

# Reasonable Accommodations and the Path to Employment

**Date:**  
Wednesday,  
July 22, 2020

**Time:**  
3 – 4:30 PM ET



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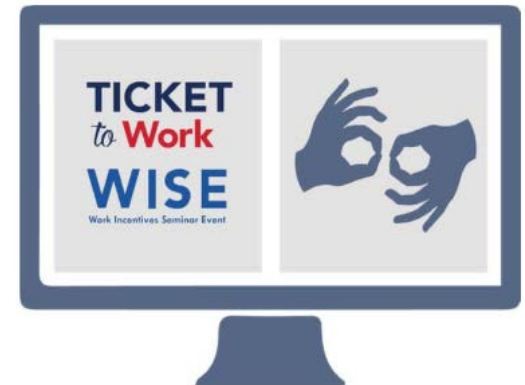
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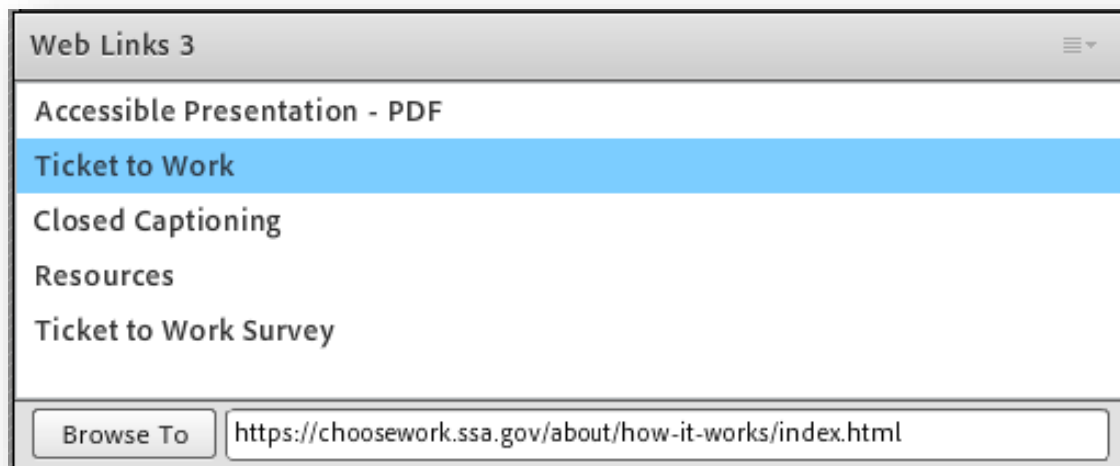
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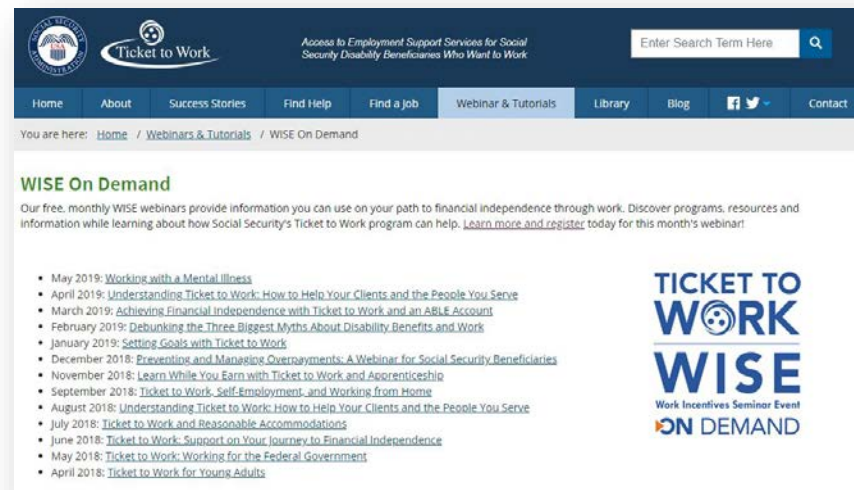
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# Presenters

## Welcome and Introductions

Moderator: Sarah Hyland, WISE Moderator

Presenters: Raymond A. Cebula, III, J.D., Cornell University  
Wendy Strobel Gower, Northeast ADA Center

