

## Episode 19: Barriers to Employment

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**Announcer:** Welcome to "You First -- The Disability Rights Florida" podcast.

**Keith Casebonne:** Welcome to Episode 19 of You First. I'm Keith Casebonne, and October is National Disability Employment Awareness Month or NDEAM for short. This year, 2020, marks the 75th anniversary of NDEAM. The goal of which is to celebrate Americans workers with disabilities and to remind employers of the importance of inclusive hiring practices.

In addition to this podcast episode, Disability Rights Florida is sharing a few blog posts, which relate the experiences of people with disabilities gaining and maintaining employment, so please check them out and [disabilityrightsflorida.org/blog](http://disabilityrightsflorida.org/blog).

As this year is also the 30th anniversary of the Americans with Disabilities Act or ADA, let's discuss some of the barriers to employment that job seekers with disabilities unfortunately still encounter today. I've got four of our staff members that specialize in different areas related to employment with me today. Let's get started.

Sadly, some barriers are built while still in school. Our first guest, Wendy Vance, is here to tell us about ineffective planning and low expectations and how they result in barriers to employment.

Hey, Wendy. Thanks for joining us today. I want to know a little more about how ineffective planning will lead to barriers to employment.

**Wendy Vance:** When you have inadequate planning for our transition students or secondary students, you're going to run into several different things. A couple of things I wanted to hit on because I know our time is short is outcomes and not only whether or not you actually become employed, but also the type of employment you get.

One of the things that happens when you have inadequate planning, it can wound up leading to delays. Sometimes those delays can have the effect of having people not become employed too. The example that I'm going to use today is Little Johnny, our typical little guy.

He wants to, maybe, work after high school, but let's say in this instance, Little Johnny has a disability that involves him needing a personal care attendant. Somebody, maybe, to help him with his feeding tube or help him with toileting.

He's perfectly capable of working, but he needs some help with those care needs on the job. Obviously, that's not something an employer is going to do. Those are pretty personal. There are systems out there to get those services, and you can have them while you're working. The problem is that we're not planning in advance for that.

We've known all along this is what Little Johnny needs, but we haven't put anything in place. Now, all of a sudden, he's a senior, and you say, "Oh," or maybe he's 22 and going to age out, and we say, "OK. What are we going to do now?"

He still needs that service. Maybe he had a VR professional or something while he was in school. He had somebody in the classroom taking care of those needs. Now we want him to go and participate in the community, go to work.

He wants to go to work, but if we haven't planned, then he hasn't probably applied for those services that are going to provide for his needs. Unfortunately, when you're dealing with programs such as this, you're going to have...

Some programs have waitlists. Some programs have...Mostly all of them I can think of right now have eligibility criteria, so you have to go through the eligibility process, so [inaudible 4:26] I can think of.

They legally have up to 180 days to get you from the time you apply to the time that you actually see your first service. Now, does it always take that long? No, but you should plan for that worst-case scenario.

Another program that we have here in Florida, they have a colossally long waitlist. When I was a VR counselor, I used to tell my clients all the time, "Apply early. Know that you're going to be on a waitlist, but these services are eventually going to be available to you."

Other programs can provide things like additional job coaches, personal care assistance. If you haven't applied, you're on this waitlist that's years long. Then, what you're going to do is wind up moving from your high school classroom to your couch while you wait.

In my case of little Johnny, he could have gone to work right after high school, which is what he meant to do. Now he can't because he has to now sit and wait until he comes off this waiting list, so he can have a personal care attendant because that's what he needs to be able to go to work.

Whereas if we had started this process and effectively planned, he could have walked right out of the classroom potentially into a job, for our students who do go into higher institutions of learning.

There's numerous pieces of research out there that talk about the gap that exists between our students with disabilities and our students without disabilities, on how students with disabilities enter into institutions of higher education at a lesser rate than their non-disabled peers.

Some of that lack of enrollment, if you don't take that into account and design a plan, which is appropriate for them that meets their needs and where they're going, then they may not be adequately prepared to deal with, say, the rigor in a college classroom.

Maybe their academics have not been stringent enough at the high school level because that wasn't planned. Now, we've effectively set this person up for failure. In some instances, another thing, within the same arena, is that they weren't prepared to self-advocate either.

