Job Seekers with Disabilities

Bridging the Gap

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After graduating high school, Marco enlisted in the Army and was deployed to Afghanistan for 3 tours of duty. On his 3rd deployment, he was riding in a convoy that struck a roadside bomb. He suffered a serious head injury that has made it harder for him to read and retain new information. In addition, he has struggled with his mental health since returning home.

When Marco met with Elizabeth, an employment counselor at his local American Job Center, he learned that the local chapter of the International Union of Elevator Constructors (IUEC) had recently requested referrals for their apprenticeship program. Elizabeth explained to Marco that the first step was taking a test in order to get on a list of qualified applicants for the program. When he disclosed his disability and his concerns about being able to pass the test, she explained that the test is a requirement. Elizabeth told Marco that she referrals most job seekers with disabilities to the AJC’s VR representative, since, she said, they are more familiar with the programs and services for people in his situation and have job coaches that can help you on the job. She felt sorry for Marco and wondered, given his learning and mental health issues, how VR would ever convince an employer to hire him.
Learning Objectives

1. Understand the role of attitudes and expectations when working with job seekers with disabilities.

2. Understand the non-discrimination and equal opportunity requirements of the Workforce Innovation and Opportunity Act (WIOA).

3. Learn about Cornell's *Diversity Partners* initiative and our efforts to enhance employment opportunities for job seekers with disabilities by strengthening relationships between employment service professionals and employers.
Employment Rate: Texas

Without a disability: 77.6%

With or without a disability: 73.6%

With a disability: 38.4%

Poverty Rate: Texas

Without a disability: 13.1%

With or without a disability: 14.3%

With a disability: 25.6%

The Numbers in TX: Where Are We Now?

- **1.6M** • Total # of people with disabilities age 18 to 64 in 2014*
- **621K** • Total # of people with disabilities age 18 to 64 who are employed*
- **83K** • Total # of people with disabilities age 21 – 64 not working but actively looking for work in 2014*
- **22K** • # of people served by VR 2015. Total closures into employment were 14,727**

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“It is the policy of the state that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits.”

—TX Health and Human Services Commission: General Provisions - 09/01/2015

YET...

• In 2015, the total number of 14(c) holding entities in Texas was 112.

   and

• The total reported number of people with disabilities working under 14(c) was 9814.
How Many PWDs are Served by WD in Texas?

Total # of PWDs served by Job Training and Partnership Act/Workforce Investment Act programs 2013: 687

Total # who entered unsubsidized employment 2013: 346

The Heart of the Matter
1. Serving Job Seekers with Disabilities: Creating Excellence
Setting the stage for success

• Raising Expectations of staff, service providers, families, employers, and ourselves!

• Aligning the job seeker’s expectations
"My client who came to me who has a mental illness, I treat him differently than I treat someone who does not have a mental illness because I don't want to overwhelm him. So, the way I kind of do my job search with him... would be different than somebody who doesn't have mental illness... whereas if it's just a regular functioning person, I'll just tell them what I need from them and what they need to do. So there is a difference, I think. It is different for someone who has disability versus someone who doesn't."

-Workforce Development Professional
What is the “Charity Model” of Disability?

• Message it sends: People with disabilities deserve our pity

• People with disabilities are victims who suffer and are afflicted

• Creates a culture of caretaking and “custodialism”
How does the “Charity Model” impact employment of people with Disabilities?

- Hiring a person with a disability is a “nice” thing to do
- They will be grateful for any type of job
- Employers who hire people with disabilities are reducing the “burden” on society
- The four “F’s”: food, filth, flowers and folding
The importance of training staff:

• The role of social capital in career development
• Navigating disclosure and accommodation
• Engaging job seekers
• Accessing job-driven training
Disability in the Workforce Development System

WIOA Section 188
Section 188 protects...

• Qualified individuals who apply to and participate in WIOA funded programs

• Job applicants and employees of the organizations that provide them
Section 188: Definition of Disability

Who is a person with a Disability?

