

Office of
Compliance & Diversity
Presents
Best Practices

Resources

Job Accommodation Network
Askjan.org

Employment and Disability Institute
Askearn.org

Think Beyond the Label
www.thinkbeyondthelabel.com

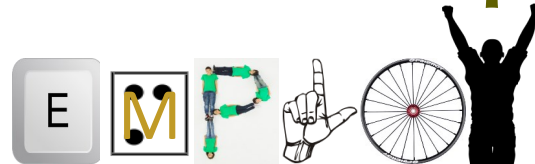
Equal Employment Opportunity
Commission
www.eeoc.gov

Office of Federal Contract Compliance Programs, US Dept. of Labor
www.dol.gov/ofccp

Borough of Manhattan
Community College



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Myths & the Real Facts
About Individuals with Disabilities
www.thinkbeyondthelabel.com

MYTH: “The ADA (Americans with Disabilities Act) forces employers to hire unqualified individuals with disabilities.”

FACT: Unqualified candidates are not protected under the ADA. To be protected from discrimination in hiring, an individual must first meet all requirements for a job and be able to perform its essential functions with or without reasonable accommodations.

MYTH: “Providing accommodations for people with disabilities is expensive.”

FACT: The majority of workers with disabilities do not need accommodations to perform their jobs, and for those who do, the cost is usually minimal. In fact, 56% of accommodations cost less than \$600, with many costing nothing at all. Employers also report that accommodations paid for employees WITH disabilities typically cost only \$320 more than what they would have paid for an employee WITHOUT a disability who was in the same position¹. And available tax incentives make it even easier for businesses to cover accessibility costs.

MYTH: “Employees with disabilities have a higher absentee rate than employees without disabilities.”

FACT: Studies by firms such as DuPont show that employees with disabilities are not absent any more than employees without disabilities.

Did you Know?

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and Local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment, or;
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question

Section 503 of the Rehabilitation Act of 1973 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs), and requires these employers to take affirmative action to recruit, hire, promote, and retain these individuals.

On March 24, 2014, new regulations became effective which strengthens the affirmative action provisions of the regulations to aid contractors in their efforts to recruit and hire IWDs, and improve job opportunities for individuals with disabilities.

HIGHLIGHTS OF THE NEW REGULATIONS OF SECTION 503 OF THE REHABILITANT ACT

- **Utilization goal:** The new regulations establish a nationwide 7% utilization goal for qualified IWDs. Contractors must conduct an annual utilization analysis and assessment of problem areas, and establish specific action-oriented programs to address any identified problems.
- **Data collection:** The new regulations require that contractors document and update annually several quantitative comparisons for the number of IWDs who apply for jobs and the number of IWDs they hire.
- **Invitation to Self-Identify:** The new regulations require that contractors invite applicants to self-identify as IWDs at both the pre-offer and post-offer phases of the application process. In addition, contractors are required to invite their employees to self-identify as IWDs every five years.
- **Incorporation of the EO Clause:** The new regulations require that specific language be used when incorporating the equal opportunity clause into a subcontract by reference.
- **Records Access:** The new regulations clarify that contractors must allow OFCCP to review documents related to a compliance check or focused review, either on-site or off-site, at OFCCP's option. In addition, the new regulations require contractors, upon request, to inform OFCCP of all formats in which it maintains its records and provide them to OFCCP in whichever of those formats OFCCP requests.

WHAT SHOULD YOU DO? <http://askearn.org/>

UNDERSTAND DISABILITY ETIQUETTE

What is Disability Etiquette?

Disability etiquette refers to respectful communication and interaction with people who have disabilities. It mostly requires common sense, simple sensitivity, and common courtesy. People with disabilities often face interaction barriers due largely to negative perceptions and discomfort resulting from lack of knowledge and understanding.

What are strategies for effective communication with individuals with disabilities?

- Maintaining natural tone and language when interacting with individuals with disabilities.
- Considering the person first and the disability second. Sensitive use of language can help reinforce this "person first" perspective. Reference to "people with disabilities" rather than to "disabled people" helps maintain this stance as does focusing on the person's ability rather than his or her limitations.
- Accepting people with disabilities as individuals. Disabilities range significantly in type, extent, manifestation, and impact on the person. Factors such as the degree of impairment, duration, individual coping strategies and styles, available support structures and a host of personality traits all combine to influence the nature of the individual's needs.

UNDERSTAND THE HIRING PROCESS <http://askearn.org/>

How do I interview a candidate with a disability?

The interview must focus on abilities and how the candidate will accomplish tasks and perform the essential functions of the job. Ask all applicants the same questions including whether or not they have any needs that will require reasonable accommodation.

Many disabilities are non-visible and it is not necessary for a candidate to disclose a disability during an interview. Requesting an accommodation is the responsibility of the applicant and questions regarding the need for it should not be raised until the applicant brings it up.

Conducting the Interview

Conducting an interview with a candidate with a disability is essentially the same as it is with any candidate. Below are some tips for interviewing candidates with disabilities:

DON'T: Ask questions about the disability

- What happened to you?
- What sort of treatment do you need?

DON'T: Ask questions framed in terms of the disability:

- Do you have a mental condition that would preclude you from qualifying for this position?

DON'T: Ask about the amount or type of leave they expect to take to get treatment for their condition.

DON'T: Focus on the candidate's disability.

DO: Ask job-related questions:

- How would you perform this particular task?

DO: State the organization's attendance requirements and ask if the applicant can meet them.

DO: Focus on whether the candidate is qualified for the job.

DO: Wait until the candidate requests or mentions an accommodation before discussing this topic (it is the candidate's responsibility to make the request for accommodation).

BMCC is an Equal Employment Opportunity/Affirmative Action Employer :

We are committed to enhancing our diverse academic community by actively encouraging people with disabilities, minorities, veterans, and women to apply. We take pride in our pluralistic community and continue to seek excellence through diversity and inclusion.