

ABILITY MATTERS

GAINING THE COMPETITIVE EDGE BY
ACHIEVING DIVERSITY IN THE WORKPLACE

**A GUIDE TO EMPLOYING QUALIFIED
PEOPLE WITH DISABILITIES**



“Employment is nature’s physician,
and is essential to human happiness.”

GALEN

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DIVERSITY IN THE WORKPLACE

A guide to employing qualified
people with disabilities



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INTRODUCTION

One in five Americans has a disability, yet two-thirds of working age Americans with disabilities are unemployed – many, not by choice.

California has the most diverse population in the United States, and people with disabilities represent the single largest and most diverse minority, providing a major untapped source of qualified job candidates.

Yet, this diversity category is often overlooked, and employers can miss out on a valuable opportunity to hire well-trained, competent people who also bring to the job loyalty, dedication and commitment.

This guide provides insights on employing people with disabilities to create high value business solutions, along with information and practical applications to shift the focus from disabilities to capabilities - helping businesses gain a competitive edge through diversity and inclusion.

We focus primarily on people receiving employment services and supports.

The following topics will be examined:

- Dispelling myths
- The relationship among businesses, employment services and government agencies
- Supports, services and incentives available to businesses employing people with disabilities

- What to expect during the hiring process and beyond
- Resources for understanding laws and regulations
- Realistic workplace accommodations

In business, it's all about the bottom line. Success depends on attracting the best qualified and most productive applicants, and that means focusing on one's abilities. When people with disabilities find successful employment we all win – businesses find dedicated employees, individuals with disabilities find meaningful work and independence, and communities benefit when tax consumers become tax contributors.

ACKNOWLEDGEMENTS

Ability Matters: Gaining the Competitive Edge by Achieving Diversity in the Workplace is the result of contributions from the following individuals and organizations:

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SECTION 1

GAINING PERSPECTIVE

Expanding opportunities
to improve your workforce
and the bottom line

Introduction

by Matthew Mahood

President & CEO, San Jose Silicon Valley Chamber



In today's business climate, employers and employees are increasingly working harder for less while trying to maintain high standards and develop strategies for growth. As President and CEO of the San Jose Silicon Valley Chamber of Commerce, and the former President and CEO of the Sacramento Metropolitan Chamber of Commerce, I work towards enhancing our region's competitiveness while simultaneously building a stronger community for our businesses and citizens. A workforce rich in diversity can create better solutions to business challenges, and that diversity should include people with disabilities. Today, one in five Americans has a disability, and as our workforce ages, disabilities will become even more prevalent. People with disabilities represent our single largest and most diverse minority group, yet they are a major untapped source of qualified employment candidates.

People with disabilities face unemployment at nearly four times the rate of the general population, not because they don't want to work or are unqualified, but largely because employers don't realize the benefits that people with disabilities can bring to the workplace.

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Unfounded concerns over the cost of equipment, training or insurance can get in the way; others worry that employees with disabilities simply won't fit into an organization's culture, or are less productive.

The fact is that people with disabilities are assets, not liabilities. In reality, people with disabilities do not cost more to employ, are proven to meet or exceed challenges, have lower turnover and relate well to customers and co-workers. This does not just make social sense, hiring people with disabilities is an equation for expansion, profitability and mutual success.

Matthew Mahood is the President & CEO of the San Jose Silicon Valley Chamber of Commerce. His extensive background as an executive in business operations spans over two decades and extends through the private and non-profit sector. He serves on numerous boards, task forces and commissions dedicated to fostering prosperity throughout Sacramento and the Bay Area. He can be reached at (408) 291-5250, or matthewmahood@thesvo.com.

REAP THE REWARDS

According to the U.S. Department of Labor, nearly 20 percent of working age Americans with disabilities are employed, while nearly 68 percent of their counterparts without disabilities are employed. With one in five Americans experiencing a disability at some point in their lives, chances are that you or someone you know is affected. Yet a lack of familiarity around employment of people with disabilities has fostered uncertainty and raised unfounded concerns.

Often, employers worry about some of the following issues.

PERCEPTION: Costs of accommodations

REALITY: Accommodations are made daily, such as flexible work schedules, computer anti-glare screens or a more comfortable chair. According to a 2016 Job Accommodation Network (JAN) study, more than half of all job accommodations cost nothing to implement while the rest typically cost less than \$500.

PERCEPTION: Concerns over job performance

REALITY: People with disabilities have equal or higher job performance ratings, higher retention rates and lower absenteeism.

PERCEPTION: An increase in insurance premiums

REALITY: Insurance rates are based on the relative hazards of the job and the accident history of the workplace - not a worker's disability.

PERCEPTION: Co-workers will be uncomfortable and worried about offending individuals with disabilities

REALITY: Simple etiquette and mutual respect can avoid uncomfortable situations

PERCEPTION: Productivity will be negatively impacted

REALITY: Working alongside someone who overcomes challenges daily, and is a contributing member of society, raises morale and creates a harmonious working environment for everyone.

