



THE WORLD OF WORK

Points for Students to Consider

For all young people, finding and holding a job are important goals for life after completing high school. In general, a career is considered the pursuit of a lifelong ambition and generally requires education and special training. A job is an activity through which a person can earn money. A job may or may not require further education and specialized training.

Some questions people have when considering a career or a job include: *Why do I want to pursue this career or work? Am I qualified to pursue this career or perform this work? If not, what education and training do I need to become qualified? Who can help me be successful? What will success look like for me? Where is the job? How far is the job from my home? What transportation is needed and is it available? What days will I work? How many hours will I work?*

For a young adult with a disability, there are additional areas to consider before building a career, exploring employment opportunities, or taking a job. To achieve success and prepare for the world of work, it is important to ask the following questions and consider particular strategies. Ask questions related to **expectations, reasonable accommodations, disclosure of a disability, special considerations, disability benefits, employee assistance and employment legal rights.**

This guide poses questions and provides strategies to prepare for the world of work, based on individual needs.

1. EXPECTATIONS

How does being a person with a disability affect success in a particular career or job?

- To assess whether success will be possible in a field, learn about the essential functions and required work tasks of the career or job.
- Think about accommodations necessary to perform any of the expected career building skills, job functions, and tasks.
- Decide if any aspects of the career or job cannot be completed, even with accommodations. If so, this may not be the right field to consider.

- Seek out advice about this career or job from professionals such as vocational rehabilitation counselors, occupational therapists, successful people in the field, or staff at an Independent Living Center (ILC).
- Shadow people who are employed in this career or job. This can usually be arranged by a guidance counselor or vocational rehabilitation counselor.
- Ask an employer in the field for an informational interview. This is a step that can be completed before applying for a job. It is an opportunity to ask questions specific to the job expectations. Discussion can include accommodations that the prospective employer is willing to make with a focus on the abilities needed to do the job.

2. REASONABLE ACCOMODATIONS

Reasonable accommodations are considered for individuals who are otherwise qualified to do the job. This means that a person must still have the skills and credentials necessary (diplomas, certifications, training, experience, etc.) to perform all the essential parts of the job in a high quality way within a reasonable amount of time.

What are reasonable accommodations in the workplace?

- A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done. An accommodation enables a qualified individual with a disability to engage in an equal employment opportunity.
- Examples of reasonable accommodation include interpreter services, screen reading software, a quiet location, flexible work hours, additional lighting, having an authorized personal or health assistant at the workplace for a specific need, or assistive equipment such as a different mouse or keyboard.
- Employers are not required to provide accommodations that they consider and document as unreasonable or imposing an undue hardship on the company. These may include accommodations that may possibly interfere with their essential business practices, pose a threat to safety of the person or others, compromise their code of ethics, or may be too costly or burdensome.
- Most accommodations are low or no cost. Employers are required to provide accommodations and pay for them if there is a cost. If you need a particular accommodation, be prepared to discuss it with the employer. You may consider this type of statement "I believe I need an accommodation." Have information about what you need, the cost, and a source for the accommodation (how it can be obtained).

- State vocational rehabilitation agencies may assist in defraying the cost of equipment or work needed to provide reasonable accommodation and information on where and how it can be obtained. This can be discussed with a vocational rehabilitation counselor. A web link to the New York State Education Department, Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) is provided at the end of this guide.

Who can be provided reasonable accommodations?

- Reasonable accommodations are provided for people with disabilities who meet eligibility as defined by the Americans with Disabilities Act (ADA), are otherwise qualified for the job, and indicate to the employer a need for an accommodation to perform the essential functions of the job. The request is the responsibility of the job seeker or employee.
- If the job cannot be performed successfully without accommodation, and a disability is not visible, disclosing the disability should be considered. During disclosure, the focus should only be on limitations that are directly related to the job tasks.
- The ADA considers disability as a condition that substantially limits one or more major life activities such as seeing, learning, walking, speaking, or caring for oneself, and/ or major bodily functions such as breathing, processing nutrition, the immune system, etc.
- A condition that is episodic and/or controlled, such as epilepsy, is also considered a disability if, when active, the substantially limiting standard (as described above) is met.
- An employer has the right to request appropriate documentation of a person's disability to substantiate the need for reasonable accommodation. This is discussed in more detail later in this guide.

3. DISCLOSURE OF A DISABILITY

Disclosure is deciding when, how and what to tell others about a disability. This is a very important decision, especially when considering safety issues for a person with a substantial disability or a severe health condition.

What is necessary to tell an employer about a disability that affects the completion of tasks related to the job?

- A successful way to disclose a disability is to write a script. Have it reviewed by a professional with knowledge of disability and employment issues. Then, practice delivery. It is not necessary to share a diagnosis. Focus on how the disability may impact the ability to do the job. Include information on the type of accommodation

necessary to be productive, where the accommodation may be obtained, and what the cost would be. Being well prepared and versed regarding accommodation needs will impress prospective employers.

- Employers are not allowed by law to ask about a person's disability; however, without disclosure, an employer is not expected to provide accommodations if requested by the employee.
- Employers can state that they are actively looking for a qualified person with a disability to perform a job. This is done by some organizations that are specifically targeting persons who meet certain disability definitions and severity levels. In these cases, disclosure is necessary.
- A person with a disability has the right to request or provide reasonable accommodations for a job interview or an employment test. This also requires disclosure of the disability.
- If disclosure is chosen, an employer must be given a reasonable amount of time to arrange reasonable accommodations.
- If problems arise with performing duties due to a disability that has not been previously disclosed, it may lead to a poor performance evaluation. This can be avoided through disability disclosure and appropriate reasonable accommodations.

