Workplace Disability Inclusion for Neurodiverse Individuals:
Accessibility and Accommodation

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OurAbility, Disability:IN New York

May 19, 2021 12:00-1:00pm Eastern
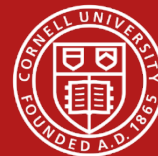
WELCOME!

Sponsor acknowledgement

This initiative is jointly funded by the

NYS Office of Mental Health

and the

NYS Office for People with Developmental Disabilities

in support of the overall Employment First efforts in New York State

Webinar Series Purpose

- Learn about research-based good practices across the employment process which improve employment outcomes for individuals with disabilities and how to apply to a improving employment outcomes for neurodiverse individuals

- Have an opportunity to self-assess as an organization how your company is doing

- Hear about the experience of companies who now have neurodiversity hiring programs in place

- Be able to exchange experiences about challenges and successes to date, with other companies in NYS making efforts to implement such initiatives

Webinar Series Structure

- A series of 10 webinars over a 10-month period (all times below Eastern)
- Five bi-monthly 60-minute content webinars covering the parts of the employment process
- Five bi-monthly 90-minute consultation webinars on implementing these concepts and experience sharing

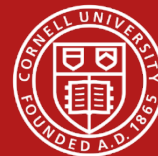| Name	Type	Type
Recruitment and Hiring	Webinar 11/13/20 12:00-1:00pm	Consultation 12/16/20 12:00-1:30pm
Career Development and Retention	Webinar 1/20/21 12:00-1:00pm	Consultation 2/17/20 12:00-1:30pm
Benefits, Employment and Pay Equity Gaps	Webinar 3/8/21 12:00-1:00pm	Consultation 4/5/21 12:00-1:30pm
Diversity and Inclusion	Webinar 3/17/21 12:00-1:00pm	Consultation 4/14/21 12:00-1:30pm
Accessibility and Accommodation	**Webinar 5/19/21 12:00-1:00pm**	Consultation 6/16/21 12:00-1:30pm

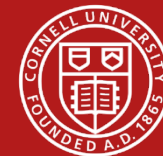# https://benchmarkability.org//

Learning Objectives

- To increase awareness of the <u>requirements for workplace accommodation</u> of people with disabilities

- To inform about <u>types of possible accommodations</u> that can be made for people with select disabilities

- To discuss <u>implications for HR</u> policy and practice
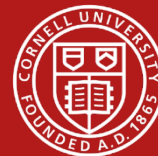
Why a Focus on this Topic?

- Accessibility and accommodation is a key to successful recruitment and retention of IWDs

- Regulatory requirements under the ADA

- Successful implementation assured when key accommodation elements are in place

- Familiarity with accommodation considerations for neurodiverse individuals

Most common issues cited on ADA charges: 2005-2010

Condition	Percent of Charges
Discharge	58.4
Reasonable Accommodation	**28.2**
Terms and Conditions	19.8
Harassment	14.8
Discipline	8.6
Hiring	6.7

Note: a charge may cite one or more issues.

Von Schrader, S. (2011). Calculations from EEOC Charge Files. Ithaca, NY: Cornell University, ILR School, Employment and Disability Institute.