Successful employers take action when it makes good business sense. When it comes to hiring, it's about finding the best match for a specific business need.

Hiring people with disabilities is part of sound strategic planning for a variety of reasons:

- High commitment and productivity**
People with disabilities are accustomed to challenges and often possess heightened problem-solving skills, a demonstrated sense of patience and perseverance and enthusiasm and eagerness to succeed in the workplace.
- Reduced training and recruitment costs**
People with disabilities have higher retention, and when combined with supports services can save a business substantially in repetitive recruitment and training expenses.
- Diversity appeals to a diverse customer base**
One in five Americans has a disability, representing \$1 trillion in purchasing power. The social value of hiring people with disabilities is recognized and rewarded by individuals with disabilities, their friends and families.
- Tax incentives**
Local, state and federal benefits may be available.

When businesses include people with disabilities as part of a diverse workforce, they are strategically moving forward as a more socially responsible business while improving their bottom line.

People with disabilities bring unique experiences and perspectives to a business, and make important contributions based on their talents and capabilities.

Defining Disability

When people think of “disability” certain images usually come to mind. Often people think of the most obvious types of disabilities such as mobility, visual or hearing impairments. However, disabilities may be physical or cognitive, visible or invisible, and can result from a variety of causes.

Some of the origins of disability may include:

- Accidents
- Brain injuries
- Service or wartime injuries
- Chronic diseases (i.e., asthma, schizophrenia, diabetes, arthritis)
- Genetic conditions

- Complications during pregnancy or at birth
- Psychological processing (i.e. learning disabilities)

DISABILITY CAN AFFECT ANYONE, ANYTIME

With one in five Americans affected by disability at some point in their lives, each of us has about a 20 percent chance of becoming disabled. People with disabilities cross all racial, gender, socioeconomic and organizational lines. As people live and work longer, age-related disabilities will become more common in the workplace.

The most common types of disability include:

- Mobility Impairment
- Cognitive Impairment
- Hearing Impairment
- Visual Impairment
- Speech Impairment

Regardless of disability, performance is the benchmark. The fact is, there are no good jobs for people with disabilities; only people with disabilities who are a good fit for the right job.

“Hiring people with disabilities is clearly a business strategic imperative. If we’re not inclusive of this increasing share of our population and talent pool, we’re missing an opportunity.”

JULIE BASKIN BROOKS, MANAGER OF DIVERSITY, IBM

Collaboration is Key

When employing people with disabilities, services for business and services for people go hand-in-hand. Businesses open doors of opportunity while programs prepare and support people with disabilities in employment. Together, this results in the creation of long-term job opportunities for people with disabilities, while providing dependable and productive workers who can achieve great results for employers.

Businesses committed to hiring diversity discover that they represent more of their community, potentially increasing and building loyalty with their customer base. By actively recruiting people with disabilities directly or through agencies, organizations or programs that represent and serve people with disabilities, businesses can access a continuum of resources that meet the needs of both employees and employers.

Different approaches to employment for people with disabilities are available: The following are most common:

- **Individual Community Employment**
Individual employees are supported by a service provider, while employed and managed by an employer.
- **Supported Employment**
Small groups of employees are integrated at job sites with support provided by a service provider. Workers may be employees of a service provider or the business itself.

Service providers can equip employers with trained, competent, motivated (and supervised, if appropriate) employees to meet

SECTION 1

diverse job requirements in all sectors of our economy. Because people with disabilities may qualify for services through one or more agencies such as; the State Department of Rehabilitation, Employment Development Department, and the Regional Centers contracted with the state, supports and services for both employees and employers can be provided at no cost. Businesses can access service providers directly or through one of the state or regional agencies.

When a person with a disability is referred for an assessment by an agency, he or she may receive an array of services to prepare for successful employment:

- Skills, strengths and interests assessment
- Special needs evaluation
- Interview techniques and training
- Independent living skills that support employment
- Social skills training
- Job training and skills development
- Transportation support
- Job development
- Supports and accommodations

Once potential opportunities are identified for prospective employees, businesses will work in partnership with service providers to proceed through the hiring process. The

service provider itself may be contracted to perform a service or function either internally or remotely from its site, or individual employees or groups of employees may be hired to work at the business location.

In either case, the service provider facilitates recruitment, hiring, training and ongoing support, allowing the employer to stay focused on their core business while creating the greatest opportunity for mutual success.

Service providers work to match individual abilities with employer needs and assist by coordinating no-cost business services such as:

- Job site accommodation consultation and support
- Disability awareness training
- On-the-job training and on-going coaching
- Assistance with applying for tax credits and hiring incentives

When businesses partner with service providers to meet their workforce needs they save time and money while gaining quality service solutions. This is truly a win-win opportunity. Businesses get qualified employees that are reliable and loyal, reducing turnover and training expenses, while people with disabilities gain opportunities to learn, earn and contribute.

