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THE TIME IS RIGHT



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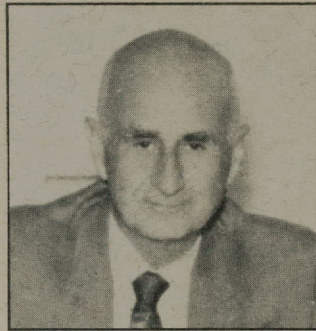
FOR PEOPLE WITH DISABILITIES, REHABILITATION PROFESSIONALS AND EMPLOYERS

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1991  
*Annual Report*  
*Dedication*



**T**his annual report is dedicated to the late Mr. Charles O. Blalock a pioneer and first administrator of Disability Determination Services in Texas.

Mr. Blalock served as administrator of DDS from 1954 until his retirement in 1972. During his tenure, he established many of the guidelines and procedures which established a natural reputation for the Texas program.

As the founder of the National Association of Disability Examiners, the association gives a coveted award in his name each year to a professional who shows leadership in national issues relating to disability examination.

As a teacher and a vocational rehabilitation counselor, Mr. Blalock brought to his DD assignment a sensitivity and appreciation for the people behind every application for disability benefits processed in his program.

He is fondly remembered for his wit, distinguished demeanor and creating an atmosphere of respect in the work environment.

Returning to an employee appreciation function at the new TRC Central Office in 1988, Mr. Blalock remarked, "I will always fondly remember my association with this agency... because you truly care about, and value, people."

The same could be said about Mr. Blalock.



# The time is right for people with disabilities.

The signing of the Americans with Disabilities Act last year heralded a new day for people with disabilities with the promise of exciting new opportunities.

For many, it's an exciting time; for some it's a frightening time; for people with disabilities, it is about time.

After years of discrimination in all areas of society, particularly in employment, people with disabilities now have rights to allow them to compete with others for employment opportunities.

The Americans with Disabilities Act, most of which goes into effect in 1992, will not allow people with disabilities to be excluded from jobs for which they qualify, from riding on public transportation systems, from shopping at the supermarket of their choice, from using public telephones or for taking advantage of any of the rights to public services or goods most people have always enjoyed.

## The time is also right for rehabilitation.

Increased opportunity under ADA for people with disabilities spells opportunity for the Texas Rehabilitation Commission (TRC) and our clients.

As society opens up for people with disabilities, TRC looks to maintaining its role as a national leader in disability issues.

Currently, the Commission is helping implement the act by providing ADA information to our staff, along with training and technical assistance to business and various other agencies.

TRC is also refining our policies and procedures to ensure internal compliance with the law, serving as a model for organizations nationwide.

As the ADA mandate opens up opportunities for Texans with disabilities, by allowing them to compete fairly for jobs, federal and state dollars spent bringing TRC clients back to productivity will go farther.

In the coming year, more employers will be looking for qualified people with disabilities to fill vacant positions.

More programs of services will be accessible to and useable by all persons with disabilities.

A wider variety of medical and educational facilities will also be available to people with disabilities using TRC services.

Opportunities for training and licensing for our clients will appear where they didn't before.

Under ADA, injured workers will have a better chance of going back to work without losing wages.

In short, the ADA will help TRC get better at what it does best — working with Texans with disabilities so that they can lead productive and independent lives.

Vernon "Max" Arrell  
Commissioner



# *I*ntroduction

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**D**iversity. That is the word that best describes people TRC serves and employees. TRC serves a population with a variety of disabilities who need a wide range of services. Clients range from those with extremely severe disabilities such as cerebral palsy, severe mental retardation and traumatic brain injury to those with less severe conditions such as a mild hearing loss, stroke or amputations.

Some people with disabilities will never work. Others will only require services for a short period of time.

There is a common thread, however, that binds together this diversity — the mutual goal of both clients and staff to increase the independence and productivity of persons with disabilities, thus improving their quality of life.

It is this goal of independence that shapes TRC services. It is the diversity of these services that makes them responsive and effective to TRC clients.

With the steady and continuous growth in both scope and nature, the vocational rehabilitation program is now considered one of the most successful state/federal cooperative programs in the history of the country.

Disability Determination Services constantly rallies resources to meet the demand for disability benefits from the Social Security Administration. In FY 91 they arranged for more than 48,000 eligible Texans to receive benefits necessary for their basic survival.

Frustration comes from limited resources. TRC is able to serve only a small percentage of those needing services to be independent and employed.

Still, it is an exciting time. With new legislation such as the Americans with Disabilities Act, Texans with disabili-

That is why we say the time is right for people with disabilities. And why the time is also right for rehabilitation professionals such as TRC to advocate for their clients and reap successes that were barely imaginable a few short years ago.

And with this promise, TRC also realizes the great responsibility to help turn these goals into reality.



## Paul Guillote, Jr.

**P**aul Guillote is gritty, proud and realistic. He first broke his leg when he was two years old. Because of a degenerative bone disease, he broke 70 bones and endured 15 surgeries over the next 15 years. He requested and received amputation of both legs before he was 18 years of age. “That was the best decision I ever made,”



he says. “Like it or not, they never served me very well.” Referred to TRC from Beaumont’s Forest Park High School, Guillote attended Loyola University Law School in New Orleans under TRC sponsorship. “I never heard of TRC until I met a counselor in high school,” says Guillote. “I’m sure glad there are people like you out there.” While at Loyola, he improved campus accessibility and dramatically heightened the awareness of students with disabilities. He is now the prosecutor in the District Attorney’s Office in Gatesville, Texas.

## CLIENT FEATURE



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**T**he year 1991 realized significant legislative changes in both the state and national levels.

