotional processes such as thinking, concentrating and interacting with others.

Americans with Disabilities Act Amendments Act (ADAAA) additions: operation of major bodily functions such as the immune system, normal cell growth and the endocrine system.

<http://www.jan.wvu.edu/bulletins/adaaa1.htm>

## ***“Substantially limits”***

...unable to perform, or significantly limited in the ability to perform, an activity as compared with an average person. Factors to be considered are:

1. Its nature and severity
3. How long it will last or is expected to last, and
3. Its permanent or long-term impact, or expected impact

## Interview Inquiries and the Law

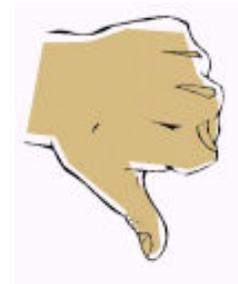
- No disability–related questions verbal or written
- Questions should relate only to position requirements
- No medical examinations prior to offer of position
- Medical examinations allowed after offer of position  
*(only if required of all members)*

## Interview Questions that are OK



- Are you able to perform the essential functions of this position, with or without reasonable accommodations?
- Can you describe how you would perform the following job functions (followed by a list of service duties)?
- Ask:
  - How would you?
  - What would you do if?
  - How long would it take to?

## Interview Questions that are NOT OK



- Do you have a disability?
- Do you have any physical or mental impairments which might limit you in performing this job?
- Have you ever collected workers' compensation?
- What medical conditions do you have?
- What information can you tell me about your disability?

## More Hints on Interviewing...

- Offer the availability of accommodations prior to the interview
- If accommodations are requested for the interview, ask questions for more detailed information
- If someone discloses a disability, offer the availability of and process for acquiring accommodations
- Do not ask for details about a requested accommodation during the interview
- Not everyone with a disability needs an accommodation
- Ask (and document) the same questions of everyone
- Ask how the person would accomplish concrete tasks

# Disclosure

# Reasons for Not Disclosing

- Culture of program environment
  - “gossipy”
  - Excessively competitive
  - Racially insensitive
- Fear of potential reactions
- Refusal of other service members to share equipment
- Not relevant
- Stigma associated with disability
- Need to disclose to other people outside of service program first



# Impact for Not Disclosing

- Social isolation
  - Did not get close to people for fear of personal questions
- Feel compelled to misrepresent
  - Told other service members he/she had a different diagnosis
  - Explained medical appointments by saying they were part of nutrition study
- Unable to request accommodations
- Report less support than people who did disclose
- Higher stress from keeping the secret

## Things to Remember about Disclosure



- It is up to the individual to disclose a disability
- The amount of information provided about a disability is up to the individual
- If an individual discloses a disability, that information must be maintained confidentially and cannot be disclosed to others
- May share information regarding disabilities if member provides approval in writing or alternative verifiable method
- Human Resource personnel and supervisors are trained/informed in the confidentiality of medical, disability and accommodation-related information

## How can service programs encourage disclosure?

- Availability of accommodations is openly posted and publicized
- Individuals with disabilities are full participants in program and service activities
- Display of statements, such as “Qualified individuals with disabilities and those from diverse backgrounds are strongly encouraged to apply. We provide reasonable accommodations for qualified individuals and conduct all activities in fully accessible settings.”
- Questions and solutions naturally arise about accessibility when planning activities
- Products and interior decorations portray images of people with disabilities

## Guidelines for Managing Performance

- Individuals with disabilities are held to the same performance and conduct standards as other members and volunteers
- If a person with a disclosed disability is not performing well, you may ask whether any accommodation is needed to improve performance
- Document poor performance or misconduct and advise the person there are issues of concern
- An accommodation can be requested following feedback on poor performance and granted to enable a qualified individual with a disability to meet such conduct standard in the future

The above cited from:

<http://www.eeoc.gov/facts/performance-conduct.html>

## **Guidelines for Managing Performance cont.**

- If the reason for unsatisfactory performance relates to the need for accommodations, you may not discipline or terminate the individual
- An individual who poses a direct threat to the health or safety of the individual or others “...that cannot be eliminated by a reasonable accommodation is not considered a qualified individual”
- Maintain clear and comprehensive documentation of all interactions. Give clear and consistent feedback