While we're not adequate in planning for our academics, we're not having adequate planning for self-advocacy and self-determination, they're not, A, taught the skills, and then B, given the option to exercise those skills.

If you're not having a student coming into their IEP meeting, not asking, "Hey, little Johnny, what is it that you want to do after school? How can we make that happen? Here are some practice on going out and doing some self-advocacy."

We have to remember that self-advocacy is more than just how do I ask for help, it's knowing about my disability, what my needs are, what helps me pass my barriers, what are my rights, what are my responsibilities, all those kinds of things, and where do I get information?

Now we've set these kids off to this post-secondary world, where mom and dad maybe have taken care of all this stuff in the past, but now little Johnny is out of his bubble. Maybe he doesn't know how to do these things, he doesn't know how to access help and support, and who do I ask?

Again, we have a kid who's struggling, doesn't know where to get the help, doesn't know how to ask, and may not even know what to ask for, because we haven't trained him on, "Here's the accommodations I need to fix this barrier."

**Keith:** At what age or grade, would you say that transition planning should begin?

**Wendy:** It has to be at 16, no later than that legally. Here in Florida, we started at 14. You can begin to apply for those services, and you really should start planning for those services. Now, officially on an IEP, it has to be at 16, for sure.

Definitely, you should start transition planning at 14 and in some cases earlier. There is the only way to do that, to do it a little earlier. At 14, you can start applying for services like vocational rehabilitation, division of blind services.

APD, you can do far earlier than that, because they do have some early intervention programs and different things. With agency for persons with disabilities, I always recommend that people apply as early as they can.

Even if you want to just call your regional office and say, "Hey, I'm at this age, can I apply whatever you could do that that's an option?" Apply early. Like I said, start applying for those other services at 14. You start having that conversation with your IEP team at that point in time.

Definitely start coming into your IEPs at 14, for sure, and knowing what's going on. I know we want to hide our little guys away from, "Here is what your disability is," or "This is how it impacts you," or whatever because we're trying to protect your self-esteem.

We don't want them to know that maybe they're a little bit different because it's hard to be different in high school. Sometimes we can be doing them a disservice because then they don't know what their needs are.

They don't know how to remove those barriers for themselves, whereas if you look at it as a learning experience, that "I'm learning about what my needs are," that might help alleviate some of the fear of, "I don't want my child to feel like they're different than anybody else."

I fully understand that mindset and not wanting to harm your child or anything like that, but [inaudible 11:00] bringing them in.

**Keith:** That's a good segue to the other thing you've mentioned, which was low expectations. Tell me a little bit about how low expectations impact employment and potentially create barriers.

**Wendy:** Low expectations, when we don't expect a whole lot from a person. A lot of times, we don't get a whole lot from a person, and we can, in effect, wind up stealing their future from our transition guys.

Let's say, for instance, you have a student, and you don't feel like they're going to be college material or however you want to put it. You don't expect that from them, or expect any training beyond high school, or in some cases, even that the student is going to make grade level in high school.

We set that up in the mind. That is their frame of mind. "I don't have a whole lot of choices. I can't go over here," which feeds into that what I was talking about earlier where we have that low ratio of students even applying for higher education because [inaudible 12:15] have been surrounded by all this negativity. That "I can't. I can't. I can't. I'm not going to do it."

A lot of the studies that I have found and I've been reading about talked about the levels of where we see more students applying for post-secondary education, where we see a lot more employment are those students who are surrounded by adults that set high expectations for them, who expect that their student is going to be employed after high school, or who expect that their student is going to go to college.

In one study that I read recently, it was students whose families expected and highlighted that expectation to their loved one that they were going to be employed after high school. They were basically five times more likely to be employed than...

**Keith:** Cool. Interesting.

**Wendy:** Right. The other people in this study, whose families were not supportive and weren't making that the message that "I expect this from you."

A lot of times, we put people on this path where they're in lower-paid jobs, so maybe they're underemployed for what their ability is to do. We don't wind up getting out of the cycle of poverty and those kind of things.

Having that expectation that your kids are going to do more is super important. That's true from the school aspect, from the parent aspect because if we want our kids to succeed, of course, we want to set them up with expectations and goals that are designed for them to have progress and to advance in what they're doing, having that more advanced goal.

