

The Rehabilitation Act: Increasing Independence





- **Family Driven**
- **Non-Profit 501(c)3**



We do NOT:

Act As Attorneys

We DO:

- ♥ **Provide Support**
- ♥ **Provide Information**
- ♥ **Help Identify Options**

The Rehabilitation Act

The purpose of this presentation is to help understand the Rehabilitation Act and how it can support increased access to employment and independence.

The Rehabilitation Act

“Disability is a natural part of human experience and in no way diminishes the right of individuals to:



- **Live independently;**
- **Enjoy self-determination;**
- **Make choices;**
- **Contribute to society;**
- **Pursue meaningful careers; and**
- **Enjoy full inclusion and integration**

Purpose of the Rehab Act

- **Empower individuals with disabilities to maximize:**
 - Employment**

 - Independence**

 - Economic self-sufficiency**

Eligibility

The disability must only be
substantial impediment
to employment

To be Eligible a person must:

- Have a disability
- Need vocational rehabilitation service to:
prepare for
secure
retain, or
regain employment

Definition of Disability

An individual with a disability is one who

- **has**
- **has a record of, or**
- **is regarded as having**
a physical or mental impairment
that substantially limits a
major life activity.

Functional Areas:

- Self - direction
 - Mobility
 - Self - care
- Interpersonal skills
 - Work skills
- Communication
- Work tolerance

Are There Any Disabling Conditions Not Protected by The Rehabilitation Act?

Yes

A current illegal drug user

- **Employees whose current use of alcohol prevents them from performing the duties of their jobs**

The Rehabilitation Act 1973



- Seven titles, but missing one key item...

Title V



- Passage of Section 504 established the bridge between disability and anti-discrimination policy and law
 - Statutory language of 504 is based on Title VI of the Civil Rights Act of 1964, more limited in coverage
- Regulations implementing 504 not passed until 1977!

Title V



- Section 501 – Federal hiring
- Section 502 – Compliance with accessibility standards (ATBCB)
- Section 503 – Employment under federal contracts
- Section 504 – Prohibits discrimination in all federally-funded programs
- Section 507 – Interagency Disability Coordinating Council
- Section 508 – Fed agency purchase of accessible equipment, electronic and info technology
- Section 509 – Protection and Advocacy of Individual Rights

The Rehabilitation Act of 1973

- **Section 501 mandates non-discrimination by the Federal government in its own hiring practices and requires affirmative action in the hiring, placement, and advancement of people with disabilities.**



The Rehabilitation Act

- **Section 502 established the U.S. Access Board.**
- **Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and sub-contractors with contracts of more than \$10,000.**



The Rehabilitation Act

- **Section 504 states that no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that either receives Federal financial assistance or is conducted by any Federal agency.**

Section 504

- Mandates reasonable accommodation
- Requires assistive technology and services
- Mandates program accessibility, and effective communication
- Is the first statute applying civil rights protections to people with disabilities
- Is the first law imposing requirements to entities that receive federal aid

The Rehabilitation Act

- **Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.**

EIT Accessibility?

- **Section 508 focuses on the overall accessibility of EIT systems, rather than providing accommodations at individual worksites.**



Six Categories Covered by Section 508

- Software Applications & Operating Systems
 - Web Information
 - Telecommunications Products
 - Video & Multi-Media Products
- Desktop & Portable Computers
 - Self Contained Products

Accessibility –vs- Usability

Individuals with disabilities may still need specific accessibility-related software or peripheral devices to be able to use an accessible system.

Sidewalk vs Wheelchair Ramp



Accessible Electronic and Information Technology (EIT)

- A system that provides output only in audio format would not be accessible to people with hearing impairments – this **system could be made accessible** by adding closed captions.
- Likewise, a system that only uses mouse actions for navigation would not be accessible to people who cannot use a mouse because of dexterity or visual impairment – this **system could be made accessible** by enabling keyboard controls, such as using **Function Keys**, to allow mouse-independent navigation.



Exceptions to Section 508

**ONLY National Security
Systems are Exempt !**



Titles of the Rehab Act (as amended in 1998)

- Title I: VR Services
- Title II: Research and Training
- Title III: Professional Development, Special Projects, and Demonstrations
- Title IV: National Council on Disability
- Title V: Rights and Advocacy for Access
- Title VI: Employment and Supported Employment Programs
- Title VII: Independent Living

Individualized Plan for Employment (IPE)



The Individualized Plan for Employment:

- **Long term goals**
- **Intermediate objectives**
- **Specific services and projected dates**
- **Post employment service needs**
- **Identification of service providers**
- **Statement by individual of involvement**

The Vocational Rehabilitation Counselor serves as a...

