

Disability Inclusion Webinar – April 5, 2016

Today's presenter

STEPHANIE ENYART

- ✓ CNCS Disability and Inclusion Advisor
- ✓ Stephanie has been involved in the disability community for more than 20 years at the local, state, and national levels.
- ✓ While in law school, she founded and led the first national nonprofit organization comprised of law students with disabilities.

In this webinar...

- Discuss common issues Programs/Grantees face with disability inclusion
- Present new approaches for addressing these issues
- Provide forum for questions and answers

Defining "disability"

- A disability is a "mental or physical impairment that substantially limits a major life activity"
- "Major life activities" include, but are not limited to: eating, sleeping, walking, seeing, hearing, thinking, communicating, etc.

ADA & Section 504 definitions are the same

- Require "reasonable accommodation"
- Section 504 of the Rehabilitation Act applies to all entities receiving federal funds (your programs)
- Americans with Disabilities Act applies to public entities, places of public accommodation, programs and services

Terminology issues

- "Isn't 'disability' a bad word"
- Low response rate when asking members if they require "supports"
- "Isn't using 'differently abled' or 'challenged' better terminology than 'disabled'?"

Terminology issues

- Reluctance with using "disability" terminology impacts decisions and effectiveness
- "Disability" isn't bad or wrong – just means a person's body/mind functions differently
- ADA Generation- many identify and are proud to be "disabled"

Perspectives on "disability"

- Medical model
- Religious model

- Charity model
- Minority model
- Civil Rights model

Recommended terminology strategy

- Refer to someone as a “person with a disability”
 - People first language
- Even if people with disabilities don’t identify with the term, programs/services & civil rights are associated with using this term
- It’s accurate to refer to “reasonable accommodations” when discussing support needs

Screening/selection process issues

- Analyze disability when determining “fitness to serve”
- Attempt to screen out people with disabilities
- Asking about someone’s disability pre-offer
- During the interview, asking only those with disabilities how they would do X or Y service related tasks

Selection/screening issues

- Cannot ask about disability status before offer
- Cannot require disability disclosure
- Only the person with a disability can determine when/if to disclose their disability
- Attempting to determine “fitness to serve” runs counter to accommodation laws

Determining who is “qualified”

- Qualified: if they can do the essential functions of the position with or without accommodation
- What can hiring supervisor ask?
 - Ask all candidates the same questions
 - Ask about experience
 - Pose problem solving questions
 - Do reference checks
 - In position posting, only list essential tasks

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Recommendations

- No crystal balls to predict difficulty or the future
- Cannot use historical or personal knowledge of a type of disability to determine if they're qualified
- The same disability manifests differently for everyone
- Instead of focusing on predicting what may happen, focus energy on providing an opportunity and timely accommodations

Lack of resource issues

- Without NSIP, there aren't any resources to help with accommodations
- Program fears it will be too expensive to accommodate someone with a disability
- Program asserts it is an "undue burden" to accommodate someone with a disability

Resources

- Job Accommodation Network (JAN) A-Z accommodations directory
- 58% of accommodations are free, rest cost less than \$500 on average
- Courts rarely grant "undue burden" claims
 - Will assess in relation to your operating budget

Costly accommodations

- If accommodation cost is too much, program could
 - JAN for cheaper option
 - Assistive technology loaning library
 - Community resources, like Vocational Rehabilitation
 - Use volunteers for assistance

Expectation issues

- Program is concerned once hearing disability disclosure that they won't be capable
- Should talk with person who disclosed about their accommodation needs
- After that an expert might be helpful
- High expectations of people with disabilities - often the biggest hurdle we face

Goals of ADA

- Independent (integrated) living
- Equal access
- Full participation
- High expectations

When problems arise...

- Member not performing well
- Member breaking conduct rules
- Program thinks member isn't good fit because of disability
- Want to reassign or dismiss a member with a disability

When problems arise...

- Members with disabilities subject to same conduct standards
- Determine if they need different accommodations before reassigning or dismissing
- All supervisors should be trained on identifying an accommodation request
- Improve member's experience and performance by making effective accommodations

"Special" programs/program design

- "Are there special programs for people with disabilities?"
- "Many programs aren't compatible with certain disabilities"
- Have had people with disabilities break down expectations once given a real opportunity through effective accommodation

Reasonable accommodation steps

- 1) Recognize request
- 2) Gather information
- 3) Explore accommodation options
- 4) Choose an accommodation
- 5) Implement an accommodation
- 6) Monitoring accommodations

Recruitment challenges

- Vocational rehabilitation
- College/university centers for students with disabilities
- Independent living centers
- Disability membership based organizations

Staff training issues

- Job Accommodation Network www.askjan.org
- Disability Knowledge Network
 - Ecourses
 - <http://www.nationalservice.gov/resources/disability-inclusion>

Q&A

- What questions do you have?

Wrap-up for today

- Contact Stephanie: senyart@cns.gov
- Resources on the National Service Knowledge Network:
- <http://www.nationalservice.gov/resources/disability-inclusion>
- Next Session in AmeriCorps Program Development Series:
- April 14, 3:00-4:30 pm Eastern
- Program Sustainability and Transition Planning

Thank you for your participation today.