Transcript of ADA Workforce Seminar

**[Chris]** Okay, today we are going to be talking about the Americans with Disabilities Act in the workforce and how you can apply it when you go out and get a career. Stuff I'm going to cover is what the ADA is and how it applies to the workforce, what it actually is, its definition, limitations of it and how confidentiality applies to it. The combinations in disclosure, what the accommodations are, how to request them and disclosing the need for an accommodation, seeking employment, how you can do job searches, tips for resume writing and for when you go on interviews, and any questions, if you have any other questions than the main topic. What the ADA is: It's the American with Disabilities Act of 1990. It prohibits discrimination for qualified individuals who work for the federal, state and local government or for any private business with more than 15 employees. If there's fewer than 15 then technically they don't have to abide by it, but since chances are you're going to be working somewhere with more than 15 employees, they're going to have to abide by the laws set by the ADA. What a disability is according to the ADA, is a person with a physical or mental impairment that causes a substantial limitation of one or more major life activities. You are having a record of such impairment and regarded as having an impairment. Essentially what that means is that if you use a wheelchair, you have low vision, you’re hard of hearing, you have a learning diagnosis, you have a broken leg, you have a broken finger -- those could qualify as disabilities because it limits your ability to perform one or more major life activities. Now some of those like the broken leg and the broken finger are temporary, so you can receive accommodations for them while they exist but then once you're healed up, they don't qualify. Major life activities: eating sleeping, breathing, thinking, walking, any of that stuff counts as a major life activity. What the ADA doesn’t do: It doesn't guarantee you a job. Just because you have a disability doesn't mean that you get a job ahead of anybody else. Prospective employees must be able to perform essential job functions, so that means if one of the requirements of the job is that you have to be able to type 60 words a minute, you have to be able to type 60 words a minute. They don't really allow any leeway on that because it's an essential job function. But there is a potential work-around to that if they provide an accommodation where you have a problem with being able to type, if you can speak and it can convert what you say to 60 words a minute, you may be able to do the job.

**[Student]** So like the dragon function with the headset would count as like an accommodation for a job?

**[Chris]** Yes.

**[Student]** Okay.

**[Chris]** Dragon Speak would count as an accommodation that they could provide for you which would allow you to be able to perform an essential job function. An essential job function is determined by the employer; unfortunately, you as the employee don't get to choose what is essential to your job. It would be nice but it doesn't work that way. It does provide preference to an applicant under the ADA to an employee not under the ADA, it doesn't do that. Some employers may have or may seek out people with disabilities over people that do not have disabilities, but they are not required to do so. And it does not prevent your dismissal due to performance or a workforce reduction. Just because you have a disability, if it turns out that you aren't good at the job, they can fire you and you can't shoot back, "Well, I have a disability." That doesn't matter. When they do workforce reductions, you're on the chopping block just as much as anybody else. I can speak from personal experience -- I got workforce reduced and I have a disability, but my head was still on the chopping block and it came off. Confidentiality. Information about employees under the ADA and any accommodations must be kept confidential. Your supervisor can receive the information on a limited basis. That means the supervisor can know what your accommodation is. Like your accommodation may be your 15 minute break. You can take it in 5 minute increments. They get to know that you can do that; they don't get to know why. Supervisors should keep their knowledge of any accommodations you receive confidential. Meaning they don't talk to your coworkers about it, don’t talk to their boss about it and keep it to themselves. If they have questions they can go ask HR because that's who’s going to handle it, but other than that they shouldn't be saying anything. Employers cannot disclose accommodation or disability related information to any interested parties (i.e. other employers, other employees, anybody). They can say that you worked for them, but they can't say that you had accommodations or you have X disability, or anything like that. Employees are able to disclose the fact that they have a disability at their own discretion. Meaning that if you don't want to say anything about it, you don't have to. You can keep your mouth shut the whole time you work there; nobody has to know anything. Accommodations and Disclosure. What an accommodation is: it's a reasonable adjustment or modification to the manner or circumstances under which work is normally performed. It enables an individual qualified under the ADA to perform essential job functions. It allows an individual under the ADA to get equal benefits and privileges of employment and it does not cause an undue hardship to the employer. That means it's cost prohibitive. Like here for example, I had said Dragon Speak isn't really that expensive. It is a reasonable accommodation that will enable an individual qualified under the ADA to perform essential job functions and they get equal benefits and privileges of employment. It doesn't cost too much. Now most accommodations are less than $500. So most employers aren't going to really baulk at the cost of the accommodation. But let's say, for instance, that you would have to have an elevator installed in order for you to be able to get into the workplace. That's going to cost $25,000. It's really not cost effective for the employer to do that. It's not a reasonable accommodation.

