

**Building bridges  
in the workforce**

# **Employer Resource Guide**

**Your employment resource for including  
people with disabilities in your workforce**



**West Virginia Division of Rehabilitation Services**



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Charleston, WV 25301  
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800-642-8207  
[www.wvdrs.org](http://www.wvdrs.org)**

**DRS Mission  
To enable and empower individuals with disabilities  
to work and to live independently**



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# Overview of DRS and Employer Services

The Division of Rehabilitation Services, or DRS, is a comprehensive employer assistance program for business owners and employers.

Our goal is to assist business owners and employers find solutions to disability-related issues. DRS can provide you with critical business options in the areas of staffing, education, tapping into financial incentives associated with hiring an individual with a disability, which can be a permanent injury, illness or impairment, or insuring accessibility to your goods and services.

For most businesses, these options mean opportunity.

Through our Employer Services program, DRS employs a professional team of Employment Specialists to provide business owners and employers with real opportunities to build on your business or organizational success.

With district and branch offices located throughout the state, DRS Employment Specialists provide outreach to every West Virginia county. Whether large or small, DRS Employer Services will prove beneficial to your business or organization. Through a network of partners, DRS can access information and services that will have a positive impact on your bottom line.

Serving our clients is the primary focus of everything we do, whether it's a business with a disability-related issue or an individual with a disability.



# Staffing

Hiring the right employee is extremely important to your business.

To reach the business and organizational success you are seeking, you need to tap into highly reliable and qualified job applicants who can put their diverse abilities to work for you.

Studies have shown that hiring people with disabilities:

- Increases employee retention
- Maintains performance standards
- Attracts qualified employees
- Prepares employers to deal with disabilities associated with the aging workforce
- Creates value for customers
- Provides economic advantages, such as tax incentives
- Enables organizations to retain valuable employees who develop a disability

Finding and keeping good employees is a major challenge for today's employers.

Putting people with disabilities to work is at the core of DRS' mission. DRS Employment Specialists are experts in career development and rehabilitation.



Business owners and employers can benefit from the following free DRS business solutions:

- Pre-screened candidates who have the appropriate skills, abilities, training and qualifications to perform essential job duties
- Consultation services to help retain current employees
- Accommodation solutions to allow new or current employees to achieve productive employment

# Training Programs and Incentives for Hiring People with Disabilities



## On-The-Job Training (OJT) Program

- Provides opportunities for qualified DRS consumers to enter into employment.
- To assist a business with the costs associated with training a new employee, DRS will reimburse a percentage of the DRS consumer's wages paid for a specified period of time.
- The trainee's wage must be equal to minimum wage or the entry level wage the employer pays for that position, whichever is greater.
- DRS staff are available at no cost to you to provide support and resources to facilitate a successful outcome for both the employer and the DRS consumer.
- The OJT option can also be combined with the Work Opportunity Tax Credit (see Financial Incentives section).
- Employers gain a well-trained, loyal employee.



## ***Placement Services Program***

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- DRS contracts with vendors in the community to provide services that help employees become acclimated to or increase their ability to perform the duties of their job.
- Contracted services may include situational assessments, job coaching, job retention, social skills training, job placement and long-term follow along services.
- The advantage for the employer is that the vendor provides most of the on-site training and follows the employee to ensure that employee and employer satisfaction is maintained.
- No-cost trial work opportunity for job-ready consumers to perform standard work requirements for an employer.

## ***Job Try-out Program (JToP)***

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- The time-limited program provides the DRS consumer an opportunity to display work skills to an employer while receiving wages and to gain a greater understanding of the meaning, demands and rewards of work.
- The host employer is provided an opportunity to evaluate the work qualities of the individual which, ideally, will lead to permanent employment.

# Financial Incentives



In today's highly competitive global market, the bottom line is the most important factor for business owners and employers. Every business owner and organization is looking for a critical advantage over their competition. Maximizing profits, limiting expenses and offering a solid return on investment is a priority.

To gain this advantage, business owners and employers seek the right opportunity

to affect the bottom line. DRS can show your business how proactively hiring employees with disabilities and ensuring accessibility can help your bottom line.

First of all, the Internal Revenue Service can actually help businesses and employers save money! Secondly, the IRS encourages business owners and employers to use these incentives.