Benefits of Accommodations:
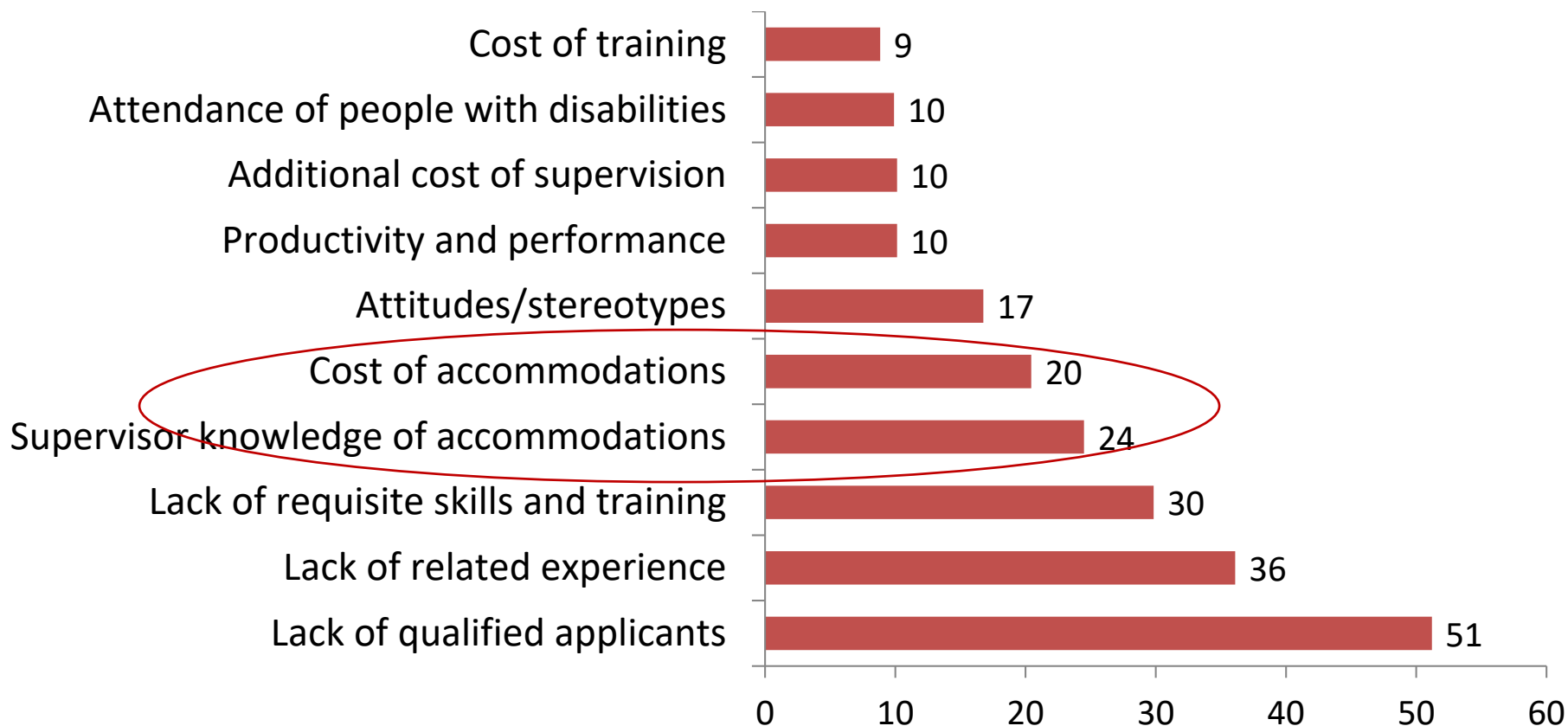## Results of Employer Studies

- Allowed the company to retain a valued employee

- Accommodation increased the employee's productivity

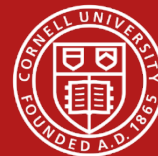- Accommodation eliminated the costs of training a new employee

Source: Job Accommodation Network, USDOL resource found at
http://askjan.org/media/lowcosthighimpact.html

Barriers to Employment or Advancement

% of employers who perceived each as barrier

Barrier	Value
Cost of training	9
Attendance of people with disabilities	10
Additional cost of supervision	10
Productivity and performance	10
Attitudes/stereotypes	17
Cost of accommodations	20
Supervisor knowledge of accommodations	24
Lack of requisite skills and training	30
Lack of related experience	36
Lack of qualified applicants	51

Cost of Accommodations:
Results of Employer Studies

- 59% of businesses report no cost for accommodations

- When incurring a cost, most reported a typical one-time expenditure of around $500

- Most accommodations are to retain a current employee

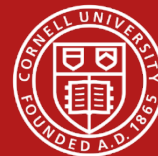Source: Job Accommodation Network, USDOL resource found at
http://askjan.org/media/lowcosthighimpact.html

Accommodations That Employers Find Difficult

FROM 2005-2014 (last 10 years)
Overall 31% of charges cite reasonable accommodation

