



Excerpts from *“Working With People With Disabilities
in a Job Placement Job Retention Environment”*

THE EMPLOYER’S PERSPECTIVE

The following is a list of issues from the employer's perspective and an explanation of these issues with tips for overcoming or clarifying them.

1. Employers feel uncomfortable interviewing persons with disabilities.

This is understandable. Today, our children and grandchildren are being "mainstreamed", attending school with students with disabilities. This mainstreaming helps to make talking to or interacting with persons with disabilities no big deal. If, as I did, you attended school before mainstreaming, you may never have gone to school with a person with a disability. I was raised during a time when disabilities were viewed as embarrassing. I was not to stare at people who were disabled and under no circumstance talk to them about it. Many employers have been raised to perceive disabilities as a social taboo.

This discomfort impacts on the hiring process. It can cause an employer to decline to interview a person with a disability in the first place. This denies the person with a disability the chance of even being considered. It can cause the employer to cut short the interview. This denies the person with a disability the chance of being considered fairly. It can cause the employer not to hire a

participant who could do the job. This is of course the most unfair of all.

Well, you say, all this would be illegal under The Americans with Disabilities Amendment Act. You are right. Unfortunately, it is very hard to prove unless the employer is blatant about it. I advise every employment professional who works with persons with disabilities to be familiar with the ADAAA.

Remember, as an employment professional you are not a lawyer and should not be giving legal advice to participants or employers. If your agency wishes to offer disability sensitivity and ADAAA training to employers through their "Business Services" departments, there are professionals who can train them to do so.

The employer may like the participant, but may feel uncomfortable with the participant's disability.

There are a number of strategies for the employment professional to overcome fear. The first thing that an employment professional needs to remember is that the employer may be uncomfortable with your participant's *disability*, not with your participant. The employer does not know your participant. Here are some tried and true strategies that can be used to reduce this fear.

TIP 1: Try to arrange an informational interview for the participant rather than a competitive job interview.

These interviews, sometimes called "advice," are less stressful for the employer and can serve to introduce the participant to an employer. When a job opens up, the employer may be more comfortable with your participant.

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TIP 2: Job shadowing.

Anything that an employment professional can do to get a participant with a disability into the workplace in a non-interview-intense situation gives the employer a chance to see the participant for who he or she is rather than what disability he or she has. Experience with subsidized school-to-work transition programs in special education demonstrates that even a few weeks of job shadowing or trial employment result in high numbers of job offers for the student.

TIP 3: Work with the participant to help make the employer more comfortable.

Participants with disabilities who learn to put the employer at ease in an interview stand a much better chance of being hired than those participants who make the employer uncomfortable. It is not necessary for the participant to demean him or herself in any way to do this. I am reminded of a friend of mine who was an employment professional and a wheelchair user. Whenever he would call on an employer he would mention that before he became a job developer he had been an experimental hang glider pilot. He would then say, "Yes, I know what you are thinking, it is a dangerous profession." After the ice was broken, everyone seemed to relax.

TIP 4: Try to arrange or support disability sensitivity training.

Many employers who go through such training are more confident in their ability to interview and communicate with persons with disabilities. This has a direct positive impact on their willingness to hire them. There may be a resource in your community that can provide such training. You might become that resource. If you coordinate or give the training,

you can be at the training and meet the employers who attend. These employers become a base of referrals for you, employers with whom you have developed a rapport. You might ask if this is part of job developing. Consider this. Say you can meet and develop a relationship with twenty or more employers in one afternoon. How long would it take you to do the same thing the way you are doing it now? A month or maybe longer?

2. Employers have concerns about how persons with disabilities will be able to do the job, but are afraid to talk to them about it.

This is different than just feeling uncomfortable with persons with disabilities. This is the specific fear of talking to persons with disabilities about them. Employers are afraid to do this for a number of reasons. The most important one is being afraid of violating The Americans with Disabilities Amendment Act by asking improper questions. Another is the fear of offending the person with a disability. A third reason is simply not knowing what to ask.