**[Student]** Let's say like a ramp might be so you don't have to put in the elevator but you can put in a ramp so they still have access. Would that be more reasonable?

**[Chris]** Yes, and that's something you can actually discuss with the employer if it turns out that you have an accommodation that they see as unreasonable. You can ask them "Okay, well, what do you think we can do instead?" And if y'all are able to work to something out, that's great. With respect to the elevator, it is more of an accessibility issue rather than an accommodation. But it is a good example of something that might be cost prohibitive. Prior to a job interview, it might be advisable to verify accessibility and address any concerns that you might have. Some examples of accommodations: the headset with the Dragon Speak, technology to assist somebody that has a vision impairment, captioning options for employees that are hard of hearing, alterations to a break schedule to address a medical condition. A really good example of that is somebody that has diabetes and has to go take insulin shots at specific intervals. It doesn't cost the employer anything, really to give you five minutes every two, four, six, however long the period is to give yourself an insulin injection. Another example is new mothers. New mothers often get, you know, five or ten minutes at certain intervals so they can continue working but that they can go pump and go back to work

**[Student]** But that's not a disability.

**[Chris]** No. it's not.

**[Student]** Ah, okay.

**[Chris]** It's not a disability, but it's an example of a reasonable accommodation.

**[Student]** Okay. How to request accommodations. It's probably best that you ask in writing. That way you have a record. Your employer has a record that "I asked for this." A lot of employers have forms that they set up themselves to allow you to do that. You can also use Google. There are forms out there that you can download and adjust as you need to fit your circumstances. Use the term "ADA" and "reasonable accommodation." "I qualify under the ADA and I would like a reasonable accommodation." You'll consult with your boss or your prospective boss and HR or its equivalent in the business you work for. They may ask for medical documentation saying, “We need your doctor or your specialist or whoever it is you're working with that we need them to send us something that says, ‘yes you have this disability’, and then we'll work with you when working out the accommodations for whatever it is that you may need.” You can also check for additional information online. Google is your friend. You can find out what kind of accommodations other people in circumstances that might be somewhat similar to yours asked for and maybe you can get some ideas on "Well, I want this but it's probably not going to be something offered. What alternatives could I find for it?" And how your accommodation -- what you want or what you don't want -- how it worked or didn't work for other people. Forum discussions and posts are really great ways to be able to investigate what options are open to you. Disclosing a need for an accommodation. Do I have to disclose the fact that I have a disability? Nope. Not ever. The only reason that you will need to tell anybody at your job or prospective job that you have a disability is if you need an accommodation of some sort. When disclosure may be appropriate. There are employers that have affirmative action programs for people with disabilities. They give preference to people with disabilities to come and work for them. So yes, in that case it may be appropriate to say, "Yes, I have this disability" because that employer will be more likely to hire me because I have that disability or in this field. Applying with an employer that has a positive record of working with people with disabilities. If they have a good track record providing accommodations and working with people that have disabilities, you may want to tell them that "Yes, I have this disability. I need this accommodation. Please help." And when a qualified person with a reasonable accommodation can perform these simple job functions. It goes right back to the headset in Dragon Speak. "I can't physically type 60 words a minute but I can speak 60 words a minute. And Dragon Speak can take 60 words a minute. So I can perform the essential job functions with this accommodation." Seeking Employment. Initial tips on job searches. Seek opportunities that interest you; avoid those that don't. I promise you that as an employee, your satisfaction is way more important than you probably figure it is. You don't want to go to a job that you hate everyday with people you don't want to be around, doing stuff you don't want to do. Find something that you want to do, something that excites you and engages you as a person. Look for an opportunity that allows you to use your strongest skills. Am I great at talking with people? Then I ought to get a job that allows me to do that. Am I really good at math? Let me find a job that uses math skills. Am I really good at writing technical documents? Let me find a job writing names for cars, engines, or computers or whatever. Personal contacts and organizations can help. I will tell you that knowing people is a really good thing when you're looking for a job. You can call up your friends. They can call their friends, their families and somebody might be able to find the job that is something that you want to do, just by reaching out and contacting people. There are