- **Orthopedic** impairment – **44%** of charges cite reasonable accommodation
- **Non-specific** Impairment – **31**% of charges cite reasonable accommodation
- **Behavioral impairment** -- **32%** of charges cite reasonable accommodation
- **Medical** impairment -- **35%** of charges cite reasonable accommodation
- **Sensory** impairment -- **34%** of charges cite reasonable accommodation
- **Neurological** impairment - **38%** of charges cite reasonable accommodation

von Schrader, S. 2016, Cornell University, Yang-Tan Institute, using US EEOC Charge Data
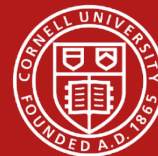
Reasonable Accommodation

Modification or adjustment to –

- Job
- Employment practice
- Work environment

Makes it possible for a qualified individual with a disability to:

a) participate in the job <u>application process</u>,
b) perform the <u>essential functions of a job</u>, and/or
c) enjoy <u>benefits and privileges</u> of employment equal to those enjoyed by similarly situated employees without disabilities.

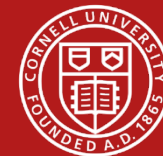# Reasonable Accommodation Requirements ("qualified")

An employer must reasonably accommodate an individual who is "<u>qualified</u>" for the position and who has a physical or mental impairment that substantially limits a major life activity (42 U.S.C. § 12112).

If the employer fails to accommodate such an individual AND that failure denies the employee or applicant an employment opportunity, then the employer had unlawfully discriminated against that individual.

Reasonable Accommodation

- The <u>employer may choose</u> among reasonable accommodations as long as the chosen accommodation is effective.

- An employer <u>may not require</u> a qualified individual with a disability to accept an accommodation.

- If an employee needs a reasonable accommodation to perform an essential function and refuses to accept an effective accommodation, s/he <u>may not be qualified</u> to remain in the job.

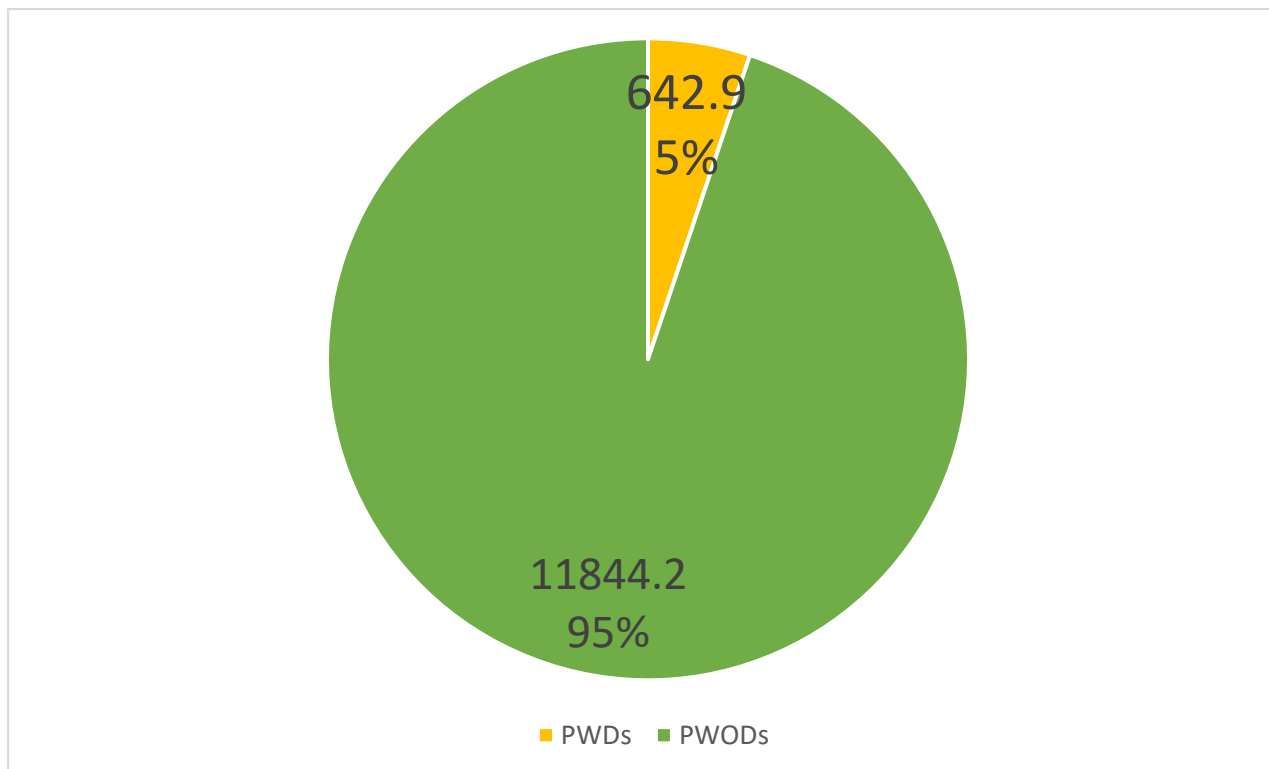- The duty to provide reasonable accommodation is an <u>ongoing</u> one.
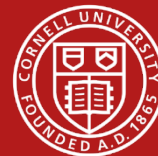
Accommodations Most Often Needed
(from NHIS-Disability Supplement, 1994-1995)

