# **Answering Common Employer Questions and Concerns**

## ***I am a new supervisor and one of the employees I inherited on my team is deaf.  I’m supposed to know something about interpreters, but I don’t.  How do I find, hire and use interpreters?***

Your company’s human resource department may already have a contract in place for the provision of interpreters. Checking with HR can be a good place to start.

The ADA National Network has created a brief guide that can help you get started understanding the process for using and hiring sign language interpreters to provide your employees with effective communications. You can access this document at:

<https://adata.org/factsheet/sign-language-interpreters>.

Alternatives for interpreter access have expanded. You can learn more about video relay interpreting at the National Association of the Deaf website: <https://nad.org/issues/technology/vri>

Your state’s Vocational Rehabilitation Agency may assist you in identifying local resources for interpreters in your community. You can find your state’s VR agency through this link:<http://www.rehabnetwork.org/resources/state-vr-directors/>

## ***Some of my employees have chronic illnesses. Do those count as disabilities? How do I know when it rises to the point of being considered a disability?***

If your company has a Human Resource department, they may be able to provide you guidance “in house” about this issue. The key consideration is whether the illness results in a substantial limitation or impediment to performing the essential function of the job. The following article from an HR news website may provide you a useful overview of the interplay between chronic illness and disability.

[http://hr.blr.com/HR-news/Discrimination/Disabilities-ADA/Employee-with-chronic-illness-Do-they-have-a-disab/#](http://hr.blr.com/HR-news/Discrimination/Disabilities-ADA/Employee-with-chronic-illness-Do-they-have-a-disab/)

## ***The VR Counselor wants to refer a job applicant who is blind or has limited vision, but I just don’t see how that person could do the job.***

VR Counselors are skilled in identifying and developing accommodations that will enable job applicants, including applicants with vision limitations, to do most jobs. A number of resources exist to help VR agencies identify, assess, select, and purchase appropriate AT for clients. For example, every state has an Assistive Technology Act Program (<http://www.resnaprojects.org/allcontacts/statewidecontacts.html)> funded by the Administration on Community Living (ACL). AT Act Programs provide demonstrations and loans of AT so that people can try devices out before they buy them. Many also have reuse and exchange programs that provide gently used refurbished equipment at low cost, and financing programs including low-interest loans, matched savings, telecommunication distribution, and cooperative buying. Additionally, AT Act Programs are the go-to resource for AT resources within each state and provide information and assistance, training, and technical assistance.

Other websites such as AbleData (<http://www.abledata.com/)> and Assistivetech.net (<http://assistivetech.net/)> are great resources for identifying potential AT solutions.

## **I’ve been told my business needs to change the bathrooms to be accessible.  Do I have to do that?  How do I figure that out?**

Generally, the owner of the building is responsible for ADA accessibility compliance. If the business is renting space, then they should talk to the building owner. For further information and technical assistance, contact your local ADA Center at 1-800-949-4232.

Information on reasonable accommodations can be found here: <http://nwadacenter.org/factsheet/reasonable-accommodations-workplace-0>

You can find information on the 2010 ADA Standards for Accessible Design on this webpage: <https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#c2>.

This webpage provides information specific to accessible bathroom design: <http://www.bobrick.com/documents/planningguide.pdf>

## ***Some of my employees without disabilities are uncomfortable with our employees who do have disabilities. How can this be addressed in the workplace?***

Your state’s Vocational Rehabilitation Agency can likely provide you with information and training relative to all aspects of disability in the workplace, including co-worker relationships, disability etiquette and awareness training. You can find your state’s VR agency through this link:<http://www.rehabnetwork.org/resources/state-vr-directors/>

A private sector international company, Ernst and Young developed a guide for their organization that may be of value to you in creating a workplace that is welcoming and has inclusive company culture. Their guide has been made available online at:

<http://www.ey.com/Publication/vwLUAssets/Getting-support-handbook-non-visible-disabilities/$FILE/Getting-support-handbook-non-visible-disabilities.pdf>

## ***My company is a federal sub-contractor, and we want to recruit people with disabilities.  How do I go about this?***