## ***The Work Opportunity Tax Credit, or WOTC***

The WOTC is available to employers who hire DRS referrals or Supplemental Security Income (SSI) recipients. A credit is available for each new hire and there is no limit placed on the number of new hires under the WOTC.

The WOTC is available on up to 40 percent of the first \$6,000 in wages, or \$2,400, paid in the first 12 months of employment. The tax credit is subtracted from the total tax liability. For a new business start-up or for a small business operation,

the WOTC can have a dramatic and immediate impact on business expenses. For all employers, it offers a real opportunity to build a loyal and reliable employee base.

There is required paperwork associated with the WOTC and there is no hidden requirement to retain an employee if they aren't meeting the job requirements. You have the right to hire, fire or promote the most qualified, deserving individual.



## **Tax Savings**

### ***The Barrier Removal Deduction, IRS Code Section 190***

#### ***The Disabled Access Tax Credit, IRS Code Section 44***

The Disabled Access Credit is available to small businesses for expenses paid or incurred to comply with the Americans with Disabilities Act (ADA). The small business must have 30 or fewer full-time employees or have revenues below \$1 million.

Under this credit, 50 percent of the expense over \$250 and not exceeding \$10,250 is applicable. The credit may not exceed \$5,000 annually. The credit is subtracted from your total tax liability.

Eligible expenditures are reasonable expenses that are made to comply with the ADA, and can include removing architectural, communications, physical or transportation barriers; sign language interpreters; and modifying or purchasing equipment and materials. This credit cannot be applied to new construction expenses.

All businesses are eligible to take this deduction which is available to make facilities or public transportation vehicles more accessible.

The deduction, which is subtracted from total income to establish taxable income, cannot exceed \$15,000 annually. Amounts over \$15,000 may be depreciated.

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The deduction, which is subtracted from total income to establish taxable income, cannot exceed \$15,000 annually. Amounts over \$15,000 may be depreciated.

Eligible expenses include those which can be specifically attributed to the removal of existing barriers such as steps, narrow doorways, inaccessible parking spaces, inaccessible toilet facilities or transportation vehicles. Expenses incurred in the construction or comprehensive renovation of a facility or in the normal replacement of depreciated property are not deductible.

Equal access is not only required by law, but is good business sense. By insuring accessibility, you are tapping into a greater share of a potential market base. Plus, accessible buildings have a higher resale and rental value!

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## Remember ...



- It is always advisable to consult with your tax accountant or advisor to ensure that you are properly using the tax incentives available to businesses and employers.
- Each of the financial incentives may be used by your business annually.
- Using these financial incentives will not automatically trigger an IRS audit.

## Resources

You may access more information about these financial incentives, including necessary forms, through the following Internet sites:

- Tax Benefits for Businesses Who Have Employees with Disabilities  
[www.irs.gov/businesses/small/article/0,,id=185704,00.html](http://www.irs.gov/businesses/small/article/0,,id=185704,00.html)
- Work Opportunity Tax Credit (WOTC)  
[www.doleta.gov/business/Incentives/opptax](http://www.doleta.gov/business/Incentives/opptax)



# Accessibility Assessments



In your business, have you ever asked, “What happens if one of the employees who is most integral to my business success incurs a disability?”

In the increasingly competitive environment for workers, you might also consider, “What happens if I find an individual who is qualified for the job, but who may need an accommodation?”

Many employers labor under the misperception that reasonable accommodations are expensive and will be a financial burden to their operation. Not true.

Most employees with a disability don’t require special accommodations. If they do, the accommodations are often inexpensive, with 56 percent costing nothing and the average cost around \$500.

Employee turnover is expensive. It is more cost-effective to keep an existing employee who incurs a disability as a part of your workforce by making a reasonable accommodation.

Also important in today’s highly competitive marketplace is ensuring that all potential customers can effectively access your goods or services. Whether through physical or electronic access, your goal is to connect your customers to your product or services. To effectively accomplish this, you need to understand the changing market dynamics and your options.



Did you know that West Virginia has the highest prevalence of people with disabilities living in the state?

Did you know that West Virginia has the highest prevalence of working-age people with disabilities?

Is your business or organization making the accommodations necessary to tap into this market and potential workforce?

DRS services are designed to present you with accessibility options and solutions.