An individual with a physical or mental impairment that substantially limits one or more major life activities, a person with a history of such an impairment, or a person who is perceived by others as having such an impairment

This definition aligns with the definition provided in the ADA Amendments Act of 2008.
Five Titles of the ADA

Title I Employment
Prohibits disability discrimination in all employment processes

Title II Accessibility in State/Local Government
Physical and program accessibility in state/local govt. entities

Title III Accessibility in Public Accommodations
Physical and program accessibility in restaurants, hotels, stores, places of business

Title IV Telecommunications
Telephone and communications systems for the public

Title V Miscellaneous
Protection from retaliation
Section 188 Requires...

- Physical and programmatic accessibility required
- **Electronic** accessibility provided where applicable and practicable
Non-Discrimination and Equal Opportunity

• No individual in the US may be denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I funded program or activity.

  -Section 188 of WIOA
§38.7 Prohibited Discrimination Based on Disability

- Deny a qualified IWD the opportunity to participate in or benefit from the aid, benefits, services or training
- Offer opportunities that are not equal to those afforded to others
- Offer opportunities that are not as effective in affording equal opportunity to achieve the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others
- Different, segregated, or separate services
- Deny the opportunity to participate in planning or advisory boards
- Otherwise limit a qualified IWD in the enjoyment of offerings of Title I activities
Reasonable Accommodation

• Application and registration process
• Essential functions of a job, or in receiving services including both the environment and the way they are performed
• Equal access to benefits and privileges
• Participation in an interactive process to identify an accommodation
What you do **not** have to provide

- Personal devices (i.e. wheelchairs)
- Individually prescribed devices (i.e. hearing aids)
- Readers for personal use or study
- Personal services (toileting, eating or dressing)
Reasonable modification is also necessary

• Modify policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability

• Unless they would fundamentally alter the nature of the service, program, or activity
Communication with IWD

• Communication with IWD must be as effective as it is with others
• Provide auxiliary aids and services
• Use TDD/TTY and relay as appropriate
• Information must be available on the existence and location of accessible services, activities, and facilities
Indication of Access at all facilities...

- Accessible signage at primary entrance to all *inaccessible facilities*, directing users to accessible facilities

- International symbol of accessibility at each primary entrance of accessible facilities
Additional Considerations For Compliance

- Compliance with Section 504 of the Rehab Act
- Titles II and III of the ADA
- State laws and requirements
- WIOA also contains language prohibiting retaliation and intimidation around non-discrimination requirements
Implementation and Assessment of Non-Discrimination in WIOA activities

• State Workforce Development Boards, along with local WDBs and Chief Elected Officials must provide guidance to AJC’s on this topic

• AJC’s physical and programmatic accessibility will be assessed upon authorization (every 3 years)
Things to know...

• Enforced by Center for Civil Rights, in the Office of the Assistant Secretary for Administration and Management

• Written assurances of non-discrimination and equal opportunity required

• Appointment of Equal Opportunity Officer required
People with disabilities are looking for work within your system, and must have access to all Title I programs and services!

People looking for work may not identify as a person with a disability, or may fear disclosure

Requires physical and programmatic accessibility of facilities, programs, services, technology and materials for individuals with disabilities

Requires staff training and support for addressing the needs of jobseekers with disabilities

People with disabilities are not always eligible for VR – WD must be prepared to serve them in all Title I activities
Affirmative action requirements for federal contractors:

- Aspirational goal of 7% people with disabilities in the federal contractor workforce.
- Targeted outreach and recruitment (and evaluation of efforts)
- Requires employer to seek voluntary self-ID of disability at application, hire, and intermittently of incumbent employees.
Enter Diversity Partners
Why Diversity Partners?

1. Employment service professionals are the bridge
   • between labor supply and demand
   • between people with disabilities and employers
   • connecting clients with disabilities with the job market

2. The bridge needs repair
   Service professionals seek job placements on a case-by-case basis

3. Together, we will repair the bridge
   by building capacity among service professionals to develop ongoing and mutually beneficial relationships with employers
What Diversity? What Partners?

**EMPLOYMENT SERVICE PROFESSIONALS**
*Language* of program building
*Aim* to make placements
*Discourse* of service

**EMPLOYERS**
*Language* of value proposition
*Aim* to make a profit or meet organizational goals
*Discourse* of performance

**JOBSEEKERS WITH DISABILITIES**
*Language* of equal treatment
*Aim* to make a living
*Discourse* of justice
What’s Our Process?

