

## October Diversity Tip Sheet: The Silver Anniversary of the ADA

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As the Americans with Disabilities Coordinator for Orange County Public Schools (OCPS), I have the pleasure of oversee the ADA program in the public school system here in Central Florida. I've also had the pleasure of working with and assisting disabled employees in the employment environment. With this, celebrating the anniversary of the ADA was particularly important to me.

### **The Silver Anniversary of the ADA**

A quarter-century ago, America became the first nation to comprehensively declare equality for its citizens with disabilities through the passage of the Americans with Disabilities Act (ADA). This law presents the promise of equal opportunity, equal access, and equal treatment for every American by being designed to ensure the civil rights of people with disabilities.

On July 26, 1990, the ADA became the law of the land when President George H.W. Bush signed this groundbreaking law. On that day he said, "With today's signing of the landmark Americans [with] Disabilities Act, every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, freedom and independence." In his speech, President Bush hoped that the law would break down "the shameful walls of exclusion" that people with disabilities encountered throughout their lives.



July 26, 2015 marked the 25th anniversary of this law. Twenty-five years later, we celebrate that groundbreaking law and all that it has made possible.

Thanks to the ADA, millions of Americans with disabilities have had the chance to develop their talents, make their unique contributions to the world and share in the American dream. Schools, courthouses, workplaces, sports stadiums, movie theaters, buses and national parks now belong to everyone. The ADA has paved the way for these advancements and America is stronger and more impartial as a result.

### **There is Still a Great Deal of Work to Do**

While the 25<sup>th</sup> anniversary is a time to celebrate this landmark legislation, it is also an opportunity to reflect on all that still needs to be achieved so that individuals with disabilities have the same access to the American Dream as every other citizen.

After a quarter-century, many disabled Americans still have not fully realized the American Dream of meaningful employment, personal independence, owning a home, financial independence through fair pay and full use of electronic technology. These continue to elude individuals with disabilities and be beyond their grasp.

### **Employment Barriers**

The Bureau of Labor Statistics reports that in 2014, only 17.1% of Americans with disabilities were employed. These numbers have remained relatively the same for the past 25 years.

Far too many Americans with disabilities are still unemployed, even though they are willing and able to work and have so much to contribute. In some cases, it involves a lack of access to skills training, while in other cases it involves an employer not being able to see all that a disabled candidate for a job has to offer, resulting in incredible talent going to waste. When hired, the large majority of supervisors rank disabled individuals as among their highest contributing and most loyal employees. More strides still must be made to ensure that people with disabilities, when employed, are paid fairly for their labor.

More strides must be made to ensure that children with disabilities receive every opportunity to learn and acquire the necessary skills that will last a lifetime. A large gap in education and degree attainment persists between students with and without disabilities.

### **Technological Barriers**

Strides must be made to ensure that disabled Americans have access to technology that allows for their full participation in this 21st-century economy.

Technological barriers hinder disabled individual's full participation in society, as they are significantly excluded from technologies that make life, education, employment and entertainment easier for most other Americans. Every day, blind Americans and many others with disabilities, encounter technological barriers in performing otherwise routine tasks, such as shopping for essentials, paying bills or booking a flight. These barriers can lead to a loss of productivity, lost educational opportunities, or even loss of employment. The need for accessible technology in the classroom is also an urgent need as we shape America's future.

The Department of Justice (DOJ) signaled its intent in 2010 to issue regulations applying the ADA to the internet but five years later, although the regulations were drafted, they have yet to be issued.

### **Unconscious Bias**

While the ADA has made some strides in employment and in technological advancements over the past 2½ decades, some of the stigma associated with having a disability still persists. This hinders disabled individuals from achieving independence through employment and in their communities, and being seen by many others as a contributing member of society.

While the law is intended to prevent discrimination so those with disabilities can fully participate in their communities and in the labor force, breaking attitudinal barriers is much tougher. This is seen in the unemployment rate for those with disabilities remaining significantly higher than the overall unemployment rate.

Many employers lack understanding and hold preconceived notions about people with disabilities. Bias is one of the biggest obstacles to the full employment and integration of people with disabilities into the workplace of an employer.

The important of education in assisting hiring managers to overcome these preconceived notions cannot be overstated. This is one of the keys to confronting and overcoming these biases in hiring disabled individuals.

### **What Can We Personally Do to Move the Cause Forward & Make a Difference?**

Assisting in solving these problems requires individuals imagining the possibilities, formulating innovative policies and programs and taking the next step by implementing them. Lastly, we must not forget to give those with disabilities a chance!