DRS Employment Specialists conduct:

- Job Analyses
- Site evaluations
- Americans with Disabilities Act (ADA) consultations and referrals

Plus, DRS can offer options on:

- Reasonable accommodations
- Assistive technology
- Job restructuring

**DRS is the primary source for disability-related solutions, and we can help your business or organization develop progressive and proactive approaches to accessibility and accommodation issues.**



# Accommodating Employees with Disabilities

Accommodations are developed on an individual basis and in a partnership between the person with the disability and the employer. Teamwork generally results in cost-effective solutions. Elements to consider are:

- the job tasks that must be performed;
- the functional limitations of the individual; and
- whether the proposed accommodation will result in undue hardship to the employer.

Creative solutions may involve equipment changes, work station modifications, adjustments to work schedules, assistance in accessing the facility and dozens of other possibilities, depending on the individual limitations and needs.



Here are examples of accommodations that have been made for qualified workers with disabilities. They are not necessarily the only possible solutions to the problems.

To receive guidance on specific problems and possible solutions, call your local DRS office. Another excellent, free resource is the Office of Disability Employment Policy's Job Accommodation Network. Contact the 'JAN' at 800-526-7234 or 800-232-9675 or TTY 877-781-9403 or <http://AskJan.org>.

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## Situations and Solutions

**Situation:** An administrative support person had difficulty standing for long periods due to a foot impairment that caused foot pain. He worked for a bank that had a dress code policy requiring dress shoes and standing throughout the day.

**Solution:** As a reasonable accommodation, the company modified the dress code policy to allow the employee to wear tennis shoes, preferably dark in color.

**Reported benefit:** The modified dress code policy increased professionalism and made employees more comfortable while they were performing certain work tasks.

**Reported cost:** \$0.



**Situation:** An applicant for a construction job with a local government was deaf and needed to communicate effectively during the interview and hiring process.

**Solution:** As a reasonable accommodation, the company hired an interpreter.

**Reported benefit:** The employer was able to meet its requirement for being an equal opportunity employer.

**Reported cost:** \$100.

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**Situation:** An engineer with a back condition worked for a federal agency and was required to perform tasks and attend meetings in a seated position.

**Solution:** As a reasonable accommodation, the employer purchased an ergonomically designed knee chair and moved her parking space closer to the workplace.

**Reported benefit:** The employer stated that by making these accommodations, the employee was still able to work and remain an important part of the team.

**Reported cost:** \$200.

**Situation:** An aircraft service technician with a shoulder impairment had limitations in lifting, pushing, pulling and reaching. He was required to lift and manipulate heavy hoses over his head.

**Solution:** As a reasonable accommodation, the employer rearranged the worksite so that he could do the job with existing equipment.

**Reported benefit:** The employer stated that a great employee who was great at his job was retained.

**Reported cost:** \$300.

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**Situation:** A warehouse worker for a pharmaceutical company had a phobia of small spaces. Because of her claustrophobia, removing materials from refrigerated areas caused her significant stress and resulted in panic attacks.

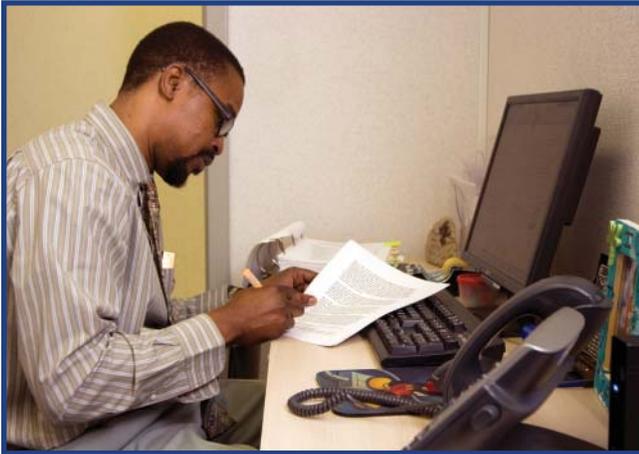
**Solution:** As a reasonable accommodation, the employer moved her workstation to an area that was more spacious.

**Reported benefit:** The employer stated that the new work area completely alleviated her problems.

**Reported cost:** \$0.

*Job Accommodation Network (Original 2005, Updated 2007, Updated 2009, Updated 2010, Updated 2011). Workplace accommodations: Low cost, high impact. Retrieved April 2, 2012, from <http://AskJAN.org/media/LowCostHighImpact.doc>.*

# People are People



**“The difference between the right word and the almost-right word is the difference between lightning and the lightning bug.”**

**Mark Twain**

Diversity in the workforce is a big challenge for business owners and employers.