The Texas 73rd Legislative session was one of the most significant in history. A new Human Services Commission was formed. This will change how services are delivered and money is budgeted for Texans with disabilities. TRC, along with the other state human services agencies, is working closely with state leadership as plans for the new commission develop.

The Legislature also mandated that strategic planning by each individual agency will drive funding requests and priority of service in future budget years.

TRC responded with an initial effort to develop a strategic plan, including participation by consumers on an unprecedented level. TRC management, field administration and consumers worked intensively to project goals, objectives and strategies which will shape rehabilitation services in Texas for the next six years.

Disability Determination Services has responded to new demands on services stemming from Supreme Court decisions and increased expectations from the Social Security Administration by implementing interactive planning, streamlining the disability review process and planning for a new state of the art, automated workstation for examiners.

A remarkable new law was also passed by the Texas Legislature — the Comprehensive Medical Rehabilitation Trust Fund. For Texans without financial or insurance resources, this fund will provide millions of dollars toward medical rehabilitation services such as physical therapy, adaptive equipment, and occupational therapy, to persons with traumatic brain and spinal cord injuries.

On the national level, there has been much activity but no final conclusions to the reauthorization of the Rehabilitation Act. All programs under the Rehabilitation Act were extended for one year. The Rehabilitation Act is important in that it provides the foundation for each state's vocational rehabilitation program as well as defines who is disabled and, by virtue of this, defines what rehabilitation services they will receive. The act also authorizes funding levels for rehabilitation.

Appropriations for rehabilitation for FY 1992 came out a big winner. In a year of many federal programs, a major funding bill was enacted into law containing increases for all programs by the Rehabilitation Act Extension, including a 13 percent increase for vocational rehabilitation services.

In July, the regulations for the Americans with Disabilities Act were published and released by the Department of Justice. These regulations interpreted the ADA and are serving as guidelines on how ADA is to be implemented.

TRC established ADA/Texas, a unit whose goals are to educate employers, consumers and TRC staff about ADA requirements. The unit's intent is to prepare the agency and employers in Texas for a positive acceptance of ADA.

*In addition, a special interactive planning board was established to insure that TRC is not only in compliance with ADA but also serves as a model to other public and private agencies.*



## Jack Clifton

**W**ith four years experience as a deaf counselor at TRC, Jack Clifton is “giving back” to TRC and deaf clients some of the opportunity afforded him as a TRC client. Because of his commitment to helping people with hearing impairments, the Deaf Mosaic, a community TV program program sponsored by Gallaudet University, asked Clifton to train astronaut Bill Readdy in manual communication for his role in a pending NASA space mission. Readdy will send a message to deaf children in America to encourage them to get involved in science as a career. Clifton and his Vocational Communication Specialist, Rita Lee, will teach Readdy the words to send that message.





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# Roxanne Cassard and Wendy Penton

**T**he old adage, that teamwork brings out the best in us, is proven a new. Roxanne Cassard, a counselor with 10 years experience, and Wendy Penton, her rehabilitation services technician for the past three years, have a special chemistry in their relationship — and it shows. Two years in a row Cassard was a member of the TRC Circle of Excellence, a select group of highly productive counselors; they were in the top one-third of productive teams in Houston in spite of drastic changes in referral sources; they have been nominated individually for regional employee of the year and they are looking forward to a booming year in productivity next year. What is the secret to their success? “We are good friends, first,” says Cassard. “That makes working hard easy to do,” adds Penton.





# The Continuum of Services

**T**hrough the years, there has been a steady increase of new programs developed to respond to the diverse needs of the disability community. We have found new relationships between programs and new ways for our clients to access these programs.

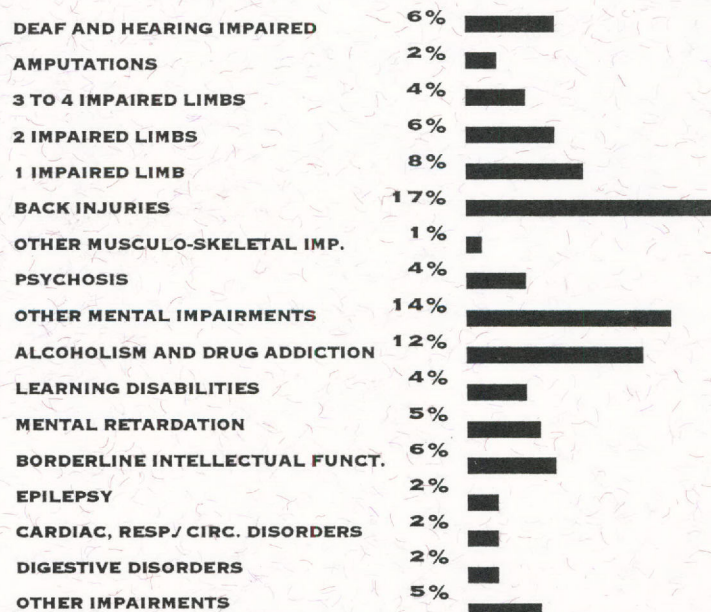
Because of this, TRC programs have progressed into a continuum of services. At one end of the continuum are services designed for persons who can work in a competitive job market. On the other end are services for persons with disabilities so severe that they have little or no work potential and may need disability benefits to sustain them. Many fall somewhere in between. Their disabilities may prevent them from competitive work, but allow them to work in a non-competitive, supported environment.

The continuum shows a wide array of services, supporting the truth that persons with disabilities, even severe disabilities, can be contributing, productive members of our society.

TRC administers its services through three major areas of the agency

Disability Determination Services (DDS), Vocational Rehabilitation (VR) and Administration. All three areas make for more than 2,275 managers, counselors, disability examiners, and support staff in 148 offices around the state.

