



The Technology Landscape for Applicants and Employees who are Blind or Experiencing Vision Loss

Session Begins 1:00 pm CT/ 2pm ET

Periodic Audio Testing Occurring

Real-Time Captioning and the PowerPoint Presentation are available through the Webinar Platform. Options to connect via phone were available in the reminder email.

1

Presenters

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Impaired Opportunities for Ohioans with Disabilities

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2

Agenda

- Statistics about Blindness
- The ADA and Applicants/Employees
- Accommodations: Assistive Technology and Adaptive Techniques
- Questions

3

Statistics about Blindness

- 6.9 million 2017 National Health Interview Survey (NHIS)
- April of 2017

People with vision loss ages 16-64

39 percent labor force participation rate

10 percent unemployment rate

General working-age population

73 percent Labor force participation rate

4% unemployment rate

4

The ADA and Employees/Applicants

5

Purpose of the ADA

- Eliminate discrimination based on disability
- Expand integration of people with disabilities into the community

6

Who is Covered?

- Individuals with physical or mental impairments that substantially limit one or more major life activities
- Individuals who have a record of such an impairment
- Individuals who are regarded as having such an impairment

7

Blindness as a Disability

- Persons that are blind should easily be found to have a disability within the first prong of the definition
- i.e. Substantially limited in major life activity of seeing
- Persons experiencing vision loss or have a visual impairment meet definition if...
- substantially limited in seeing or another major life activity (e.g., the major bodily function of special sense organs)

8

Mitigating measures

- Determination of disability must ignore the positive effects of any mitigating measures, i.e.
- Use of low vision devices
- Use of learned behavioral modifications

9

Who is an Employer ?

- Anyone who employs 15 or more employees full or part time
- Unions or collective bargaining entities
- Government entities (state and local) who employ one or more individuals
- Temporary Employment agencies

10

What is Covered?

- Recruitment
- Application Process
- Interview
- Examinations for employment (medical/agility/personality, etc.)
- Pay
- Training
- Benefits of Employment
- Promotion
- Layoff/firing

11

“Qualified”

- Able to perform the essential functions with or without reasonable accommodation
- Meets the requisite skill and qualification standards

12

Qualification Standards

- Must be job related and consistent with business necessity
- May not discriminate on the basis of disability
- Limiting, segregating and classifying on the basis of disability is unlawful

13

Pre-Employment

14

Disability and Medical Related Questions

Employers may not ask disability related or medical questions on application/during interview such as:

- Whether she has ever had any medical procedures related to her vision (for example, whether the applicant ever had eye surgery)
- Whether she uses any prescription medications, including medications for conditions related to the eye; or
- Whether she has any condition that may have caused a vision impairment (for example, whether the applicant has diabetes)
- Employers may not ask about the need for an accommodation on application/during interview

15

Pre-Employment Questions Regarding Reasonable Accommodation

- When employer observes something during the interview which they reasonably believe will require accommodation
- When interviewee discloses need for an accommodation during the interview process
- When interviewee discloses a disability that the employer believes will require accommodation during the interview process

16

Accommodations: Assistive Technology and Adaptive Techniques

17

Accommodations for the Application Process

18

Accommodation Examples

- an accessible job application/website
 - Qualified Reader
- written materials in an accessible format, such as in large print, Braille, in a recorded format, or on a computer disk
 - Screen Reading Software
- modification of an employment test

19

Post-Employment

- Inquiry necessary to determine whether or not someone meets the definition of disability for “accommodation” purposes

20

continues...

- Responsibility for requesting an accommodation rests with the employee or applicant
- Employers are not required to “second guess” someone’s need for an accommodation.

21

Reasonable Accommodation

Modification or adjustment to a job, the work environment, or the way things usually are done.

22

Continues...

- An employer is not required to provide an accommodation that is primarily for personal use.
- ADA requirements do not prevent an employer from providing accommodation beyond what is required by the ADA.

23

Forms of Reasonable Accommodation

- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules
- Acquiring or modifying equipment
- Changing tests, training materials, or policies
- Providing qualified readers or interpreters
- Reassignment to a vacant position

24

Accommodation Examples

- assistive technology, including:
- a closed circuit television system (CCTV) for reading printed materials
- an external computer screen magnifier
- a Braille embosser
- digital recorders
- Screen Reading Software and Training
- an optical scanner that can create documents in electronic form from printed ones
- a refreshable Braille display
- Computer Phone Software
- Aps

25

Stand Magnifier and Braille Embosser



26

Computer Screen Magnifier and Duxbury Braille Translation Software



27

Hand Held Magnifier and Magnifier with OCR



28

Refreshable Braille Display



29

Accommodation Examples Continued

- Qualified Reader
- written materials in an accessible format, such as in large print, Braille, in a recorded format, or on a computer disk
- modification of employer policies to allow use of a guide dog in the workplace
- modification of an employment test
- a driver or payment for the cost of transportation to enable performance of essential functions
- an accessible website
 - Headsets - Computer (USB, VOIP etc.)
- permission to work at home
- modified training or training in the use of assistive technology
- Braille Labelers

30

Reasonable Accommodation Does Not Include

- Elimination of an essential function
- Lowering production standards
- Provision of personal use items
- Provision of “light duty” position

31

Undue Hardship

- Financial Hardship
 - use of tax benefits
 - Size of Company (including other offices/branches)
- Administrative Hardship
 - Alters the nature of the job or activity

32

Resources

- ADA National Network
- (800) 949-4232
- www.adata.org

- Blindness Related Resources
- (posted with session handouts)

33

Questions?

34

Contact Information

- Katie Frederick
- Opportunities for Ohioans with Disabilities
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- Peter Berg
- Great Lakes ADA Center
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35



Next Session

The ADA, Addiction, Recovery and Employment Workshop

June 16, 2020, 2-3:30 ET.

Register online at <http://www.ada-audio.org>
or Call (877) 232-1990

36