Accessible parking or public transit stop nearby	19%
Need for an elevator	17%
Adaptations to work station	15%
Special work arrangements (hours; job redesign)	12%
Handrails or ramp	10.4%
Job coach	5.6%
Specific office supplies	4.5%
Personal assistant	4.0%
Braille, enlarged print, special lighting, audiotape	2.5%
Voice synthesizer, TTY, IR System, other device	1.8%
Reader, oral or sign language interpreter	1.8%

Most accommodation requests come from people without disabilities

Data Source: Current Population Survey, May 2012: Disability Supplement.

von Schrader, S., Xu, X., & Bruyère, S. (2014). Accommodation requests: Who is asking for what. *Rehabilitation Research, Policy and Education, 28 (2), 329-344.*

The Role of HR Professionals

- HR professionals are often the persons in the organization where personnel issues are most often addressed.

- In a prior Cornell University survey, respondents indicated that the HR professional either alone (28%) or with another individual (10%) makes the decision about accommodations.

Bruyère, S., Erickson, W., & Ferrentino, J. (2003). Identity and disability in the workplace. *William and Mary Law Review, 44*(3), 1173-1196

Bruyère , S. Erickson, E., and VanLooy, S. (2006). The impact of business size on employer ADA response. *Rehabilitation Counseling Bulletin 49*(4), 194-206.
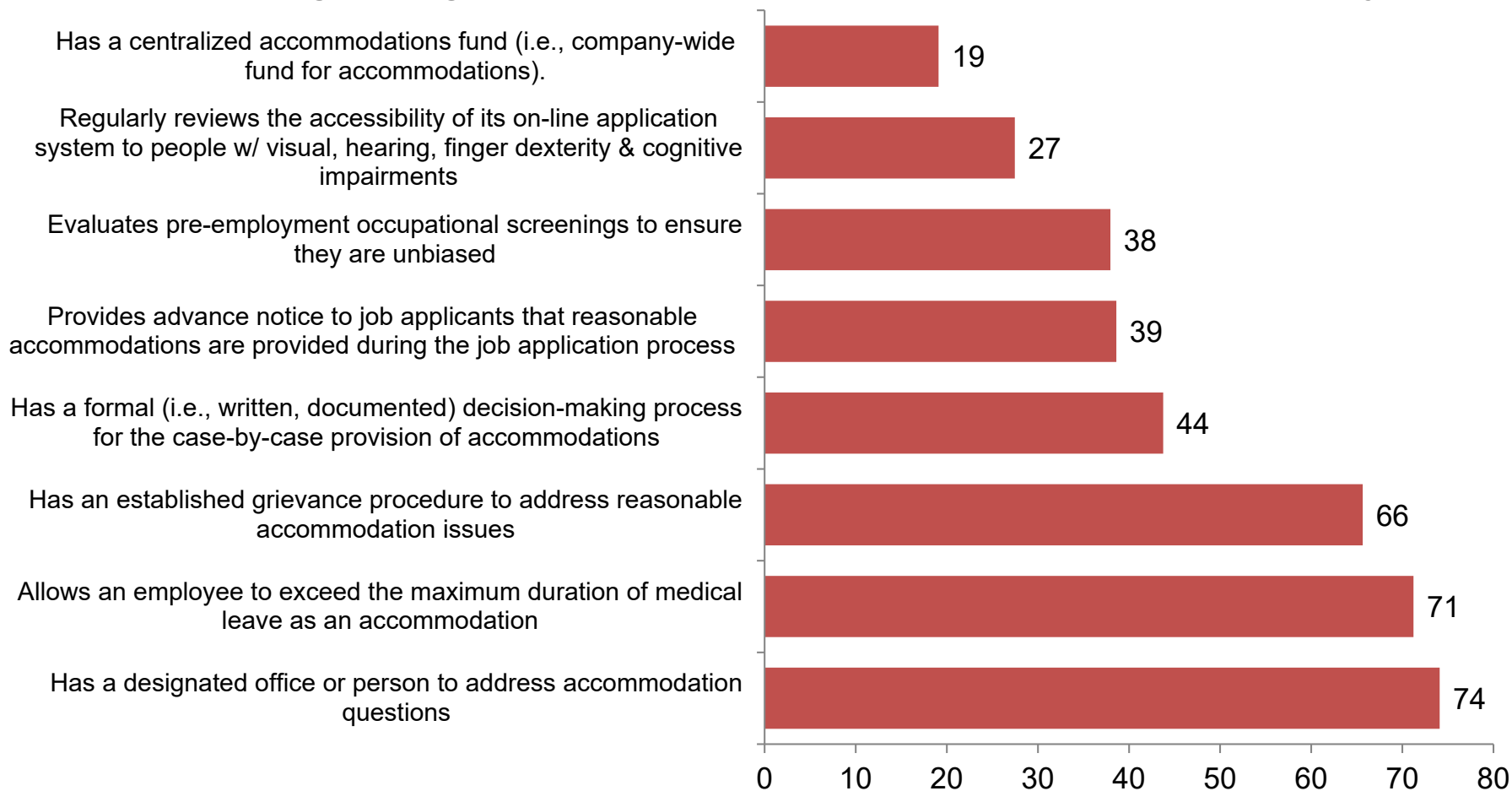
Collaborating Partner

- Over 250,000 members in over 140 countries

- One in five U.S. HR professionals are members

Cornell/SHRM 2011 Employer Survey

Accessibility and Accommodation

Percentage of organizations which implemented each practice or policy

Practice or Policy	Percentage
Has a centralized accommodations fund (i.e., company-wide fund for accommodations).	19
Regularly reviews the accessibility of its on-line application system to people w/ visual, hearing, finger dexterity & cognitive impairments	27