Funded by the Social Security Administration, the Disability Determination Division determines eligibility for persons with disabilities to receive Social Security Income (SSI) benefits or Social Security Disability Insurance (SSDI).



**PRIMARY DISABILITIES**  
OF CLIENTS SERVED (FY 91)



# Clerical Support Group at DDS

**T**hese ladies volunteered 20 hours a week to update the vendor list of more than 30,000 physicians, psychologists and other diagnostic professionals who provide material which is vital to the efficient and timely determination for disability applicants. Their unselfish efforts will make the examiner automated workstation, a remarkable advancement in the disability determination process, a reality in the near future.



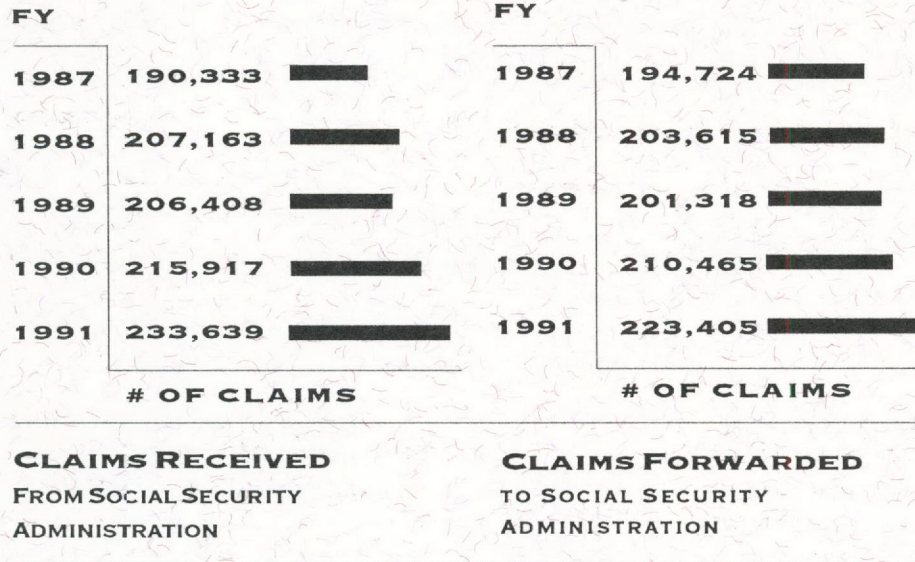
## EMPLOYEE FEATURE

(Names front to back, left to right) Marilyn Manor, Edna Roland, Arlene Parks, Liz Romero, Pam Eaker, Gracie Hernandez, Bobbie Hewitt, Tina Chambers and Lori Taylor (Cathy Simpson not shown)



More than one-third of all TRC employees work in the DDS division. Of DDS's 839 employees, over 341 are disability examiners who last year processed approximately 223,400 claims, reaching an all-time high in FY 1991.

Claims have been increasing at a steady rate of 4 percent per year over the last five or six years. Due to this burgeoning workload, DDS is in the experimental stages of development of automated workstations. These workstations are being designed to cope with the ever-increasing paperwork examiners must process with each case.



Even with the elevated workload, DDS consistently achieves its goal of fast, thorough and accurate decisions on applications for SSI and SSDI benefits.

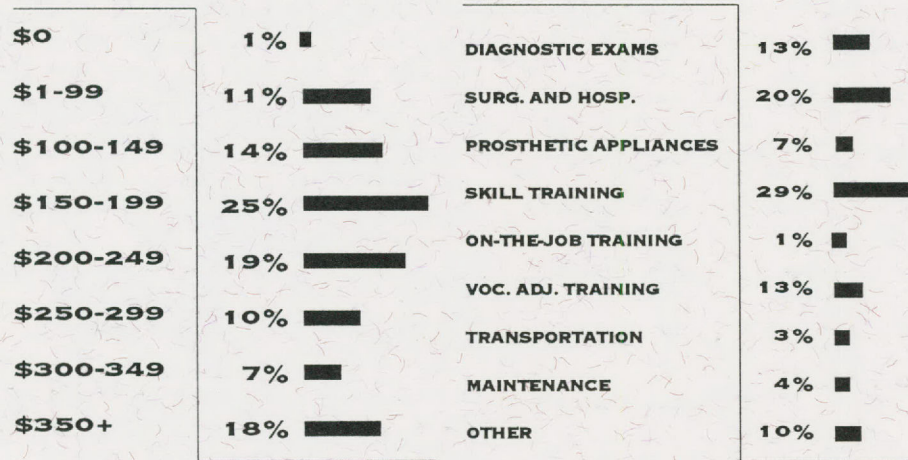
Representing the competitive employment end of the continuum, programs in the Vocational Rehabilitation Division assist people with disabilities in getting — and keeping — jobs. Vocational rehabilitation counselors provide an individually-planned program of services to meet employment needs of each client.

Along with the traditional VR services of training, purchasing assistive devices, tools and equipment, counseling, guidance and transportation assistance, TRC counselors continue to look for new ways to prepare clients for independence. In recent years, counselors have turned to advances in technology to aid persons with disabilities in a variety of ways. With computers and other high- and low-tech innovations, TRC clients are working in professions which would have seemed beyond their reach just a few short years ago.

In the meantime, advances in teaching job skills have also benefited people with disabilities in TRC programs. As one example, severely disabled people who might not have been candidates for such before, are now working in the competitive market thanks to the support of a job coach. A job coach is a person who works with clients to “learn the ropes” of a job and develop ways for them to continue in that job with as much independence as possible.



Vocational Rehabilitation Services speak from the bottom line. For every \$1 spent in rehabilitation, \$13 are returned to the economy through client earnings. The average employed client requires approximately \$7,200 in service costs. A recent study shows that this amount is repaid in taxes within 14-18 months.



