The Business Community Connection

Best Practices in Hiring, Retaining and Accommodating People with Disabilities

Workplace Accommodations & Return to Work
Presented by CROET and PSU Occupational Health Psychology Program
November 5, 2010

Karen Walters, Chief Executive Officer

Sherri Rita, Lead Trainer/Consultant
WSBLN Mission

To support and educate businesses to recruit, hire, retain, promote and increase customer service for people with disabilities.
WSBLN History:

- Founded February 1999
- Established as a 501(c)(3) in 2003
- An accredited affiliate of the USBLN:
  - 60 affiliates
  - Over 5,000 Businesses
  - Disability Supplier Diversity Program
Who is the WSBLN?
WSBLN as the Matrix:

- Expand knowledge of proven employment practices from leading employers
- Access to training sessions responsive to employer requests and needs
- Connect to local and national resources as well as peer support
- Build a diverse culture through making connections to talented candidates
- Expand customer base through recognition
Shifting of how the WSBLN Employers are Viewing Employees with Disabilities

- Compliance Case
- Values Case
- Business Case
In order to achieve the desired paradigm shift, we need to guide employers through the phases of the decision-making process.

1. Awareness
2. Reaction: Fear/Ignorance
3. Get the facts (bust myths, ROI, Business Case, etc)
4. Support from peers & influences
5. Self-assessment: would this work for my business?
6. How do I do this?

7. PARADIGM SHIFT
8. Passive: Openness to future job applicants with disabilities
9. Active: Reaching out directly to disability community & providers

Source: Think Beyond the Label.Com
(800) 949-4232 
(V/TTY)

This number will automatically route your call to the center in your region.

Website: www.dbtacnorthwest.org
• Technical Assistance about implementation of ADA
• Education & Training
• Materials Dissemination
• Information & Referral
• Public Awareness
• Local Capacity Building
Region 10 - Affiliates

- Partners in Washington, Alaska, Idaho & Oregon
- In each state, experts provide information about ADA compliance

Northwest ADA Information Center
Mountlake Terrace, WA

ADA Info-Oregon (LILA)
Eugene, OR

ADA Partners Project
Anchorage, AK

Americans with Disabilities Act Task Force
Boise, ID
Let’s start with your concerns…

*When I think of employing people with disabilities, what comes to mind is…*
Diversity & Inclusion helps the business’s bottom line in the following areas:

1. Greater adaptability and flexibility in a rapidly changing marketplace
2. Attracting and retaining the best talent
3. Reducing costs associated with turnover, absenteeism and low productivity
4. Return on investment from various initiatives, policies and practices.
5. Gaining and keeping greater/new market share (locally & globally) with an expanded diverse customer base
6. Increased sales and profits
7. Mitigate and minimize legal risks

Motivated workforce

- Majority of people with disabilities want to work

- About $\frac{3}{4}$ who are not employed currently want to work and looking
Good for business...

University of Massachusetts & Harris Poll found customers more likely to patronize businesses/agencies that employ people with disabilities over those that do not:

• **92%** of consumers who felt **more favorable** toward those that hire individuals with disabilities

• **87%** specifically agreeing that they would **prefer** to give their business to companies that hire individuals with disabilities.

*Source: G.N. Siperstein et al. / A national survey of consumer attitudes towards companies that hire people with disabilities, July 2005.*
Aging = Disability?

- Average age of workforce increasing
- Economy forcing many elders back to work
- US Boomers - 77 mm
- The measured prevalence of a disability above age 65 is 51.8%.
Better treatment = greater ability to work

- More people with disabilities will be in workforce
- Disability must be part of diversity programs
- Being prepared to accommodate workers with disabilities eases/shortens the return to work processes.
- People with disabilities are an untapped source of talent that will need to be engaged to fill in as boomers retire.
Loyalty of People with Disabilities:

Employee Loyalty:
- Employees generally less loyal than in past—changing jobs more frequently, especially the 20-somethings.
- Employees with disabilities known to be more loyal.