# Welcome!

Thank you for joining us! Today, we'll discuss how Social Security's Ticket to Work (Ticket) program can help you and answer questions related to:

- Social Security's Ticket Program
- The Americans with Disabilities Act (ADA) Overview and the Accommodation Process
- Disclosure
- Reasonable Accommodations
- Reasonable Accommodations Resources



# **Ticket to Work Program: Support on Your Journey to Work**



# Social Security Disability Benefits Program



**Social Security Disability Insurance (SSDI)**



**Supplemental Security Income (SSI)**



# Starting the Journey

Only you can decide if work is the **right choice for you**.



# Why Ticket to Work?

Earning a living through employment is not something everyone can do, but it may be **right for you**. Once people understand the many **free services and supports** available to them, they often find that the rewards far outweigh the risks.



# What Is the Ticket to Work Program? (Slide 1 of 2)

## Ticket to Work:

- Is a free and **voluntary** Social Security program
- Offers **career development** for people ages 18 through 64 who receive Social Security disability benefits and want to work



# What Is the Ticket to Work Program? (Slide 2 of 2)

Ticket to Work connects you with **free employment services** to help you:

- Decide if working is right for you
- Prepare for work
- Find a job
- Succeed at work



# **ADA Overview and the Accommodation Process**



# ADA Overview

## The Americans with Disabilities Act (ADA)

- The ADA is a civil rights law that prohibits discrimination based on disability in areas including:
  - Employment (Title I)
  - Public entities and public transportation (Title II)
  - Public accommodations (Title III)
  - Telecommunications (Title IV)
  - Miscellaneous (Title V)

# ADA and Employment

## Title I (Employment)

- Title I of the ADA helps individuals with disabilities access the same employment opportunities and benefits of employment as individuals without disabilities
- Prohibits discrimination based on disability
- Entitles qualified applicants and employees with disabilities to seek reasonable accommodations when needed

# Definition of Disability

## Who is a qualified individual with a disability?

- Under the ADA, an individual with a disability is a person who has:
  - A physical or mental impairment that substantially limits one or more major life activities;
  - A record of such an impairment; or
  - Is regarded as having such an impairment

# ADA National Network

ADA National Network was started in 1991 and provides information and guidance to employers and individuals with disabilities whose rights are protected under the ADA.

Some of the services provided by the ADA National Network are:

- Information and guidance from an **ADA Specialist**
- **Providing ADA information** (guidebooks and factsheets)
- **Training and Outreach**



To contact an ADA specialist, call **1-800-949-4232**, or visit [\*\*https://adata.org/email\*\*](https://adata.org/email).

# Disclosure



# Disclosure (Slide 1 of 3)

## Why disclose your disability at work?

- Ask for a reasonable accommodation
- Receive benefits or privileges of employment
  - Example: Access to employer-sponsored trainings
- Explain an unusual circumstance
  - Example: Request to work from home while the company air conditioner is being repaired

# Disclosure (Slide 2 of 3)

## How to Disclose

- Verbally or in writing, let the employer know:
  - An adjustment or change at work is needed for a reason related to a medical condition
- If the disability is not known to the employer or coworkers, or if the disability is not obvious, you may need to provide some medical documentation:
  - Nature of your disability
  - Limitations involved
  - How your disability affects you in the workplace

# Disclosure (Slide 3 of 3)

## When Disclosing

- **Keep it simple**
  - You can use “plain English” and are not required to mention the ADA or use the phrase “reasonable accommodation”
- **Put it in writing**
  - While not required under the ADA, it can help to document your request
- **Talk to the appropriate people**
  - This might be your supervisor, HR representative, or ADA coordinator
- **Check out the Ticket to Work blog post, “How to Request Accommodations”**
  - <https://bit.ly/accommodations-blog>

# Interviewing Techniques

Deciding when to disclose can be a difficult choice for someone who is job hunting.

- Start with a good resume
- Write a cover letter
- Complete applications
- Interview

Disability Disclosure and Interviewing Techniques for Persons with Disabilities: <https://bit.ly/disability-interviewing>

# Disclosure Example 1: Yes or No?

I feel really tired today. I think my allergies are kicking in...



