

Connections – February 2010

Newsletter from the Northwest ADA Center

What's New at Your Region X ADA Center?



New Name - Northwest ADA Center

The Disability and Business Technical Assistance Center (DBTAC) Northwest has changed its name to the Northwest ADA Center. You have to admit, it's easier to say! The ten regional centers of the ADA National Network have all simplified their names - new names, same comprehensive ADA services. Check our website soon for our new logo!

New Northwest ADA Calendar

The new Northwest ADA Center 2010 Calendar is available! If you would like to receive a calendar with 12 months full of ADA information, click on the following link to provide your information: [Request Calendar](#). In the "Message" box, be sure to indicate that you would like a calendar. You can also call us at 800-949-4232.

New Affiliate - Oregon Business Leadership Network

Joining the Northwest ADA Center as a new affiliate is the Oregon Business Leadership Network, and their Executive Director Lucy Baker. The OBLN joins the Lane Independent Living Alliance as a resource on the Americans with Disabilities Act in Oregon and as part of the regional Northwest ADA Center.

"It's a true collaboration," offers Baker, "and we can help bring Northwest ADA Center services deeply into businesses. There is a wonderful synergy in bringing together businesses that are already committed to inclusion and the expertise of the Northwest ADA Center." The OBLN has 45 business affiliates in Oregon and southwest Washington.

Don Brandon, Northwest ADA Center Director, agrees that the access to business is key to the implementation of the ADA. "One of the initial purposes of setting up the ADA Disability and Business Technical Assistance Centers was to provide a technical platform for helping the business community understand the new ADA regulations," he says. "But doing that from the outside raised a lot of challenges."

"We have a number of services that businesses are not aware of," he says, "and we can provide a safe environment for the business to ask confidential questions because we are not the police. With Lucy and the OBLN putting the word out, we can be more effective."

The OBLN Board of Directors was particularly taken with the possibility of corporate trainers being certified and adding ADA training modules to their repertoire. "It would be a huge step forward," says Baker. "It would give the Northwest ADA Center much better access to corporate settings."

Brandon is positioning the Northwest ADA Center to provide that certification, and talks about creating additional curriculum that offers a more detailed examination of disability and ADA issues.

In addition to its new alliance, the OBLN partners with Oregon's Office of Vocational Rehabilitation Services to open internship opportunities and to promote alternative recruiting venues with business. OBLN and its affiliate businesses sponsor the "Tapping Fresh Talent Expo" in Portland, which includes Student Central with OBLN partners, Incight Inc. and the Oregon Disability Chamber. Youth transition students and their teachers are invited to a pre-expo orientation on the value of internships or becoming entrepreneurs. OBLN is also a partner with Oregon Competitive Employment Project in the national campaign called "Think Beyond the Label". Through its active partnership with numerous businesses, the OBLN has an insider's perspective on business.

Members of the OBLN share a commitment to growing their company's process of inclusion, ranging from employment practices, diversity contracting, and customer service. The business-to-business approach of sharing ideas and solving problems, and collaborative partnerships with others representing talent and needed resources promotes improved opportunities for people with disabilities.

The OBLN is part of the national alliance of Business Leadership Networks under the USBLN, and co-hosted its national meeting in 2008 in Portland. The national movement of business involvement in BLNs began in the Truman administration's President's Council on Disabilities to hire returning WWII vets with disabilities, and evolved into the current BLN network after the passage of the ADA. It was originally part of the U.S. Chamber of Commerce and most recently established the USBLN as a stand-alone organization in 2004. The Oregon BLN became a non-profit organization in 2004 and has a free monthly e-magazine that keeps its members and partners up to date on OBLN events and best practices. Check it out at: <http://www.obln.org/>

Introducing BluePath: *Know Before You Go*



Until restaurant reviews include comments on accessibility, potential customers with disabilities may only guess whether they can get into the restaurant and enjoy the food. The same is true for other retail establishments, hotels, and businesses, especially when one is traveling and in unfamiliar territory. At the same time, business owners may incorrectly assume their building is completely accessible, when relatively