SECTION 2

BUSINESS ADVANTAGES

Understanding supports, services and incentives to maximize business opportunities when hiring people with disabilities



Introduction

by Jeff Solomon

Regional Vice President - Field Sales and Operations , Veritiv Corporation

Successful businesses are continually looking for growth opportunities with a better than average return-on-investment. Oftentimes an organization's competitive edge is determined by the ingenuity and resolve of a dedicated workforce. Labor is a costly asset and it can be unstable. People move, find new jobs, or perhaps become less productive. High turnover is costly to productivity greatly affecting bottom line performance.

Profitability can depend on attracting and retaining the most qualified and productive applicants, which also means focusing on ability. By providing jobs for people with disabilities, I have seen productivity and profitability increase. These team members are highly committed, highly motivated, and extremely productive. They boost our production, profitability and workplace morale.

Jeff Solomon is the Regional Vice President of Field Sales and Operations at Veritiv Corporation, a full-service distribution services provider including warehousing, paper and packaging distribution, publishing, facility solutions and logistics.

Supporting Business

Agencies and organizations serving people with disabilities understand that meaningful employment goes hand-in-hand with a business' productivity and profitability. These organizations recognize that this will only be possible through supportive and collaborative relationships with employers.

People with disabilities are eligible for a vast array of services, often provided at no cost by federally and locally funded agencies and organizations. The amount, type and duration of supports provided varies based on the needs of the individual. Benefits will extend to employers that hire qualified job seekers with disabilities, whether hired independently or through a service provider.

State agencies serving people with disabilities, such as the Department of Rehabilitation, contract with a variety of service providers to help people with disabilities achieve independence and employment while supporting employers for maximum success. It is typically the service provider that will work directly with employers and employees.

The following types of service providers may be used:

- **Public agency**
Directly funded by the government, such as a school or social service agency.
- **Private not-for-profit agency**
An independently operated and funded organization, registered and approved with the Internal Revenue Service and state.
- **Private for profit agency**
A private licensed business.

- **Individual Service Provider**
Individuals who are not part of any company or agency.

Generally there is an agency or organization that coordinates services. These organizations help people with disabilities and their families plan, access and coordinate services while also arranging, funding and monitoring the services provided.

The supports and services accessible to people with disabilities can provide substantial benefit to the businesses employing them by reducing costs and supplying information and training to facilitate a positive and productive workplace experience.

Employment supports are usually delivered by service providers and can include:

- **Disability awareness training**
Training for managers and co-workers.
- **Application screening**
Support during the hiring process.
- **Specialized on-site training**
Assistance for the employee, co-workers and supervisors.
- **Employee transportation**
Training for independent transit or providing actual transportation.
- **Assistive technology**
Equipment to accommodate an employee.
- **Individually tailored coaching and supervision**
Assistance with employee and oversight.
- **Tax credits**
Assistance with applications and paperwork.

Because individuals and businesses have different demands, each program is tailored, and configured to meet the needs.

Recruitment

Recruiting qualified and capable employees is challenging for all businesses, and uses valuable human and financial resources. This often leads to a loss of productivity as new employees are identified, trained and integrated into the workplace. Positions with low retention rates increase costs and can risk quality. By tapping into the large labor pool of people with disabilities, businesses can benefit from no-cost services that reduce the challenges and expenses of recruitment while gaining an advantage over competitors.

There are many ways in which agencies or companies can access qualified candidates who also happen to have a disability.

Resources include:

- State Department of Rehabilitation (work directly with service providers)
- Regional Centers (work directly with service providers)
- Transition fairs for students graduating high school (work directly with service providers)
- Non-profit agencies serving people with disabilities, veterans and people with certain health conditions
- Veterans Administration and related organizations (work through service providers or direct hire)
- Disability job fairs (work through service providers or direct hire)
- Online job sites (work through service providers or direct hire)





Tax Incentives

Three federal tax incentives are available encouraging businesses to hire people with disabilities. Incentives assist with recruitment and help cover costs associated with accommodations - making businesses more accessible while ensuring employment success. Eligibility varies, and businesses should consult the appropriate tax agency or a tax preparation professional for details.

1. WORK OPPORTUNITY TAX CREDIT (WOTC)

The WOTC replaces the Targeted Jobs Tax Credit program and provides a tax credit for employers who hire from specific groups, including vocational rehabilitation referrals, former AFDC recipients, veterans, ex-felons, food stamp recipients, summer youth employees and SSI recipients.

ELIGIBILITY: People with disabilities, referred to an employer upon completion of, or while receiving rehabilitation services.

AMOUNT: An employer may qualify for a tax credit of up to \$9,000 for up to a total of two years.

