

Barriers Hidden in Plain Sight:

How to achieve meaningful inclusion of persons with disabilities in the workplace

Scott Parrish Moore

Legal advice is often highly dependent on the facts unique to each situation. As such, the content of this presentation is not legal advice and is provided for general information purposes only. No attorney-client relationship is created by the use of this content. Any opinions that I express herein are my own and do not necessarily represent the opinions of Baird Holm LLP.

Who is a Person with a Disability?



Disabilities



Temporary and Permanent

Visible and Invisible

Born with it or Acquired



"I don't like standing near the edge of a platform when an express train is passing through. I like to stand right back and if possible get a pillar between me and the train. I don't like to stand by the side of a ship and look down into the water. A second's action would end everything. A few drops of desperation."



2010 Census:
19% of people have disabilities

10% of working-age people have disabilities

Full-time employment among this group is only 21.6%



"No person who is diseased, maimed, mutilated or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, shall therein or thereon expose himself to public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense."

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Historical and Social Models of Disability

- The Moral Model
 - Disability is a product of sin and brings shame
- The Medical Model
 - Disability is a sickness that must be cured
- The Rehabilitation Model
 - Disability is a deficiency that must be fixed by a rehabilitation professional
- The Disability Model
 - A product of architectural and social barriers

Models Conflict

- Except for the "moral model," all models serve a legitimate purpose
 - Medical- Decrease pain and allow more physical or mental freedom
 - Rehabilitation- Return person to employment and opportunities associated with employment
 - Disability- Remove barriers and create freedom and opportunity



Accessibility Is Inclusion

- Fair Housing Act
 - Limited accessibility
- ADA
 - “Full” accessibility
- Section 504
 - “Full” accessibility




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ADA TITLE III:

New Construction	Alterations	Barrier Removal
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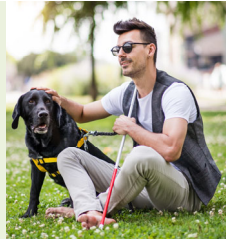


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Reasonable Accommodation/Modification

Policies, Practices, Services



Employment

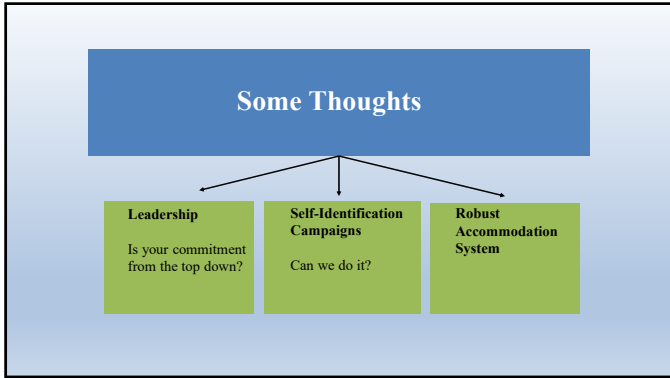
- ADA Title I
 - Qualified individual with a disability
 - Can perform the essential functions of the job with or without reasonable accommodation



Accessible Technology

- Website accessibility
- Emerging technologies





Leadership

Are your leaders invested in creating a disability-inclusive environment?

Self-Identification Campaigns

“Disclosure empowers workers with disabilities to ask for accommodations and is linked to higher engagement, career satisfaction, and performance”

Disability Equality Index™

Accommodations



- ❖ JAN is the leading source of free, expert and confidential guidance on workplace accommodations and disability employment issues.
- ❖ Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability, and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace.
- ❖ Recent JAN activities and areas of focus include:



The Employer Assistance and Resource Network on Disability Inclusion (EARN) is a free resource that helps employers tap the benefits of disability diversity by educating public- and private-sector organizations on ways to build inclusive workplace cultures. EARN offers information and resources to empower individuals and organizations to become leaders in the employment and advancement of people with disabilities



EARN also maintains a website, AskEARN.org, which provides information on: recruiting and hiring; retention and advancement; laws and regulations; creating an accessible and welcoming workplace; and federal contractor requirements.

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"You need to put a bell on that thing"

"You want to race"



"I know, my grandma uses a wheelchair"

"Wow, you sure are good at using that chair"

Etiquette Tips

- RELAX and embrace discomfort.
- Speak directly to the person.
- OFFER assistance; don't just give it.
- Don't apologize if you happen to use accepted, common expressions that seem to relate to a person's disability.

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Questions?

Scott Parrish Moore
(402) 636-8268
spmoore@bairdholm.com

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