



MICHIGAN DEPARTMENT OF HEALTH & HUMAN SERVICES

Effective Accommodation

Removing the Barriers to
Enhance Productivity and Inclusion

Presented by: **Jonathan Bischoff, MA, CRC, LLPC, CBSP**

Putting people first, with the goal of helping all Michiganders lead healthier and more productive lives, no matter their stage in life.

Michigan Rehabilitation Services (MRS)

Developing customized workforce solutions for businesses and individuals with disabilities

Creating a diverse and inclusive workforce that unites businesses and people with disabilities toward a common good

- Subject matter expertise, credentialing and licensure of professional staff



Employment and Disability

- **43% of workers acquire a disability** at some time in their career

– U.S. Department of Labor, ODEP (2013)



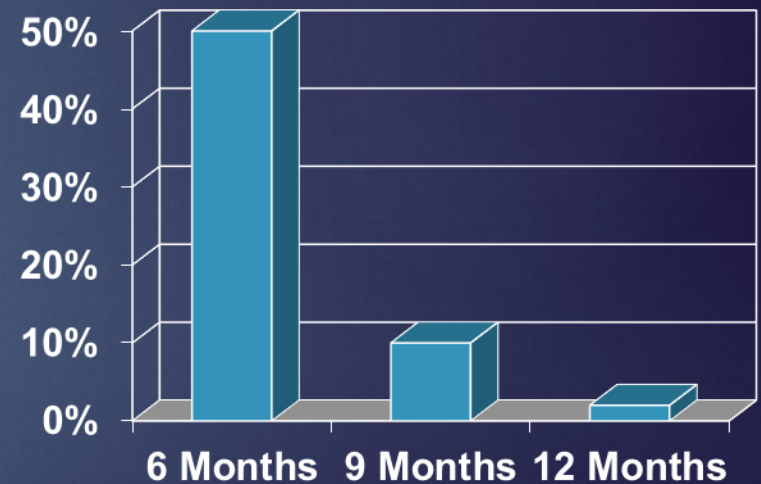
Safety Pays

- ▶ **\$1 billion per week** – Estimated cost of workplace injuries & illnesses to US employers, in addition to the *social costs*
- ▶ **167,463** total MI workers' comp. cases in 2017 with nearly **\$903 million** in benefits and medical care*
- ▶ Median days away from work: **8**
- ▶ *Source: 2017 Michigan Workers' Comp. 2016 Annual Report



Talent Loss

- ▶ After six months: 50% of injured workers will successfully return to work
- ▶ After nine months: only 10% return
- ▶ After one year: Just 2% return



Direct and Indirect Costs

- **Settling claims**
- **Legal/administrative fees if applicable**
- **Increased coverage / rates**
- **Trends may cause MIOSHA audit**
- **Employee transition / turnover**
- **Recruiting**
- **Interviewing**
- **Hiring/onboarding**
- **Upskilling**
- **Loss of productivity**



Systems Change - A Better Way



Managing Disability in the Workplace

Safety Related Issues

- ▶ Seizures
- ▶ Falls
- ▶ Broken equipment
- ▶ Hygiene
- ▶ Fatigue
- ▶ Specialized Clothing or equipment
- ▶ **AWARENESS**



Who or What is the Greatest Barrier?

- Ourselves
- Our attitudes and perceptions
- Our systems and communication
(or lack thereof)

Why are supervisors reluctant?

- Lack of knowledge
- Lack of resources
- Lack of guidance and support
- Lack of effective systems

- “I perceive that you cannot; therefore, you won’t or can’t”

Why are applicants/employees reluctant?

- They (the employer) won't think I can do the job" ...
- Discomfort with or not knowing how to discuss a disability/limitation applies to the hiring process and/or the job's essential functions
- Accommodation needs or options to complete essential functions are not known and/or have not been explored
- Lack of knowledge of rights, resources, and processes
- If I disclose my disability, will I be fired or will my coworkers and supervisors think differently about me?