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# Disclosure Example 1: Answer

I feel really tired today. I think my allergies are kicking in...



**No.**

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## Disclosure Example 2: Yes or No?

I'm sorry I had to leave the meeting earlier. I had some problems with my insulin...



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## Disclosure Example 2: Answer

I'm sorry I had to leave the meeting earlier. I had some problems with my insulin...



**Yes.**

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# What Do You Need to Know?

What do you need to know to have an interactive discussion with your employer or potential employer?

- What part of your job are you having difficulty with because of your disability, medical, or pregnancy-related condition?
- Why are these tasks difficult for you? (What is the functional limitation that makes the task difficult?)
- Do you have any recommendations for potential solutions?

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# Questions?



# Reasonable Accommodations



# Reasonable Accommodations and Equal Opportunity

Reasonable Accommodations are any **change** in the **work environment** or in the way things are customarily done that enables an individual with a disability to **enjoy equal employment opportunities**.

Equal opportunity is the opportunity to attain **the same level of performance** or to **enjoy equal benefits and privileges** of employment.

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# Availability of Accommodations

- During the application process
- Performing the essential functions of the position
- Enjoyment of equal benefits and privileges of employment



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# Examples of Reasonable Accommodations

- Making modifications to increase facility accessibility
- Job restructuring
- Flexible scheduling
- Acquiring new equipment
- Providing qualified readers and interpreters
- Modification of application and testing procedures and training materials

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# Typically NOT Reasonable Accommodations

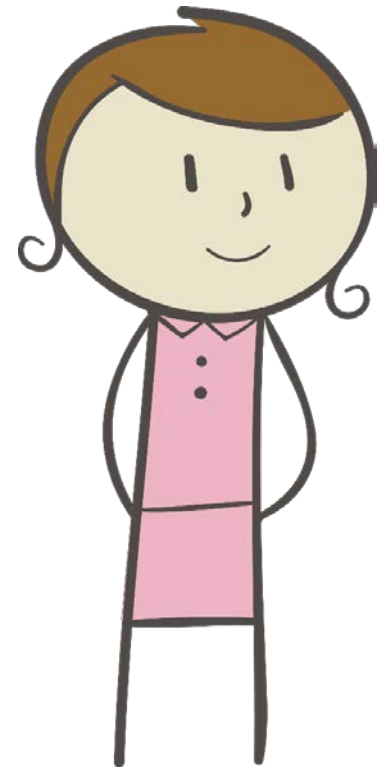
- Eliminating essential job functions
- Lowering production standards applied to all employees
- Providing personal use items
- Changing an employee's supervisor
- Excusing violation of uniformly applied conduct rules
- Changes in the work environment or in the way that things are customarily done that would cause an undue hardship to the employer

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# Reasonable Accommodation Example 1

(Slide 1 of 3)

Terry was recently hired as a warehouse assistant in a distribution center for a large pharmaceutical retailer. One week after she started, Terry told her supervisor that she had diabetes and would need an accommodation of one extra 10-minute break during the day to monitor her condition. Terry's supervisor now wants to fire Terry because she lied during the interview by not telling about her accommodation need.



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# Reasonable Accommodation Example 1

(Slide 2 of 3)

## What are the best options for this example?

- A. Transfer Terry to another job within the firm.
- B. Fire Terry because she failed to inform the employer of an accommodation need when she was hired.
- C. Begin the interactive process to put a reasonable accommodation in place.
- D. Educate supervisors about accommodation rights and responsibilities.

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# Reasonable Accommodation Example 1

(Slide 3 of 3)

**What are the best options for this example?**

**ANSWER:**

- C. Begin the interactive process to put a reasonable accommodation in place.
- D. Educate supervisors about accommodation rights and responsibilities.

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# Reasonable Accommodations Example 2

(Slide 1 of 3)

Susan is a manager in a large retail chain. Until recently, Ellen, a sales associate, had been a model employee. But for the past month, Susan has noticed a change in Ellen's job performance. First, Ellen lashed out at a co-worker when there was a mistake on the cash register. Then, she stormed out of the store after she received a text message, leaving the sales floor unattended for a brief period of time. Finally, Ellen insulted a customer who was returning merchandise. Susan and Ellen have been friends for a long time, so Susan knows that Ellen has bipolar disorder and suspects that Ellen has gone off of her medication; but Ellen has not yet said anything about her job issues.

