

Florida Provider Network



University of South Florida, Division of Applied Research and Education Support
Funded by the Florida Developmental Disabilities Council

Training and Technical Assistance

Meet Brenda Clark



FPN participants have recently been gaining the benefits of the expertise of Ms. Brenda Clark. Brenda works for the University of South Florida, Division of Applied Research and Educational Support (DARES). She spent over twenty years in her previous position at the Agency for Persons with Disabilities (APD) where she had many roles, including: a case manager, case manager supervisor, Supported Living Services and Waiver Support Coordinator Liaison, Certified Behavior Analyst, Support Plan/Cost Plan Reviewer and service authorization, and most recently, a Supported Employment Liaison.

Her primary focus over the past several years has been on employment for individuals with disabilities. Additionally, Brenda has a considerable amount of experience in the areas of organizational change and personal outcome measures. Since the beginning of this year she has provided technical assistance and training to the SCIETT team members and their community partners as well as facilitated the implementation of Discovery in each of the team communities.

Building New Leadership in Florida for Employment and Transition

Two-Day Florida Provider Network Meeting: Sharing Resources and Information



TEAMWORK!

VR Consultant Arlene Radigan and Primrose Center staff Tim Kogstrom, Diana Prado, and Pura Martinez "Cookie" work on a training activity designed to provide an in-depth understanding of how the Americans with Disabilities Act governs the disclosure of disability in the job search process.

April 26-27, 2007, brought the Florida Provider Leadership Network (FPLN) together again for a two-day event of sharing their obstacles and solutions to employment issues faced in their regions. In addition, Dale DiLeo presented a training on disability disclosure, followed by J.B. Black who discussed state news and updates in employment services. The event was sponsored by the Supported, Competitive, Integrated Employment Training (SCIETT) Project, hosted by the Florida Center for Inclusive Communities and funded by the Florida Developmental Disabilities Council. The group began by discussing the challenges they all are facing.

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Florida Provider Network Meeting...

The team listed a number of concerns in their areas: VR caseload size; School to work VR counselor retired in one community; ADT participants and staff awareness of Discovery strategies, employment options, and work incentives; Staff turnover and turnover of staff after training completed; Family's fear of the loss of benefits when person works; Income too high to maintain eligibility for health care services; Transition teachers not fired up about work options; SE provider receives a referral with a statement from the supports already in place that the person is not ready, has concerns, lost many jobs in the past, wants to stay in the ADT, etc.

In addition, they noted: Family fears individual may not be capable of work, loss of benefits, and safety concerns; Lack of interest of referrals from the support coordinators; Accessing the business community for employment options; Changing the mindset of the community who encourages referrals to ADT; No knowledge of how to connect specific job opportunities and the job seekers with the BLN; No targeted skill training for job coaches.

A number of recommendations were made as a result of the discussion: Employment presentation to Support Coordinators, Job Seekers, and families in each region; Enhance ongoing support after placement; Train employment specialist in sign language; Marketing the possibilities of employment options; Commitment from the School District to support Discovery strategies for employment options; Require follow up after training with Direct services personnel; Transition specialist in each school; Eliminate the screening out of referrals for work prior to referral to vocational rehabilitation and encourage waiver support coordinators to support employment options.

A summary of regional updates follows.

OSCEOLA

The Career Discovery Process has been implemented with three persons. Osceola ARC, Primrose, and Ridge ARC are the three supported employment provider agencies. Brenda Clark provided an in-service to each of the three agency staff on site.

PALM BEACH

Discovery implementation is ongoing with technical assistance. Staff turnover is an issue, however. The team members and key community agency representatives have participated in a mini-network meeting to discuss plans for the development of a local infrastructure to sustain their collaborative efforts specific to employment outcomes.

Discovery has been implemented with two students at Pahokee middle/high school. In addition to various school staff, both teams consist of family members and community partners relevant in support of transition to adult service systems. The team is also discussing strategies to support and access their BLN. Their community also reinstated a Professional Placement Network meeting that the participants hope to consider consolidating activities, meetings, and events with the SCIETT team.

The team also shared some of the details about their community STARS (Start Transition and Realize Success) conference and Area Symposium held May 5. Dave Guido participated as one of the presenters. This discussion sparked interest in their funding resources, presenter options, and publicity strategies used to encourage participation.

BREVARD

Discovery implementation has been initiated with two individuals – one person is supported by Brevard Achievement Center and the other is supported by Easter Seal. Both teams include family members and Vocational Rehabilitation and Waiver Support Coordinator is actively participating on one of the teams.