*The implications of an employer
being unable or unwilling
to talk about a disability with someone
who has a disability are immense.*

Consider the case of a participant who is deaf who wants to work in a high-rise building as a maintenance worker. The work would involve weekends and the employee could be working alone. What if there was a fire? How would the participant hear the alarm? Is this a safety risk, or to use The Americans with Disabilities Amendment Act language, "a Direct Threat"? Might a reasonable employer have these concerns?

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Here is a question for you. Imagine that an employer is interviewing this participant and is afraid to bring up this topic for whatever reason. The participant does not bring it up and the employment professional never mentions it. The interview goes well but the employer has not had his or her concern acknowledged or abated. Is the participant hired? No! You know the participant is not hired.

Was the participant a safety hazard? With about twenty minutes of research on the Internet, the participant or the employment professional would have found any number of devices that would allow the participant to hear the alarm. The participant could wear a pager that vibrates when called. The building computer could be programmed to call the pager number in the case of the fire alarm going off. A high-rise building would have a computer that is already programmed to call any number of people in the case of a fire. The participant could have a sensing device that flashes or vibrates at the sound of the fire alarm. The building could have flashing lights on all floors when the alarm sounds; that way not just the participant but any person in the building who is deaf or hard of hearing would be warned.

Here are some strategies that the employment professional can use to overcome the employer's reluctance to talk about the disability:

TIP 1: Have the participant bring up the issue.

I do not mean that every participant needs to talk about every impairment he or she has, regardless of whether it will be an employment issue. I do mean that if you and your participant can identify a reasonable concern that an employer might have about his or her ability to do the job with a disability, the participant should consider bringing it up at some point in the interview. Consider this; what if the

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participant had said something like, "As you can see, I am deaf. You may be wondering how I might do some parts of the job. I understand that. You may be wondering how I would know if there was a fire or emergency in the building where I am working. Let me explain how I would handle that and why it will not be a problem." To assure that all the concerns are being addressed, the participant might conclude by saying, "Is there any concern you might have regarding my ability to perform the job?"

TIP 2: You bring up the issue.

If you have a participant who is not able to bring it up effectively, you may wish to bring it up. This should not be done without the participant's permission. You may want to get the permission in writing. Remember, as an employment professional you are governed by the same rules for talking to an employer about someone's disability as a private employment agency is. You cannot do it without the participant's permission.

TIP 3: Try to educate the employer about what he or she can ask in an interview.

There is a lot of misunderstanding about when and how an employer may discuss a disability with an employment applicant. Most employers believe that they cannot do it at all. Others believe that they can only do so if the applicant brings it up. Generally, what The Americans with Disabilities Amendment Act says is that if the disability is obvious or appropriately known and the impairment is likely to have an impact on the applicant's ability to do the essential functions of the job, the employer can raise the issue as long as the questioning is limited to how the functions of the job would be performed by the applicant. The

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employer may even ask the applicant to demonstrate how the applicant would perform those essential duties.

If the applicant brings up the issue to the employer, the employer may be obligated to investigate how the applicant could perform those duties and what, if any, job modifications or reasonable accommodations would be required.

When the hiring concerns of employers are never addressed, those hiring concerns become hiring objections.

When it comes to persons with disabilities, the employment professional should keep in mind that the problem that is not talked about is the problem that is not solved.

3. Employers believe that if they hire persons with disabilities they will never be able to fire them.

Why should an employer believe that? This is one of the most common concerns that I hear. There are a number of reasons for this. One reason is that many employers believe that because of The Americans with Disabilities Amendment Act, it is law that if they hire a person with a disability they will not be able to fire them. The Americans with Disabilities Amendment Act frightens many employers.

Learn about The Americans with Disabilities Amendment Act.

It is important to understand that The Americans with Disabilities Amendment Act does not prohibit an employer from firing a person with a disability. It only prohibits firing them for a discriminatory

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reason relating to their disability. What many employers are afraid of is just being sued, not losing the suit. You might say that the employer would win in court if they did it correctly. But you should understand in the case of an employment discrimination complaint, an employer never really wins. The employer loses a little or loses a lot. Not losing at all is not an option. The only way to win on a complaint is to never have it. Investigation of the complaint can be time consuming, and successfully defending a suit can be very expensive.