**CLIENT WEEKLY EARNINGS**  
AFTER VOCATIONAL REHABILITATION SERVICES (FY 91)

**SERVICES BOUGHT FOR CLIENTS**  
WITH THE VOCATIONAL REHABILITATION DOLLAR

But what is most important isn't the bottom line, it is the belief that the life of each client is special and deserves to be as independent and productive as can possibly be achieved. It is this commitment to fostering a client's self-esteem that makes the programs and the counselors so effective.

In the middle of the continuum, lies services such as Extended Rehabilitation and Independent Living — services that promise new opportunities for those with severe disabilities.

Extended Rehabilitation Services (ERS) concentrates on persons with severe disabilities who need special and intensive services to function in the community. These clients are typically too severely disabled to benefit from traditional VR services and compete in the competitive workforce.

In contrast to short, time limited rehabilitation services, these are generally long term and ongoing, without which the client would be unable to maintain a job.

ERS focuses on two major outcomes: community integrated and alternative sheltered employment. Community Integrated Employment is the preferred employment option for many clients because it takes place in a community where they can be more independent and in charge of their activities. Alternative Sheltered Employment is working in a traditionally sheltered work environment and is an alternative for clients who need more structure and support.



	FY90	FY91	
NUMBER OF PROGRAMS	44	46	4%
NUMBER OF CLIENTS SERVED	1,570	1,147	-20%
AVERAGE MONTHLY WAGES	\$194	\$270	39%
AVERAGE HOURLY WAGE	\$1.78	\$2.16	21%
AVERAGE MON. COST/CLIENT	\$150	\$219	37%
			% OF CHANGE

**CLIENT PRODUCTION STATISTICS**  
**EXTENDED REHABILITATION SERVICES**

Another effective part of the continuum is Personal Attendant Services. Personal attendants help people with disabilities perform daily living activities such as bathing, dressing and getting ready for work each day. These services are vital, but typically expensive and might cost a client more than what they make in earnings each day.

Personal Attendant Services enable a client to share the expenses with TRC, at an amount determined by their income. This eliminates a large obstacle to employment and provides an important incentive by allowing a person with a severe disability to make money above the costs of basic care.

Independent Living Services represent the other end of the employment continuum from Vocational Rehabilitation Services. They enable persons with severe disabilities to live more independent and dignified lifestyles even though their ability to work is limited or nonexistent.

Currently, these services consist of 10 independent living centers that provide assistance in peer counseling, information and referral for housing and attendant services, advocacy support and other measures that encourage people with disabilities to make their own decisions.

With case service funds, TRC provides training, personal care attendant services, equipment and communication devices for TRC clients to improve independent living. TRC services are designed to support rather than duplicate services provided by the independent living centers.

The Deaf-Blind Multihandicapped services assist clients with these severe disabilities to become more self-sufficient and function more independently. These services also promote greater understanding and improved relationships among the family and clients by providing training and guidance for family members responsible for the caring for deaf-blind multihandicapped persons.

The Administration provides for all vital functions of TRC including but not limited to: personnel, accounting, budget, staff development and public information. It is the oil and the machinery that insures smooth day-to-day operations.

TRC also provides administrative support for special programs such as the Texas Planning Council for Developmental Disabilities (TPCDD) and the Texas Advisory Board of Occupational Therapy (TABOT) — important allies in rehabilitation.



# Marilyn Marshall

**T**RC client and school teacher Marilyn Marshall had never been seriously hurt in her life. She was a gymnast, agile and strong. But, a fall on a waxed floor at her school resulted in a serious back injury and changed all that. Being one of the clients in the San Antonio Return to Work Project, she



benefited from the early intervention and intensive counseling that program was intended for. She has returned to the classroom, a childhood dream, in a special, alternative school for students with overt behavior problems. “My accident and what I have learned from it have made me a better teacher,” says Marshall. “I am more in tune with the needs of my students and I understand fear in others much better now.”

## CLIENT FEATURE



Although administrative personnel are not typically visible to clients, their dedication is no less. TRC's administrative support team continues to find new ways for computer technology and office automation to improve the purchase and delivery of services to Texans with disabilities.

To pave the way for positive compliance with ADA, TRC has implemented a comprehensive review of personnel practices, job descriptions, employee selection procedures, office leases and vendor relationships to provide a model for other public and private agencies.

The Consumer Affairs office of TRC has implemented a consumer newsletter and a toll-free number so consumers can stay informed and give feedback on important issues or changes in agency programs.

TRC continues to be a major service delivery agency, making more than 870,000 payments to vendors who serve Texans with disabilities. This is the second highest volume in Texas state government.

The Texas Rehabilitation Commission is here to meet the ever increasing and changing needs of Texans with disabilities. Meeting these needs offers a constant challenge to each and every TRC program, department, unit and field office in this state.

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*The time is right for Texans with disabilities and professionals in the field of rehabilitation to make significant progress in changing public attitudes and providing opportunities for increased quality of life and productivity.*

#### **VOCATIONAL REHABILITATION 1991 ACHIEVEMENTS**

- During the federal fiscal year ending September 30, 1991, the Vocational Rehabilitation Program served more than 88,600 Texans with disabilities, of whom 63,887 were eligible clients and 10,591 were still being evaluated for eligibility at the end of the year.
- Of the 63,887 eligible clients served, 16,588 were successfully rehabilitated and placed in jobs, while 37,236 continued to receive services at the end of the year.
- Clients who were successfully rehabilitated in FY 1991 earned a combined total of \$2.85 million per month before receiving vocational rehabilitation services. After services, these successfully rehabilitated clients earned a combined total of \$15.43 million — over five times as much as before.
- Seventy-six percent of the clients who were successfully rehabilitated have severe disabilities. Seventy-six percent of the clients continuing to receive services at the end of the fiscal year had severe disabilities.
- TRC spent an estimated \$7,200 per successfully rehabilitated client in FY 1991. Of these funds, approximately 55.1 percent was used to purchase services for clients, 31.6 percent was used for counseling and placement services and 13.3 percent was used for administration.