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# Reasonable Accommodations Example 2

(Slide 2 of 3)

## What is the best option for this example?

- A. Susan should have a private performance discussion with Ellen to ask her if she went off her medications.
- B. Susan should have a private performance discussion with Ellen to discuss her recent performance issues.
- C. Susan should not discuss this performance issue at all with Ellen because she would risk an ADA charge.
- D. Susan should document her suspicions about Ellen's bipolar disorder along with how her condition seems to be impacting her job performance.

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# Reasonable Accommodations Example 2

(Slide 3 of 3)

**What is the best option for this example?**

**ANSWER:**

- B. Susan should have a private performance discussion with Ellen to discuss her recent performance issues.

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# **Reasonable Accommodations Resources**



# Job Accommodation Network

**The Job Accommodation Network (JAN)** provides free, expert, and confidential guidance on workplace accommodations and disability employment issues to:

- Job applicants
- Employees
- Employers
- Service providers
- Family members
- Individuals pursuing self-employment



To reach JAN, call **1-800-526-7234 (V)** & **1-877-781-9403 (TTY)**, visit their website [\*\*AskJAN.org\*\*](https://askjan.org), or email [\*\*jan@askjan.org\*\*](mailto:jan@askjan.org).

# Ticket to Work and Reasonable Accommodations

Working with a Ticket to Work service provider can offer you access to guidance and support as you apply for jobs and transition to the workplace.

## Resources on the Choose Work website:

- Talking about Disability Disclosure  
<https://bit.ly/disability-disclosure-blog>
- How to Request Accommodations  
<https://bit.ly/accommodations-blog>
- The (Low and No) Cost of Reasonable Accommodations  
<https://bit.ly/accommodations-cost-blog>

## Meet Shirley (Slide 1 of 2)

After experiencing several incidents of not being able to control sleepiness, Shirley sought help from a neurologist. She was diagnosed with narcolepsy, a sleep disorder that affects the brain's ability to control sleep-wake cycles.

She stopped working and started receiving SSDI to focus on her health. She was later diagnosed with clinical depression.

Shirley learned to manage her health through holistic measures like regular exercise, changes to her diet, and strict routines.

## Meet Shirley (Slide 2 of 2)

Ready and motivated to work again, Shirley connected with a Ticket program Employment Network (EN).

The EN helped her:

- Develop an Individual Work Plan
- Learn about Work Incentives
- Find temporary and, later, full-time work
- Advocate for reasonable accommodations



<https://bit.ly/shirley-success>

# Questions?



# Get Updates!

- Want to learn more about our monthly **WISE webinars**?  
Subscribe to find out our topics each month and be the first to register: <http://bit.ly/WISEsubscribe>
- Interested in learning more about the Ticket program, employment service providers and other topics?  
Subscribe to the **Choose Work! blog** to get our weekly updates sent directly to your inbox: [http://bit.ly/CW\\_subscribe](http://bit.ly/CW_subscribe)



# How to Get Started

Social Security's Ticket to Work program has a variety of service providers and other resources ready to help you get started!

## Call the Ticket to Work Help Line:

- 1-866-968-7842
- 1-866-833-2967 (TTY)

Visit: [choosework.ssa.gov](https://choosework.ssa.gov)

## Connect:

Visit [choosework.ssa.gov/contact/index.html](https://choosework.ssa.gov/contact/index.html) to find us on social media and subscribe to blog and email updates!



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**TICKET**  
*to* **Work**

**WISE**  
Work Incentive Seminar Event

**Think Outside the Office**

**Date: Wednesday, August 26, 2020**

**Time: 3 – 4:30 PM ET**

**Register online: [choosework.ssa.gov/wise](https://choosework.ssa.gov/wise)  
or call 1-866-968-7842 or 1-866-833-2967 (TTY)**

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[choosework.ssa.gov/surveys/wise](https://choosework.ssa.gov/surveys/wise).