Little Johnny may not get all the way to where we've asked him to get, but he may be a whole lot further along than if we set a goal that, "Oh, we're pretty sure." We don't want to set it so high that we make it impossible or affect the child's self-esteem in a different way, but we don't want to set it so low, either, that anybody can reach that bar.

We really haven't pushed it. We want to have higher expectations for our kiddos and have the ability to go on to maybe something higher level, and then to have higher expectations for themselves.

Like I said, in the same studies, the kids whose families had high expectations for them, those kids had higher expectations for themselves. This one study have found even in some cases, the kids had higher expectations for themselves even than their families did. I found that super fascinating.

**Keith:** Yeah, it's very interesting.

**Wendy:** It pushed it to the next level. Not only do I have equal expectations to you, but my expectations are higher. Even if these families didn't think that their kid was going to go to school after high school, maybe that young person thought, "I'm going to go college after high school because I have already been pushed so far." Now, they want to push themselves further.

Having that higher expectation is going to push more people into getting higher education, whether that is college or technical trade school training because it's that either...

**Keith:** Yeah, that makes sense.

**Wendy:** If we have low expectations, we're going to get out what we've put into it. If we're not expecting a whole lot from our young people, they're not going to give us a lot back.

That's going to translate over into unemployment because if I don't think I can be successful here, what makes me think I'm going to be successful in the workplace? Or maybe, "I'm not going to try for something more."

We definitely encourage people to go out and read some articles about this kind of thing. Get out there early and start applying for services early. Making sure that you're doing this transition planning early, educate yourselves, encourage parents to look at other ways that they can help their kids once they transitioned other than, say, guardianship or something like that to help them be independent.

Teach them independent stuff in the home because there was also other studies too that were like, "Hey, if you expect your kid to complete chores, and to complete them just like their siblings without disabilities," whatever, they're also going to be more successful and have more skills in the post-secondary arena, which also makes sense because it's teaching life skills.

**Keith:** That makes sense. Very interesting. Thank you so much, Wendy. Appreciate your insight.

Another area where fears and assumptions can cloud expectations involve benefits, specifically, the fear of losing them once employed. Victor Panoff is our next guest, and will talk about some misconceptions related to benefits.

Hey, Victor. Appreciate you joining us today. The fear of losing social security and healthcare benefits can certainly be a barrier to employment. Are those fears based on misinformation?

**Victor Panoff:** The biggest myth is that you will lose all your benefits if you go to work. There are social security work incentives which make it possible for people to work without losing access to benefits. Navigating social security work incentives can be complicated.

**Keith:** I bet. Tell me a little bit more about these social security work incentives.

**Victor:** Social security law and rules provide employment supports or work incentives to assist in your efforts to become self-sufficient through work. The work incentives include trial work period, extended period of eligibility, impairment-related work expenses, just to name a couple.

Each of these work incentives have very specific rules, and you may need help to follow those rules. You can receive help by looking at the social security Red Book, which can be found by googling "Red Book" on the social security website or their Work Incentives Planning and Assistance programs that can provide you assistance, and Community Work Incentives Liaisons that can also provide assistance.

**Keith:** Let's say you navigate through all the complicated social security rules, you get a job, become self-sufficient, but then you lose your job because of your disability. What then?

**Victor:** There is a safety net called expedited reinstatement for certain individuals who make use of social security administration work incentives and successfully returned to work.

**Keith:** What about health care benefits? Is there also a safety net for that?

**Victor:** Yes, there is. Most people with disabilities who work can continue to receive at least 93 consecutive months of Medicare benefits if they were receiving Medicare. After the premium-free Medicare coverage ends due to work, you can buy continued Medicare coverage.

For people who are on Medicaid, who are SSI and were receiving Medicaid through SSI, when you return to work, Medicaid coverage can continue for many SSI recipients even if their earnings are too high for supplemental security income, SSI cash payments, under Medicaid while working. Section 1619(b).

**Keith:** That's interesting. I hope this helps take care of some of those myths and misinformation that are out there. Thanks so much, Victor. Appreciate it.

Now you're looking for work and using a provider such as vocational rehabilitation to help you find the right job for you. Even there, you can run into obstacles. Howard Bell is up next to share his thoughts on this.