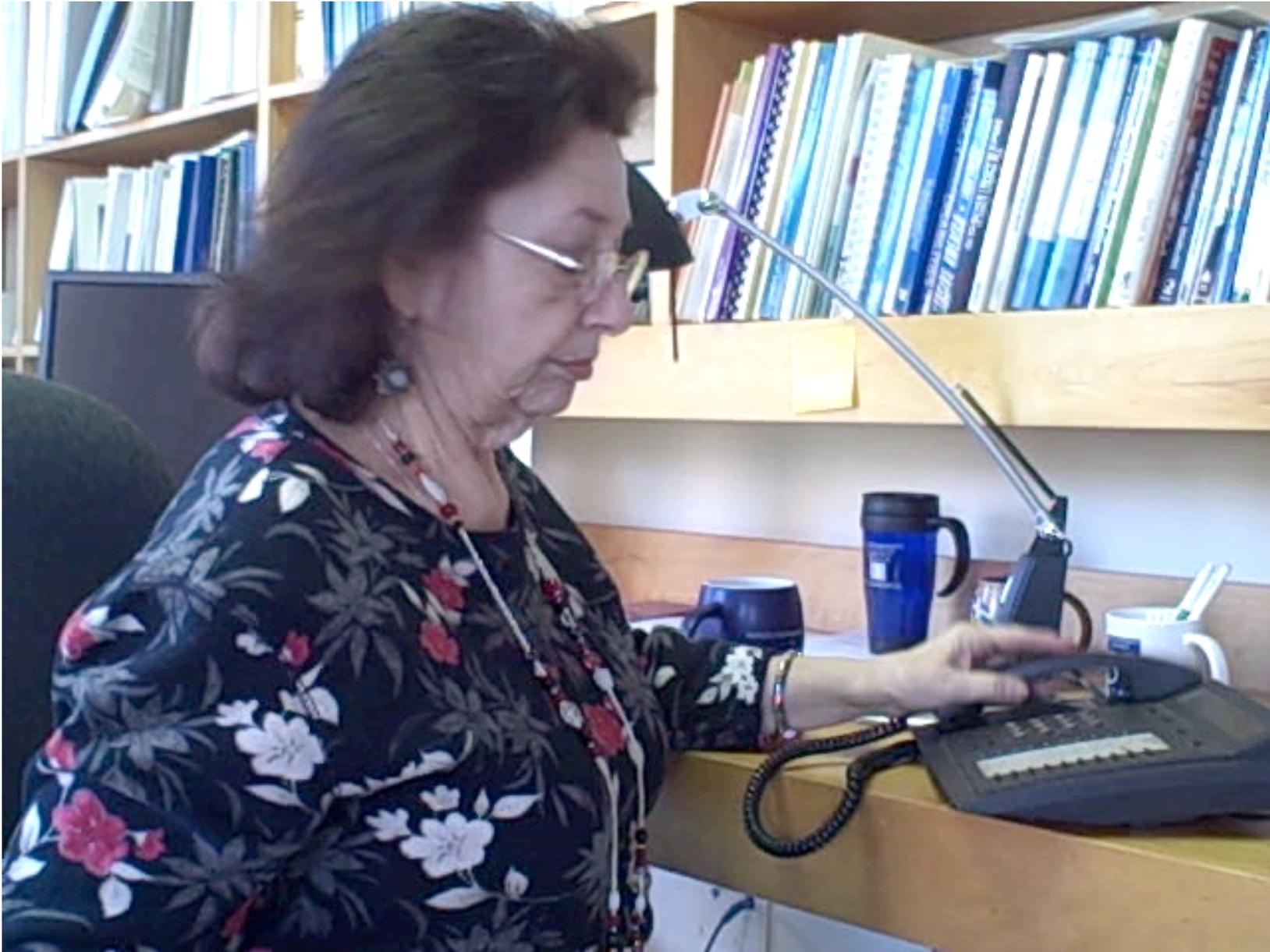
## Questions to determine a performance issue

- Are specific tasks not being properly performed?
- What are the issues present beyond typical tolerance for performance variations?
- How are performance issues typically handled?
- Is the person aware of performance issue?

## Tips for Managers

- Know and be clear about the essential functions and tasks
- Do not ask for more information about the specifics of disability than a person volunteers
- When an individual discloses a disability, ask if reasonable accommodations are needed and describe the accommodation process
- Always maintain confidentiality
- Create a culture which welcomes and values people with disabilities and is accepting of individual differences
- Clearly communicate policies to all program staff

# Case Study Introduction:



## **A reasonable accommodation...**

“is any change in the service environment or in the way things are customarily done that enables an individual with a disability to enjoy equal service opportunities.”