organizations that focus on assisting people with disabilities. The Texas Workforce Commission, they have people that will help you find a job. If you acquire a disability later on in life, they will help you do vocational rehabilitation which means that they will take your existing skills and give you assistance on using those skills to find work in a different place from where you are now. Another good one is seek out internships and volunteer opportunities for work experience because you can put that on your resume. "I did an internship with X company for X amount of time, here's what I did with them." Because one of the biggest deals to have these days is work experience. Having a degree is great, and it does give you a leg up over other candidates, but work experience is also equally important to prospective employers. Some of the resources that are out there: Career One Stop at careeronestop.org gives you a lot of information and links to disability-friendly employer opportunities. So that website has links to people that employ people with disabilities. They are encouraged to hire people with disabilities so that's a good time for you to go to them and say "I have a disability." The Job Accommodation Network at askjan.org is an awesome website for getting you ideas on what kind of accommodations will be reasonable for every kind of work environment that almost you could possibly think of. From computer science to retail sales to factory work, they can say, "I have X disability and I want to do X job". That website can tell you reasonable accommodations that you should strongly consider asking for are: this, this, this and this. The other one is O\*NET Online at onetonline.org. It provides details on occupations, educational requirements and typical skill sets that people doing that work need to have. If you want to look up 'psychologist' it will recommend that you have a former degree from an accredited university. It will also tell you that you need to have good communication skills, good writing skills and stuff like that. So that's a good place to go when you’re starting your job search to say "Okay, what do I want to do? What interests me?" Well this particular career field interests me. Do I have the skill set I need to be able to do that?" And if it turns out you don't, then maybe we need to find an alternative. "Maybe I can't be a psychologist. Well what else in that kind of area could I be? A therapist of some sort or a life coach. That's a good one.” Resume Writing. You have to have – well, you don't have to have but it is recommended -- that you have a cover letter, which is an opportunity to brag about yourself. "Here's who I am. Here’s what I'm good at. Here's what I can do for you and for your company." Emphasize what you do well: "I'm great with organization and time management and I have great people skills." Tailor it to the employer. You don't want to tell somebody that… (I'm trying to think of a better example)… Don't tell a prospective employer that you're good at working with people if you're just working in a factory and the nearest people to you are twenty feet away. That really doesn't tell them anything about you and how you can do well for them. With your resume, keep a format similar to a college paper. Use short concise sentences. Don't be too expansive on what it is that you're going to say. If you have a four page resume, your prospective employer will not -- if it's all words-- they won't read it. They aren't going to be interested because it takes too much to read. They want you to get to the point and get to it fast. So all the papers that have to be 8 to 10 pages -- all the extra stuff that you put in there to make that 8 to 10 pages -- it doesn't need to be there. Focus on the essentials. A great way to do that is using bullet points. It allows you to say, "This point, I do this well. Next point, I do this well. Next one, I do this well." That way you can combine using the short sentences to say, "I do X well," in the bullet points to keep it short and sweet. At least until you have a lot of job experience, put your education first. Because it is going to be the thing that gives you a leg up over other prospective candidates. I only have two years of work experience out in the field but the other prospective employee with a four-year college degree might be able to get that job over me because they have the educational experience. Having a degree says to an employer that "I can stick my nose in for four years, and get the job done." Your average employer isn't going to care what your GPA is; you can leave it off. It really doesn't matter if you graduated with Summa Cum Laude or no Cum Laude. It doesn't matter. What matters is that you got the degree. You took the time and you had the intentional fortitude to see it through. Provide references. Not your parents. Ninety-nine percent of the time your parents are always going to have something good to say about you. Friends are okay. Friends of the family you've known for a long time are okay. Best would be previous bosses that liked you. Don't give them the reference of the boss that you had problems with the whole time that you were there. Avoiding personal pronouns, except for the cover letter. In a cover letter you do want to use the word 'I'. "I want to work for your company. I do this well. This is why I will be an asset." But when it comes to the actual resume itself leave 'I' out of it. When you go to an interview dress up. Don't go to an interview wearing sweatpants and a hoodie.