The costs of turnover:
- Losing an employee is estimated to cost 100% in annual salary in
- ROI on providing reasonable accommodations significant in comparison
- Consider as a turnover prevention strategy

Product Loyalty:
- 72% of people with disabilities are likely to upgrade to a product’s latest model. *

*Source: Witeck-Combs Communications/Harris Interactive Poll, 2005;
The National Organization on Disability
## Population and Income Data for People with Disabilities (PWD) & Their Stakeholders

<table>
<thead>
<tr>
<th></th>
<th>Global</th>
<th>USA</th>
<th>Canada</th>
<th>Europe</th>
<th>Asia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PWD Population</strong></td>
<td>1.1 B</td>
<td>50 mm</td>
<td>6 mm</td>
<td>152 mm</td>
<td>692 mm</td>
</tr>
<tr>
<td><strong>PWD Income</strong></td>
<td>&gt;$4.1 T</td>
<td>&gt; $1 T</td>
<td>$137 B</td>
<td>&gt;$3 T</td>
<td>NA</td>
</tr>
<tr>
<td><strong>PWD Disposable</strong></td>
<td>&gt;750 B</td>
<td>$220 B</td>
<td>$30 B</td>
<td>$500 B</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Stakeholder Population</strong></td>
<td>2.0 B</td>
<td>84 mm</td>
<td>9 mm</td>
<td>228 mm</td>
<td>1.0 B</td>
</tr>
<tr>
<td><strong>Stakeholder Disposable</strong></td>
<td>&gt;$8.1 T</td>
<td>$2.4 T</td>
<td>$250 B</td>
<td>$5.4 T</td>
<td>NA</td>
</tr>
</tbody>
</table>

Source: US Census, US Department of Labor, Statistics Canada, European Central Bank, IPS
## The Business Case for Diversity*

<table>
<thead>
<tr>
<th>Current</th>
<th>Diversity Outcomes</th>
<th>Business Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workforce</td>
<td>Workforce with Best Talent</td>
<td>Quality Solutions</td>
</tr>
<tr>
<td>Workplace</td>
<td>Inclusive Work Environment</td>
<td>Increased Performance &amp; Innovation</td>
</tr>
<tr>
<td>Community</td>
<td>Positive Reputation in all Communities</td>
<td>New and Emerging Markets, Services &amp; Products</td>
</tr>
<tr>
<td>Marketplace</td>
<td>Customer Satisfaction</td>
<td>Customer/Member and Employee Attraction &amp; Retention</td>
</tr>
<tr>
<td>Suppliers</td>
<td>Mutually Beneficial Partnerships</td>
<td>Potential gains in service, quality and cost savings</td>
</tr>
</tbody>
</table>

* Source: SHRM Presentation. Eric C. Peterson, 10/3/2010
The ADA and Employment: An Overview
The Americans with Disabilities Act

5 Titles...
Made it unlawful to discriminate against a person who has a disability in employment, state/local government services, places of public accommodation, transportation or telecommunication
What about this statement?

The Americans with Disabilities Act gives employers “quotas” specifying how many people with disabilities they must hire.

**TRUE** or **FALSE**?
What about this statement?

The Americans with Disabilities Act gives employers “quotas” specifying how many people with disabilities they must hire.

This is FALSE
Definition of Disability

Determination of eligibility is always the first step

Disability is a relative term. . . it means different things to different people
Definition of Disability

A physical or mental impairment that substantially limits a major life activity
Major Life Activities

- Walking
- Seeing
- Hearing
- Speaking
- Sleeping
- Procreation

- Breathing
- Learning
- Caring for oneself
- Performing Manual Tasks
- Working
What about this statement?

People with mental health disabilities are usually considered to have a disability under the ADA.

TRUE or FALSE?
What about this statement?

*People with mental health disabilities are usually considered to have a disability under the ADA.*

This is TRUE
What about this statement?

Employers must provide all employees any equipment, device or assistive technology they need to do their jobs.

TRUE or FALSE?
What about this statement?

*Employers must provide all employees any equipment, device or assistive technology they need to do their jobs.*

Well, it depends...
What about this statement?

All businesses with 15 or more employees are covered under the ADA.

TRUE or FALSE?
What about this statement?

All businesses with 15 or more employees are covered under the ADA.

This is true...
(But state laws apply too)
What about this statement?

Employees with disabilities perform as well or better than employees who do not have disabilities.

TRUE or FALSE?
What about this statement?

*Employees with disabilities perform as well or better than employees who do not have disabilities.*

This is true...
DePaul University study of 314 employees in 25 different businesses found that employees with disabilities:

- Received nearly identical performance ratings as those without disabilities
- Needed the same amount of supervision as those without disabilities
- Stayed on the job longer (in retail and hospitality sectors)
- Needed accommodations which cost on average about $313, significantly less than what most employers thought they would cost
- Where viewed by their employers as dedicated, reliable and provided a positive contribution to the workplace
What about this statement?