RESTRICTIONS/REQUIREMENTS: Eligible employees must work 180 days or 400 hours. A partial credit may be claimed for employees working at least 120 hours but less than 400 hours.

PROCESS: Request certification by the State Employment Development Department (Department of Labor Employment & Training Administration (ETA) Form 9061) and complete IRS Form 8850. Submit both within 28 days after the employee begins work.

2. SMALL BUSINESS TAX CREDIT: IRS CODE SECTION 44, DISABLED ACCESS CREDIT

This allows small businesses to take an annual tax credit for making their businesses accessible to people with disabilities.

ELIGIBILITY: Small businesses having earned less than \$1 million in gross, in the previous year, or had 30 or fewer full-time employees.

AMOUNT: The credit is 50 percent of expenditures over \$250 but not to exceed \$10,250, for a maximum benefit of \$5,000. The credit amount is subtracted from the total tax liability after calculating taxes.

This tax credit is available every year and can be used for a variety of costs such as:

- Sign language interpreters for employees or customers with hearing impairments
- Assistive Technology
- The purchase of adaptive equipment or the modification of equipment
- Printed materials in alternate formats (i.e., Braille, audiotape, large print)
- The removal of architectural barriers in buildings or vehicles

RESTRICTIONS/REQUIREMENTS: The tax credit does not apply to the costs of new construction, and a building being modified must have been placed in service before November 5, 1990.

PROCESS: File IRS form 8826 with your tax return.

3. ARCHITECTURAL/TRANSPORTATION TAX DEDUCTION: IRS CODE SECTION 190, BARRIER REMOVAL

Businesses may take an annual deduction for expenses incurred to remove physical, structural and transportation barriers for people with disabilities.

ELIGIBILITY: All businesses are eligible.

AMOUNT: A deduction of up to \$15,000 per year is allowed by the IRS for qualified architectural and transportation barrier removal expenses. The deduction can be used for a variety of costs to make a facility or public transportation vehicle owned or leased for the business more accessible and usable.

Other examples of deductions include:

- Providing accessible parking spaces, ramps and curb cuts
- Providing telephones, water fountains and restrooms that are accessible to people using wheelchairs
- Making walkways at least 48 inches wide and providing accessible entrances to buildings including stairs and floors

RESTRICTIONS/REQUIREMENTS: The deduction may not be used for expenses incurred for new construction, completion of a renovation to a facility or public transportation vehicle, or for normal replacement of depreciable property. Businesses may not take a deduction and a tax credit for the same expenditure.

PROCESS: File with the IRS.

Many service providers will assist businesses with determining eligibility for tax incentives and processing the paperwork as part of their services for employers. For more information about these tax incentives, log onto www.irs.gov.

SECTION 3

FOCUS ON ABILITY

A practical guide to attracting and retaining the best candidate for the job

Introduction

by Carl Ochsner

(former) Executive Director, Work Training Center, Inc.

Work Training Center and its Affiliated Programs (WTC) provide employment, training, and community job placement to nearly three hundred individuals with disabilities in the Butte County region. As a result of our partnerships with area businesses, many people who would not otherwise have such an opportunity are successfully employed in community settings; benefitting not only the employee but also the employer's business and the general economy.

Businesses have found that working with a specialized agency such as WTC carries important benefits, including assistance with task analysis, suggestions for design of job descriptions, and consultation on production workflow and more. In addition to gaining valuable employees, these employers also gain a solid partner in their effort to promote efficiency and profitability.

In all endeavors, clear goals, carefully defined expectations, and regular communication are the keys to success. Defining goals and objectives will help to minimize or avoid pitfalls. Employers, job

seekers and assisting agencies have a responsibility to provide a clear vision of expectations, and to verify consensus on crucial points through frequent communication.

Communication must always be two-way. It is recommended that the business owner educate the sponsoring agency and the new employee about the working environment, even as everyone is made aware of the particular aspects of enriching the work environment through employment of people with disabilities. With regular participation through a continuous feedback process, a high probability of success is assured.

Carl Ochsner is the former Executive Director of Work Training Center, Inc., and Affiliated Programs in Chico, California. He has been an active member of the California Disability Services Association since 1986, and currently serves as Past-President of its Board of Directors.



Workforce development is more than hiring and training the right workers; it is also about identifying and addressing the critical factors that enable people to work and advance their careers while improving the success of business. Communication, education, leadership and teamwork are essential to any workforce.

Managing a diverse workforce focuses on many different types of employees working together and appreciating and utilizing new perspectives to best leverage talent. In this respect, managing employees with disabilities is no different than managing employees of various ethnicities, cultural backgrounds or experience levels. Providing diversity training and education for supervisors and co-workers will ensure that policies, practices, and programs are clear and non-discriminatory.