**[Student]** So not what I'm wearing right now? More like a dress shirt, dress pants, that kind of thing. Okay.

**[Chris]** Yeah, dress pants, dress shirt, a jacket, a dress jacket if you've got it, a blazer if you don't, a tie would probably make a difference.

**[Student]** So like a job fair kind of dress up. The job fair for engineers is on Wednesday or actually it's Tuesday.

**[Chris]** Yeah. So if you've got a suit this would be a good time to put it on.

**[Student]** Alright.

**[Chris]** Be prepared. Know what the job you're interviewing for is about. Have some ideas about what the employer is, what their company focuses on, what they want to do, what their mission statement is, what their goals are. Find out how your skills will integrate with the employer. "I do this really well when you guys focus on 'this'. ’This' is how I'm going to be able to benefit you because my ability to do 'this' integrates with your mission goal of 'this'." That goes right along with knowing how you'll be of a benefit. "This is how I'm going to benefit you." You have to sell yourself as "this is how I'm going to help you do better at what it is you do." Don't just go in and act like you're going to be another cog in the wheel. Be different. Frame your coping skills as an advantage. The example that's there is, tell the prospective employer that your use of lists and planners show your attention to detail and organizational skill. That doesn't mean that you have to tell them that you have X learning disability. But it means that "I've used these strategies to be able to do well at what I do." It doesn't disclose the fact that you have a disability, it just presents the fact that "I used these skills to be able to do better at what I do and this will apply in your job because of 'this'."

**[Student]** I'm also very goal oriented so I can say that I will prioritize what is most important for the mission of the job. I’ll do that first and then go on down the line and see if there is something less important.

**[Chris]** Exactly. That's a good way to frame it. "I'm very goal oriented. I want to be able to take care of what is most important first and have it done so we don't have to worry about it anymore and then move on down the line until everything that needs to be done, is done." And then finally requesting an accommodation. Figure out ahead of time if you need to ask for one. Don't just go there and automatically or figure out halfway through that "I need X accommodation." Know ahead of time that "I'm going into this job that needs me to type 60 words a minute. I need a headset in Dragon Speak in order to be able to do that." That way you can just tell the employer upfront, "Here's something I need" if you have 'blank'. Another example is if you have low vision, go in expecting that you need to tell the employer, "I need something that will magnify what it is I'm going to be looking at so I can see," or "I need software that will allow me to hear what is on the screen, because I'm not going to be able read." And if there is… if you're not comfortable with disclosing the disability, rephrase the request without invoking the ADA if you can. One that I think of is somebody with dyslexia is gonna’ have trouble taking notes in staff meetings. It's going to be really difficult to be able to take down everything that's going on and remember what it was after. You don't have to invoke the ADA for it. Ask the person doing the interview or your supervisor later on, "Look I have trouble taking notes. I'm not very good at it. Would it be alright with you if I just put my phone down and record the meeting so I can listen to it later and go back over and cover any salient points that I might miss?" Is the boss going to tell you no? Probably not. I mean unless you're working for the DOD and all the stuff you're talking is classified, they're not really going to mind if you record the meeting.

**[Student]** Or they might just record it but not with your phone but with something like approved by the DOD.

**[Chris]** Yeah. Or you know, a tape recorder that you lock up in your desk.

**[Student]** Yeah because, especially with the DOD they're really particular about like information getting out so yeah it's more likely, at least through what I've talked to people working at the DOD, if they did require recording there would be like an old fashioned tape recorder that had to be authorized and would almost have to be confiscated afterwards.

**[Chris]** Or another thing would be see if somebody could take minutes.

**[Student]** Oh yeah.

**[Chris]** You know, "Can somebody take minutes for the meeting?" You're not telling them you have any kind of disability, you're just saying "Hey, you know, can I get minutes of this thing?" Because that would probably help out everybody. That way everybody knows this is what we went over, this is what we covered, this is what everybody said. Or you could always ask to borrow a friend’s. "Hey dude, I didn't catch all the meeting notes. Do you mind if I take a look at yours?"