*minor changes might vastly improve the ease with which customers with disabilities could use it. A new resource by Northwest ADA Center, called **BluePath**, should help both business owners and customers get together.*

This new program, **BluePath**, is a City Search or Yelp type website featuring an online, searchable directory of restaurants, hotels and other businesses that are disability-friendly. The aim of BluePath is to provide detailed information about the accessible features of a business location so a customer can be informed about types of access prior to arriving at the business. Potential customers can consult BluePath **so they know before they go** that the business is accessible and aware of disability issues.

BluePath is growing in the Pacific Northwest with an initial focus on the regions surrounding Seattle, WA; Eugene, OR; and Anchorage, AK. With a national network of ADA Information Centers, BluePath has the potential support to become a nationwide resource.

A Resource for Businesses

The service was designed to recognize businesses that get on the “BluePath” by becoming aware and proactive about access and customer service for people with mobility or sensory challenges. **Sara Woody** is Northwest ADA Center’s BluePath Coordinator.

“Even though businesses have been required since 1990 to be accessible,” Woody explains, “there are a lot of ways that we can inform business about things they don’t know that they don’t know.” Easily used self-assessment checklists are often the businesses’ first step in determining how they do at accessibility. The checklists have been customized as needed for each state to reflect their differences. BluePath staff can visit the business to discuss possible barriers and offer ideas for improvements.

For example, in Eugene, Oregon, BluePath assessed several St. Vincent de Paul locations and made a number of recommendations. As a result, St. Vincent widened aisles at its stores, lowered mirrors to allow people using wheelchairs to see better, made sure all restroom doors had handles, and changed other door handles from knobs to levers.

“The visit and the changes were a call to attention about the number of people who are disabled,” said Charley Harvey, associate executive director at St. Vincent de Paul. “In general, people don’t think there are that many people out there with disabilities, but there are.”

The Eugene Hilton qualified easily for BluePath membership because it already met the minimum standards of accessibility. Interestingly, while completing the assessment with BluePath staff from **ADA Info Oregon**, Hilton General Manager Jody Hall found that the Hilton’s exterior doors were too heavy and learned how he could take accessibility to the next level.

“They came in and walked the place top to bottom,” Hall said. “I wasn’t that knowledgeable. They explained why things were built the way they were to be accessible. The experience was very educational.”

During this start up period, BluePath is trying to assist businesses with their surveys. Otherwise, a business can go to the BluePath website and do a self-assessment of the various elements of their facility, including parking, entrance, interior movement and restrooms, and see whether there might be any issues or barriers. Once the business sends it in, BluePath reviews the checklist and provides the business with free technical assistance and recommendations on the easiest and most cost effective way to address any access issues.

There is a link on the BluePath website to a video that helps people envision exactly what makes a building accessible. “I for one had never seen someone transfer from a wheelchair to a toilet.” Woody laughs, and asks, “Have you? But watching a demonstration of that really helped me understand why the grab bars are where they are, why they have to be so long and why there needs to be a certain amount of space between the toilet and the wall; even where the toilet paper dispenser is placed!”

When a business earns membership, they get a spot in the website directory and a membership decal for their door or window, allowing ALL customers to see that the business is committed to providing a welcoming, user-friendly experience.

A Resource for People with Disabilities

BluePath allows customers, called “PathFinders,” to rate the accessible features of a business and to write reviews about their experience. Businesses then have the opportunity to respond to comments, allowing a new kind of focused discussion to take place between businesses and customers with disabilities surrounding access.

This type of communication brings a level of community and partnership to businesses and their customers – and as Woody explains, the BluePath discussion allows for a more positive conversation than either may have experienced in the past.

Ultimately, BluePath is about providing information to people with disabilities so they can expand their world and their possibilities. It’s about encouraging businesses to fulfill the aim of the ADA regarding equal access. Even if a business starts with baby steps, at least they’ve stepped on the BluePath!

