

Event ID: 2640326

Event Started: 6/9/2015 2:23:28 PM ET

Please stand by for realtime captions.

Good afternoon. This is Norine Jalaway Gill with UNT WISE and our webinar this afternoon is “Who is Covered Under the ADA” with our wonderful speaker Joe Bontke. I appear to have somewhat of an echo this afternoon and I have not been able to solve the problem. Joe however is online and ready to work with us so Joe if it is okay with you, to spare the audience of this echo, I will let you take over and go through your presentation and then I will wrap up at the end of the presentation.

Welcome everyone. What an honor to be invited back again to your webinar series and what I put together for you all today is who is covered under the ADA for Title I guidelines. While I am an employee of the EEOC, I do not speak for the commission and all of the information offered here is technical assistance only and if you need legal advice you should always seek out an attorney. I am not an attorney program the outreach manager for the used -- district office. ADA is one of my passions because a person with a disability, protected under the legislation, I enjoy helping others know more about it and understand basically the hiring issues of title one the basics of what I will take you through with regard to the recruitment or application, interview, pre-employment inquiries and tests. The do's and don'ts of medical exams and the risk management of really a perception or those myths, fears and stereotypes that very often people seem to embrace around the unknown and that unknown is very often the irrational fears of what is the matter with those people.

About a week ago I was flipping channels and I saw a rebroadcast on encore of the Philadelphia story and it reminded me of the series and trepidations of the HIV virus and the concerns that society had. One of the lines in it is we should be suing him, he brought AIDS into our offices. I remember those days and I think the education that we offer in a thing like this is, if you always do what you have always done, will you always get what you've always gotten?

In the statistical world of the nation's largest minority group, the persons with disabilities employment rate is obviously much higher than those without disabilities. I do not want to argue any of the points, all I want to do is offer the facts, not the opinion. I think it was Patrick Moynihan that said, everyone is entitled to their own opinion, you have just got to title your own facts., Look at the notion of hiring people with disabilities in the work world of 2015, there are a myriad of bits that are worth tackling come individuals with disabilities do not have the education that is required but the Bureau of Labor Statistics shows us those back so that half of the individual -- individuals with disciplines have high school diploma today Thursday have post secondary degrees. Be meeting performance standard of the makes come individuals with disabilities are unable to meet those standards or benchmarks. The Harris Associates the famous Harris polls surveyed 190 employees and employees or dispose have about the tips -- 57% or better, 30% productivity levels than people without disabilities.

Supervision, employees with Duke -- disabilities are more difficult, someone will always have to help them. In most cases individuals with disabilities understand the barriers of their life better than anybody else and with the same training that anyone gets, they can do their job unaided. We will talk about an element in the workplace with regard to accommodation or the concept of reasonableness of accommodation in a few minutes.

Accidents. Workers with disparities are more likely to have accidents or prone to additional injuries. The fact is that for national studies the Department of Labor found that workers with disabilities experience fewer disabling injuries than the average employee exposed to the same hazards which I am always fascinated by. Workers comp rates when an employer hires persons with disabilities all those rates are going to go up of the state insurance pool. US Chamber of Commerce study found that 90% of manufacturers surveyed reported no effect on insurance cost as a result to workers with disabilities.

I think we look at the myth in the facts, when hiring is a concern in this is the one that I very often here folks like we have counselors, up with it is impossible to interview someone with a disability because you cannot ask these questions because of all of the myriads of laws but the fact is, that we try to educate them were job on his business [Indiscernible]. You ask individuals who want to are is the same questions that you hire the person with the most experience, the most qualifications. You focus on their ability to do a job, not on your fears and trepidations of what the original five slides showed in the PowerPoint. Spec once I hire the person I cannot get rid of them because they are protected under the law. There is really no special procedure for disciplining or hiring people with disabilities because they are like everybody else, progressive discipline you explain to somebody they are not meeting the standards, writing up for this. I'm giving a verbal warning first and then I'm writing you up and if you continues in -- to not meet the standard you may be put on a performance improvement plan or a suspension. After those three strikes if you cannot do the job you are fired. It is not based on firing them because they have a disability, despairing them because they could not do the job. Those are performance expectations that very often seem to cloud the issue.

The missed that employees with disabilities are less reliable and absent more often, I am fascinated by the notion that this Chamber of Commerce study found that workers with disabilities had 80% lower turnover rates and were not absent any more than people without disabilities. Or the rationale of people with disabilities are more sensitive and they are braver, kinder, more conscientious picked it is like the poster child mentality that unfortunately permeated many people's stereotypes and myths, the practice of people with disabilities are like anybody else, we are all individuals and we are almost unique.