Communication is Key

Workers with disabilities can be an integral part of the workplace. Appropriate exchange of communication enables employers and employees to foster rewarding employment and achieve increased profitability.

Managing employees with disabilities, as with all employees, simply requires an understanding of equitable treatment and respect in the workplace.

When it comes to interacting with colleagues with disabilities there is often increased uncertainty. What might be appropriate in one case could be offensive in another. For example, it might be perfectly acceptable in one instance to assist someone in a wheelchair, while it might be offensive in another scenario. Open dialogue is critical to ensuring all parties are at ease.

WORDS MATTER

Language is a powerful tool that reflects, reinforces and shapes perceptions of people. As with any description of a person, the language used when discussing a person's disability should be respectful and correct. Language should accurately describe an individual and emphasize the person first, rather than the disability. If you are unsure of what language to use, ask for clarification.

The following terms are generally preferred when discussing a disability:

- Blind, visual impairment
- Deaf, hearing impairment
- A psychiatric disability
- A wheelchair user
- An intellectual or cognitive disability
- Do not use the "R" word

MANAGEMENT

Just because a job accommodation may be required does not mean employees with disabilities should be treated differently than other co-workers.

THINGS TO REMEMBER

- Respect the employee as a person.
- Expect the same good work habits and quality of work from all employees.
- Give honest feedback.
- Include employees with disabilities in all activities.

- Expect employees with disabilities to have the same ambitions as others.
- Use people-first language, as in "person with a disability" rather than "disabled person."
- Speak directly to the person with a disability rather than through a companion or colleague.
- Clearly introduce or identify yourself when working with a person with a visual or hearing disability.

THINGS TO AVOID

- Don't assume that employees with disabilities can't participate in meetings and activities.
- Don't feel sorry for a person's disability. Get to know him or her by discovering their abilities.
- Don't consider a person with a disability to be more fragile emotionally than others. Constructive criticism produces growth and reduces conflict.
- Don't assume a person with a disability can't perform a certain task. Ask how he or she will do the task and/or help them figure it out.
- Don't talk down to employees with disabilities or treat them like children.
- Don't admire or praise someone because he or she excels despite a physical or cognitive limitation.

INTERACTION

- Similar to acknowledging a difference in an individual because of race, age or any other physical difference, it is normal for co-workers to be curious about a

colleague's disability. However, it would be inappropriate to ask someone about their disability out of simple curiosity. If there is a genuine need to know, such as when accommodations are being discussed, or if the topic comes up in the relationship-building process, then it may be acceptable.

- Staff shouldn't feel their communications should be stifled if working with a person with a disability, but they should be considerate. When in doubt, ask for clarification. The gray area between being supportive and overstepping can be managed with respect for individual privacy.
- As with all employees, it is important to provide specific job descriptions, guidelines and parameters for performance, quality control and other standards. Provide direct and immediate feedback if performance becomes an issue. Corrections cannot be made if there is no knowledge of a problem, and concerns over hurting someone's feelings don't help employees excel.

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Identifying Qualified Applicants

People with disabilities are a diverse group who generally possess heightened problem-solving skills, patience, and an eagerness to succeed in the workforce. People with disabilities are often eligible for a wide array of services which often include training and on-the-job support. By including people with disabilities in the workplace employers can achieve a competitive edge and increase profitability. Industry reports consistently rate

workers with disabilities as average or above average in performance, attendance and safety. When it comes to employee retention and reduced turnover costs, research has found that workers with disabilities are not 'job hoppers,' and are inclined to remain in their jobs longer than the general workforce.