The Department of Labor has developed resources and guidance specifically for federal contractors. The following webpage has an overview and specific resources to explore relative to recruiting individuals with disabilities:

<https://www.dol.gov/ofccp/regs/compliance/resources_recruit_disability.htm>

The Council of State Administrators of Vocational Rehabilitation (CSAVR) has developed a Talent Acquisition Portal specifically to assist businesses in hiring qualified individuals with a disability. This program can be located at: <https://tapability.org/>

## ***I have a landscaping company and hire a lot of high school students in the summer.  I don’t care if they have a disability or not.  How do I know if a student with a disability can do the job?***

During the interview process, an employer can ask questions of any candidate about the job tasks in question. If the individual being interviewed has a disability, you may not ask interview questions about their disability but you can ask about performing job tasks. For example, if you are interviewing someone for your landscape company, you can ask “Please tell me your process for mowing a lawn”. You cannot ask “How could you mow a lawn since you use a wheelchair?” The Assistive Technology Toolkit at Agrability has many adaptations that would support work in the landscape industry for individuals with disabilities. You may want to become familiar with these technologies at: <http://www.agrability.org/toolbox/>

## ***I have an employee I think has a disability, but she/he hasn’t approached me about it.  Do I just ignore it?  Or is there something I should be doing?***

As long as the suspected disability is not interfering with the employee’s performance or workplace behaviors, then do not single out the employee. Focus on creating a culture of trust and inclusion where all employees feel comfortable so employees feel safe in disclosing information if they feel the need. People with disabilities, like all other employees, vary in their level of openness about aspects of their non-work life. Again, if there is no impact on the job, then respect all employees’ right to privacy.

## ***I have an employee I think may have a mental illness, possibly depression.  Part of me thinks it’s none of my business. But I do worry that I should do something.  As an employer, should I be doing anything?***

If the employee’s performance or workplace behaviors are not a problem or have not significantly changed recently, then respect the privacy of the employee. Hopefully your organization has an Employee Assistance Program. This program should be repeatedly advertised to employees and access should be readily available so employees can contact it if needed. If this program is not available, then community resources such as your local mental health association can be posted on workplace bulletin boards.

If performance and/or behaviors have recently changed adversely, then work with your human resource representative to develop a plan to discuss these changes with the employee. This conversation should be focused on the performance and behaviors and how they could be improved. It should not be focused on any perceived mental illness or depression. In most situations, employees will self-disclosed during these meetings if they feel safe and can articulate their problem. A corrective action plan should be developed which could include mandatory referral to the Employee Assistance Program.

Information about understanding and accommodating employees with mental health disabilities can be found at <http://askjan.org/media/Psychiatric.html>.

## ***I have a very small business and most of my employees have been with me for many, many years.  One employee in particular is having a lot of trouble with their vision.  I don’t want to hurt their feelings and single them out, but I worry about their productivity and speed.  I hate to just give them bad performance reviews until I’m forced to fire them.  Do I have other options? Am I allowed to talk about what I think is a disability, or am I limited only to talking about their declining performance?***

Anytime there is a change in behavior or performance, do not wait until the annual performance review to address the issue. It is best practice to provide regular feedback to employees on their performance. Meet with the employee (using the advice of your human resource representative if one is available) and discuss the change in their productivity and speed. Ask them to explain why this is happening.Theanswer may not be a vision problem. There may be another explanation for the change which is another good reason to hold the discussion. Let them know that you are having this talk because you want to see what can be done to correct the situation. Let them know that you are there to problem solve together. Be clear that your goal is preventing a future poor performance review since their longevity with the business is highly valued. If the issue is declining vision, then your local state agency dealing with individuals with visual impairments can be helpful in finding needed services or supports.

Remember, employee performance expectations (above around performance and speed) should be clearly and objectively identified and part of the employee’s performance plan. Any conversation should reference the employee’s performance relative to this standard.

Additional resources to consider…

For information about specific disabilities, accommodations, free business consulting services and more:

<https://askjan.org/>

For recruiting individuals with disabilities:

<http://www.worksupport.com/research/printView.cfm/73>

Regarding employee disclosure of disability:

<http://www.askearn.org/topics/federal-contractor-requirements/encouraging-self-identification/>