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Accessibility for All
Creating Equitable and Accessible Opportunities
Municipal Human Resources Association (MHRA)
April 27, 2023



Today's Presenters




Kimberly Tissot
She/Her/Hers
President and
Chief Executive Officer



Sandy Jordan
She/Her/Hers
VP and Chief Community
Integration Program Officer

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Who We Are

Able SC is a disability-led organization seeking transformational changes in systems, communities, and individuals.


Since 1994, we've remained a consumer-controlled, community-based, cross-disability nonprofit that seeks to make South Carolina a national model of equity and inclusion for all people with disabilities.

- We are the state's oldest and largest federally recognized disability-led organization.
- More than ¼ of our staff are people with disabilities, as are over half of our Board of Directors.

We practice coequality, disability justice and representation, and true inclusion through consumer-driven independence and disability pride.

We didn't just learn this.
As people with disabilities, our work doesn't end when we leave the office. Disability is part of who we are. We live this every day.


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Able SC's Mission & Vision 

Mission
We are an organization of people with disabilities leading the charge to:

- **Equip** people with disabilities with tools to foster pride and to direct their own lives;
- **Educate** the community to challenge stereotypes and eliminate barriers; and
- **Advocate** for access, equity, and inclusion at the individual, local, state, and national level.

Vision
A South Carolina that is a national model of equity and inclusion for all people with disabilities.




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The Americans with Disabilities Act (ADA) and Understanding Disability

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Disability According to the ADA 

- A disability is a substantial limitation in being able to perform one or more daily living activities.

[Learn about the ADA](http://adata.org)
adata.org

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Examples of Daily Life Activities



- Breathing
- Hearing
- Speaking
- Thinking
- Concentrating
- Learning
- Seeing
- Communicating

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Visible vs. Invisible disabilities



- Some disabilities are visible, which means you can easily tell the person has a disability.
 - Examples: Someone using a wheelchair, white cane, or service animal.
- Some disabilities are invisible (or non-apparent), which means you can't easily tell if someone has a disability.
 - Examples: Depression, Learning Disabilities, ADHD, Autism, Epilepsy, Cancer, Arthritis, Traumatic Brain Injury, AIDS, and Asthma

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Invisible disabilities



- Only 2% of individuals are wheelchair users, while over 80% of disabilities are invisible.
 - Source: [Inclusive City Maker](#)
- Just because you can't see someone's disability does not mean it's not there.
- Disability affects people in different ways.
- Some people can have the same disability but have different support needs.

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Specific Disabilities 




- Physical and Mobility
- Speech
- Learning
- Psychiatric
- Hearing
- Visual
- Intellectual
- Developmental
- Health
- Temporary

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Disability Impacts All of Us 

- 61 million Americans have a disability
- 1 in 4 Americans has a disability
- 1 in 3 South Carolinians has a disability
 - Source: [Disability Impacts All of Us Infographic | CDC](#)
- Disability is the largest minority group in the United States.

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Americans with Disabilities Act (ADA) 

- Title I: Employment
- Title II: Local and State Government
- Title III: Public and Commercial Facilities
- Title IV: Telecommunications
- Title V: Miscellaneous
- Federal funding: Section 504 of the Rehab Act of 1973

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Title I of the ADA
Employment

Why hire people with disabilities?

Employers consistently rate workers with disabilities as average or **above average** in performance, quality and quantity of work, flexibility to demands, attendance, and safety.
Source: Virginia Commonwealth University

92% of the American public view companies that hire people with disabilities more favorably.
87% prefer to give their business to companies that hire people with disabilities.
Source: Cornell University

The Basics: ADA and Employment (Title I)

- Enforced by Equal Employment Opportunity Commission (EEOC)
- Applies to private sector workplaces with 15 or more employees
- Applies to all state/local government employers. Federal funding-Section 504 of the Rehab Act
- Protects against disability discrimination in all employment processes
- Limits disability inquiry by an employer
- Requires employers to provide a reasonable accommodation unless there is undue hardship

Under the ADA, job applicants with disabilities must first:



- Satisfy the required skill, experience, and education levels required for the position.
- Be able to perform the "essential job functions" with or without "reasonable accommodations."

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Essential Job Functions



- **Tasks that are fundamental and necessary for the position:** e.g., typing proficiency, telephone skills, etc.
- **Does not include incidental duties:** e.g., making coffee.

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Hiring and the ADA



- The hiring process must be made accessible, and accommodations must be provided if requested.
- No disability inquiry during recruitment, screening, or hiring.
- No medical inquiries or "indirect" questions about disability.
- The decision not to discuss a disability during hiring is not a "lie." It is a legally protected right.

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A job is offered, but employment hasn't yet started... 

- Some medical inquiries can be made after a job offer has been extended but before employment has started
- Apply the same medical inquiry process to all applicants in a job category (No selective inquiries)

If this inquiry shows that the person has a disability, the job offer can only be withdrawn if:

- The withdrawal is job-related and consistent with business necessity.
- No reasonable accommodation can be provided.


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What is a Reasonable Accommodation? 

- A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or to the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities.