Evaluates pre-employment occupational screenings to ensure they are unbiased	38
Provides advance notice to job applicants that reasonable accommodations are provided during the job application process	39
Has a formal (i.e., written, documented) decision-making process for the case-by-case provision of accommodations	44
Has an established grievance procedure to address reasonable accommodation issues	66
Allows an employee to exceed the maximum duration of medical leave as an accommodation	71
Has a designated office or person to address accommodation questions	74

Erickson, W. von Schrader, S. Bruyère, S & VanLooy, S. (2013). The Employment Environment: Employer Perspectives, Policies, and Practices Regarding the Employment of Persons with Disabilities. *Rehabilitation Counseling Bulletin.* doi: 10.1177/0034355213509841
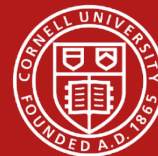
Cost of Accommodations is not a Barrier

- 19% of businesses report no cost for accommodations

- 50% of businesses report accommodation costs of $1 to $500

- 25% of companies report saving $20,000 to $100,000 because of effective accommodations

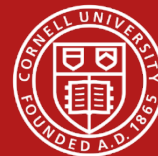- Return of $28.69 for every dollar invested in accommodation

Source: USDOL at
http://www.dol.gov/odep/archives/ek96/benefits.htm
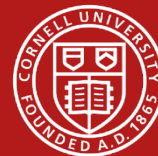
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Accommodation Process Good Practices

- Have an identified point person

- Influence of where the office is located

- Influences array of services considered a natural part of the accommodation process

- Importance of keeping track of accommodation types needed

- Think through department vs central responsibilities and related funding

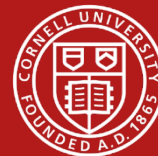# **Where is the Program Situated?**

What might be the strengths and drawbacks/weaknesses of situating the program in the following departments:

- Human capitol/talent management?