Your business knowledge needs to go far beyond finances and manufacturing or sales processes. Understanding the complexities of dealing with a diverse workforce is very important. Whether cultural, gender, religious or racial, these complex issues must be a primary focus of management.

Understanding disabilities is an important aspect of this list.

Knowledge, awareness and understanding are the keys to creating a positive working environment for all employees, especially individuals with disabilities. There are far too many misperceptions and myths surrounding these issues.

Whether an employee with a disability, or a customer with a disability, it is important that your entire workforce understands how to deal effectively with this issue. DRS can assist your employees in developing a broader understanding of the diversity in today's workplace and marketplace.

DRS services include educational and training programs focusing on:

- Disability awareness
- Disability etiquette
- Sensitivity training

# Basic Disability Etiquette



The Americans with Disabilities Act, other laws and the efforts of many disability organizations have made strides in improving accessibility in buildings, increasing access to education, opening employment opportunities and developing realistic portrayals of people with disabilities in television programming and motion pictures. Where progress is still needed is in communication and interaction with people with disabilities. Individuals are sometimes concerned that they will say the wrong thing, so they say nothing at all — thus further segregating people with disabilities. Listed here are some suggestions on how to relate to and communicate with and about people with disabilities.

Positive language empowers.

## Words

When writing or speaking about people with disabilities, it is important to put the person first. Group designations such as “the blind,” “the retarded” or “the disabled” are inappropriate because they do not reflect the individuality, equality or dignity of people with disabilities. Further, words like “normal person” imply that the person with a disability isn’t normal, whereas “person without a disability” is descriptive but not negative. The accompanying chart shows examples of positive and negative phrases.



## Actions

Etiquette considered appropriate when interacting with people with disabilities is based primarily on respect and courtesy. Following are tips to help you in communicating with persons with disabilities.

## Affirmative Phrases Versus Negative Phrases

Affirmative Phrases	Negative Phrases
person with an intellectual, cognitive, developmental disability	retarded; mentally defective
person who is blind, person who is visually impaired	the blind
person with a disability	the disabled; handicapped
person who is deaf	the deaf; deaf and dumb
person who is hard of hearing	suffers a hearing loss
person who has multiple sclerosis	afflicted by MS
person with cerebral palsy	CP victim
person with epilepsy, person with seizure disorder	epileptic
person who uses a wheelchair	confined or restricted to a wheelchair
person who has muscular dystrophy	stricken by MD
person with a physical disability, physically disabled	crippled; lame; deformed
unable to speak, uses synthetic speech	dumb; mute
person with psychiatric disability	crazy; nuts
person who is successful, productive	has overcome his or her disability; is courageous (when it implies the person has courage because of having a disability)

## General Tips for Communicating with People with Disabilities

- When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
- If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- Treat adults as adults. Address people who have disabilities by their first names only when extending the same familiarity to all others.
- Relax. Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability.
- Don't be afraid to ask questions when you're unsure of what to do.

## ***Tips for Communicating with Individuals Who are Blind or Visually Impaired***



- Speak to the individual when you approach him or her.
- State clearly who you are; speak in a normal tone of voice.
- When conversing in a group, remember to identify yourself and the person to whom you are speaking.
- Never touch or distract a service dog without first asking the owner.
- Tell the individual when you are leaving.
- Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements.
- Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps.
- If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat.

## ***Tips for Communicating with Individuals Who are Deaf or Hard of Hearing***

- Gain the person's attention before starting a conversation (i.e., tap the person gently on the shoulder or arm).
- Look directly at the individual, face the light, speak clearly in a normal tone of voice, and keep your hands away from your face. Use short, simple sentences. Avoid smoking or chewing gum.
- If the individual uses a sign language interpreter, speak directly to the person, not the interpreter.

- If you telephone an individual who is hard of hearing, let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call and who you are.
- If you do not have a Text Telephone (TTY), dial 711 to reach the national telecommunications relay service, which facilitates the call between you and an individual who uses a TTY.