ADA-related employment lawsuits are inundating the courts.

TRUE or FALSE?
What about this statement?

ADA-related employment lawsuits are inundating the courts.

This is FALSE
What about this statement?

Employers do not have to lower their productivity standards or codes of conduct in order to accommodate employees with disabilities.

TRUE or FALSE?
What about this statement?

Employers do not have to lower their productivity standards or codes of conduct in order to accommodate employees with disabilities.

This is TRUE
About Hiring
Film Clip — Jim IBM

Once you decide on who's the best qualified, then you
About Hiring...
Here’s the basics

The employer must provide reasonable accommodations to make the hiring/interviewing process accessible.

An employer cannot refuse to consider a candidate because he/she requires a reasonable accommodation to compete for or perform a job.
“Can you perform the essential functions of this job with or without reasonable accommodation.”

This is a permissible question, BUT…
It is a yes/no question, NOT an either/or question.

Candidates do not need to disclose whether they will need any reasonable accommodations if hired.
“Have you been hospitalized in the last year?”
About Hiring...
Here’s the basics

“Do you have any breathing problems?”
About Hiring...
Here’s the basics

“Have you ever filed for workers’ compensation?”
About Hiring...
Here’s the basics

“Do you take any prescription medications?”
About Hiring...  
Here’s the basics

“Are you able to lift 30 lbs. (or some other weight)?”
About Hiring... 
Here’s the basics

“Could you please demonstrate how you would do this task?”
About Hiring...
Here’s the basics

“Have you ever been diagnosed with a mental illness?”
About Hiring...
Here’s the basics

“Will you take a test screening for use of illegal drugs?”
“Have you ever used illegal drugs or had a substance abuse problem?”
About Hiring...
Here’s the basics

“Will you take a medical exam given by our company doctor?”
About Hiring...
Here’s the basics

“Tell me about a time at work when you had to deal with an angry or disappointed customer.”
About Hiring...
Here’s the basics

“Will you take this personality profile (or other screening tests) to determine if you are a good match for this job.”
About Hiring...
Here’s the basics

So, the long and short of it is:

At the pre-offer stage:
No disability or medical inquiries (but a screening for current use of illegal drugs is permitted)

At the post-offer but pre-job start stage:
Disability inquiries or medical exams permissible and job offer can be withdrawn if there is sound evidence that person could not do the essential functions of the job even with a reasonable accommodation.
About Reasonable Accommodation
Film Clip — Walmart
About Reasonable Accommodation

- Any change in the work environment or way things are done that enables a person with a disability to enjoy equal employment opportunity

- Must be provided to qualified individuals unless this poses an undue hardship
About Reasonable Accommodation

Common Reasonable Accommodations?

- Provision of accessible worksite
- Modifying or acquiring equipment
- Support services for persons with vision or hearing disabilities

- Job restructuring and modified work schedules
- Reassignment to an available position
- Adjustment of training materials, exams or policies
- Providing readers or interpreters
About Reasonable Accommodation

*These are NOT Reasonable Accommodation*

- Changing the code of ethics or behaviors
- Elimination of essential functions
- Reducing production standards
- Providing personal items, such as eyeglasses, hearing aids, prosthesis, etc.
Resources & Incentives...

- Vocational Rehabilitation
- Disabled Tax Credit
- Architectural & Transportation Barrier Removal Deduction
- Work Opportunity Tax Credit
- Visit http://www.jan.wvu.edu/media/tax.html for more information
Film Clip — Reasonable Accommodation

Most employers find few accommodations pose the...
For more information...

DBTAC-Northwest ADA Information Center
The Center for Continuing Education in Rehabilitation
Western Washington University
6912 220th Street SW, Suite 105
Mountlake Terrace, Washington 98043

Toll-Free  800.949.4232
(AK, ID, OR, WA)

Telephone  425.248.2480
Fax  425.774.9303
TTY/TDD/TT  800.949.4232

Email  dbtacnw@wwu.edu
Web  www.dbtacnorthwest.org

Sherri Rita
Lead Training Coordinator
Portland Metro

Phone: 916.320.2707
Email: opportunityaccess@gmail.com

Washington State
Business Leadership Network
(WSBLN)

Karen Walters
Chief Executive Officer
karenwalters@wsbln.org
P.O. Box 1344
Bellevue, WA 98009

Telephone: 206-427-7675
Fax: 425-643-9257
Website: www.wsbln.org