

ADA Audio Conference Series February 24, 2015

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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Listening to the Session

- ▶ The audio for today's webinar is being broadcast through your computer or via telephone for those that registered for that option. If using your computer, please make sure your speakers are turned on or your headphones are plugged in.
 - You can control the audio broadcast via the Audio & Video panel. You can adjust the sound by "sliding" the sound bar left or right.
 - If you are having sound quality problems check your audio controls by going through the Audio Wizard which is accessed by selecting the microphone icon on the Audio & Video panel



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Captioning

- ▶ Real-time captioning is provided during this session via the webinar platform.
- ▶ The caption screen can be accessed by choosing the  icon in the Audio & Video panel. ↓

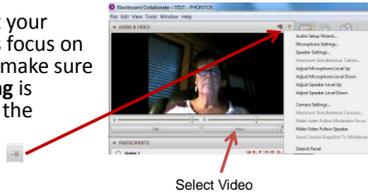
- ▶ Once selected you will have the option to resize the captioning window, change the font size and save the transcript.

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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.
- To ensure that your system retains focus on the Presenter make sure that **everything** is **unchecked** in the options menu



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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 questions in the chat area within
- ▶ 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



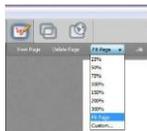
Please note: This webinar is being recorded and can be accessed on the ADA Audio Conference Series website at www.ada-audio.org within 24 hours after the conclusion of the session. The edited written transcript will be posted at this same site within 7 business days following the conclusion of the session.

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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*



- ▶ Resize/Reposition the Chat, Participant and Audio & Video panels by “detaching” and using your mouse to reposition or “stretch/shrink”. Each panel may be detached using the ☰ icon in the upper right corner of each panel.

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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)

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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

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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

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Today's Webinar

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

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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 varies
 - American Sign Language (ASL) & other sign modes
 - Lip-reading and speaking
 - Cued speech
 - Written communications
- Different cultures

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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

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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

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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

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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

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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

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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)

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Contact

National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

301-587-1788

www.nad.org

nad.info@nad.org

NAD1880 for all social media



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Questions?

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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

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