## ***Tips for Communicating with Individuals with Mobility Impairments***



- If possible, put yourself at the wheelchair user's eye level.
  - Do not lean on a wheelchair or any other assistive device.
  - Never patronize people who use wheelchairs by patting them on the head or shoulder.
  - Do not assume the individual wants to be pushed — ask first.
  - Offer assistance if the individual appears to be having difficulty opening a door.
- If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone.

## ***Tips for Communicating with Individuals with Speech Impairments***

- If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back.
- Be patient. Take as much time as necessary.
- Try to ask questions which require only short answers or a nod of the head.

- Concentrate on what the individual is saying.
- Do not speak for the individual or attempt to finish her or his sentences.
- If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable.

## ***Tips for Communicating with Individuals with Cognitive Disabilities***



- If you are in a public area with many distractions, consider moving to a quiet or private location.
- Be prepared to repeat what you say, orally or in writing.
- Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not “over-assist” or be patronizing.
- Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.



### ***Remember ...***

- Relax.
- Treat the individual with dignity, respect and courtesy.
- Listen to the individual.
- Offer assistance, but do not insist or be offended if your offer is not accepted.

*Information came from the Office of Disability Employment Policy; the Media Project, Research and Training Center on Independent Living, University of Kansas, Lawrence, KS; and the National Center for Access Unlimited, Chicago, IL. Retrieved April 2, 2012, from <http://www.dol.gov/odep/pubs/fact/comucate.htm>*

# Attitudinal Barriers

People with disabilities face many barriers every day—from physical obstacles in buildings to systemic barriers in employment and civic programs. Yet, often, the most difficult barriers to overcome are attitudes toward people with disabilities. Whether from ignorance, fear or misunderstanding, these attitudes keep people with disabilities from achieving their full potential. The most pervasive negative attitude is focusing on a person's disability rather than on an individual's abilities.

- A lawyer is effective if he or she has a solid grasp of law and can present a complete case before a jury or judge. That the lawyer accesses law books through a Kurzweil reader because he or she is blind is immaterial to the job.
  - A rancher is effective if she or he feeds the cattle and mends the fences. That the rancher with paraplegia operates a cattle feeder system in the bed of a truck via a rod from the cab or rides an all terrain vehicle to reach fences is immaterial to the job skill.
- A stocker in a factory is effective if he or she packages the proper number of items in each bin. That the stocker has a developmental disability that limits attention span and uses a counting device is not only immaterial to the job skill, but has made that person the most accurate stocker on the factory floor.



People with disabilities encounter many different forms of attitudinal barriers —

## Inferiority

Because a person is impaired in one of life's major functions, some people believe that individual is a "second-class citizen." However, most people with disabilities have skills that make the impairment moot in the workplace.

## Pity

People feel sorry for the person with a disability, which tends to lead to patronizing attitudes. People with disabilities don't want pity and charity, just equal opportunity to earn their own way and live independently.

## Hero Worship

People consider someone with a disability who lives independently or pursues a profession to be brave or "special" for overcoming a disability. But most people with disabilities do not want accolades for performing daily tasks. The disability is there; the individual has simply



learned to adapt by using his or her skills and knowledge, just as everybody adapts to being tall, short, strong, fast, easy-going, bald, blonde, etc.

### **Ignorance**

People with disabilities are often dismissed as incapable of accomplishing a task when ability is not evident. In fact, people with quadriplegia can drive cars and have children. People who are blind can tell time on a watch and visit museums. People who are deaf can play baseball and enjoy music. People with developmental disabilities can be creative and maintain strong work ethic.

### **The Spread Effect**

People assume that an individual's disability affects other senses, abilities and traits, or that the total person is impaired. For example, many people shout at individuals who are blind or don't expect people using wheelchairs to have the intelligence to speak for themselves. Focusing on the person's abilities rather than disabilities counters this type of prejudice.

### **Stereotypes**

The other side of the spread effect is the positive and negative generalizations people form about disabilities. For example, many believe that all people who are blind are great musicians or have a keener sense of smell and hearing, that all people who use wheelchairs are docile or compete in Paralympics, that all people with developmental disabilities are innocent and sweet-natured, that all people with disabilities are sad and bitter. Aside from diminishing the individual and his or her abilities, such prejudice can set too high or too low a standard for individuals who are merely human.