# Pat Ayala

**P**at Ayala was born in Mexico. She contracted polio at age six. Her mother worked valiantly to save her life, help her to recover what function she could —



and to bring her to this country. As a TRC client, Ayala learned office administration skills to become employed. She started work in the Programs section of the TRC Central Office about a year ago. She is now a naturalized U.S. citizen and an active advocate for the Americans with Disabilities Act.

## EMPLOYEE FEATURE



# The Practical Guide to ADA for Employers



his guide is not for the “nay sayer” — for those looking for exceptions and exemptions or loopholes. It is for employers and those offering a service to the public who are enlightened enough to know that ADA is good for business.

A quote from *Business Week*, October 28, 1991, puts it straight, “In a decade in which willing and able workers will be increasingly hard to find, the nearly 9 million working-age Americans with disabilities now outside the job market may be one of your best sources.”

Although the Americans with Disabilities Act is civil rights legislation of great magnitude and has been hailed as the “Emancipation Proclamation” for Americans with disabilities, what will make it work is the practical application.

Some talk of compassion, empowerment or compliance — we start where business starts and grows — at the bottom line. ADA, and the adjustments it requires, just makes good economic sense.

The time is right. ADA will be a boon to productivity in this country. This is why.

- *In the decade of the 1990s, the U.S. workforce will grow more slowly than at any time in the past 70 years. There simply won't be enough workers to go around.*
- *Compounding this problem will be a shortage of skills, with two-thirds of the nation's employers reporting severe deficiencies in math and literary capabilities in first time job applicants.*
- *Employers are faced with the prospect in the 1990s of paying more for employees who can do less. Profitability, product and service quality and competitiveness are likely to suffer.*
- *Desire alone is not enough. Hard evidence suggests that people with disabilities can do the job. In fact, it is fair to say that 90 percent of all working-aged people with disabilities will be capable — with suitable accommodations, of performing up to 90 percent of the economy's new jobs.*



- *Virtually every study done on the issue of productivity has given people with disabilities equal, and sometimes greater, marks than those without disabilities.*
- *People with disabilities are one of the most highly educated and well trained minority groups in this country.*
- *With a declining labor force and an expanding service economy, this simple reality of supply and demand offers the average employer few attractive options. Persons with disabilities are an ideal target group to help solve these problems.*

That is why we say, “The time is right for people with disabilities and ADA.” All that remains is for employers to catch the spirit.

The pages that follow are a guide that we feel will help employers make ADA work for them in successfully employing persons with disabilities. The goal of this guide is to identify barriers to employing a person with a disability and to offer strategies to overcome them.

Although the guide is not comprehensive, it provides employers with a plan to create an environment in which persons with disabilities can become valued employees. The guide has whittled the sometimes hard-to-follow guidelines of ADA into three obtainable steps: implementing a proper hiring process, making the workplace accessible and making appropriate work adjustments.

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*The guide also offers employers some valuable facts, recommendations and helpful tips in the implementation of ADA and the back page contains a valuable resource directory of organizations trained and willing to help companies achieve ADA goals.*



# ADA -What is It?

**T**he Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. Described by many as the most significant civil rights bill to pass Congress in a quarter of a century, it was designed to give people with disabilities the rights that earlier legislation gave to minorities and women.

ADA defines a person with a disability as someone with a physical or mental impairment that substantially affects a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, working or learning. The ADA also protects persons with a record or history of an impairment or someone who is perceived as having such an impairment.

Although this user's guide will focus on employment issues, the Americans with Disabilities Act (ADA) provides a broad range of resources and services in other areas such as transportation, public accommodation, communications, activities of state and local government and telecommunications. The following is a brief summary on what to expect from ADA.

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## **EMPLOYMENT REQUIREMENTS**

Title I of the ADA requires that employers have non-discriminatory application procedures, qualification standards, selection criteria and all other conditions of employment. Employers should also make reasonable accommodations to the known limitations of a qualified applicant or employee unless to do so would cause an undue hardship.

**Exceptions:** This law makes exceptions regarding employment of a person with a contagious disease or a person who illegally uses drugs or alcohol. It also exempts religious entities and private membership clubs.

## **TRANSPORTATION**

Title II covers most forms of transportation provided by public entities such as bus, rail, taxi and limousine. All new buses, trains or other vehicles must be



accessible. Vehicles will have to be equipped with lifts, ramps and wheelchair spaces or seats. If the transportation carrier can demonstrate that no lifts are possible, it may be exempted from this requirement.

#### **PUBLIC ACCOMMODATION**

Title III protects against discrimination by any entity licensed to do business with, or serve the public such as hotels, theaters, restaurants, shopping malls, stores, office buildings and private social service agencies. Physical barriers in existing public places should be removed and made structurally accessible if such modifications can be accomplished without causing "undue hardship." The path of travel from restrooms to water fountains and telephones should be barrier-free. Auxiliary aids and services should be provided to individuals with vision or hearing impairments.

#### **TELECOMMUNICATIONS**

Title IV requires local, regional and long distance telephone companies to provide telecommunication relay services to enable persons who are hearing and speech impaired to use their telecommunication devices to communicate over the phone lines with people who are not hearing impaired.