Disability and Work

REASONS FOR NEGATIVE EXPERIENCES:

- ▶ Interpersonal Experiences **52.4%**
 - ▶ Lack of social support
 - ▶ Discrimination, bullying and maltreatment
 - ▶ Lack of information
- ▶ Process-related Experiences **38.9%**
 - ▶ Lack of accommodation effectiveness
 - ▶ Process duration
- ▶ Accommodation Recipients' Affective Reactions **3.7%**
 - ▶ Uncertainty
 - ▶ Stress and strain

Kensbock, J., Boehm, S., & Bourovoy, K. (2017). Is There a Downside of Job Accommodations? An Employee Perspective on Individual Change Processes. *Frontiers In Psychology*, 8. <http://dx.doi.org/10.3389/fpsyg.2017.01536>

Disability and Work

REASONS FOR **POSITIVE** EXPERIENCES:

- ▶ **Process-related Experiences** **54.4%**
 - ▶ Participation (interactive process, employee part of solution development)
 - ▶ Accommodation effectiveness
 - ▶ Short process duration
- ▶ **Interpersonal Experiences** **44.1%**
 - ▶ Social support – at all levels
 - ▶ Communication and information
- ▶ **Accommodation Recipients' Affective Reactions** **1.5%**
 - ▶ Certainty and job retention

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SYSTEMS



Making It Work

INGREDIENTS FOR EFFECTIVE ACCOMMODATION:

- Sufficient communication and information
- Sufficient resources
- Sufficient monitoring
(not micromanaging)
- Inclusive climate
- Individualized leadership



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Reasonable Accommodation

(assuming meet ADA disability definition)

An accommodation may require a change in:

- Equipment
- Process or Technique
- Policy
- Environment

Accommodation is made through an **interactive process** *not* a silo or without including the employee requesting the accommodation



Reasonable Accommodation for the Qualified Candidate in the Hiring Process (Cont.)

- Forms / documents
 - Job description / Job or Task Analysis
 - Accommodation Request
 - Follow up / Effectiveness
- **Interactive Process** – timeframes in policy for responses to and documentation throughout



Playing the Disability Card



What Vocational Rehabilitation (VR) Can Do to Help

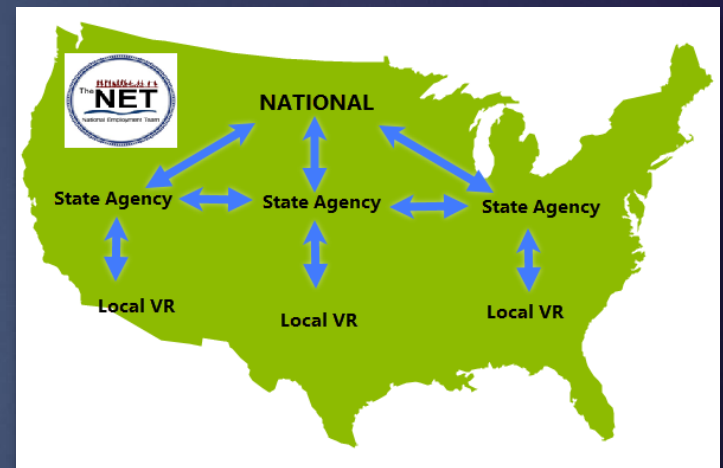
- 80 % Federally funded

Title I of Rehab Act of 1973 as Amended by Workforce Innovation and Opportunity Act (WIOA)

- 20 % State funded

- National system

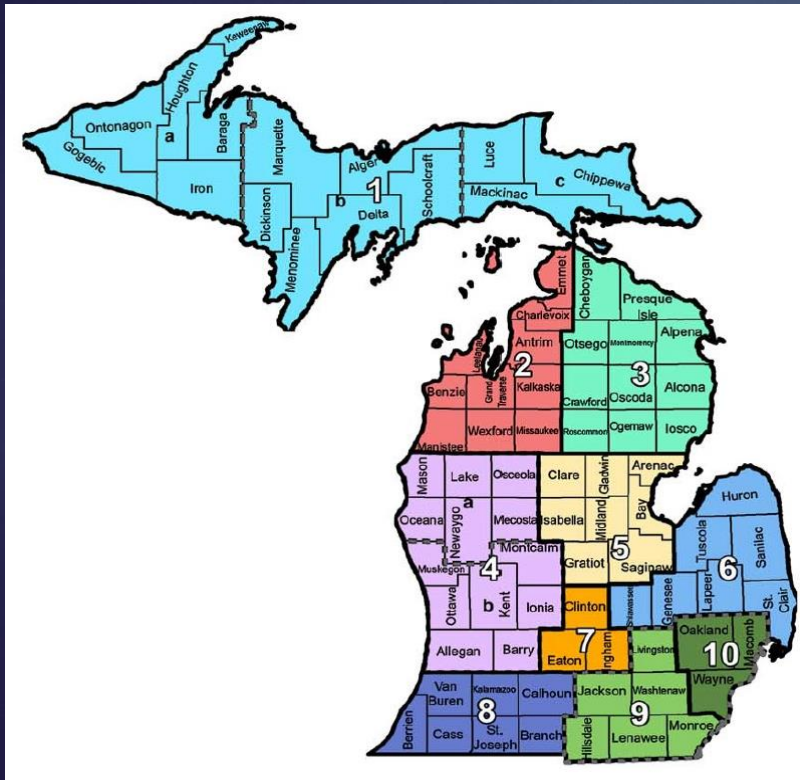
- Support job seeker and business in obtaining and retaining talent with disabilities