### **Backlash**

Many people believe individuals with disabilities are given unfair advantages, such as easier work requirements. Employers need to hold people with disabilities to the same job standards as co-workers, though the means of accomplishing the tasks may differ from person to person. The Americans with Disabilities Act (ADA) does not require special privileges for people with disabilities, just equal opportunities.

### **Denial**

Many disabilities are "hidden" such as learning and psychiatric disabilities, epilepsy, cancer, arthritis and heart conditions. People tend to believe these are not bona fide disabilities needing accommodation. The ADA defines "disability" as an impairment that "substantially limits one or more of the major life activities." Accommodating "hidden" disabilities which meet the above definition can keep valued employees on the job and open doors for new employees.

### **Fear**

Many people are afraid they will "do or say the wrong thing" around someone with a disability. They therefore avert their own discomfort by avoiding the individual. As with meeting a person from a different culture, frequent encounters can raise the comfort level.

*This information was made available by the Office of Disability Employment Policy, U.S. Department of Labor via a fact sheet produced by the North Carolina Vocational Rehabilitation Services.*

## Americans with Disabilities Act



DRS can provide the latest information and education on the Americans with Disabilities Act, or ADA. It is imperative that every business owner, manager, employer and employee understand this critical federal disability legislation.

The ADA is a pro-business and pro-individual with disability law, despite common misperceptions. It is a positive piece of legislation designed to protect businesses as much as those individuals who have a disability, which can be a permanent injury, illness or impairment.

DRS can show you and your employees how to turn this misperception into a positive, business building approach to enhance your share of the marketplace and to have a positive impact on the community in which you live and do business.

# Complying with the ADA

## Employment

Employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job. Employers can ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities. Employers may need to provide "reasonable accommodation" to individuals with disabilities. This includes steps such as job restructuring and modification of equipment.



## Types of Accommodations

- Making facilities accessible
- Eliminating the function
- Redistribution of workload
- Modifying procedures
- Modifying equipment
- Providing interpreters or readers
- Modifying work schedules
- Flexible leave practices (unpaid leave)
- Allowing person or other agency to supply equipment or other employment services
- Transfer to vacant position (last resort)

## Who Needs to Comply:

- All employers with 15 or more employees must comply.

## Transportation

New public transit buses must be accessible to individuals with disabilities. Transit authorities must provide comparable para-transit or other special transportation services to individuals with disabilities who cannot use fixed route bus service, unless an undue burden would result. Existing rail systems must have one accessible car per train. New bus bus and train stations must be accessible. Key stations in rapid, light and commuter rail systems were to be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail). All existing Amtrak stations must be accessible.

## State and Local Governments

State and local governments may not discriminate against qualified individuals with disabilities. All government facilities, services and communications must be accessible and consistent with the requirements of Section 504 of the Rehabilitation Act of 1973.

## Public Accommodations

Private entities such as restaurants, hotels and retail stores may not discriminate against individuals with disabilities. Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result. Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternate methods of providing the services must be offered, if they are readily achievable. All new construction and alterations of facilities must be accessible.



## Telecommunications

Companies offering telephone service to the general public must offer telephone relay services to individuals who use telecommunications devices for the deaf (TDD) or similar devices.

For answers to questions concerning general information and ADA compliance please contact:

Mid-Atlantic ADA Technical Assistance Center

1-800-949-4232  
(Voice and TTY)

[www.adainfo.org](http://www.adainfo.org)

*This information was made available by the Equal Employment Opportunity Commission via a fact sheet produced by the North Carolina Vocational Rehabilitation Services.*



# Interviewing and the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) does not prevent employers from obtaining medical and related information necessary to evaluate an applicant's ability to safely perform essential job functions.

However, to protect individuals with disabilities from actions based on information that is not job-related and consistent with business necessity, the ADA imposes specific actions and differing obligations on the employer at three stages of the employment process.



## Pre-Job Offer

### You May Ask:

- Questions related to applicant's qualifications.
  - About knowledge, skills, abilities to perform essential functions with or without accommodation.
  - About how applicant would perform asks and with what accommodation (if asked of everyone).
  - About obvious disability that would appear to interfere with performance of essential job functions.
  - About previous work history and attendance.
- About accommodations if:
    1. Disability is visible and appears to limit performance of essential job functions.
    2. Applicant discloses disability.
    3. Applicant discloses need for accommodation.