The White House Summit on Disability Employment included their “25 for ADA25 — Suggestions for Employers on Improving Disability Inclusion.” These are 25 recommendations for actions you can take in the workplace.<sup>1</sup>

These suggestions that can assist you in the employment arena are as follows:

- 1.) Hire new people with significant disabilities by July 26, 2016 who:
  - Receive Vocational Rehabilitation (VR), Ticket to Work, Veterans Affairs (VA) Vocational Rehabilitation & Employment, or American Job Center services.
  - Receive special education services in high school or disability-related services in college;
  - Take part in the Workforce Recruitment Program;
  - Work in sheltered workshops or other community rehabilitation programs; and/or
  - Receive services from Centers for Independent Living.
- 2.) Get a commitment from top company leadership. Hold a disability awareness event where the CEO or other senior managers speak openly about their commitment to recruiting, hiring, retaining, and promoting people with disabilities.
- 3.) Host a disability mentoring day at your company. Work with local schools, disability organizations, and VR providers to help plan the event. Encourage senior leadership to get involved.
- 4.) Connect with local disability advocacy organizations. Let them know your business needs and goals. Find out ways they can help implement or improve your disability employment program.
- 5.) Partner with a local service provider, independent living center, Vocational Rehabilitation agency, Veterans Affairs Vocational Rehabilitation & Employment program office, Employment Network, disability advocacy organization, high school special education program, and/or college disability student center for upcoming hiring needs. Let them know what jobs you have and find out how these partners can help you to recruit qualified job seekers with disabilities.
- 6.) Make sure your online job application process is accessible for people with disabilities.
- 7.) Develop paid internship, apprenticeship, and/or on-the-job training programs that are inclusive of individuals with disabilities.
- 8.) Invest in the future. Keep the resumes of people with disabilities who you don't hire. Reconsider those candidates for the next opening and share their resumes with your colleagues.

- 9.) Start or expand an employee resource group for employees with disabilities.
- 10.) Start a reverse or reciprocal mentoring program. Connect senior leadership with employees with disabilities to learn about and from each other.
- 11.) Develop and implement a mentoring program for employees with disabilities. Integrate this program into existing diversity mentoring programs.
- 12.) Stress the value you place on people with disabilities as employees and customers. Ensure that people with disabilities are included in your overall diversity strategy. Publicize this information on your external website, social media, and other company materials.
- 13.) Challenge stereotypes and change workplace culture by profiling senior staff members and managers who are people with disabilities. Doing so will create a workplace where employees with disabilities feel confident, open, and proud of who they are and what they contribute to your company's bottom line.
- 14.) Educate and train human resource professionals, talent acquisition staff, and supervisory staff on recruiting, hiring, retaining, and promoting people with disabilities. Integrate trainings with existing employee and management staff development programs.
- 15.) Utilize services offered by the Job Accommodation Network (JAN) and the Employer Assistance and Resource Network (EARN). Both JAN and EARN provide free customized training and consultation services for employers.
- 16.) Develop and implement a reasonable accommodations process.
- 17.) Create a centralized fund for reasonable accommodation, which will allow supervisors to make determinations regarding accommodations without regard to budgetary impact.
- 18.) Train supervisors and human resource professionals on the benefits of using publicly funded supported employment services, such as job coaches.
- 19.) Develop a tailored on-boarding program for all employees that includes information on topics such as reasonable accommodation procedures and ensure that orientation materials that are available in accessible formats.
- 20.) Ensure employee training and professional development programs – onsite and online – are inclusive of people with disabilities. Make sure these programs are accessible and that reasonable accommodations will be provided if needed.
- 21.) Train Employee Assistance Program (EAP) staff to assist employees with disabilities and parents of children with disabilities in navigating work incentives planning, Medicaid, and other disability-related services.
- 22.) Mentor and learn from other companies about how to recruit hire, retain, and promote people with disabilities.

- 23.) Leverage your procurement process to give preference to disability-owned businesses.
- 24.) Find out if your business contracts with sheltered workshops or other community rehabilitation programs paying subminimum wage. If they are, explore opportunities to incorporate those workers into your workplace or work with current contractors that operate sheltered workshops to develop other competitive integrated employment opportunities.
- 25.) Set and achieve measurable goals. Track and share your success with other businesses, industry liaison groups, disability advocates, and the federal agencies that are part of the Curb Cuts to the Middle Class Initiative.

In conclusion, I look forward to the next 25 years bringing increased equality and inclusiveness so that there is equal opportunity for all Americans. At the ADA's silver anniversary, would you join me in the commitment to renewed collective action to tackle the barriers that still prevent far too many disabled individuals from living the lives that they want and deserve? Through this, in the future, perhaps we can assist in turning the dream of a society that values and includes all into reality.

#### Reference

<sup>1</sup> "25 for ADA25 — Suggestions for Employers on Improving Disability," US Department of Labor, August 31, 2015, <http://www.dol.gov/dol/media/photos/slideshows/20150717-ODEP.htm>.