Help Build a BluePath of Accessibility

To help BluePath grow its directory, you can register as a Pathfinder and nominate a business for membership. If you are a business, register online at www.blue-path.com for more information on how to earn membership – it’s easy and free! And, of course, you can become a fan of BluePath or follow BluePath on Twitter.

State Fair Accessibility

By Northwest ADA Center and Rindi White, Anchorage Daily News



State Fairs offer a glimpse into our past, a time when the summer celebration brought people together. Unless, of course, someone had a disability, in which case much of the fair was inaccessible. Today many state fairs still offer pre-1990, pre-ADA levels of accessibility, but not Alaska.

Alaska? Indeed, two years of work with the Fair Staff and vendors by **David Barton**, **Northwest ADA Center's** Alaska affiliate and his parent organization Access Alaska, and a number of concerned citizens with disabilities, has put substance and teeth into accessibility requirements. The summer gathering in Palmer brings not only a lot of people, 295,530 in 2008, and world record 127 lb cabbages, but an increased focus on making the State Fair accessible to people with disabilities.

Barton says that compliance boils down to trying to provide the greatest number of people the greatest amount of access. He and his colleagues from Access Alaska initially met with vendors in the fall of 2008 and began talking about making their booths more accessible. Vendor and Exhibit Manager Pamella Meekin said that accessibility has been a requirement for fair vendors for a long time – it's been in the vendor handbook for 10 years, she said. But few vendors paid attention and fair organizers never enforced their rules.

Barton and his colleagues at **Access Alaska** met with Meekin throughout the year and helped draft letters offering suggestions for ramps and reminding vendors of accessibility laws. Meekin said fair organizers hoped to get vendors to come into compliance without resorting to enforcement, but the new emphasis on accessibility this year comes with a threat: fix it by 2010 or don't come back in 2011.

Today the vendor information for the 2010 fair includes the podcast, "Rampin' up access to fair booths" with Carpenter Chuck - <http://cast.pod-alaskastatefair.org/2009/09/02/rampin-up-access-to-fair-booths.aspx> - that features the creation of short ramp from a cedar log, complete with chain-sawed access symbol. Other illustrations offer practice advice for creating safe ramps and turnaround areas, service shelves and counters, and handrails. All examples are drawn from vendor booths at the fairgrounds. The podcast helps vendors realize that creating access is not all that difficult, and will bring in more business.

New orientation materials for vendors include the "Vendor Booth ADA Accessibility Checklist" - http://www.alaskastatefair.org/EXHIBITOR_HANDBOOK_Accessibility_PolicyChecklist_Handout_FINAL.pdf - created specifically to help them create more accessible services. For example, vendors may not even be aware that protruding and hanging objects can be dangerous for a fair patron who is blind, and need to be well above head level. Vendors can be unaware of the concept of "equivalent facilitation" when it is technically infeasible to provide the accommodation, and the checklist offers suggestions to help vendors think through access issues to their booth.

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- Has the staff received special instructions or training for providing access to patrons who have disabilities, particularly if assistance is requested in acquiring your goods or services?
 - When in operation, is there an effective way to communicate with patrons who are deaf or hard of hearing?
 - Always consider the full experience of your display from all perspectives, such as sitting, standing, or without sight or hearing.

- Vendor Checklist, Alaska State Fair

In March, Barton will present information about the State Fair to the Alaska Fair Association, representing other fairs in the state. He believes that the changes made at the State Fair will be incorporated by other fairs. "Our work may have a snowballing effect," he quips.

Prior to the opening of the 2010 State Fair next summer, David Barton and Access Alaska staff will on site, giving presentations and helpful information to vendors, in hopes of providing a summer celebration that brings everyone together.

Respectful Interactions Training



Suppose for the moment that your organization deals with the public all the time, and in your heart you know that some of the staff don't handle "disability" well at all. How can you build a commitment to ensure that none of your customers or employees experience discrimination based on having a disability?