[Reasonable Accommodations in the Workplace](#)

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Examples of Reasonable Accommodations 

- Job aids: reminders, checklists
- Changes in furniture or equipment
- Voice-to-text software
- Screen readers or magnifiers
- Sign language interpreters (for key workplace interactions)
- Modified workplace policies

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The Interactive Process

1. Recognizing an Accommodation Request
2. Gather Information
3. Exploring Accommodation Options
4. Choosing an Accommodation
5. Implementing the Accommodation
6. Monitoring and Evaluating the Accommodation

- Job Accommodation Network/EEOC

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Title II of the ADA

Local and State Government

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Can a disabled individual fully access all your services?

- Under Title II of the ADA, state programs, services, activities and facilities must be accessible to people with disabilities.

[ADA Title II Technical Assistance and Information](#)

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ADA: Title II



- Title II prohibits disability discrimination in state, county, and city government services.
- All activities, services, and programs are covered under the ADA, including employment, public meetings, court activities, and programs of police, fire, voting, emergency management, and parks and recreation departments.
- Website services must be made accessible.
- "No qualified individual with a disability shall, because of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity"- ADA.gov

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Program Accessibility Examples



- Reassigning services to accessible locations
- Purchase of equipment
- Auxiliary aids and services to ensure effective communication
- Converting information to plain language
- Structural change if no other option is available

[The ADA and Title II Public Entities](#)

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Effective Communication



- Public entities must ensure that applicants, participants, and members of the general public have communication access that is as effective as that provided to people without disabilities.
- Public entities must give "primary consideration" to the communication preference of the person with a disability.

[Effective Communication and the ADA](#)

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Auxiliary Aids for Communication



- Hearing disabilities - Qualified interpreters, transcription services, and video remote interpreting (VRI).
- Speech disabilities - Speech synthesizer, computer/tablet/phone, apps, or communication boards.
- Visual disabilities - alternate formats such as large print or braille, screen reader accessible web and mobile applications, readers, and apps with assistance with directions in unfamiliar surroundings.

Types of Auxiliary Aides for Effective Communication

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Integrated Setting



- One of the main goals of the ADA is to provide people with disabilities the opportunity to participate in the mainstream of American society.
- Public entities must make their programs, services, and activities accessible to people with disabilities in the most integrated way appropriate to their needs
- Separate or special activities are permitted under Title II of the ADA to ensure that people with disabilities receive an equal opportunity to benefit from programs, services, or activities; people with disabilities CANNOT be denied access to the "regular" program.

- Department of Justice (DOJ)

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Administrative Requirements



If a state or local government has fewer than 50 employees, it is required to:

- adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, activities, and services.

28 C.F.R. pt. 35, § 35.107(a)

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Administrative Requirements Continued



If a state or local government has 50 employees or more, it is required to:

- Adopt and distribute a public notice about the ADA's relevant provisions to all persons interested in its programs, activities, and services.
- Designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints;

28 C.F.R. pt. 35, § 35.107(a)

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Administrative Requirements Continued #2



If a state or local government has 50 employees or more, it is required to:

- Develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.
- Develop a transition plan if structural changes are necessary for achieving program accessibility.

28 C.F.R. pt. 35, § 35.107(a)

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Enforcement & Complaints



- A person or a specific class of individuals or their representative may file a complaint alleging discrimination based on disability.

A complaint may be filed with either:

- 1) Any Federal agency that provides funding to the public entity that is the subject of the complaint
- 2) A Federal agency designated in the Title II regulation to investigate Title II complaints
- 3) The Department of Justice

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- Trainings (SHRM and HRCI credit approved)
- Architectural/Digital Accessibility Assessments
- Policy and Procedure Review
- Job-site assessments and recommendations

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Employer Summit



2023
EMPLOYER
SUMMIT


OCTOBER 18, 2023
10 AM - 3 PM



Learn more: <https://www.hiremesc.org/employer-summit>

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Survey



Select "Municipal Human Resources Association (MHRA) April 27, 2023"

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Questions?

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Stay in touch

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- Website: able-sc.org
- Email: advocacy@able-sc.org
- Phone: 803-779-5121
- TTY: 803-779-0949
- Columbia, SC Office:
720 Gracern Rd. Suite 106
- Greenville, SC Office:
135 Edinburgh Ct. Suite 101
- Join Email List:
Text ABLESC to 72572
- Social Media:
 - Facebook: @AbleSC
 - Twitter: @able_sc
 - Instagram: @able_sc
 - LinkedIn: Able South Carolina
 - YouTube: Able South Carolina

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Resources

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- [Effective Communications for People with Disabilities Guide](#)
- National Council on Disability
- [Service Animals Fact Sheet](#) - ada.gov
- [Plain Language Guidelines](#) – Plain Language, plainlanguage.gov
- Enforcement Guidance: [Reasonable Accommodation and Undue Hardship](#)
- JAN: [Practical Guide to Reasonable Accommodation](#)

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Resources Continued



- Northeast ADA Center: [Small Business at Work Toolkit](#)
- Talking to Managers about Disability: [Communication Tools](#)
- EARN: [Increasing Disability Inclusion: CAP as a Best Practice](#)
- EARN: [Centralized Accommodation Programs in Practice](#)
- [ADA Best Practices for State and Local Governments](#)
[General Effective Communication Requirements under Title II of the ADA](#) - ADA, [ada.gov](#)

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