- Diversity and inclusion?

- EEO/employment/labor relations?

- Specific job/task/content area?

- Health and safety/occupational health?

- Disability case management?
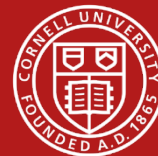
- Accommodation unit?

Effective Accommodation Policies

- Centralized fund for accommodations

- Point person for questions

- Formalized accommodation request process

- Internal and external resources, when needed

- Targeted training for supervisors

- Imbed throughout the HR process

Erickson, W. von Schrader, S. Bruyère, S & Sara VanLooy, S. (2014) The Employment Environment: Employer Perspectives, Policies, and Practices Regarding the Employment of Persons with Disabilities. Rehabilitation Counseling Bulletin, 57(4),195-208. http://rcb.sagepub.com/content/early/2013/11/14/0034355213509841.full.pdf

Flexible Work: Best Practices

- Specific written policy covering which jobs are candidates for flex-place or flex-time

- Review flex requests by employees covered by ADA; remember telecommuting is a potential option

- Review wording of benefits policies to ensure people with shorter weeks are not made ineligible for benefits

- Structure schedule of nonexempt employees to ensure the work week does not exceed 40 hours

- Get accounts of work-related injuries that occur at home

- Recognize flex-time not as a perk, but as a strategic tool to include loyal employees in normal work functions

Job Coaches

- It may be a reasonable accommodation for an employer to provide a temporary job coach for an employee with a disability (provided that it does not impose an undue burden) or to allow a job coach affiliated with a social service agency to accompany the employee to work

- Where would you find them?

- How can they be financially supported?

- How would you introduce them in the workplace?

Accessibility and Universal Design
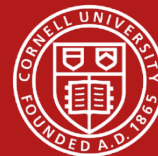
Accessibility

Equal access to –

- physical environment
- Transport
- information and communications
- other facilities and services
- identification and elimination of barriers to accessibility

Universal Design/Inclusive Design

Design of -

- products
- environments
- programs and services
- usable by all people
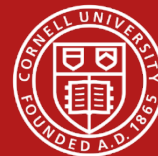- without need for adaptation or specialized design

United Nations (UN) Convention on the Rights of People with Disabilities; available from https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

IT and Communication Tech: Accessibility Concerns

- Most Web sites are not designed to be accessible to people with disabilities
- Needs to be a high priority within the organization both for -- maximizing customer access to products and services, and

  - affording employees to productively execute their jobs

- Proactive approaches to designing accessible websites from the start makes sure that these potential barriers are addressed and eliminated
- There are excellent resources available to help with this process

Source: World Wide Web Consortium (https://www.w3.org/WAI/intro/wcag).
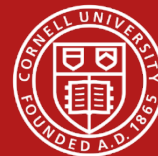
Who is affected by Inaccessible Technology?

Inaccessible technology can pose significant barriers to:

- People who are blind
- People with low vision
- People who are deaf or hard of hearing
- People with mobility-related disabilities that limit their use of a mouse
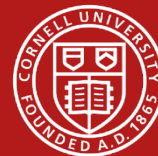- People with some types of learning or cognitive disabilities

Networking and Work-Related Recreation

- Employees with disabilities should be included in both formal work groups and informal employee gatherings.

- Frequently, important business is discussed at these events and interpersonal relationships are developed.

- The ADA requires that these events be made accessible to all employees; what might "accessibility" look like?

- Employers should consider each case individually to determine what accommodations/supports would be appropriate.

- Employers may also be required to provide transportation to and from the event for employees with disabilities in certain circumstances.

AI Barriers and Facilitators of Employment

- AI algorithms are increasingly being used as screening tools in the recruitment and hiring processes and may pose barriers in the employment process

- However, AI is also being used to develop structures and tools to support individuals with finding employment opportunities, as well as refining their skills and abilities in the job search, job interviewing and job skills processes

Accommodation Considerations for Autistic Individuals

- Potential sensory sensitivity (e.g., sound, light, smells, tactile, sensory overload, etc.)