Answering that question resulted in "Respectful Interactions: **Disability Language and Etiquette**", a new product and service specifically designed by Northwest ADA Center to help organizations improve their treatment of and respect for people with disabilities. Using a train-the-trainer approach, the new package provides

everything needed by supervisors and managers to work effectively with their staff. The lessons are based on proven approaches to building awareness and sensitivity to disability issues.

An early December 2009 request for assistance to Northwest ADA from a public entity presented the issue:

"We have had a few incidents among staff members that have alerted us that we have discrimination occurring toward colleagues who have handicaps. We are concerned that there may also be inappropriate interactions with clients that we don't know about.

"We want to raise awareness of disability issues and set professional standards of behavior across the district. We believe the best way to accomplish this is to train a group of facilitators (one selected from each office) who will go through your training. They will return to their offices and facilitate discussions with smaller work groups (less than 20 people each). In those conversations they will strive to raise awareness and communicate our behavioral expectations.

"Essentially, the group you are meeting with needs to leave with a better understanding of the issues related to disabilities. We want them to become comfortable enough with the topic that they feel confident leading these conversations and will know how to identify and interrupt any inappropriate language."

Northwest ADA Center Director **Don Brandon** and **Jo Fleming**, Washington State Program Manager, designed the product, keeping in mind that they needed to create an environment that modeled a professional attitude about disability and providing services. They knew from experience to get there they needed to confront participant attitudes about disability.

"We are not here to change minds or to be politically correct. Today we want to ask you to give yourself permission to look at disability in a different light." -- Don Brandon, Northwest ADA Center Director.

"Lasting change, personally or professionally, always starts on the inside and works its way out," says Brandon. "You can't change your behavior until you change your mind. And you can't change your mind unless you give yourself permission to change what has been stored and sanctioned as truth in your sub-conscious mind."

The four-hour training session weaves together questions about disability etiquette and knowledge, disquieting video interviews highlighting issues of sensitivity and discrimination, and scenarios that put participants into situations requiring disability finesse. Jo Fleming designed much of the dazzling technical effects and curriculum materials.

“Interacting with people with disabilities,” offers Fleming, “can make some people uncomfortable because of misunderstanding, misperceptions, or unfounded attitudes.” She focused on creating a flexible curriculum, professionally prepared visuals and handouts, a facilitator’s guide, all designed to help a manager with little experience in disability issues become an effective change agent.

“You are going to be training people:

- *Who are captive to misinformation*
- *Who may have never considered who or what they think about disability*
- *Who feel awkward or anxious about talking to someone who has a disability*
- *Who might have belligerent attitudes that they’ll defend*

This training is designed to mess with, stir up, reveal, improve, cleanse, and support our thinking about disability.”
--Respectful Interactions facilitator’s guide

Respectful Interactions offers respectful, practical advice on serving customers and working alongside colleagues who have disabilities, and it builds an understanding that not all disabilities are apparent. Participants begin to relax as they see ways to handle what had previously seemed to be awkward and un-nerving situations. Those who have allowed themselves to rethink “disability” begin to see solutions.

Midway through the training an interesting phenomenon occurs. Participants who have disabilities talk more openly about their experiences. For many in the training, hearing the comments by their peers makes the training much more personal. In creating a “safe” environment to discuss charged issues, the facilitators have illustrated an important lesson that is not lost on the future trainers.

According to Brandon and Fleming, future plans include exploring how the content of ***Respectful Interactions*** might be shared through a webcast or a distance education format. Interested in bringing ***Respectful Interactions*** to your business? Contact Northwest ADA Center at 800-949-4232.

Just Ask Barney: *Can the Job Coach be Excluded from a Worker's Performance Evaluation?*



This new feature will share an issue of wide interest to our readers that originates in an actual technical assistance call to Northwest ADA Center. Since many of our customers particularly value the advice and information offered by Barney Fleming, Training and Information Specialist, we've named the feature "Just Ask Barney".

