This session is scheduled to begin at 2:00pm Eastern Time.

Real-Time Captioning, and the PowerPoint Presentation are available through the Webinar Platform. The Presenter will be presenting using sign language via video in the webinar platform. Audio Connection is available through the webinar platform/telephone/Mobile App.

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Use of Sign Language

• Today’s presenter will be presenting in Sign Language w/voice Interpreter.
• To view the Presenter, choose “Video” from the Audio and Video Panel. This will open a video window.
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Submitting Questions

- You may type and submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area. You will not be able to see the question after you submit it but it will be viewable by the presenters.
- If you are connected via a mobile device you may submit questions in the chat area within the App.
- If you are listening by phone you will be instructed by the Operator on how to ask a question.
- Questions may also be emailed to webinars@ada.audio.org.

Customize Your View

- Resize the Whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is “fit page”.

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Customize Your View continued

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Technical Assistance

- If you experience any technical difficulties during today’s session:
  1. In webinar platform: Send a private chat message to the host by double clicking “Great Lakes ADA” in the participant list. A tab titled “Great Lakes ADA” will appear in the chat panel. Type your comment in the text box and “enter” (Keyboard - F6, Arrow up or down to locate “Great Lakes ADA” and select to send a message); or
  2. By Email webinars@ada-audio.org; or
  3. Call 877-232-1990 (V/TTY)

EMPLOYMENT RIGHTS OF DEAF AND HARD OF HEARING

Howard A. Rosenblum, Esq.
Chief Executive Officer
National Association of the Deaf

ADA National Network Webinar
February 24, 2015
Introduction

- Bachelor’s Degree in Computer Engineering from University of Arizona
- JD from IIT/Chicago-Kent College of Law
- 22 years in legal practice
- Disability rights & special education
- Employment discrimination litigation
- 4 years as CEO of NAD

Today’s Webinar

- Demographics
- Job Description & Essential Functions
- Interviews & Application Process
- On-Job Accommodations
  - Telephone Communications
  - Interpreters
  - Other areas
- Best Practices

Demographics

- 48 million deaf and hard of hearing people in the USA
- Ranges from profoundly deaf to mild hearing loss
- Use of technological assistance varies
  - Hearing aids
  - Cochlear implants
- Communication modes vary
  - American Sign Language (ASL) & other sign modes
  - Lip-reading and speaking
  - Cued speech
  - Written communications
- Different cultures
**Job Description & Essential Functions**

- Job descriptions should focus on essential and marginal functions
- Stereotypes hinder effective hiring
- Focus on what the job really requires in duties
- Telephone duties are often a big concern:
  - New technologies make it possible now
  - Even when not optimal, telephone duties can be reassigned
- Office productivity is maximized when employees are doing what they are best at

**Interviews & Application Process**

- Employers are not allowed to ask about a candidate’s disability or hearing level prior to a job offer
- Candidate may disclose to get accommodation during interview or application may reveal
- If disclosed or obvious, employers can ask what accommodations are needed
- Accepting telephone calls from deaf candidates. *Germano v. International Profit Ass’n*, 544 F.3d 798 (7th Cir. 2008).
- False assumptions about abilities of deaf candidates. *EEOC v. Service Temps, Case 08-cv-1552 (N.D. TX 2008)* upheld by 5th Circuit Court of Appeals in 2012

**On-Job Accommodations Telephone Communications**

- Telephone communications can be reassigned in some situations, or use alternatives such as e-mails
- Many ways to handle telephone duties
  - Amplified telephones
  - Video Phones (*Lowen v. IRS, EEOC Dkt 0720150012, 2014*)
  - Several relay systems at no cost to employer
    - Original relay = TTY
    - IP Relay
    - Captioned Telephone Systems
    - Video Relay Systems (VRS)
  - ASL interpreter on-site
On-Job Accommodations Interpreting

- Qualified interpreters in many forms (ASL, Oral, etc)
  - A qualified interpreter is one who, whether or not he is certified, can effectively interpret so as to allow an employee with a hearing impairment access to the same information and the same opportunity to participate as other employees. EEOC Q&A
  - EEOC v. Wal-Mart, Case No. 10-cv-0075 (D. AZ 2010)
  - EEOC v. Federal Express, Case 04-cv-3129 (D. MD 2004), again in 2014
- Interpreter needs to be familiar with vocabulary and jargon of the company and position
- On-staff interpreter versus contract interpreter
- Video Remote Interpreting
- Relay calls into teleconferences

On-Job Accommodations Other Areas

- Must provide equal access to:
  - all benefits and services
  - internal information (including videos and web)
  - insurance benefits
  - trainings (employers can negotiate with training programs for cost of communication access)
- Staff meetings and events must be accessible
- Must ensure equal chance for promotions and job opportunities

Best Practices

- Staff training (particularly hiring level & Human Resources)
- Interactive process with deaf/hard of hearing person on accommodations
- Consult with appropriate resources for needed technology
- Centralize funding and coordination of accommodations (EEOC recommendation)
Questions?

Thank you for participating in today’s ADA-Audio Conference Session

The next scheduled session is:

“Overview of the Workforce Opportunity and Innovation Act – Implications for People with Disabilities”

March 17, 2015

Register at: www.ada-audio.org or call 877-232-1990 V/TTY