One of the greatest concerns that supervisors have is that their own manager or Human Resources Department will not allow them to fire a person with a disability even if it is justified. What happens when an organization will not back up a supervisor on a termination or a discipline issue is that the supervisor feels he or she can no longer effectively supervise that employee?

So does the problem lie with the management and Human Resources? No, it is not that simple. One of the most common reasons that management and Human Resources cannot support a supervisor in a case like this is that the supervisor did not maintain proper documentation and follow the organization's protocols for warnings, discipline and termination.

What does this have to do with job development? Everything! One, it can be the reason that a supervisor will not hire your participant. Two, it can be the reason that a supervisor will not discipline or effectively supervise your participant once he or she is hired. Three, it can be the reason that even if your participant remains employed, he or she will find it difficult to be promoted, to achieve career growth or salary increases.

Depressing? Only if the employment professional had no answers to these problems. The good news is that, as with so many disability issues, the problem is not just structural, it is attitudinal.

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A STORY.

After I stopped doing one-on-one job placement to focus full-time on job development training, employer education and consulting, I received a call from an employer who wanted to retain me. The employer had hired a woman who was blind and over the course of the next two months saw the employer/supervisor relationship degrade to where they had fired her and she sued them. I explained that I did not do legal work. In fact, I have a bumper sticker on my car that says, "LAW SCHOOL/JUST SAY NO!" They explained that they did not want me for the legal part of the case. They had settled that already with a good-sized check going to the woman.

What they wanted was for me to talk to everyone involved, including the woman, and try to make some sense of what went wrong and why. How could I resist? As a job developer I had experienced the fallout of these things, but no one ever invited me behind the scenes to see what had happened. I accepted.

Here is what it looked like on the surface. The woman who was blind was hired and from day one started coming in late to work. She was usually 15 to 20 minutes late. The supervisor noticed but did not do anything for a month until some co-workers complained. The supervisor then began to keep a detailed log of her being late each day to use in a personnel action. During the second month, the woman came in over an hour late. When she went to the supervisor and tried to explain, the supervisor told her that this was the last straw. She was fired.

She went home after picking up her final check and a few weeks later the company was sued for unlawful termination and discrimination against the employee because of her blindness. On the surface of this story it looks like the employer was a victim of a poor employee. On further examination, I found out that the employee was a victim of a poor supervisor. Let me explain.

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It is of course obvious to you that the supervisor failed to address the fact that the woman was coming in late when he first noticed it. It will be no surprise to you that she was not even aware that she was late until she was fired two months later. It is clear that the supervisor was angry over the issue and simply exploded. It should not shock you to find out that the woman did not want her job back because of the hostility towards her in the department.

What was interesting was why the supervisor did not talk to her about being late. He was sure that her being late had something to do with her being blind and he was not comfortable talking to her about it. He had no clue that she had simply misunderstood her starting time. There were two issues in the settlement. One was that the employee was fired. But that was merely a symptom of the more important issue. The most important issue was that she was not supervised and she was not supervised because she was blind.

We have established that some people are reluctant to talk to persons with disabilities about their disabilities in the workplace. When this is combined with a supervisor's assumption that any work-related problem has something to do with the person's disability, it creates more problems when the supervisor is reluctant to discuss these problems with the person. What follows is a lack of documentation and a disconnect in following company protocols for discipline. What naturally develops from these factors is the supervisor's worst fear...they find themselves unable to fire persons with disabilities.

*Employers will not hire an employee
that they believe they cannot fire....
Therefore, make sure they are
effectively supervised.*

The key for the employment professional is not to help them fire your participant once he or she is employed but to make sure that the participant is effectively supervised. Here are some strategies that the employment professional can use to overcome the employer's reluctance to effectively supervise persons with disabilities.

TIP 1: Explain to the supervisor that your participant needs feedback and supervision just like any employee.