Facilitator

**Of the IPE process
and helps the individual
exercise**

informed choice



**“...a consumer-driven
program is most effective
in getting people
jobs.”**

Congress



Informed Choice: consistent with:

- **Strengths**
- **Priorities**
- **Concerns**
- **Abilities**
- **Resources**
- **Capabilities**
- **Interests**

Meaningful
Choice



Federal Policy Directive, 1997

“...intended to correct the misperception that achievement of an employment goal ...can be equated with becoming employed at any job.”



Consumer Choice Regarding the Desired:

- Assessments
- Employment outcomes
- Vocational rehabilitation services

Consumer Choice (cont)

- Who provides services
- How services will be provided
- Where services are provided



VR services are any services necessary to:

- **Prepare for,**
- **Secure,**
- **Retain, or**
- **Regain**

employment

Employment Consistent with the Individual's:

- Strengths,
- Abilities,
- Interests, and
- Informed,

Meaningful
Choice

Vocational Rehabilitation Services Include:

- **Assessments (including assistive technology needs)**
- **Counseling, guidance and job placement**
- **Vocational training, post-secondary (tools, books, materials)**

VR Services (cont)

- **Personal assistant services (while receiving VR services)**
 - **Interpreter services**
- **Occupational licenses, tools, equipment, initial stocks and supplies**

VR Services (cont)

- **Diagnosis and treatment of physical or mental impediments (if support is not available from other sources)**

VR Services (cont)

■ Transportation

- training of public systems
- travel and related expenses (needed for services)
- “...purchase and repair of vehicles, including vans.”

VR Services (cont)

- **Technical assistance for those pursuing**
 - **Telecommuting**
 - **self employment**
 - **small business**

VR Services (cont)

■ Rehabilitation technology

- vehicular modification

- telecommunications

- sensory

- aids and devices

VR Services (cont)

- **Transition services for students with IPE's**
 - **Supported employment and natural supports**
 - **Services to the family to individual reaching employment**

VR Services (cont)

- **Post employment services to:**
 - **Retain**
 - **Regain**
 - **Advance**

Employment goals can include:

- **Self-employment**
 - **Telecommuting**
- **Business ownership**



Lack of \$\$\$\$\$\$\$\$\$

- States must initiate an Order of Selection process
- VR can not choose to provide only some services to eligible individuals to save \$\$\$\$\$

The VR Assessment Evaluates the Individual's:

- Unique strengths
 - Resources
 - Priorities
 - Abilities
 - Interests

The VR Assessment looks at:

- Employment outcomes,
- Vocational rehabilitation service objectives, and
- The nature and scope of services

The VR Assessment may cover:

- educational
 - psychological
 - psychiatric
 - vocational
 - personal
 - social, and
 - Medical
- Factors that affect
Employment



Services Exempt from Consumer Financial Participation:

- **job placement**
- **job coaching**
- **on the job training**
- **1-time purchases under \$300**
- **vocational counseling**
- **independent living**



Comparable Benefits Can Include:

- Medicare
- Medicaid
- Private insurance
- Workers compensation
- Grants and scholarships
- Community social service agencies



The Rehabilitation Act Of 1973, As Amended

prohibits discrimination on the basis of disability in programs . . .

- **conducted by Federal agencies**
- **receiving Federal financial assistance**
 - **employment practices of Federal contractors**



The Rehabilitation Act of 1973, as amended

- **Protects *qualified* employees and applicants**
- ***Requires* federal agencies to provide reasonable accommodation(s)**



The Rehabilitation Act of 1973, as amended

- *Prohibits* retaliation
- *Requires* affirmative employment
 - *Ensures* equal access

Disclosure

Under the Rehabilitation Act, the Federal agency must provide reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee with a disability.

Disclosure

Reasonable Documentation

- **Documentation from an appropriate professional concerning the individual's disability and functional limitations in order to verify the existence of a disability and the need for an accommodation.**

Disclosure

Confidentiality

- **Agencies must keep all information concerning the medical condition or history of its applicants and employees confidential. This includes medical information that an individual voluntarily tells his/her employer.**

Disability Related Inquiries

Interviewer may not ask:

- If the applicant ever had an injury or disease
- If the applicant has ever seen a psychiatrist
- If the applicant has ever had a drug or drinking problem

Disability Related Inquiries

Interviewer may not ask:

- The nature or extent of the applicant's disability
- If the applicant or anyone in his/her family has a disability
- The applicant's health
- If the applicant has a history of emotional illness



Disability Related Inquiries

Interviewer may ask about:

- **An applicant's ability to perform job-related duties**
- **An applicant's previous job experience**
- **Skills required to perform the job**
- **Educational background**



Rehabilitation Act Enforcement

Contact your agency's Equal Employment Opportunity Office for internal complaint processing procedures.

The Equal Employment Opportunity Commission (EEOC) enforces Section 501 of the Rehabilitation Act.



THANK YOU!

Please [click here](#) to complete our evaluation

If you still have questions:

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