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’”

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](http://www.askjan.org)
- Disability Knowledge Network
  - Ecourses

**Q&A**

- What questions do you have?

**Wrap-up for today**

- Contact Stephanie: [senyart@cns.gov](mailto:senyart@cns.gov)
- Resources on the National Service Knowledge Network:
- 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.