Hey, Howard, thanks for being here. Tell me about some of the obstacles you might face while you're seeking employment.

**Howard Bell:** Examples of barriers can include negative attitudes and misconceptions about people with disabilities not understanding accommodations, lacking access to technical expertise on accommodations, not being familiar with resources, [inaudible 22:14] negative attitudes about the ADA, believe it or not.

I'd like to refer to lapses in employment as work gaps issues, but then there are also legal history barriers. That can include criminal and financial background issues, lack of access to education, and one that's really commonly discussed and talked about, transportation. In my family recently, I see childcare and work scheduling issues as potential barriers to employment.

**Keith:** Absolutely. That's for sure. How can you best address those issues when you're working with a vocational rehab counselor or some other provider that's helping you find employment?

**Howard:** It all starts and ends with communications. Attitude, think in the positive. Not the negative. I always encourage people to be true to themselves. The Rehab Research and Training Center tells us that about a third of individuals with disabilities are working, compared to more than two-thirds of individuals without disabilities. We're talking about the age range of 18 to 64.

**Keith:** Sure. That's a big difference.

**Howard:** The vast majority of unemployed people with disabilities, when surveyed, say they would like to work. The disparity between these two groups is huge, and persist in spite of 30 years of the Americans with Disabilities Act.

To overcome some of the barriers to employment, people with disabilities -- and this, Keith, is more related to the be true to yourself part of this -- but people with disabilities should be prepared to talk about their disabilities and be prepared to educate others, even in the workplace, about their disabilities.

The work that I do, Keith, I see people with disabilities become upset when they encounter people who don't understand their disability. I explain to them, "You have to inform them," and they're surprised to hear that.

My thought, within themselves, people with disabilities need to have a clear sense of their own disability so that if the need arises, where they've got to talk about it, there'll be a coherent manner.

Having a disability also may play a role when the time comes, if the time comes, to request accommodations. Incidentally, one of the most commonly requested accommodations relates to a flexible work schedule.

Think about being prepared to have that conversation with an employer, or potential employer, but within the context of your disability, without disclosing the disability itself, but instead of focusing on why you need this accommodation.

If you haven't practiced a conversation along those lines, then having that conversation, under the pressure of an interview or before a supervisor becomes a whole lot more challenging. I don't think it works as well.

**Keith:** It's an interesting perspective and good point.

**Howard:** The next thing I want to tell you about in terms of barriers to employment has to do with that phrase I used earlier, work gaps. I often say to people, "Don't shy away from talking

about your work gaps or your lapses in employment. Because in an interview situation, it's going to come up. If you don't address it, it really is going to be a barrier to employment."

You have to be prepared to have that discussion and explain. It may be hard to have that discussion, you might not be able to get around it, but I tell you, if you have to have that conversation, be honest. Otherwise, dishonesty becomes a barrier to employment.

I think that working with your vocational counselor or provider, and framing those kinds of conversations go a long way to being prepared to have those conversations in real-time when needed.

Now, interestingly enough, some work gaps are due simply to being unemployed. I know it sounds a little funny because it's almost circular. It's like, "Barriers to being employed is being unemployed." You've heard the expression that you have to have a job to get a job?

**Keith:** Yeah.

**Howard:** Look at it this way. If you're unemployed, then someplace somewhere, there is an employer who -- whether it's a supervisor, a manager, a director -- is facing a need in the employment setting, but you're not there.

They don't see you. They don't know you. They don't know what your capacity is. You're not even a participant in that conversation. Therefore, you will not ever be considered. I can understand and I want others to understand how being unemployed is actually a barrier, and it's a commonly cited barrier in some of the research that we see.

Otherwise, what I say to people for those lapses in your employment, those gaps, spend some of that time, if it's done on time, attending webinars and seminars, and if possible, get involved in volunteer activities.

That sort of thing really boosts your resume. I'll tell you, it goes a long way in the interview discussion. Because, again, when you look at what employers are thinking about when they make the hiring decision, they are thinking about candidates who can solve problems, who can show initiative and motivation. If you're involved in volunteer activity, you're showing all of those features.

One last comment about the work gap issue, and this is to do with on-the-job training. Vocational rehabilitation, and we should also say the division of blind services, are able to provide assistance in setting up and arranging on-the-job training opportunities.