#### **EFFECTIVE DATES:**

*The Americans with Disabilities Act was signed into law on July 26, 1990. Provisions of the law become effective at various times ranging from 30 days to 30 years. Here is a summary:*

**EMPLOYERS with 25 or more workers, July 26, 1992.**

**EMPLOYERS with 15 more workers, July 26, 1994.**

**STATE AND LOCAL GOVERNMENT activities, January 26, 1992.**

*In general, **PUBLIC ACCOMMODATIONS** must be in compliance on January 26, 1992.*

**TRANSPORTATION PHASE-INS** for accessibility range from 30 days to 30 years.

**TELECOMMUNICATION RELAY SERVICES** become effective July 26, 1993.



## Step 1

# Disability Awareness (Readjusting your attitudes)

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**S**ome of the hardest barriers to overcome in hiring and working with persons with disabilities are not physical, but mental. Thus, the first step in this guide focuses on changing the attitudes and behaviors toward persons with disabilities. Attitudes toward any minority group not only control perceptions, they guide actions. And many times it is difficult to look beyond the disability to objectively consider a potential employee's strengths and weaknesses. To be able to really value and relate to a person with disabilities, one needs to stop and reassess personal and corporate attitudes toward people with disabilities.

### SIX MISCONCEPTIONS ABOUT PEOPLE WITH DISABILITIES

**1. CERTAIN JOBS ARE MORE SUITED TO PERSONS WITH DISABILITIES.** Abilities among people vary regardless of which minority group they belong to. This stereotypic thinking severely limits the individual with the disability and the business' return on investment.

**2. WE NEED SPECIAL TRAINING TO WORK WITH PERSONS WITH DISABILITIES.** Although it is helpful to be experienced with working with people with disabilities, it is not necessary. Any competent supervisor already possesses the skills needed—good management practices.

**3. IT IS A LOT MORE EXPENSIVE TO HIRE A PERSON WITH A DISABILITY.** Taken case by case, most special accommodations needed require very little or no cost. Analysis shows that 31 percent of accommodations require no cost and 69 percent less than \$500.

**4. WE DO NOT HAVE ANY JOBS A DISABLED PERSON CAN DO.** Abilities, not disabilities, should be used to match the right person with the right job. When an employer tries to match limitations with potential jobs, the person with a disability often falls into jobs requiring low skill with low pay when the person is capable of much more.



**5. IT IS IMPORTANT TO PLACE PERSONS WITH DISABILITIES IN JOBS WHERE THEY WILL NOT FAIL.** This attitude stems from the idea that disabilities are terrific burdens and that the employer should protect the person from any further pain. This idea is completely false. Failure by someone with disabilities is no worse than failure for anyone else.

**6. INSURANCE RATES GO UP WHEN A PERSON WITH DISABILITIES IS HIRED.** This is untrue with Worker's Compensation. In the case of health insurance, a company's existing policy would still be valid and, in most cases, would not go up.

### **MEETING PEOPLE WITH DISABILITIES**

Although you might be making an effort to change your attitudes toward people with disabilities, you might still feel uneasy engaging in a conversation. Just remember, they are people first. Here are a few etiquette tips:

- *It's okay to offer your help to someone ... but ask first. Or wait for someone to ask you for help.*
- *It's okay to ask people about their disabilities and it's okay for them not to talk about it.*
- *When talking to a person in a wheelchair, sit down so they don't have to look up at you.*
- *It's okay to use the words "see," "hear," "run" and "walk" when talking to people with disabilities.*
- *Avoid words like "gimp," "retard," "spastic," "victim" or "cripple." These are demeaning and promote negative connotations.*
- *It is okay to ask people who are deaf or people who have hearing impairments to repeat what they say if you don't understand them.*
- *If an interpreter is helping you speak with a person who is deaf, make sure to talk to that person, not the interpreter.*
- *People who are blind hear as well as anybody. Don't speak loudly when you are talking to them or other people with disabilities.*
- *People with disabilities like to have fun also. Think of ways to include them in activities with friends or co-workers.*
- *Canine companions, such as seeing eye dogs, or hearing ear dogs, are on the job. Never pet or play with them because they should not be distracted from their work.*
- *Treat a person with a disability the way you like to be treated.*



## **THE HIRING PROCESS**

*So, say you're now ready to hire someone with a disability, or at least you're open to the possibility. The following are guidelines for setting up non-discriminatory procedures for hiring. ADA does not require employers to hire people with disabilities, but it does require that employers re-think their hiring practices about what job functions are truly essential and whether a person with a disability is qualified to perform that particular job.*

### **JOB DESCRIPTIONS**

All essential job functions should be included; non-essential tasks or occasional duties should not be included. This should be done before recruiting and interviewing because such descriptions offer guidelines by which the interviewer will assess qualifications for the position. These guidelines also will provide evidence of correct procedures if ever questioned later on.

### **THE JOB APPLICATION**

Review job application forms to eliminate any potential discriminatory questions about disability or medical status. Any questions seeking self identification of people with disabilities for affirmative action purposes should be put on a different form and be kept physically separate from the job application form. Job application forms should also be offered in accessible formats, such as in large print for those who have difficulty seeing or in braille for persons who are blind.

### **TESTS AND MEDICAL EXAMS**

Any tests or medical exams should be job-related and consistent with business necessity. Employers may require an exam only after a conditional offer of employment has been made, providing that such exams are required of all entering employees in the job category. The results of any exams must be kept confidential.

### **THE INTERVIEW**

The role of the interviewer is very important. The applicant will often assume that the attitude of the interviewer is the same as that of the organization. Interviewers need to be trained to feel more at ease and confident when interviewing anyone, especially persons with disabilities. Interviewers also need to know when it is appropriate to ask about a disability and how to do so comfortably.