The Situation

The caller was a job coach – we'll call her "Bonnie" -- who has been supporting a young man with an intellectual disability – we'll call him "Tony" -- in a business that had employed him for some time. Bonnie came to the job site often, and had been there recently. From all indications, Tony was not in any jeopardy in his job.

So Bonnie was a bit surprised when Tony's mother called her, relating a story her son had offered when he came home the preceding day. Tony's report was that he had met with his supervisor and had a "job interview". He didn't have any written information from the meeting. His mother was worried and called Bonnie to find out if Tony's job was being eliminated.

Bonnie called Tony's manager, who told her that she didn't have time to include the job coach in a routine performance evaluation meeting, and besides, she needed to document that she had completed the meeting immediately. She said that Tony had signed off on his evaluation and that was that.

Bonnie's Question

Bonnie's question for Northwest ADA Center was whether she had any right, in her role as an active job coach, to be present at the performance evaluation meeting since the worker with an intellectual disability – Tony -- might not be expected to be a reliable reporter of what happened, any concerns the employer might have, or whether a corrective action was initiated.

Our Response

While many people think of reasonable accommodation in terms of equipment, physical changes to a building, or modifications to a work schedule, an accommodation for a worker with an intellectual disability may be behavioral or designed to improve communication. The answer addressed several important questions.

Could the reasonable accommodation process support the job coach's participation in a performance evaluation of a worker with an intellectual disability?

For the employee with an intellectual disability, it is completely appropriate to request assistance in understanding job evaluations or disciplinary procedures. The employee may want someone to accompany them to ask questions and to explain the job evaluation results or the purpose of the meeting. A job coach, whose responsibilities include maintaining open communications and is already known to both the employer and the employee, would be one logical choice.

Must the request for the accommodation come from the worker, or can others make the request?

The request may be made in “plain English” orally or in writing, and it may come from the employee, a family member, friend, job coach, or other representative. Requests for accommodations can be made months or years after the job starts.

Can a business benefit from an accommodation?

Employers benefit in many ways from effective job accommodations. In this particular situation, the better the employee understands any suggestions for improving job performance or behavior in their performance evaluation, the better they can do the job. Simple and easy.

Could the employer simply ignore an accommodation request to include the job coach in a performance evaluation review because he or she was too busy, it was inconvenient, or he or she just didn't want to?

The employer is expected to respond promptly to a request for an accommodation, and if some negotiation needs to occur, it should begin promptly. An employer is not required to make an accommodation that causes “undue hardship”, taking into account the nature and cost of the accommodation, the overall financial resources of the business, and the impact of the accommodation on the business. Ignoring the request would not be wise.

Have businesses been held responsible for denying this type of reasonable accommodation?

Yes, in August, 2009, Target Stores were sued by the Equal Employment Opportunity Commission (EEOC) for discriminatory practices “when it failed to notify [the] job coach and parents of any in-person meetings involving work issues and job performance, as requested” for an employee with limited intellectual functioning.

“The disabled employee was compelled to attend these in-person meetings alone without the assistance of a job coach or parent, even though repeated requests had been made by both the job coaches and parents to be in attendance at the meetings. Target had hired this employee with full knowledge of his disabilities and need for a reasonable accommodation,” according to the EEOC press release.

“What is particularly disturbing here,” the EEOC press release continued, “is that Target already knew this employee was disabled and needed assistance with communicating during in-person meetings.”

For more information, please see:

Questions & Answers About Persons with Intellectual Disabilities in the Workplace and the Americans with Disabilities Act, EEOC Publication at –
http://www.eeoc.gov/facts/intellectual_disabilities.html

Target Stores Sued For Disability Discrimination, EEOC Press Release 8-24-09
<http://eeoc.gov/eeoc/newsroom/release;archive/8-24-09.html>

Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act, EEOC Publication at –
<http://www.eeoc.gov/policy/docs/accommodation.html>