**[Student]** I do that all the time in classes so...

**[Chris]** See. So that's the coping skill that you can use once you get the job to your advantage. Oh. I forgot to put in a question slide.

**[Student]** What's… uh you had a question. Oh, questions.

**[Chris]** Yeah, any questions you might have.

**[Student]** So with the interview. So I'm applying for a job I'd like to get. So you were mentioning about making sure you know about what the company is, so it would also be useful to know about different projects they work on or kind of what their plan is for future goals if you know about that?

**[Chris]** Yeah absolutely. Because then you can speak to the employer, you know, "Hey I saw that you guys wanted to work on 'this'. Here's some ideas that I have that could help with that. Or here are some skills that I have that would be useful to you in that project." It also lets them know "You know, hey, this guy actually knows his stuff. He's looked into us and he sees what it is that we're doing now and what we want to do in the future." That is going to give you a huge leg up over somebody that just comes in and says "I want to work for you."

**[Student]** Yeah, I also knew that at least for some companies that even if I was… even if I didn't know like too much about like my particular field that the projects they're working but understood at least what goes on like other aspects. Knowing aspects of the job though, and other aspects not including your major could be a leg up as well. That you understand the processes behind to do such and such: like if you're building a structure, the process of having to lay down the foundation, how to set up the rebar, how to set up the concrete, or even mechanical structure and how well it's going to withstand say like weather and climate conditions as well.

**[Chris]** Well it's the difference between an architect and a construction team. The architect knows how to set the building up and stuff and keep it from falling down but he has no idea what is going to go into actually building it. That's like the architecture person knowing enough about construction engineering to be able to go in and say, "Okay, here's how this building's going to go. Here's how I think we should or here are some ideas I have on building." That's going to give you a leg up over somebody that doesn't have that kind of knowledge.

**[Student]** I've noticed for at least that you don't necessarily have to be, definitely be knowing about your major and knowing the aspects of your major really helps a lot, but also understanding the other aspects of like an engineering project from other perspectives from other engineers. Like what some processes behind it because then you have a better knowledge of the general project versus just one little aspect.

**[Chris]** It's always better to have a broader understanding of what goes on because, you know, with an engineering project, you're going to have all the materials you need and all the diagrams and sketches and blueprints and all that, but you also have to have invoices for all the stuff that you're ordering. You have to have accounting for knowing how much those parts are going to cost, how much is the labor gonna cost, communication between various and assorted engineers on the project, management, all that stuff. The more they get, the more you know in general about what it is a business is going to do, the better off you're going to be.

**[Student]** It's also going to depend upon like an engineering company, depends on who has the info who's financing it. If it's a private company or if it's like a public works or a government then it depends upon how much funding you're going to get for this job. Usually through like government and public though you're gonna generally have a little bit more limited budget because it is taxpayers after all. With a private company you might have a little more leeway with your financing but it depends upon how much both the CEO and the executive board is going to give you, to determine how important this project is.

**[Chris]** Yeah, but it just goes right into the more you know, the better off you're going to be.

**[Student]** Yeah that's one thing I definitely learned so far just by going to job fairs for engineering and stuff. The more I know about the different aspects of engineering and how interconnected -- especially in business like engineering and business are pretty much tied together because you can't really -- I mean engineers, we can't do our jobs unless we know we can design or build a particular product for a clientele unless we have the financing or the means to do it. Because I mean labor for example, you can't expect a team of engineers to build a structure say like the Eiffel Tower which is all hmm like the Eiffel Tower for example in like a short, in like a really short amount of time without having the proper crew. It's going to take them a bit, even if you have people who are competent in building structural engineering to construct it. You would still need a workforce to do so. You can't expect the engineers because there's going to be like a two-year or a three-year project which could mean it could be done in less than a year with a crew. So it really comes down to time management, how management the engineer's time is, because you're paying more for the engineer in hourly wage versus like just your standard crane operator or your welder or something like that. You can hire a few of those and not have the engineer work so much so you can save on costs. Because if the engineer has to do hard labor, you're going to skyrocket your costs because you're paying a team of engineers to do hard labor and you want to try to avoid it because then you’re paying 1.5 times what you're supposed to be in labor.

**[Chris]** Yup.