What documentation of a disability is needed to support reasonable accommodations in the workplace?

- Provide an employer with medical documentation to support a request for reasonable accommodations specific to job tasks; do not provide more documentation than is necessary.
- An employer is allowed to request medical documentation related to the need for a disability accommodation based on the workplace and job requirements, but not anything else (i.e., they cannot request a full medical history).
- An Individualized Education Plan (IEP) or a 504 Plan may not be sufficient documentation or appropriate to share with an employer. It may be necessary to obtain additional evaluations and documentation of needs specific to the workplace demands.
- There is no legal protocol for requesting accommodations. Reasonable accommodations are meant to be granted on a case by case basis. The bottom line is that an employer is made aware of the need for an accommodation and is provided with appropriate medical documentation.

- Depending on the situation, a disability disclosure may not be necessary. Explaining a needed accommodation for a medical condition and how the accommodation would ensure performance of the essential functions of the job may be enough.

4. SPECIAL CONSIDERATIONS

How is a skilled nursing, personal care or mental health support need managed in the workplace?

- When starting a job, identifying and conveying what is needed must be explained clearly and concisely.
- Evaluate medical care routines and personal care requirements and their impact upon employment. For example, is there a need for skilled nursing services, a personal care attendant, a place to store medications, or extra breaks to manage medical treatments?
- Employee Assistance Programs, mental health workers, or vocational counselors should be consulted when determining appropriate accommodations for mental health conditions. They should be retained to help manage and cope with day to day job expectations.

5. DISABILITY BENEFITS

Do disability benefits continue while on the job?

Consult with benefits planning specialists or work incentive counselors to determine any impact employment may have on Social Security Incentives (SSI) or Medicaid benefits. They have information on programs designed to coordinate employment benefits with government benefits and can help to ensure that benefits and entitlements continue, as appropriate, while on the job. NYS OPWDD operates Revenue Support Field Offices (RSFOs) that can help answer questions about working and benefits (www.opwdd.ny.gov).

- Tax credits and hiring and work incentive programs may be available to employees and employers.
- One incentive program is the Medicaid Buy-In for Working Persons with Disabilities. To find out about this and other work incentive programs, call the NY Makes Work Pay Hotline at 1-888-224-3272.

6. EMPLOYEE ASSISTANCE

Where can I go when I have a problem or need help in the workplace?

- Start by having a conversation with an immediate supervisor regarding a problem or need in the workplace.
- It may be helpful to discuss the situation with a vocational rehabilitation counselor, supported employment counselor, or job coach.
- If the problem is with a supervisor or cannot be resolved by a supervisor, ask to meet with the company's human resources department, employee assistance program, or, if available, a disability program specialist to help resolve the problem.
- In some situations, it may be best to go outside a system for help. Each situation is different. Talking with a trusted friend, relative, or advisor may be a way to get ideas about how to approach the situation.

7. EMPLOYMENT RIGHTS, LEGAL RIGHTS

What rights to equal opportunity are available under the law?

- There are both federal and state laws that protect rights. For federal laws, go to the Americans with Disabilities Act (and the amendments of 2008), Section 504 and 503 of the Rehabilitation Act of 1973, and the appeals processes. For state laws, consult with a local office of the NYS Division of Human Rights.
- These laws do not allow discrimination due to a person's disability throughout the entire employment process. Employers must have fair hiring practices and provide equal opportunity to all for advancement, promotions, pay raises, training, benefits, and related activities.

What happens if rights are denied?

- If rights are denied, a complaint should be filed with the proper authorities depending on the employment situation. For help with this process, contact a local Disability Law Project, Legal Aid Society, Independent Living Center or other protection and advocacy programs. Most provide their services for free or at a low cost.

Additional Resources

New York State Education Department, Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) <http://www.acces.nysed.gov/vr>

Your Employment Rights as an Individual with a Disability from the Equal Employment Opportunity Commission: <http://www.eeoc.gov/facts/ada18.html>

Your rights under Section 504 of the Rehabilitation Act—a fact sheet by U.S. Department of Health and Human Services:

<http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>

Benefits Planning for Youth with Disabilities:

<http://www.ncwd-youth.info/quick-reference-guide/benefits-planning>

School to Work topics at Disability.gov:

http://www.disability.gov/employment/youth_programs/school_to_work

Advising Youth with Disabilities on Disclosure—Office of Disability Employment Policy:

<http://www.dol.gov/odep/pubs/fact/advising.htm>

Youth, Disclosure and the Workplace:

<http://www.dol.gov/odep/pubs/fact/ydw.htm>

Healthy and Ready to Work – Information Links for Youth:

<http://www.hrtw.org/youth/infoport.html>

Youth Advisory Committee for the National Council on Disability—Self-Empowerment for Young People Fact Sheet: <http://www.nylcn.org/Clearinghouse/Documents/Self-Empowerment%20Fact%20Sheet.doc>

Americans with Disabilities Act:

www.eeoc.gov

Reasonable accommodation ideas for a variety of disabilities:

www.jan.wvu.edu

Independent Living Centers (ILCs):

<http://www.nysilc.org/directory.htm>

New York Makes Work Pay Hot Line 1-888-224-3272

www.nymakesworkpay.org

The Center for Employment Excellence, NYS OPWDD 866-946-9733

centerforemploymentexcellence@opwdd.ny.gov

OPWDD Revenue Support Field Offices:

http://www.opwdd.ny.gov/document/medicaid/hp_rsfo.jsp

Portable Health Record:

<http://www.health.ny.gov/publications/0972.pdf>