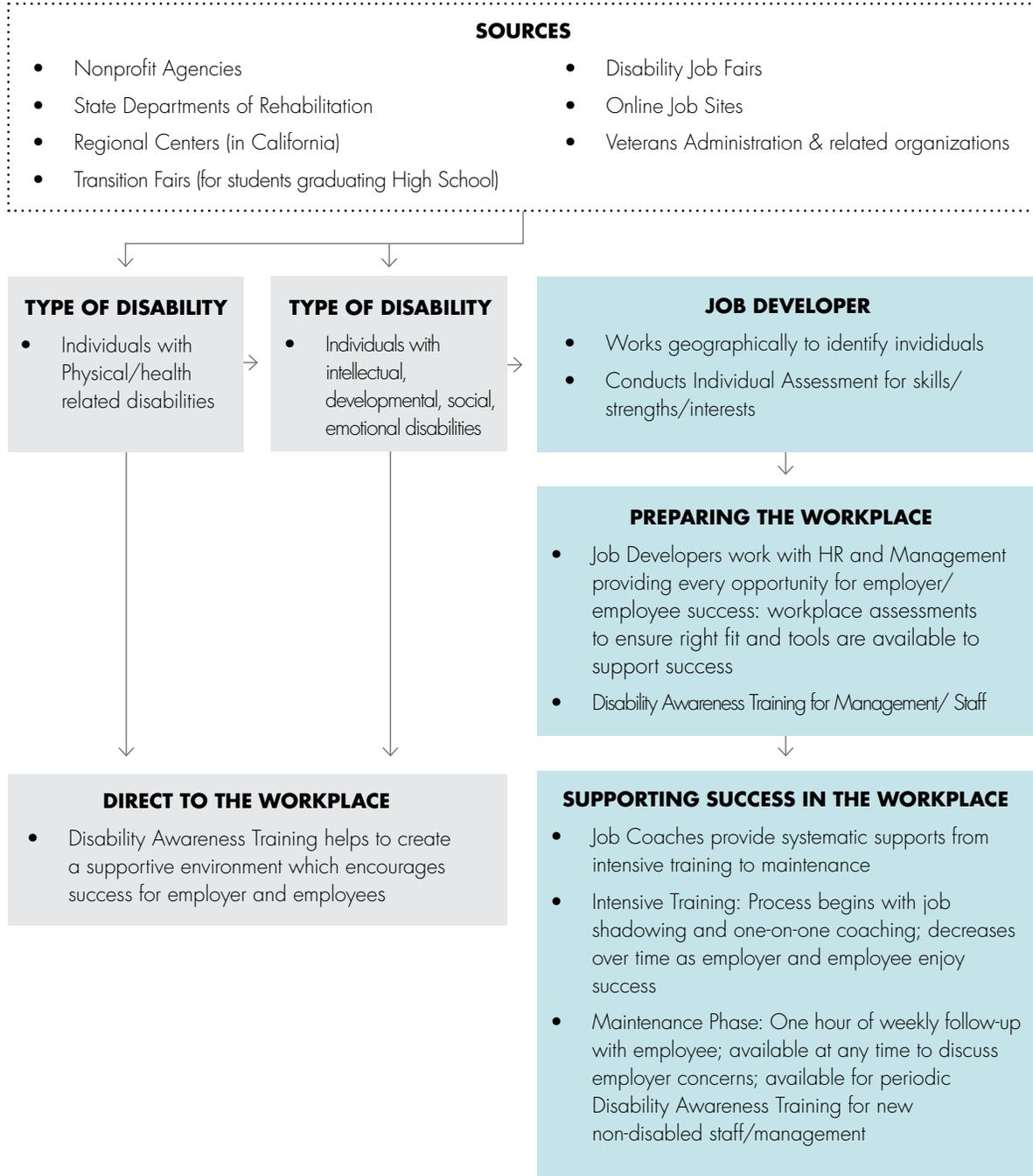
There are many sources for identifying qualified employees with disabilities, including:

- Nonprofit agencies
- State Department of Rehabilitation
- Regional Centers (in California)
- Transition fairs (for students graduating high school)
- Disability job fairs
- Online job sites
- Veterans Administration and related organizations

The most common and least expensive resource for businesses to identify candidates with disabilities is to work with a local service provider. Service providers receive referrals from State Departments of Rehabilitation and, in California, Regional Centers. A benefit of working with a service provider is that they may screen applicants and conduct interviews. Employees are assessed on their skills, strengths, interests, experiences and service needs, while providing support services to ensure on-the-job success. Job developers work with prospective employers and job seekers. Job coaches work with individuals to support their success in the workplace. These services are provided at no charge to the employer.

SECTION 3

RECRUITMENT/IDENTIFYING EMPLOYEES WITH DISABILITIES



Laws and Regulations

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) was signed into law by President George H.W. Bush in 1990, requiring employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.

Disability was defined legally in the United States with the Americans with Disabilities Act of 1990.

Under the ADA's definition of disability, a person must meet the requirements of at least one of these three criteria:

1. A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
2. A record of such impairment; or
3. Being regarded as having such an impairment.

The ADA does not distinguish between type, severity, or duration of the disability; and its definition captures both the largest and broadest estimate of people with disabilities. The ADA describes a disability as a condition which substantially limits a person's ability to function in major life activities – including communication, walking, and self-care – and is likely to continue indefinitely, resulting in the need for supportive services. Please refer to Section III for more information about ADA requirements for employers.

In California, amendments to the state's Fair Employment and Housing Act (FEHA) have

expanded the definition of disability as it applies to most of the state's employers. Here, the employee's impairment must limit (rather than substantially limit) a major life activity. California law also says the definition of major life activities "should be broadly construed and includes physical, mental, and social activities and working."

The ADA prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment. The ADA also restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation for known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in significant undue hardship. Financial assistance may be available for businesses that hire individuals qualifying for certain programs who also need accommodations to fulfill their job duties.

The ADA does not require employers to lower existing standards that apply to the quality or quantity of work for a job, nor is an employer's authority restricted when establishing necessary job qualifications.