- Offer a room/seating area with lower stimulation

- Create visual and noise barriers in open spaces

- Noise canceling head sets

- Reduce use/eliminate fluorescent lighting

- Seating next to natural light source

- Allowing individual to wear a baseball cap/eye shades

- Maintain a fragrance-free environment

- Bruyère, S.M., Chang, H-Y, & Saleh, M.C. (2020). *Preliminary Report Summarizing the Results of Interviews and Focus Groups with Employers, Autistic Individuals, Service Providers, and Higher Education Career Counselors on Perceptions of Barriers and Facilitators for Neurodiverse Individuals in the Job Interview and Customer Interface Processes.* https://digitalcommons.ilr.cornell.edu/edicollect/1381/
- Scheiner, M. *An Employer's Guide to Managing Professionals on the Autism Spectrum*. London, UK: Jessica Kingsley Publications.

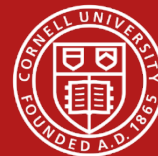# Ten Steps to Safer Evacuations

- Identify people who may need assistance

- Work with those people to identify needed resources

- Practice! Conduct drills to test procedures

- Consider a buddy system

- Make sure hallways and stairs are clear

- Install visual and audible alarms and ensure they work

- Install an evacuation chair on each floor for every person who needs one

- Ensure accessible and reliable communications

- Provide appropriate resources outside the building

- Include disability-related supplies in first aid kits

Educate the Entire Organization

- To increase awareness about disability within the organization
- To improve people's comfort level around interacting with people with disabilities
- To reduce stereotyping and bias
- So people know what to do when an accommodation is needed.
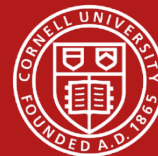- To reduce the risk of the organization.

(Nishii, 2013; Nishii & Bruyère, 2016)

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References

Bruyère, S., Erickson, W., & Ferrentino, J. (2003). Identity and disability in the workplace. *William and Mary Law Review, 44*(3), 1173-1196.

Bruyère , S. Erickson, E., and VanLooy, S. (2006). The impact of business size on employer ADA response. *Rehabilitation Counseling Bulletin 49*(4), 194-206.

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Erickson, W., von Schrader, S., Bruyère, S, VanLooy, S., & Matteson, D. (2014). Disability-inclusive employer practices and hiring of individuals with disabilities. *Rehabilitation Research, Policy, and Education, 28 (2),* 309-328.

von Schrader, S., Xu, X., & Bruyère, S. (2014). Accommodation requests: Who is asking for what. *Rehabilitation Research, Policy and Education, 28 (2), 329-344.*

Related Resources

Job Accommodation Network

https://askjan.org/

World Wide Web Consortium Standards

https://www.w3.org/standards/

Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act

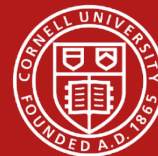https://www.eeoc.gov/policy/docs/accommodation.html

U.N. Convention on the Rights of People with Disabilities

https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html
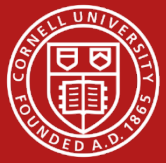
Cornell Related Online Resources

- BenchmarkABILITY® Online Tool for Companies
  https://nys.benchmarkability.org/
- Employer Practices Disability and Compensation Catalog
  http://www.disabilitystatistics.org/eprrtc/codebook.cfm
- Disability Statistics Online Tool www.disabilitystatistics.org
- US EEOC Disability Charge Tabulations Online Tool
  http://www.disabilitystatistics.org/eeoc/
- Cornell Online Repository of Related Publications
  https://ecommons.cornell.edu/handle/1813/72721
- Employer Practices RRTC Project
  http://employerpracticesrrtc.org/
- DXC Dandelion Program Portal
  https://ecommons.cornell.edu/handle/1813/72826
- AskEARN https://askearn.org/

Thank you and QUESTIONS?

Dates for our next Webinars

Accessibility and Accommodation Consultation – Wednesday, June 16, 2021 12:00-1:30pm Eastern