Again, if you're not working, and you have this downtime, and you want experience, and you want to keep your skills sharp, then I think that OJT is something that you should consider exploring. I will tell you, when it comes to vocational counselor, I always encourage my clients to do the heavy lifting first.

What that means, Keith, is that if there's an employer out there or place of employment that they are interested in working in, then they may want to go ahead and approach that employer or that place of business and see how receptive they are to the idea of serving as an on-the-job training employer host.

Division of Vocational Rehabilitation has pamphlets and information about OJT that a prospective employee or candidate can leave with an employer.

If the employer is receptive, then the individual can take that information back to the counselor and ask the counselor to reach out to that employer, and with the proper paperwork in place, the counselor will be able to do that, and provide for that employer, who is a potential OJT host, some technical expertise that the counselor has.

As the counselors do those kinds of things, it improves the odds of you getting the on-the-job planning experience. That goes on the resume. It's one more thing that you can demonstrate in an interview for why you should be hired.

**Keith:** That's great. That's really interesting.

**Howard:** The next thing that I want to talk about is legal history. This is a barrier to employment, in particular for ex-felons. We see felons who are coming through the pipeline and they are faced with this additional burden of decisions that they made earlier in their life before there were, let's say, life changes that now allow them to try to reintegrate into the greater community.

Employers know that everybody has a legal history and they want to know about yours if you're submitting an application to work at their place of business.

**Keith:** Right, of course.

**Howard:** As it turns out, research tells us that two-thirds of employers do background checks. If you look at the 2020 data, about 95 percent of employers [inaudible 31:01] checks.

**Keith:** Oh, wow.

**Howard:** Now, understand that you have to be able to talk about the glitches in your background, your history, and you want to talk about what steps you've taken to make things better. That's going to impress an employer and interviewer.

You want to be as positive as you can be. You don't want to sound like you're complaining or like you're whining. That attitude of taking the bull by the horn, and just addressing it head-on. One of those things that I wanted to mention in this segment about legal history and how it can serve as a barrier is I want to think about our financial history.

Oftentimes, people fail to realize there are a host of employers, who actually consider your financial background as a part of the hiring process. Now, I'm not suggesting that employers should use that as the basis for a decision, I'm saying that it's information that an employer will take a look at, and will check.

There are about 16 percent of employers, who actually do specific background checks with regards to pulling financial credits and things of that nature. Now, the federal government says that this is OK to do and states more than [inaudible 32:17] have restrictions on how far an employer can go with that.

The individual has to give permission, written permission, for the employer to be able to go down that road. If the employer makes a decision based on that decision, then there are some specific things that under the Fair Credit Reporting Act that the employer is obligated to provide.

That includes an opportunity for the individual to appeal the counsel's decision. Again, financial history, sometimes there are things that we paid late, things that we're not paying at all, especially in this time of COVID when there are so many people, who are unemployed, be prepared to talk about those things and more importantly, what things, what steps you're taking to resolve those issues.

**Keith:** Good advice.

**Howard:** Keith, the next thing I want to talk about is education and really this is about being prepared for employment. Research tells us that there are a number of people who are leaving the employment participation ranks for purposes of retirement.

Some are leaving because of terminations or layoffs, some are leaving because of relocations, whatever the case may be, what it means is employers are going to be in need of new hires, who have certifications, and formal education credentials.

**Keith:** Yes, indeed.

**Howard:** Obviously, employers want candidates who are competent, that's a given. It's just that I would encourage folks in overcoming this barrier to be prepared for the work that they are seeking and applying for, to attend workshops, seminars, whether online or in person.

Whatever the preference is, to get themselves prepared and competent, and able to impress an employer with regards to how prepared they are to work in their place of business.

Now, the last point that I want to make Keith, this one I think is a particularly interesting point, in that it's not talked about enough in my opinion. A big barrier to employment, as reported by some of the research that we see, is the disability itself.

People with disabilities are saying the disability itself is my biggest barrier to employment and not far behind is unemployment as a big barrier to employment. I will tell you that there are those folks who are looking for work and overtime they become discouraged, and maybe even begin to feel down about themselves.