## **DOS AND DON'TS**

### **What the interviewer may ask:**

- *Questions regarding any information on the application.*
- *What the applicant's prior duties consisted of.*
- *After an applicant has inquired about obtaining a reasonable accommodation, it is permissible to ask the applicant about his or her disability as it relates to the essential elements of the job.*
- *If the applicant brings up the disability, an interviewer may discuss how the applicant could be reasonably accommodated in the job.*
- *An interviewer can ask the applicant whether they can perform essential job functions, for example, whether the applicant can read a video display terminal, lift 50 pounds or reach the top of a six foot filing cabinet.*

### **What the interviewer may not ask:**

- *Do not ask the applicant about any visible physical characteristics, i.e. scars, burns, missing limbs.*
- *Do not ask if the applicant is in good health.*
- *Do not ask if an applicant has ever had an emotional illness or has consulted a psychologist or psychiatrist.*
- *Do not ask if the applicant has ever had an injury or disease.*
- *Do not ask the applicant about non job-related questions such as, "How will you get to work?"*

*To receive help on hiring practices, refer to the resource directory on the back page of the guide.*



## Step 2

# Accessibility (Getting in the door)

**T**itle III of ADA emphasizes access for persons with disabilities to public businesses such as hotels, restaurants, stores and office buildings. Accessibility also ties in very closely with employment. Before a person with a disability can go to work or even interview for the job, they must first be able to enter the building and get to their destination. Because of this, accessibility is an important step toward hiring persons with disabilities.

### **HOW DO YOU KNOW IF YOUR WORKPLACE IS READILY ACCESSIBLE?**

First, is the workplace your building, or do you rent? If you rent, accessibility is the property owner's responsibility. But it is also your responsibility to request from him or her a barrier free work environment. Even if a public accommodation cannot make all of the business accessible, every effort should be made to find alternative ways for people with disabilities to use inaccessible accommodations.

*The following are questions to consider when determining if your office or business is accessible. This list is not comprehensive. It is included to make you think about the kinds of barriers buildings might have which make accessibility difficult if not impossible for persons with disabilities.*

*For a thorough and specific checklist to follow when identifying architectural barriers, write or call:*

**ARCHITECTURAL AND TRANSPORTATION  
BARRIERS COMPLIANCE BOARD**  
1111 18th Street NW, Suite 50  
Washington, D.C. 20036-3894  
1-800-872-2253

*Keep in mind that accessibility is a continuous process. It does no good to have a barrier-free toilet stall on the second floor if the only way to get up there is a flight of stairs.*



## **IDENTIFYING SITE CONCERNS**

### **BUILDING ACCESS**

- Are there an appropriate number of designated handicapped parking spaces?
- Are the parking spaces near the building entrance?
- Are the parking spaces open on one side, allowing room (12 feet minimum width) for individuals in wheelchairs, or on braces and crutches to get in and out onto a level surface?
- Are the public walks at least 48 inches wide?
- Are walks of a continuing common surface, not interrupted by steps or abrupt changes in level?
- Are there ramps where needed?
- Do ramps have slope no greater than 1 foot rise in 12 feet?
- Do ramps have handrails on at least one side?
- Are the handrails 32 inches in height measured from the surface of the ramp?
- Do ramps have at least 6 feet of straight clearance at the bottom?
- Is at least one primary entrance to each building useable by individuals in wheelchairs?
- Is this entrance on a level that would make wheelchairs accessible?

### **BUILDING CORRIDORS**

- Is path of travel free of obstruction and wide enough for a wheelchair?
- Is floor surface hard and not slippery?
- Are floors on each story at a common level or connected with a ramp?
- Do obstacles (phones, fountains) protrude no more than four inches?
- Does the elevator interior provide a turning area of 51 inches for wheelchairs?
- Are elevator controls low enough (48 inches) to be reached from a wheelchair?
- Are water fountains accessible to and useable by persons with disabilities?
- Are public telephones accessible to and useable by persons with disabilities?

### **BUILDING SIGNS**

- Are all building markings in Braille (or raised letters) for people who are blind?
- Do building signs provide audible signals for people who are blind?
- Are audible warning signs accompanied by visual signals in case of an emergency?

### **RESTROOMS**

- Are restrooms accessible to persons with disabilities?
- Are doors at least 32 inches wide?
- Is restroom large enough for wheelchair turnaround (60 inches by 60 inches)?
- Does the restroom have at least one toilet stall that is:
  - three feet wide,
  - five feet in length,
  - with a stall door at least 32 inches wide, and
  - grab bars on each side at 33 inches high and parallel to the ground.
- Are sinks at least 30 inches high with room for a wheelchair to roll under?
- Are sink handles easily reached and useable?
- Are soap dispensers, towels, no more than 48 inches from floor?

### **OFFICES**

- Are doors at least 32 inches wide?
- Is door easy to open?
- Is threshold no more than 1/2 inch high?
- Is the path between desks, tables and other furnishings wide enough for wheelchairs?



## Reasonable Accommodation (Getting to work)

**T**here's been a lot of talk about reasonable accommodation. For employment, it is the cornerstone of ADA. Put simply, reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified person to perform the job and enjoy the employment benefits that other employees without disabilities enjoy.

In most cases, the average accommodation costs far less than the employer anticipates. "Most accommodations are simple job adjustments or inexpensive adaptations such as a string on a bathroom door," reports *Training* magazine in its December 1990 issue. The following is a list of what ADA considers examples of accommodation.