A luncheon meeting with the team and other community partners is planned with Dave Guido. One of their action plan strategies to address marketing, person first communication, and Discovery principles are being reviewed by way of the initial referral forms, updated brochures, and staging the interview environment.

A video of Project SEARCH was viewed as well as an update of its implementation in their community. Project SEARCH has an 85% success rate.

PANAMA CITY

Discovery has been implemented with two individuals. One person is supported by Gadsen ARC, and the second is not supported at this time by a supported employment agency. The majority of that team are members from the person's church, in addition to the Waiver Support Coordinator, Supported Living Coach, and two in-home support staff. Leon ARC is scheduled to implement Discovery with an individual and receive an in-service with staff facilitated by Brenda Clark. Leon ARC is dedicated to person centered planning service delivery.

Participants at SCIETT trainings have been a diverse representation of their community. A waiver support coordinator (WSC) partnered with another support coordinator and private agency in Panama City to host a one-day workshop with Brenda Clark. They served lunch and focus topics were on supported, competitive, and integrated employment options and non-traditional strategies to attain employment. As a result, a WSC who had all the adults on the caseload attending an ADT, now has 2 referrals for supported employment services.

Dave Guido is scheduled to present at the next Area 2 quarterly ADT/SE provider meeting to be held on June 12, 2007 at Gadsen ARC in Quincy. Brenda Clark presented at the Area 2 Symposium on May 15, 2007 held at Gulf Coast Community College in Panama City. The theme of the Symposium was *Work - Not Just A Four Letter Word*. Tallahassee BLN is ongoing and the Panama City BLN called Big Bend is being established.

A one-day forum was also held at Gulf Coast Community College facilitated by Brenda Clark. The first two hours were dedicated to students, family members and other transition partners in employment options with the focus on types of benefits, work incentives, and beneficiary (payee and rep payee) responsibilities to SSA. The afternoon was dedicated to the Panama City SCIETT and an entrepreneurs' team with the focus on PASS Plan development. The following presenters participated for the day: Jody Oakes, PASS Cadre - Birmingham, AL; Marlene Ulisky, SSA - Area Work Incentive Coordinator - Eau Galle, FL; Josh Wadsworth-Area CWIC; Beth Keeton - METTA-USF, Tampa, FL.

WHAT'S NEXT

The FPN will meet again in a pre-conference day before Florida APSE begins on August 20th and 21st. Day 1 is from 10:00 am to 5:00 pm, and Day 2 from 9:00 am to 12:00 pm.



Disclosure of Disability in the Job Development Process

By Dale DiLeo

Disclosure refers to informing a potential or current employer that the individual you represent has a disability, or, if you are the job seeker, that you have a disability. The decision to disclose is a complex and individual one.

In the US, according to the Americans with Disabilities Act (ADA), the decision to disclose is a protected right. An employer may not ask questions that are likely to elicit information about a disability before making an offer of employment. Questions on a job application about disability or about treatment are likely to elicit information about a disability and are prohibited before an offer of employment is made.

This prohibition covers written questionnaires and inquiries made during interviews, as well as medical examinations. Such questions and medical examinations are permitted after extending a job offer but before the individual begins work (known as the post-offer period).

The reason disclosure can be a difficult decision is revealed in recent research. In one study, (Allen & Carlson, 2003) researchers reviewed with participants their efforts to conceal their disability or why they disclosed information about their disability. They revealed that concealment often arises from the need to protect oneself from community and employer attitudes, thus avoiding feelings of rejection and discrimination. The authors note that this is consistent with literature suggesting that concealing a disability can preserve self-esteem.

The study concludes that despite legislative support, people with a disability should be cautious about revealing their condition before understanding the implications for their employment. They recommend developing a disclosure plan with them after considering the risks of disclosing or concealing the disabling condition. This disclosure plan may include details of who will disclose, to whom, when, where, why and what will be disclosed.

In another study (Pearson, et al., 2003) researchers found that applicants who state they have a disability “are less likely to be offered an interview than an identically qualified and demographically similar applicant who makes no statement about disability.”

Disclosure and Job Development

The issue of disclosure becomes even more complex when a job developer gets involved representing an individual with a disability. There are two potential references to this relationship in guidance from the Equal Employment Opportunity Commission (EEOC).

One relates to employment agencies, defined as a covered employment agency if it regularly procures employees for at least one covered employer, whether or not it receives compensation for those services.