*The U.S. Equal Employment Opportunity Commission,  
October 17, 2002.*

Excerpt from Section 1630.9 ~ Reasonable Accommodation

The obligation to make reasonable accommodation is a form of non-discrimination...This obligation does not extend to the provision of adjustments or modifications that are primarily for the personal benefit of the individual with a disability. Thus, if an adjustment or modification is job-related, e.g., specifically assists the individual in performing the duties of a particular job, it will be considered a type of reasonable accommodation. On the other hand, if an adjustment or modification assists the individual throughout his or her daily activities, on and off the job, it will be considered a personal item that is not required to be provided. Accordingly, a program would generally not be required to provide an individual with a disability with a prosthetic limb, wheelchair, or eyeglasses. Nor would a program have to provide as an accommodation any amenity or convenience that is not job-related, such as a private hot plate, hot pot or refrigerator that is not provided to employees without disabilities.

<http://www.jan.wvu.edu/media/adahandbook/FREG1.txt>

## Reasonable Accommodations: No-Tech

- A “no-tech” accommodation costs little or no money...just time, support and creativity
  - Example: Daily TO-DO lists



## No Tech Accommodation Examples

- Flexible schedules
- Co-member/volunteer assistance
- Reduce distractions in the workplace; provide space enclosures or a private area
- Unscented, non-toxic products
- Clutter removal in the member's environment
- Large jobs divided into smaller tasks and steps
- Daily TO-DO lists



## Reasonable Accommodations: Low-Tech

- A “**low-tech**” accommodation is any accommodation that is technologically simple or unsophisticated, and readily available in most service environments
  - Example: A door handle as opposed to a door knob, to accommodate an individual with limited mobility



## Low Tech Accommodation Examples

- Voice-activated software such as Dragon Naturally Speaking
- Digital voice recorder
- Personal Digital Assistance devices
- Rubberized grip sheets to wrap around tools and utensils
- Tools, pens, and scissors attached to cords for easy retrieval
- Reachers and grabbers for retrieval of items
- Step-by-step closed captioned training videos
- Digital medicine reminders

## Reasonable Accommodations: High-Tech

- A “**high-tech**” accommodation is any accommodation that uses advanced or sophisticated devices
  - Example: A Braille printer/embosser, to accommodate an individual who is blind and reads documents in Braille



## High Tech Accommodation Examples

- Compact devices to lift and carry
- Automatic door opener
- Emergency evacuation devices and chairs
- Text to speech scanner



## Reasonable Accommodation Guidelines

- Requests for accommodations can be made at any time during the application process or during service, orally or in writing
- An individual is not required to mention the ADA or “reasonable accommodation” in a verbal or written request; only that an adjustment or change is needed
- The organization can request documentation that describes nature, significance, and duration of the disability and duration of the disability and the impact of the individual to perform the activity or activities
- Any reasonable accommodation requests must be maintained confidentially and cannot be disclosed to others even if the accommodation is obvious
- The accommodation is monitored to ensure effectiveness or to determine whether any change has occurred that would alter current accommodation needs

## **May grant funds be used to reasonably accommodate person with disabilities?**

- Grants and annual budgets should include a line item to cover the costs associated with reasonable accommodations
- The Edward M. Kennedy Serve America Act expands use of placement funds to include participants with disabilities in any national service program assisted by the Corporation

**Note: All programs receiving federal financial assistance have a legal responsibility to provide reasonable accommodations**

# Service & Inclusion: Action Steps

**1.**

**Vision**

**2.**

**Resources &  
Supports**

**3.**

**Partnerships &  
Collaborations**



National Service Inclusion Project (NSIP)  
888.491.0326 (voice/TTY)  
nsip@umb.edu  
www.serviceandinclusion.org

# Disability Resources

## State Agencies that Support Youth, Adults and Seniors with Disabilities

- providers funded by state agencies

## University Centers for Excellence in Disabilities

## Consumer -Directed Self Advocacy Groups

- People First, Self Advocates, TASH

## Disability-Specific Organizations

- Brain Injury Associations, ARC, UCPs, Epilepsy Foundation, Mental Health Association, Easter Seals, Independent Living Centers

## Parent and Family Organizations

- Parent Training & Information Centers

## Students with Disability Offices at Colleges and Universities

## Corporation for National and Community Service Disability Online Resources & Information

### **Disability E-mail Discussion List**

This discussion list was created to facilitate communication among national service programs involving persons with disabilities. The forum allows members to share information and resources, successful practices, training and promotional materials and ideas, continuous improvement strategies and, in general, to discuss issues related to the sustainable development of rich national service experiences for persons with disabilities.

To join, send and email to: [join-disabilitylist@lists.etr.org](mailto:join-disabilitylist@lists.etr.org).