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## Pre-Job Offer

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### You May Not Ask:

- Questions related to disability including nature, severity, cause, treatment or prognosis.
- Questions that “spotlight” the disability.
- Medically-related questions.
- If applicant will need leave for medical reasons.
- Questions related to previous attendance if they refer to illness or injury.
- If applicant has an alcohol or drug problem.
- Questions about worker’s compensation history.



## Conditional Job Offer

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After making a job offer and before a person starts to work, **the employer may:**

Condition the job offer on a satisfactory result of a medical exam or inquiry if required of all employees entering that job category.

## Post-Job Offer

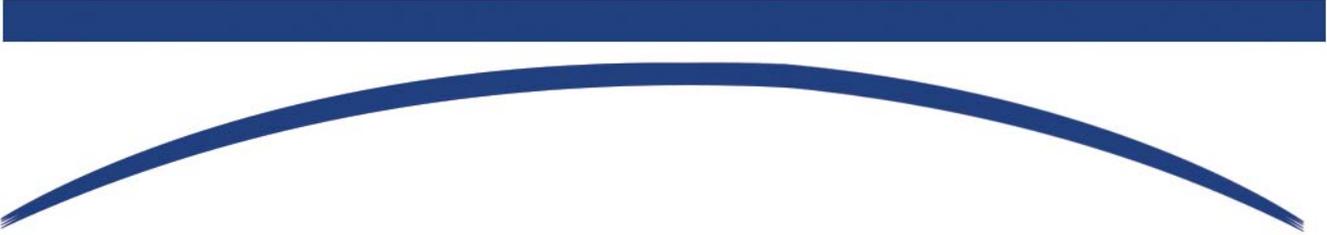
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### You May Ask:

About previous injuries and worker’s compensation claims and make unrestricted medical inquiries, but you may not use information as grounds to refuse employment unless reason can be attributed to job-related and business necessity.

*This information was made available by the Equal Employment Opportunity Commission via a fact sheet produced by the North Carolina Vocational Rehabilitation Services.*





*District offices are in blue.*

**DRS Administrative Offices**  
304-356-2060

**Beckley District**  
304-256-6900

**Cabell Midland High School**  
304-743-7496

**Charleston District**  
304-356-2371

**Clarksburg District**  
304-842-2951

**Elkins Branch Office**  
304-637-0205

**Fairmont Branch Office**  
304-367-2714

**Huntington District**  
304-528-5585

**Huntington High School**  
304-528-6511

**Keyser Branch Office**  
304-788-2313

**Lewisburg Branch Office**  
304-647-7515

**Logan Branch Office**  
304-792-7060

**Marshall University**  
304-696-2394

**Martinsburg District**  
304-267-0005

**Moorefield Branch Office**  
304-538-2701

**Morgantown Branch Office**  
304-285-3155

**Mullens Branch Office**  
304-294-5653

**Oak Hill Branch Office**  
304-465-3025

**Parkersburg Branch Office**  
304-420-4580

**Point Pleasant Branch Office**  
304-675-0867

**Princeton Branch Office**  
304-425-1256

**Ripley Branch Office**  
304-373-0313

**Romney Branch Office**  
304-822-3957 or  
304-822-3233

**Sistersville Branch Office**  
304-652-2354

**Spencer Branch Office**  
304-927-0954

**Summersville Branch Office**  
304-760-7082

**Weirton Branch Office**  
304-436-3175

**Weston Branch Office**  
304-269-0547

**Wheeling District**  
304-238-1092



# Resources

The following resources are available to help business owners and employers find solutions to disability-related issues.

## Staffing

### **West Virginia Division of Rehabilitation Services**

West Virginia's primary resource for assisting business owners and employers in finding solutions to disability-related issues. The Division of Rehabilitation Services can provide critical business options in staffing, education, job accommodations and tapping into financial incentives associated with hiring an individual with a disability.

[www.wvdrs.org](http://www.wvdrs.org)

## Education

### **ADA Business Connection**

Includes ADA compliance resources for businesses including videos, online training courses and business-specific publications.

[www.ada.gov/business.htm](http://www.ada.gov/business.htm)

### **Disability.gov**

The federal government website for comprehensive information on disability programs and services in communities nationwide. The site links to more than 14,000 resources from federal, state and local government agencies; academic institutions; and non-profit organizations.