You see when you've applied for a lot of jobs, and my clients will apply for 50 to 100 jobs.

**Keith:** Oh, wow.

**Howard:** The responses that they were looking for, they begin to feel a little down on themselves.

**Keith:** Sure, yeah.

**Howard:** In terms of reported barriers to self esteem, that as a barrier is reported more often than accessibility and transportation barriers. What I say to folks is, work with your vocational counselor.

If you need to tap into mental health resources, the counselor can guide you to community resources first. If there are no available resources, then the vocational counselor themselves can provide and pay for mental health intervention, if need be.

Otherwise, I say to folks, "Stay up as much as you can." If you're supposed to be engaged in community support groups, social activities, or social groups, then by all means, do that. If you're supposed to be doing it, do it.

With regards to your health, be compliant with your professional medical treatment provider's plan. If you're supposed to be taking medications, take your medications or for the individual to present as stable medically and mental health-wise.

The other thing that I think individuals for self-esteem purposes should consider are their hobbies. When you're unemployed, you have a lot of time on your hand. It's important that you have constructive activities and hobbies can be a constructive activity, a way of diverting your attention, so that you're not overly thinking the fact that you are unemployed, which can pull you down.

I always say, and as a matter of fact, remember what I said earlier about volunteer activity, being around people really helps with feeling honor or not feeling [inaudible 36:53] , or not feeling like you have a direction.

Ultimately, the individual is responsible for keeping themselves up, keeping themselves motivated, and keeping themselves positive.

**Keith:** Wow, that's so true and definitely difficult even more so in this pandemic time we're living in. How can you make sure that your provider is working toward your best interest to help you find employment, well suited for you and not just finding you any job available?

**Howard:** Keith, I would say this is a bit controversial in that it comes up pretty frequently. [inaudible 37:34] that this is about the relationship that one would have with their counselor provider. It's similar or at least mimics the content I made at the beginning of this [inaudible 37:46] communications, and in this case, transparency.

I always say to folks, do what you can to be on the same page with your provider. I suggest using email as a tool for maintaining mutual understanding and limiting confusion and trauma.

Now, this can be painstaking for some individuals who aren't accustomed to having conversations, and then following them up in writing. I'll tell you, this can really help keep the lines of communications, not only open, but keep them clear.

Remember, many of us like being able to look back at past conversations, follow up emails can help us do that. Now, the other thing is to be an active participant in [inaudible 38:38] your documents in your folder, your file, or reviewing your monthly reports.

If you're receiving services from either division, Vocational Rehabilitation or the Division of Blind Services, and they are employing an employment placement service to assist you, then there is a monthly report.

Many clients tell me they were surprised to find that out and equally surprised when I helped them get a copy of report, what's in the report. I say you want to review those documents and stay [inaudible 39:14] communication between not only the provider, but also the vendor, if you will.

Also, I'm encouraging folks to keep a record of all the jobs they apply for and be willing to share those with their counselor, their provider. You'll be able to tell, Keith, if your counselor or your provider is not invested in your success.

**Keith:** Wow, that's very interesting, very informative.

**Howard:** If they are not inclined to listen to you and act on some of your concerns as it relates to achieving your employment outcome, then I'm saying that it's time to have a conversation with now.

You see because action speaks louder than words, and If you're expressing things, but you're not seeing them in an observable kind of way, react to what you're saying, then maybe they're not hearing you, maybe they're not listening, maybe they're distracted. It's worth having a conversation.

Sometimes you have to request to work with a different provider. In that case, you have to speak with their supervisor. If you find that you have to go down that road, then I encourage folks all the time to have concrete examples to support their request to work with a different provider.

If your provider is not truly invested in your best interest, that in and of itself can actually function as a barrier to you finding the employment that you feel you're suited for, not settling for, but that you are suited for. I always say as a last comment, last but not least, know your rights.

**Keith:** Absolutely, good way to end that segment. Thanks a lot, Howard, appreciate your time.

Now, you have employment, so everything is easy going forward, right? Well, not always, there are barriers in the workplace as well, and Allison Klein is going to tell us how to navigate them.

Hi, Allison, thanks for your time today. The first question that comes to my mind and likely the minds of others with disabilities is, "Do you have to tell your employer that you have a disability?"