Qualifications and standards must be uniformly applied, and may include the following requirements associated with essential job functions:

- Education/Skills/Work experience
- Licenses or certification
- Physical or mental abilities necessary to perform the job
- Health or safety

The ADA does not force employers to hire people with disabilities who are not qualified for a job.

The law does not prevent employers from firing an employee with a disability, as long as one of the following conditions apply:

1. The termination is unrelated to the disability.
2. The employee does not meet legitimate requirements for the job, such as; performance or production standards, with or without reasonable accommodation.
3. The employee's disability poses a direct threat to health or safety in the workplace.

WORKPLACE ACCOMMODATIONS

It is a requirement for employers with 15 or more employees to provide reasonable accommodation for applicants and employees with disabilities, and many find that the benefits they receive from making workplace accommodations far outweigh the cost. According to a 2016 Job Accommodation Network (JAN) study, employers reported that providing accommodations resulted in benefits such as; retaining valuable employees, improving productivity and morale, reducing workers compensation claims, training costs and improving company diversity.

Reasonable accommodations are adjustments or modifications which range from making the physical work environment accessible and providing scheduling flexibility, to restructuring a job or providing personal assistance. All are tools provided by employers to enable employees with disabilities to do their jobs.

A workplace accommodation may be requested by an employee with a disability at any time during employment. There are several considerations when determining reasonable accommodation requests, including the demands of the job, the

employee's skill and functional limitations, available technology and cost. After both the employee and the employer agree upon a workplace accommodation, one must be implemented.

Reasonable accommodations must be made on a case-by-case basis and the need for accommodation may not be considered in hiring decisions. Some accommodations are very simple and others can be more advanced. It is essential that employers and employees collaborate to develop and implement the most appropriate accommodation.

Many employers worry about the costs associated with making accommodations for people with disabilities but according to JAN, more than 50 percent of accommodations cost absolutely nothing, while the rest typically cost \$500 or less. Employers may be eligible for tax credits or other incentives to support workplace modifications. Refer to section 2 for more information. Accommodations are not required when costs would constitute an "undue hardship," or significant difficulty or expense, for an employer or business.

According to JAN, employers who made accommodations for employees with disabilities reported the following:

- Retention of qualified employees
- Increased productivity
- Eliminated costs of training a new employee
- Improved interactions with co-workers
- Increased overall company morale

The Hiring Process

Hiring a qualified person with a disability brings greater benefits beyond just filling a job opening. There's a solid business case too.

RETURN ON INVESTMENT

Businesses that employ people with disabilities turn social issues into business opportunities. These opportunities translate into lower costs, higher revenues and increased profits.

REDUCE COSTS	ENHANCE VALUE
Increased retention	Improved productivity with a dedicated workforce
Reduced repetitive hiring and training costs	Access new markets; socially responsible employer

Planning for Success

Agencies serving employees with disabilities typically provide the comprehensive training and guidance they will need to become familiar with an organization's management style and workplace culture. Agencies and employers will mutually support each other throughout the hiring process. Direct and accurate feedback is essential to correct any performance issues. Addressing concerns as they arise helps both the employer and the employee. Success includes three key factors: partnership, communication and clarity of expectations.

In most respects, evaluating people with disabilities is the same as with any other job candidate. In general, applicants should be screened based on their qualifications, experience and skills. The same questions are asked and the same standards applied.

By sticking to the facts, it will be simple to avoid missteps, but remember the following:

- Do not discuss a person's disability or related needs with anyone who does not have a legitimate reason to know.
- Use people-first language.
- Respect privacy; refrain from asking private questions deemed inappropriate.
- Be considerate and patient, but not patronizing. If you don't understand someone's speech, repeat what you understood and allow the person to respond.



SECTION 4

RESOURCES

A listing of state and federal agencies and organizations providing information on employing people with disabilities

Introduction

by Tony Anderson

Executive Director, The Arc of California

Community partnerships are invaluable for businesses and employees. Networking and outreach with agencies and organizations can provide expertise, technical assistance and financial support when employing people with disabilities.

While businesses typically have the knowledge and experience in hiring candidates they tend to have less experience in accessing the talent of people with disabilities. Organizations supporting people with disabilities are uniquely positioned to emphasize their abilities, and as partners and participants in local commerce these organizations can support both businesses and employees to expand success. Through partnerships with the business community, organizations supporting people with disabilities gain an understanding of market trends and workforce needs to better prepare prospective employees.

Community organizations and local, state and federal agencies make significant investments in training workers with disabilities so that they can compete in the workforce – usually with the understanding that their skills and work ethic

often need to outpace other applicants just to get in the door. This investment is made up front, allowing employers to save on the expenses of initial training costs customary for all new hires. These organizations also have the expertise to help businesses access state and federal programs offering financial incentives to help reduce the severe unemployment rates of people with disabilities.

