



# ICED NEWS

Interagency Committee On Employees With Disabilities

## RESOURCE ON DISABILITY & EMPLOYMENT

On October 1, 2007 the National Council on Disability released a report entitled, Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment. Although not light reading by any means, this 349-page report is probably the most comprehensive coverage on this issue that has been produced in years. A copy can be found on the ICED website.

**\*\*Anyone who has more than a passing interest in employment issues for people with disabilities needs to read this report. \*\***



The report has two broad aims: a) summarize existing knowledge regarding the employment of people with disabilities in a series of short issue briefs that can be distributed widely and b) present new information on the perspectives of employers, people with disabilities, and disability specialists on the key barriers to and facilitators of employment.

The first aim is accomplished through a series of 2 issue briefs that summarize available evidence on a range of topics affecting the employment of people with disabilities. The topics are as follows:

Employment policies, practices, and types

- Recruitment and retention
- Employee development
- Work-life balance & alternative work arrangements
- Reasonable accommodations
- Corporate culture
- Universal design
- Self-employment

Other dimensions affecting employment

- Transportation
- Health care
- Education
- Housing and livable communities
- Long-term services and supports

The second aim of this report—to present new information on the perspectives of employers and people with disabilities—is addressed through public forums and focus groups. The questions driving these forums were the following:

- What key factors/elements bring public and private sector resources together to advance employment and economic opportunity for people with disabilities?
- What are the innovations? What is working?
- What are the major challenges (policy, systems, infrastructure, other)?
- What are policy barriers to advance employment and economic opportunity for people with disabilities?
- What are policy facilitators to advance employment and economic opportunity for people with disabilities?

These and related topic areas are covered thoroughly and include references to 31 current “best practices” across the U.S. and 50 promising public policies and initiatives. In addition, each topic is covered even more comprehensively in “Issue Briefs” that are included in the Appendices.

## SUCCESSFUL DISABILITY (SD) OPPORTUNITIES PROGRAM

There are many jobs within State of Illinois government that persons with disabilities can perform. Hiring agencies have long had the opportunity to consider qualified candidates through the SD Program. Since 1974, Central Management Services has been administering the program in partnership with the Department of Human Services Division of Rehabilitation Services.

The SD Program is for outside applicants seeking State employment with the agencies under the jurisdiction of the Governor. Through the CMS Disabled Workers Program, applicants can seek assistance with matching their qualifications to State positions and participate in testing opportunities specific to the program.

Applicants who are current clients of DHS-DRS counselors, and have been determined to have a disability, are eligible to participate in the program. Applicants must test for positions for which they wish to be considered, but need only receive a passing grade (A, B or C) to be eligible for consideration under the program. DHS-DRS counselors determine if the applicant is able to perform the essential duties of the job and must submit authorization for testing to CMS prior to the applicant testing.

Over the years and recently, there have been many successful placements through the SD Program in a variety of agencies and across most areas of the State. SD Program candidates are a helpful resource for agencies seeking to address an underutilization of employees with disabilities.

For more information on the SD Program contact Jaci DeBrun, CMS Disabled Workers Program Coordinator, at 217/524-7514 (voice) or 800/526-0844 (Illinois Relay). To become a client of DHS-DRS, contact the counselor of the day at 217/782-4830.

Employment information is available on the CMS web site at [www.cms.illinois.gov](http://www.cms.illinois.gov).



## ADA RESTORATION ACT (H.R. 3195/S. 1881) AND RESTORING FREEDOM

In 1990, the Americans with Disabilities Act was signed at the White House in front of thousands of people with disabilities, advocates, and friends. It was a beautiful morning when President George H. W. Bush signed into law the bill that would provide Americans with disabilities the same rights as the non-disabled. We all remember those words of President George H. W. Bush when he said, "Let the shameful wall of exclusion finally come tumbling down."

Sadly, since that day, those words have not come true in all areas; one of those areas is employment. Seventeen years later, how can we still have an unemployment rate of over 50% for Americans with significant disabilities? This is a national tragedy.

In addition, the ADA was weakened over the past several years by U.S. Supreme Court rulings that do not make sense. For example, Sutton v. United Airlines, Inc. in 1999 found that severely myopic twins who had unsuccessfully attempted to be hired as pilots by United Airlines were not actually disabled because glasses could correct that problem. This is a real "catch 22" situation. You are not hired because of a disability, but not covered by the ADA because it is really not a disability.

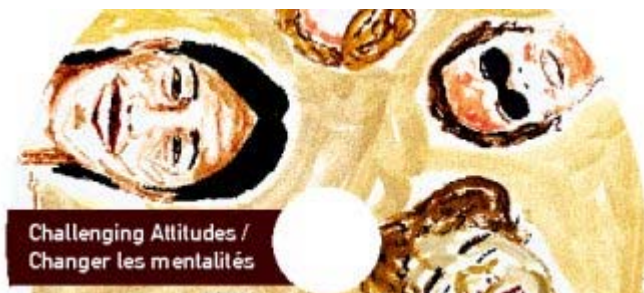
In Toyota Motor Mfg. v. Williams in 2002, the U.S. Supreme Court said that an assembly line worker with carpal tunnel syndrome, who was fired for poor attendance, could not claim it had anything to do with disability, as it was not clear that her disability was one that had an impairment that was causing a "major life activity" to be created. Once again, if you did have a disability that prevented you from a normal work week, you would not be covered if deemed it was not substantial enough.