**Allison Klein:** That's a great question. Many individuals with a disability can perform their jobs without any accommodation. Others experience workplace barriers, which can be physical, such as an inaccessible space, or procedures and rules of when to start, where, and how their tasks are performed.

An employer only needs to know you have a disability if you are not able to complete the essential functions of your job, or if your disability affects your safety or the safety of others.

If you need an accommodation to perform those essential functions of the job, then you should begin the process. Reasonable accommodations are adjustments or modifications that enable people with disabilities to perform the essential functions of the job efficiently and productively.

Under the Americans with Disabilities Act, you can request an accommodation at any time, not just during the application and interview process or while on probation. Just don't wait until you're falling behind at work to ask for an accommodation.

If you know of an accommodation that's worked for you in the past or if you know or can anticipate what is needed, definitely share that with your employer.

**Keith:** Does that mean your employer has to provide you with exactly the accommodation you request?

**Allison:** Your employer does not need to provide you with the accommodation you request, if the accommodation would cause an undue hardship, or if you're still not able to complete the required tasks of the job with that accommodation.

An undue hardship is defined as an action requiring significant difficulty or expense, considered in light of a number of factors including the nature and cost of the accommodations.

Your employer must engage in the interactive process which must be individualized. When more than one accommodation could work, an employer can choose the one that is less costly or that is easier to provide.

**Keith:** Do you have to prove you have a disability?

**Allison:** If your disability is not obvious, you may be asked to provide documentation that verifies the existence of the impairment, that it affects a major life activity or is limiting in some way. Your employer may need to understand the limitations of how they're impacting your performance on the job.

According to the Job Accommodation Network, sufficient medical documentation should describe the nature, severity, and duration of the impairment, the activity or activities of the impairment limit, the extent to which the impairment limits the employee's ability to perform the activity or activities, and should also substantiate why the requested reasonable accommodation is needed.

This information does not have to come from any particular physician. It could be a psychologist, a nurse, a physical therapist, occupational therapist. Two people with the same disability may need very different accommodations to perform those essential functions of the job.

For a person using a wheelchair, the impairment may be obvious, but the accommodations needed may not be.

**Keith:** That makes sense. Will others in the workplace know that you have a disability?

**Allison:** They don't have to, and if you're working with human resources, your information needs to be kept confidential. You can choose to disclose your disability to others, but that's your decision, your employer should not be doing so. They're not able to show that information without your written consent.

**Keith:** Got you. What are some typical examples of the accommodations that your employer might provide for you?

**Allison:** That could be job restructuring, such as altering when or how the essential function of a job is performed, or reallocating marginal job functions that employee is unable to perform because of the disability.

Modifying your work schedule, which can allow you to attend to other matters related to the disability that could include medical appointments or for medication schedules, acquiring or modifying equipment or devices such as adjusting the desk height to accommodate an employee, who uses a wheelchair.

Providing an employee with quadriplegia a mouse stick device to type on the computer. That could be one possibility. Your employer may need to adjust or modify tests or training materials. It may need to be provided to people in different formats such as Braille, or on CD, or large print.

Reassigning an employee with a disability to a vacant position, if they're qualified, if they can't perform the essential functions of their current job with the accommodations.

The last thing is providing assistive technology or devices such as computer screen readers for employees with visual impairments or a specific telephone that is compatible with an employee's hearing aid. These are just some options.

**Keith:** It sounds like such a wide range of possibilities, but a lot of them sound like they're pretty easy and inexpensive to do, so the employer really shouldn't have a big problem.

**Allison:** Absolutely.

**Keith:** [inaudible 47:21] , thank you, Alice. Thank you so much. I appreciate this information.

**Allison:** Thank you, Keith.

**Keith:** Once again, I'd like to thank all of my guests today, Wendy, Victor, Howard and Allison for sharing all this wonderful information. You can learn more about vocational rehabilitation, Social Security, transition, and more on employment in the disability topic section of our website.

You can get there by visiting [disabilityrightsflorida.org/topics](http://disabilityrightsflorida.org/topics). Thank you for listening to the You First Podcast or reading the transcript online. Please email any feedback, questions, and ideas about the show to [podcast@disabilityrightsflorida.org](mailto:podcast@disabilityrightsflorida.org).

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