### THE MOST COMMON TYPES OF ACCOMMODATIONS

**Acquiring or modifying equipment** — as already stated, modifying equipment typically requires little or no cost. Examples of low cost modifications are: rearranging files or shelves to provide access to persons who use wheelchairs, raising or lowering equipment, installing touchtone telephones instead of rotary phones and purchasing a telephone headset.

**Job restructuring** — this is a common way to accommodate qualified persons with disabilities who can perform some parts of the job, but not others. Examples of job restructuring are: adoption of flexible leave and attendance policies, reassignment of work among co-workers, elimination of nonessential tasks and designing special procedures for task accomplishment.

**Flexible work schedules** — part-time and modified work schedules should be considered as a means of adjusting to certain situations.

**Reassignment to a vacant position** — reassignment to another job is acceptable, however, accommodations to existing position should be explored first.

**Providing readers and sign-language interpreters** — assist blind and deaf persons in communication with other employees and public. Technology can also offer different options for communication.

**Examinations, training materials or policies** — traditional training and examination materials may discriminate against certain persons with disabilities. Employers should make special arrangements in these circumstances such as providing large print, extra time or providing readers.



**JUST HOW COSTLY ARE ACCOMMODATIONS?**

Costs vary, but most accommodations are inexpensive. Depending on the nature of the disability, 50 percent of accommodations cost less than \$50. According to the Job Accommodation Network, figures on accommodations break down as follows:

31% cost nothing
19% cost between \$1 and \$50
19% cost between \$50 and \$500
19% cost between \$500 and \$1,000
11% cost between \$1,000 and \$5,000

**WHAT IS THE BEST WAY TO DETERMINE WHAT A REASONABLE ACCOMMODATION IS?**

Typically, the employee is the best source of ideas about what reasonable accommodation he or she requires, and as long as the need is met, the employer can choose the means to accomplish this. For example, if an employee who uses a wheelchair asks for a desk high enough to accommodate the chair, the employer might choose to raise an existing desk with blocks rather than ordering a special desk and incurring additional expense.

**WHERE DO I GO FOR INFORMATION?**

When the appropriate accommodation is not apparent, a solution can still usually be found. Help is just a phone call away. One resource is Job Accommodation Network (JAN). JAN is a free consultation service that helps employers make individualized accommodation. The telephone number is 1-800-526-7234.

**WHAT IF AN APPLICANT OR EMPLOYEE REFUSES TO ACCEPT AN ACCOMMODATION OFFERED?**

The ADA provides that an employer cannot require a qualified person with a disability to accept an accommodation that is not requested or needed by the applicant. If a necessary accommodation is refused, however, that applicant may be considered as unqualified.

**WHAT IS AN "UNDUE HARDSHIP?"**

It is not necessary to provide reasonable accommodation if doing so would result in "undue hardship." While the exact definition of this varies, "undue hardship" means that the accommodation would be significantly costly, disruptive, extensive or substantial, or would fundamentally alter the nature or operation of the business.

Factors that can be considered in determining undue hardship are: the overall size of the employer's operations with respect to the number of employees, and the financial resources available; the type of the employer's operation including the composition and structure of the workforce; and the nature and cost of the accommodation needed.



# ADA Information and Assistance

## A RESOURCE DIRECTORY

### GENERAL INFORMATION

ADA - Texas Unit  
Texas Rehabilitation Commission  
4900 North Lamar  
Austin, Texas 78751-2316  
(512) 483-4761  
1-800-442-9502  
1-800-RELAY TX (TDD Access)

Texas Governor's Committee for  
People with Disabilities  
4900 N. Lamar Blvd.  
Austin, TX 78751-2316  
(512) 483-4380  
(512) 483-4387 (TDD)

The Institute for Rehabilitation and  
Research,  
ILRU Regional Technical Assistance  
Center on ADA  
2323 South Shepard, Suite 1000  
Houston, Texas 77019  
(713) 520-0232  
(713) 520-5136 (TDD)

Office for Civil Rights, Department  
of Health and Human Services  
Regional Office VI  
1200 Main Tower, Suite 1360  
Dallas, TX 75202  
(214) 767-4056  
(214) 767-8940 (TDD)

Texas Commission on Human Rights  
P.O. Box 13493  
Capitol Station  
Austin TX 78711  
(512) 837-8534

### ORGANIZATIONS THAT HELP WITH SELF-EVALUATION

United Way  
(local offices throughout the state)

Local Center for Independent Living  
Call the Governor's Committee for  
People with Disabilities, (512) 483-4380

Coalition of Texans with Disabilities  
(and their local affiliates)  
State Office in Austin, (512) 478-3366

### ACCESSIBILITY

Elimination of Architectural Barriers  
P.O. Box 12157  
Austin, Texas 78711  
(512) 463-3211

Architectural and Transportation  
Board  
1111 18th Street NW, Suite 50  
Washington, D.C. 20036-3894  
1-800-872-2253

National Center for a Barrier-free  
Environment  
1140 Connecticut Avenue, N.W.  
Suite 1006  
Washington, D.C. 20036  
(no phone listing)

### INTERVIEWER TRAINING AND REASONABLE ACCOMMODATION

Job Accommodation Network (JAN)  
P.O. Box 6122  
Morgantown, WV 26506-6122  
1-800-526-7234

Windmills Program  
Milt Wright & Associates, Inc.  
Northridge, CA 91324  
(818) 349-0858



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JOHN FENOGLIO  
DEPUTY COMMISSIONER FOR SPECIAL OPERATIONS

DALE PLACE  
DEPUTY COMMISSIONER FOR ADMINISTRATIVE AND SUPPORT SERVICES

LES ALBRECHT  
DEPUTY COMMISSIONER FOR DISABILITY DETERMINATION



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PLANO  
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DIANE D. RATH  
SAN ANTONIO  
1989 - 1991



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