Occupational Therapists

- ▶ BND OTs offer a range of interventions for individuals with disabilities enabling them to overcome barriers to obtaining or retaining work
 - ▶ Medical Professionals
 - ▶ Outlining job demands – Routine Functions
 - ▶ Identifying Barriers
 - ▶ Recommending accommodations
 - ▶ Assisting with Return-To-Work Programs
 - ▶ Implementing Prevention Training

Business Relations Consultants in Your Neck of the Woods



Region 1	Trina Ruokola
Region 2 and 3	Craig Saunders
Region 4a and 4b: Montcalm/Muskegon/Ottawa/Allegan Counties	Kate Long
Region 4b: Kent/Ionia/Barry Counties	Sharlene Organ
Region 5	Gary Holik
Region 6	Alvin Brewer
Region 7	Jonathan Bischoff
Region 8	Lisa Stanley
Region 9	Vacant
Region 10 - Detroit	Vacant
Region 10 - Macomb	Linda Watson
Region 10 - Oakland	Nacsha Ealy
Region 10 - Wayne	Keisha Hall Dilligard

Disability Disclosure Resource Library

(Double click icons to open)

Guides and Worksheets:



ADA as Amended

The actual Americans with Disabilities Act, as Amended (ADAAA) including the changes

effective January 1, 2009
Comprehensive guide regarding the if, when and how to disclose a disability in the hiring process



Art of Disability Disclosure

Provides pros and cons as well as decisional workflows regarding the if, when and how to disclose a disability in the hiring process



Disclosure Decisions



EEOC ADA Employment Rights

Employment rights for PWD under the ADA



JAN Tech Assistance Manual

JAN Title I Guide and Technical Assistance Manual regarding hiring practices



JAN Hiring Accommodation

A practical guide to reasonable accommodation in accordance with the ADA



Business Resource Guide for PWD

Resource and best practices guide for employers regarding recruitment, hiring, retaining and promoting people with disabilities (PWD)



EEOC RA Procedures

EEOC Procedures for Reasonable Accommodation for PWD (Model for employers)

Disability Disclosure Resource Library

(Double click icons to open)

Web Links:



DHHS - Michigan
Rehabilitation Services



2010 ADA Standards for
Accessible Design



LARA – Bureau of Services
for Blind Persons



Tax Deductions and Credits
for Barrier Removal



ADA Title I Regulations



Job Accommodations
Network (JAN)



Equal Employment
Opportunity Commission
(EEOC)



Michigan Department of
Civil Rights Service Animal
Info.

Additional Resources

- ▶ **U.S. Department of Justice
ADA Information**
800-514-0301 voice
800-514-0383 TTY
www.ada.gov
- ▶ **ADA National Network**
800-949-4232 voice/TTY
connects to your regional
ADA Center
www.adata.org
- ▶ **U.S. Access Board**
800- 872-2253 voice
800-993-2822 TTY
www.access-board.gov
- ▶ The Great Lakes ADA Center is a member of the ADA National Network.
 - ▶ toll-free information line providing informal guidance on the Americans with Disabilities Act (ADA) and Accessible Information Technology (AIT).
 - ▶ 800-949-4232 (V/TTY)
312-413-1407 (V/TTY)
- ▶ **Great Lakes ADA Center**
University of Illinois at Chicago
Institute on Disability & Human
Development (MC 728)
1640 West Roosevelt Road, Room 405
Chicago, IL 60608
- ▶ <http://adagreatlakes.com/>

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Questions ?



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****MRS is represented in every county in the State of Michigan.
Our website is www.michigan.gov/mrs***