On July 26, 2007, Congressional leaders Steny Hoyer, Majority Leader (D-MD), Jim Sensenbrenner (R-WI), Senators Tom Harkin (D-IA), and Arlen Specter (R-PA) introduced the ADA Restoration Act to rectify this situation. Congressman Steny Hoyer said, "Courts have ruled that medication or other corrective measures have made ADA claimants too functional to be considered disabled under the law. Let me be clear: This is not what Congress intended when it passed the ADA. We intended a broad application of the law. Simply put the point of the ADA is not disability; it is the prevention of wrongful and unlawful discrimination." Hoyer concluded, "Passage of this legislation is critical to helping us achieve the ADA's promise – and creating a society in which Americans with disabilities can realize their potential."

Currently, this bill is in committee in both the House and Senate.

## CANADIAN UNION PROMOTES EMPLOYMENT OF PERSONS WITH DISABILITIES

The Canadian Union of Public Employees (CUPE) has developed two unique educational tools for its members. The first is an on-line video titled "*Challenging Attitudes*."



The video features candid interviews with members, who speak movingly about the barriers and discrimination they face. It also shows how the union can make a difference when it takes up the cause. "A person with disability plus an accommodation equals a highly functioning and productive person." This is one of the important messages in this educational 8-minute video.

The title, *Challenging Attitudes*, highlights the need to "overcome a certain mindset that perpetuates the myth of able-bodiedness as the norm," as Sherring described it. You can watch this powerful video on youtube at [www.youtube.com/v/h1NvBuCW9d8](http://www.youtube.com/v/h1NvBuCW9d8)

CUPE's other new and unique educational tool is called "Wheel of Chance." We all have the right to employment without discrimination, yet persons with disabilities remain excluded from many workplaces. The on-line "Wheel of Chance" gives the user insights into some common disabilities that an individual might acquire and the challenges that the disability might present in the workplace. For each disability, there is an explanation of what the disability is, how it could affect your life experience and how fellow workers might be able to support a co-worker with this disability.

See if you are up to the challenge and give the wheel a spin at <http://www.cupe.ca/wheel/>



## ADA DISTANCE LEARNING SESSIONS

The Bureau of Accessibility and Safety Systems (BASS) and Illinois ADA Project are inviting interested persons to attend a training session concerning issues on the Americans with Disabilities Act (ADA). The monthly 90 minute sessions are scheduled from 1:00 p.m. to 2:30 p.m.

The program is available through the Great Lakes ADA in three formats: teleconference, streaming audio and real-time caption on the Internet. All sessions will have a written transcript as well as a digital recording of the session archived on [www.ada-audio.org](http://www.ada-audio.org).

The program is free. To register or if you have any questions, contact the Bureau of Accessibility and Safety Systems at 312-793-0034 (Voice), 312-793-3917 (FAX), 312-793-3597 (TTY), or 888-614-2385 (TTY).

The following is a schedule for the next sessions:

January 15, 2008 - Best Practices in Design: Balancing Local, State and Federal Requirements to Ensure Accessibility

February 19, 2008 - Disability, Aging, and Older Workers

March 18, 2008 - The Nature and Scope of Discrimination in Hiring Under ADA Title I

April 15, 2008 - There Are No IEP's in College

May 20, 2008 - Employer Best Practices: Recruitment and Hiring of People with Disabilities

BASS has arranged for the following three telephone conference sites:

Chicago  
Department of Human Services  
401 South Clinton Street, 4TH Floor

Springfield  
Department of Human Services  
100 S. Grand Ave East, 2ND Floor

Carbondale  
Southern Illinois Center for Independent Living  
2135 W. Ramada Lane

## TRAINING AND TECHNICAL ASSISTANCE

The Interagency Committee on Employees with Disabilities has always been the best source in state government for training and technical assistance on disability issues. Whether it is an annual conference or training programs on specific issues, ICED brings the most knowledgeable speakers and interesting subjects for state employees to consider.

This year, the Committee is planning an annual conference, as well as a training program for ADA Coordinators, EEO/AA Officers, and Personnel Managers. In addition, the ICED website, [www.state.il.us/iced](http://www.state.il.us/iced), will be updated to include information about training opportunities on disability issues.

If you have suggestions as to topics for training or would like to participate in conference planning, call or e-mail Susan Allen, at [Susan.Allen@Illinois.gov](mailto:Susan.Allen@Illinois.gov) or (217) 785-5119 (Voice); or (217) 785-5125 (TTY).

## SNOW / ICE AND ACCESSIBLE PARKING

Now that winter is here, it is important to know your rights for accessible parking with regards to snow and ice removal. Any facility offering parking for employees or visitors must provide accessible parking for people with disabilities. An accessible parking space consists of a vehicle space and a striped access aisle. According to the Attorney General's Office, the entire space must be kept clear of obstructions at all times, including ice and snow.

Individuals who see improperly marked or cleared accessible parking spaces, or facilities with no such spaces, can register their complaint with the Disability Rights Bureau.

500 South Second Street  
Springfield, Illinois 62706  
1-217-524-2660  
TTY: 1-217-785-2771

100 West Randolph Street  
Chicago, Illinois 60601  
1-312-814-5684  
TTY: 1-312-814-3374

1001 East Main Street  
Carbondale, Illinois 62907  
1-618-529-6400  
TTY: 1-618-529-6403



### Interagency Committee on Employees with Disabilities

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**Carol L. Adams**, Ph.D., Co-Chairman, Secretary, Department of Human Services  
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**Brenda Montgomery**, Department Central Management Services

Note: This newsletter is available in alternative formats upon request.