13th National Conference on Hydrocephalus

Employment and the Americans with Disabilities Act (ADA)
Presenter

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Overview

- Employment
- ADA Rights & Responsibilities
- Definitions
- Job search preparation
- Job offer
- Pre-employment physical
- Disclosure of disability
- Information sources
- Questions/Answers
The Americans with Disability Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability.

The ADA provides equal employment opportunity for all, including individuals with disabilities.
ADA
Rights and Responsibilities

Employer Rights/Responsibilities

Employee Rights/Responsibilities

Americans with Disabilities Act
Disability vs. Handicap

- A **disability** is a condition caused by an accident, trauma, genetics or disease which may limit a person’s mobility, hearing, vision, speech, or mental function.

- A **handicap** is a physical or behavioral constraint that is imposed upon a person, regardless of whether that person has a disability.
Let’s start at the beginning

- A job search . . .
- I am a young adult with hydrocephalus and I am seeking my first “real” job. What do I do?
Example: visible disability

- Some people with disabilities use wheelchairs. Stairs, narrow doorways and curbs are handicaps upon people with disabilities who use wheelchairs.
Example: non-visible disability

- People with Hydrocephalus may need to visit a medical specialist regularly (disability). Overreaction, skepticism, and misunderstanding are handicaps upon a person who needs to see their healthcare provider.
Disabilities covered by the ADA

- Physical impairment
- Mental impairment
- Major life activity limitation/s
- History of disability
- Perceived as disabled
Qualified individual w/disability

- Person who meets legitimate skills, experience, education,
- or other requirements of an employment position,
- can perform the essential functions of the position,
- with or without reasonable accommodations
I’ve got an interview!

- What do I say during the interview(s) about the fact that I have hydrocephalus?
Interview inquires?

- An employer may ask about your qualifications for a job.
- An employer may ask if you can perform particular job functions.
- An employer may not ask about your disabilities.
- An employer may not ask if you need an accommodation.
Reasonable accommodations

- Providing or modifying equipment,
- job restructuring,
- part-time or modified schedules
- reassignment to a vacant position
- adjusting training materials, policies
- providing job aides such as readers and interpreters
- making workplace accessible
They offered me the job!

- What can I expect to happen after I have been offered a job?
Pre-employment medical exam

- An employer cannot require you to take an exam before job offer
- Job offer can be conditioned on passing a medical exam
- An employer cannot reject you because of the exam unless the reasons are job related
- An employer cannot refuse to hire you because of your disability
Should I disclose my disability?

- If you **think** you will need a reasonable accommodation
- Reasonable accommodations are **required** only for otherwise qualified applicants
- Employers are not required to **guess** if you need a reasonable accommodation
My boss wants to know.

- I already have a job and I find out that I have a medical condition called hydrocephalus. What should I do or say?
Disability develops post-employment

- Family and Medical Leave Act (FML)
- Reasonable accommodations (ADA)
- Essential job functions (description)
- Bona fide occupational qualification
- Seek guidance in Human Resources
- Inform supervisor if you know job will be impacted, discuss options
Family member w/hydrocephalus

- Family and Medical Leave Act (FML)
- Understand serious health condition
- Support agencies
- The difference between a “crisis” and a “scheduled event”
- Discuss options with employers
Information Source

- Equal Employment Opportunity Commission (EEOC)
P. O. Box 7033
Lawrence, KA 66044
(800) 669-4000 – Voice
(800) 669-6820 – TDD
Website: info@ask.eeoc.gov
Information Source

- Department of Justice
  Office of the Americans with Disabilities Act, Civil Rights Division
  P. O. Box 66118
  Washington, DC 20035-6118
  (202) 514-0301 – Voice
  (202) 514-0381 - TDD
The Job Accommodation Network is a service of the Office of Disability Employment Policy (ODEP) of the U.S. Department of Labor.

The website address is: www.jan.wvu.edu/
Questions & Answers

Thank you for allowing me this opportunity to share your conference!

Clifton Scott