One of the defining moments in the WINDMILLS program is the look of relief on the supervisor's face when he or she realizes that it is okay to supervise persons with disabilities.

TIP 2: Model the behavior.

One of the best ways to teach a supervisor who may be reluctant to address difficult issues with an employee with a disability is to be available to assist. I do not mean to have the supervisor call you after you have made the placement and tell you to talk to the employee. I mean if there is a problem, talk to the employee with the supervisor to model how he or she should do it. After a while, the supervisor will feel comfortable doing it on his or her own.

TIP 3: Teach your participant to ask for feedback.

Participants who can make an employer feel comfortable in an interview are more likely to get a job. Participants who can make an employer feel comfortable talking to them about how they are doing on the job are more likely to keep the job, have salary increases and be promoted.

4. Employers believe that they should hire persons with disabilities because they are disabled.

At first, this may seem like a dream come true. When anything looks this good, we must always ask; "What's the catch?" The catch is that a "disability is not a job qualification." Persons with disabilities should be considered for every job opening in an organization. However, it is not their disability that should be looked at, it is their qualifications to do the job. Persons with disabilities who are hired for any other reason than that they are qualified to do or learn the job may be at a disadvantage. If the only thing a benevolent employer considers is that they are disabled, that employer might not put them in a job that is most appropriate for them.

If management or Human Resources has an agenda to hire persons with disabilities and they are not diligent about evaluating them and placing them in jobs that are appropriate, they will fail. Worse yet, they may not produce and still be retained in the job. In this case, they will never be promoted and will always leave a bad taste in the mouth of whoever has the misfortune of supervising them.

I am not saying that employers who aggressively recruit and are committed to hiring persons with disabilities are wrong. As long as they give proper focus on qualifications and production, they are the best employers you will have. An advocate in the Human Resources or Diversity areas can be a powerful ally to work with you to get qualified persons with disabilities considered. They should never be used to get unqualified persons with disabilities hired.

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TIP 1: Always focus on the participant's ability to do the job as the only reason to hire him or her.

We know that many employers feel that hiring a qualified person with a disability is the right thing to do. It is. The employment professional needs to keep in mind that the most important word in the phrase "qualified person with a disability" is the word qualified, not the word disability.

TIP 2: Find supporters of hiring persons with disabilities in companies and work with them to provide qualified applicants.

You will find them in Human Resources, the Diversity Department, and often with individual supervisors or managers. These advocates look to you not only for applicants but also for sound placement philosophy.

TIP 3: Make sure that every applicant with a disability who is hired understands that he or she was hired because of qualifications not disabilities.

This is vital for any participant's self-esteem, personal and career growth. If persons with disabilities believe that their disability got them their job, where is the motivation to work hard and produce? If a disability is a job qualification, what gets you promoted, getting worse? This attitude on the part of either an employer or participant is a formula for an employment failure.

Points to Remember:

I. Understanding employer concerns is vital to job placement of persons with disabilities.

It is tempting for us to see ourselves as being on the side of the angels and employers as coming from the dark side. We must keep in mind that employers who have concerns about hiring persons with disabilities are not our enemies, they are our customers.

II. Look at the whole picture.

Employers do not just see the issue of disability from the perspective of hiring but also from retention, promotion and ongoing injury, illness and workers' compensation.

II. Help to make the employer comfortable with your participant.

Informational interviews, job shadowing, and working with your participant to "break the ice" are just a few ways to help an employer to see your participants for who they are, not just their disability.

III. When appropriate, have your participant bring up the disability and help the employer to see how your participant will be able to do the job.

Remember, an unresolved concern becomes an objection and an objection becomes a turndown. No concern can be resolved if it is ignored.

IV. Provide ongoing supervisor support after the participant is hired.

This can be done through direct contact and/or working with your participant, encouraging feedback on performance and making supervisors feel confident in their ability to supervise and problem-solve with their new employee.

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V. Stress the "qualified" not the disability.

A disability is not a qualification. A successful placement is not just a hire but a hire, effective training, career advancement, promotion and salary growth. This will only happen when both the participant and the employer believe the hire occurred because the participant was qualified for the job.