An employment agency that regularly procures employees for at least one covered employer is covered with respect to all of its employee procurement and referral activities, including its referrals to a non-covered employer. Thus employment agencies must follow the same ADA guidelines as covered employers with respect to disclosure.

In addition to prohibiting employers from discriminating against their own employees, the ADA prohibit a covered third-party employer from discriminatorily interfering with an individual's employment opportunities with another employer. The principle applies even where an employment relationship has never existed between the third-party employer and the individual. This kind of liability is commonly known as third-party interference.

The ADA specifically prohibits interference with rights protected under the statute. Therefore, a charging party need not necessarily be an employee of the employer that is accused of discriminatory interference. In other words, a job developer should not disclose the presence of disability, unless the individual has expressly made that decision.

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**Go to <http://www.flse.net/flprovidernetwork/training.asp>
to download an 18-page handout on disability disclosure in the workplace.**

Disclosure of Disability

Keeping a Record of Permission Regarding Disclosure

This means that when job developers approach an employer regarding a potential job applicant with a disability, the job developer should have express permission whether or not to disclose, what to disclose, and when. There is no specific guidance on how to obtain and record such permission.

Some agencies utilize a blanket release form, giving them permission to disclose disability when approaching any employers. Many schools, for instance, report they work with youth and families who don't see any reason not to disclose, and thus feel secure with a blanket release. However, this is not necessarily a good way to educate those youth.

At a minimum, a form such as this should not just give permission, but also offer an equal choice of non-permission. It should only be signed after efforts have been made to inform the individual about the pros and cons of disclosure. And it should be reviewed with the individual at least annually, as people may and will change their minds.

Since employers differ, a blanket form is not really a recommended best practice. A job developer should check with job seekers on disclosure each time you represent them to any employer.

Note that employer contacts in which you do not specifically represent an individual, but rather the services and supports you provide are not disclosure-related. However, if a school-based program or agency conducts a marketing call and the employer specifically asks questions regarding the population the school-based program or agency represents, can that the representative indicate that he or she works with individuals with disabilities?

In my opinion, the only way you can answer yes is if everyone you represent has specifically provided permission for disclosure of his or her disability.

Remember, what if you represent a person who has not yet made the choice to disclose, or wish to make that decision depending on each employer. If your marketing or job development includes disclosure, you have just made the disclosure decision for that person, and that is an infringement of rights. And further, if you have a person who does not wish to disclose, you have eliminated that employer for that person, which is another unnecessary restriction.

Discussing Disability with the Potential Employer

Below are some EEOC answers regarding disability disclosure questions.

What are examples of questions that an employer cannot ask on an application or during an interview?

Examples of prohibited questions during the pre-offer period include:

- Do you have a disability which would interfere with your ability to perform the job?
- How many days were you sick last year?
- Have you ever filed for workers' compensation? Have you ever been injured on the job?
- Have you ever been treated for mental health problems?
- What prescription drugs are you currently taking?

May the employer ask me these questions after making a job offer?

Yes. An employer can ask all of the questions listed above, and others that are likely to reveal the existence of a disability, after it extends you a job offer as long as it asks the same questions of other applicants offered the same type of job. In other words, an employer cannot ask such questions only of those who have obvious disabilities. Similarly, an employer may require a medical examination after making a job offer as long as it requires the same medical examination of other applicants offered the same type of job.

May an employer ask me whether I will need a reasonable accommodation for the hiring process?

Yes. An employer may tell all applicants what the hiring process involves (for example, an interview, timed written test, or job demonstration), and then ask whether they will need a reasonable accommodation for this process.

I have an obvious disability. Can an employer ask me medical questions during an interview?

No. An employer cannot ask questions about an applicant's disability either because it is visible or because the applicant has voluntarily disclosed a hidden disability.

References

- Allen, S. & Carlson, G. (2003). To Conceal or Disclose a Disabling Condition? A Dilemma of Employment Transition, *Journal of Vocational Rehabilitation*, Volume 19. IOS Press
- Pearson, V., Ip, F., Hui, H., Yip, N., Ho, K. & Lo, E. (2003). To Tell or Not to Tell; Disability Disclosure and Job Application Outcomes. *The Journal of Rehabilitation*, Vol. 69, No. 4. National Rehabilitation Association.

Dale DiLeo is a disability consultant and author of the new book, *Raymond's Room*. For more information: <http://www.raymondsroom.com>.