[www.disability.gov/](http://www.disability.gov/)

### **Employer Assistance and Resource Network (EARN)**

EARN is part of the National Employer Technical Assistance, Policy and Research Center and provides free assistance, consultation and training for federal agencies, private employers and federal contractors on all aspects of employing people with disabilities.

[www.askearn.org/](http://www.askearn.org/)

### **Job Accommodation Network (JAN)**

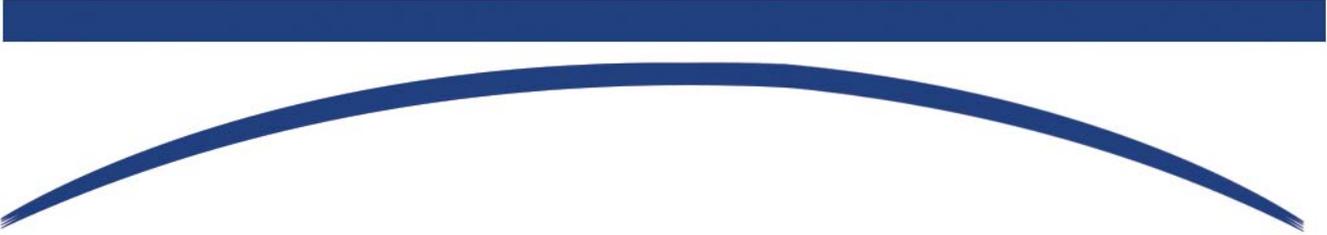
JAN provides free consulting services for all employers (private and public), regardless of the size of an employer's workforce. Services include one-on-one consultation about all aspects of job accommodations, including the accommodation process, accommodation ideas, product vendors, referral to other resources and ADA compliance assistance.

[askjan.org](http://askjan.org)

### **Mid-Atlantic ADA Technical Assistance Center**

Provides information, guidance and training on the Americans with Disabilities Act, tailored to meet the needs of businesses, government entities, organizations and individuals in the Mid-Atlantic Region (DC, DE, MD, PA, VA and WV).

[www.adainfo.org](http://www.adainfo.org)



## **U.S. Department of Justice (DOJ)**

Offers technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies and state and local government programs; also provides information on how to file ADA complaints.

[www.ada.gov](http://www.ada.gov)

## **U.S. Department of Labor – Office of Disability Employment Policy (ODEP)**

Provides resources for employers to increase the employment of people with disabilities in today's workforce.

[www.dol.gov/odep/](http://www.dol.gov/odep/)

## **U.S. Equal Employment Opportunity Commission (EEOC)**

This federal agency is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

[www.eeoc.gov/eeoc/index.cfm](http://www.eeoc.gov/eeoc/index.cfm)

## **Financial Incentives**

### **Tax Benefits for Businesses Who Have Employees with Disabilities**

Businesses that incur expenses related to accessibility and assistive technology may qualify for tax credits and incentives.

[www.irs.gov/businesses/small/article/0,,id=185704,00.html](http://www.irs.gov/businesses/small/article/0,,id=185704,00.html)

### **Work Opportunity Tax Credit (WOTC)**

A federal tax credit incentive provided by Congress to private businesses for hiring individuals from nine target groups who have consistently faced significant barriers to employment.

[www.doleta.gov/business/Incentives/opptax](http://www.doleta.gov/business/Incentives/opptax)

## ***The West Virginia Division of Rehabilitation Services***

The West Virginia Division of Rehabilitation Services, a division of the West Virginia Department of Education and the Arts, is the state agency responsible for the federal vocational rehabilitation program in West Virginia. The primary purpose of the vocational rehabilitation program is to assist people whose physical or mental condition is interfering with their ability to get or keep a job, as prescribed by the federal Rehabilitation Act of 1973, as amended.

Every state has a vocational rehabilitation program, which operates under the same governing principles. This booklet has been compiled by the West Virginia Division of Rehabilitation Services utilizing information from many resources, including materials from the vocational rehabilitation programs in the states of North Carolina, North Dakota, Pennsylvania and Virginia.

DRS extends special appreciation to the West Virginia Division of Tourism for providing the cover photo of the New River Gorge Bridge.



**West Virginia Division of Rehabilitation Services**

304-356-2060 • 800-642-8207 • [www.wvdrs.org](http://www.wvdrs.org)