Leadership series
Online modules for frontline staff
Technical assistance, training

Research & Development

Lit review
Surveys
Advisory Panel
Employer Panel
Interviews

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The pilot phase – happening now!

- 2 sites for each stakeholder group, geographically dispersed
- 2 days of intensive leadership training
- 2-3 months of engagement with frontline tools
- Ongoing feedback, evaluation, and refinement
Iowa and Maryland Lessons

• WD has strong business relationships...
  ....but is uncertain about how to present jobseekers with disabilities to employers

• WD services live in silos...

• WD is not really aware of which employers might be incentivized to hire PWDs, and how to capitalize on this.
“We're not going to tell a person that they have a disability. That's something that people have to self-identify. If it's not preventing them from obtaining or maintaining employment, then it's fine. So, do we treat people differently? Yes and no. We don't when they walk in the door, but if they need extra services we definitely make sure that they get those services.”

Workforce Development Professional
How can Diversity Partners help?
The Diversity Partners Team at Cornell is available to help you:

- On Demand
- With targeted training events
- To work intensively with your organization
Leadership Series
Situating and Supporting Module Use

- Work and disability: past, present, and future
- Creating excellence in serving job-seekers with disabilities
- Leveraging the system: engaging the service network
- Building effective structures for organizational learning, culture and change
- Partnering with employers and business: creating effective partnerships
- Sustaining relationships with employers: creating effective partnerships that form a sustained path to success for job seekers with disabilities
Frontline Toolbox
22 Modules in 6 topical areas

1. Getting to Know the Jobseeker
2. Preparing the Jobseeker for the Workforce
3. Understanding Disability at Work
4. Building Relationships with Employers
5. Sustaining Relationships with Employers
6. Navigating Complex Systems
1. Getting to know the jobseeker

- Leading with strengths
- Skills, culture, and needs
- Raising expectations
2. Preparing the jobseeker for the workforce

• Changing expectations (from school or sheltered settings, to work)
• The importance of social capital
• Disclosure
• Requesting & negotiating accommodations
• Jobseeker engagement
• Access to training & certification programs
3. Understanding disability at work

• Who are people with disabilities?
• Disability language & etiquette
• What you need to know about disability and civil rights
4. Building relationships with employers

• Assessing employer needs
• Speaking the language of business
• Building a professional identity
• Communicating your brand (value proposition)
• Understanding and using policy initiatives

We learned a lot from you!!
5. Sustaining Relationships with employers

• Building trust
• Enhancing your value to employers
• Partnerships and business-led collaborations
6. Navigating complex systems

• Dealing with rapid change
• Breaking down silos
What’s in a Module?

• Videos
• Worksheets
• Scenarios
• Assessments
• Discussion guides
How can Diversity Partners help workforce development organizations?

• WIOA Section 188 (accessibility of programs and services)

• Section 503 of the Rehab Act (meeting business demands)

• Improved quality of service and better job matches for PWDs (better matching leads to better outcomes)
When Marco met with Elizabeth at his local American Job Center, he learned that the local chapter of the International Union of Elevator Constructors had recently requested referrals for their apprenticeship program. Marco was discouraged when he learned that the first step was taking a test in order to get on a list of qualified applicants for the program. He told Elizabeth about his disability, and doubted that he would be able to pass the test.

Elizabeth contacted the apprenticeship program, and negotiated a reasonable accommodation for Marco so that he could have extra time for the test, and a “reader” who could read the questions out loud, since Marco found it easier to understand and retain what he hears as opposed to what he reads.

Marco passed the test, and was hired as an apprentice by a large elevator corporation. Marco had many transferrable skills from his time in the Army, and he also helped his employer meet affirmative action obligations as a federal contractor: to hire veterans and people with disabilities.
Find out More!

Join
the Diversity Partners listserv:
http://buildingdiversitypartners.org/news

Contact us
about becoming a pilot site or developing a consortia of users

Contact us
to receive support with practices related to business relations

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