Agencies and organizations representing people with disabilities as well as the business community and government provide essential information, tools and guidance, building a bridge between the business and disability communities. These networks foster cooperative working environments that improve productivity and profitability while providing a pathway to independence for people with disabilities.

Tony Anderson has served as Executive Director of The Arc of California, the state's oldest and largest advocacy association for people with developmental disabilities and their families. He has 23 years experience working in every aspect of developmental services. He can be reached at (916) 552-6619, or tony@thearcca.org.

Work Opportunity Tax Credit

www.doleta.gov/business/incentives/opptax/

Tax credits and incentives for hiring people with disabilities.

Disability.gov

www.disabilityinfo.gov

Connecting the disability community to information and opportunities.

Employer Assistance & Resource Network (EARN)

www.earnworks.com

Technical assistance and resources to support diversity and inclusion efforts of employers.

Think Beyond the Label

www.thinkbeyondthelabel.com

Provides expert tools and resources to businesses looking to evolve their workforce.

Job Accommodation Network

www.askjan.org

Guidance and information about workplace accommodations and disability employment.

Society for Human Resources Management's (SHRM) Diversity Home Page

www.shrm.org/diversity

Society for Human Resources Management's resources for inclusion and diversity in the workplace.

The ARC of the United States

www.thearc.org

Advocate for people with intellectual and developmental disabilities to support full inclusion in the community.

U.S. Department of Justice ADA Home Page

www.usdoj.gov/crt/ada/adahom1.htm

Information, standards, regulations and enforcement of the Americans with Disabilities Act of 1990.

U.S. Department of Labor Office of Disability Employment Policy

www.dol.gov/odep

Developing disability employment policy and practices through collaboration and research.



U.S. Department of Labor Veterans' Employment and Training Service

www.dol.gov/vets

Services for veterans and resources for employers.

PRIDE Industries

www.prideindustries.com

Manufacturing and service solutions for businesses and government agencies; vocational, training, employment and support services for people with disabilities.

CALIFORNIA

Tax Credits and Hiring Incentives for California Businesses

www.rehab.cahwnet.gov/workplace/taxcredit.htm

Talent Knows No Limits

www.talentknowsnolimits.info

A California public education resource for employment of people with disabilities.

California Business Leadership Network

www.cablh.org

Employers Supporting Employers to share best practices in hiring, retaining and marketing to people with disabilities.

Association of Regional Center Agencies

www.arcnet.org

Information about and directory of California's local Regional Centers.

California Department of Developmental Disabilities

www.dds.ca.gov

Providing services, information and resources for people with disabilities, families and employers.

California Department of Rehabilitation

www.rehab.cahwnet.gov

Regulations, resources, and tax credit information.

California Department of Veterans Affairs

www.cdva.ca.gov

Services for veterans and resources for employers.

California Employment Development Department

www.edd.ca.gov

Information and resources for hiring, payroll, taxes and training.

We Include for Employers

<http://arcnet.org/weinclude>

Initiative spearheaded by Maria Shriver to find employment for people with disabilities.

California Hires the Best

www.cahiresthebest.com

Matches employers with capable workers who have developmental disabilities. A service coordinated by the California Disability Services Association (CDSA).



SECTION 5

ABOUT PRIDE INDUSTRIES

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Dedicated to creating meaningful employment for people with disabilities while improving opportunities for business

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PRIDE Industries is a nonprofit organization dedicated to creating meaningful jobs for people with disabilities. Founded in 1966 in the basement of a church by a group of parents who wanted more for their adult children with disabilities, PRIDE recognized that traditional approaches could take decades to impact the unemployment crisis for individuals with disabilities in America. An innovative model of social entrepreneurship was born from a determination to change the alarming statistics and create more opportunity.

PRIDE creates jobs for people with disabilities through its own business enterprises, and by partnering with others in the community. The organization's focus is decidedly vocational. We provide training, counseling and support to people with disabilities with a highly individual approach. PRIDE helps individuals with disabilities identify their interests, assess strengths, build skills, and overcome obstacles so they can fully join the workforce. This path leads to increased independence, friendships, and family supports, as well as greater confidence and self-esteem. It helps people who were dependent upon social services become tax-contributing members of their communities. We call it "the power of purpose."

PRIDE meets the manufacturing, logistics, supply chain, fulfillment and facilities service needs

of businesses and government agencies nationwide. Through training we have proven that people with disabilities can excel in work not previously believed possible. We never forget that success rests entirely on the quality of our work and our ability to meet each customer's needs. It is through satisfying those needs and going beyond what is expected that we ensure mutual, on-going success.

The ability to work, earn a paycheck, support oneself and one's family are the keys to independence and a sense of accomplishment. When you show someone who is out of work, or never had a job, how to be successfully employed, you will understand the power of purpose. Learn more about PRIDE Industries at www.prideindustries.com.

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"If opportunity doesn't knock,
build a door."

MILTON BERLE



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