I think the main issue is the notion of expense. This is going to cost me. It is considerable expense necessary to accommodate workers with disabilities is a myth. The fact is, most accommodations are simple and inexpensive. Most frequently reported combinations were changes in job duties and some type of modification. The job accommodation network as well as succeeding together people with disabilities in the workplace resource manual showed that creativity does not have to be costly. If we started with the smallest piece of the puzzle, the piece of the pie here, more than \$5000 is a 1% of the cost. Everything else, let's look at the top 12%, is

\$1000-\$5000. In other words, if I'd looked at 80% of the [Indiscernible] that will be under \$1000. That is fairly significant to understand the concept of accommodation that is reasonable because if I am sending an employee to an out-of-state conference for two days between travel, per diem, cost of the conference, I usually am in the over \$1000, under \$2500 budgetary item anyway. It costs money to do things in business, the myth of accommodation is just there. Care is the facts. This data has been collected not only since 1990 of the ADA but from the rehab act. The job accommodation network has phenomenal statistics on this and it is one area that I constantly champion because I want to point people to the realization of this is cheap and easy to do.

The rationale of reasonable accommodations is that the ADA requires employer to make reasonable accommodations in three categories. When somebody is applying for a job, which opens up an interesting can of forms in the age of the applicant come the applicant on the intranet or somebody who is just dropping resumes to a website. The work environment meaning the bricks and sticks of the world of work and then the benefits and privileges of employment. Really any one of these three areas of the reasonableness of accommodations could take us down a rabbit hole. I want to be as pragmatic as possible for the sake of this particular webinar and look at the examples of what other people have done before. I take the notion of editing is a lot easier than writing, taking somebody's notion of what they have done for barrier removal whether the barrier the architectural, kind of an easy one because you usually only have to do that once, once the crab are is up, once the doorway is wide enough, once the curb ramp is there it never needs to be addressed again.

The committee to give this community give is different because of software issues and whether it is screen readers for the blind or visually impaired or some form of captioning, real-time captioning or ASL for people who are deaf or hearing impaired. The issue or large print or software accommodations seems to create little hiccups at times for the world of clashing of the two sciences, the sciences of software design in the sciences of barrier removal. Transportation, the Gov.'s committee on people with disabilities here in Texas, their number one phone call concern is about accessible parking. Everybody wants those good parking spaces close to the entrance and the abuses of that are wide throughout society just because Granny died and left her hangtag she did not take it with her when she went to the next world, I have seen them sold that garage sales. The reality of then enforceable ethics issue is one of those that is very difficult to do.

In the workplace usually we do not deal with that as much because it is a case by case scenario however it has come up in the use of accommodations is that thing that we champion as much as possible to be able to show cheap and easy and I will use their example again the job accommodation network is a great resource for that.

There are many different I hate to use the word gimmicks or feel-good approaches with this issue. I understand the mindset of hiring or employing people with disabilities can happen in two very different ways especially when the stakeholder group, the community of people with disabilities feel the frustration of why cannot get tired, -- get hired, you can put your arm around seven want them toward compliance showing them how easy it is to get done. That is wanted of the spectrum. The other end of the spectrum may be grabbing them by the collar and dragging

them into court. Two very different approaches. Under title I of the civil active the ADA we assist with both of them at the EEOC.

The realization of risk management for employers is employee has the responsibility to request an accommodation however the employer is responsible for notifying applicants and employees of their obligation to offer this. You have probably seen the poster that is, it is the law in addict takes all of the -- is probably the smallest type is known to man to get that information in their.

Implores very often determine if individual is covered when an employee asks for an accommodation and the employer may request, how do I know this? So do you have any doctors notes about this? This is another spectrum of understanding if somebody is being their own bishop bringing their own furniture to work every day in the form of a wheelchair, proving they have a disability because you can see they are a double amputee may be a mute point. Courts have even agreed with that. Expect the confidentiality of information is still paramount. It is still an important issue because all too often we hear and intake at the EEOC the smoking gun email that an employee says, while I was out on leave, this supervisor sent this email out and it is a very kind, compassionate email asking for prayers or thoughts or remember Bob was out with breast cancer for his wife for who knows whatever the issue was and they did not want to termination sent out to anyone. The confidentiality is important.

The information must not be more intrusive for extensive than is job-related and consistent with business. In other words creating hurdles for somebody to jump through at every juncture is the most important thing to manage as an employer. Let's look at that is a very simple way.

Reasonable accommodation isn't necessarily looking at the notion of, everybody gets the same treatment. There will be some people who will require something different for a fair even playing field, no pun intended with the graphic that the justice is, some folks made to -- may need to of the boxes when somebody doesn't need any of them.

The employer must accommodate unless that accommodation is an undue hardship. Looking at the concept of dollars spent is where I spent an awful lot of attention getting time on the front-end of this presentation because myths very often are surrounded by this. However, when the rubber meets the road with regard to noncompliance, not accommodating, the company, the governmental entity, the respondent to a charge of non-accommodation will need to look at the resources in total as opposed to the line item of reasonable accommodations is what the courts have done. The undue hardship aspect isn't just, we haven't budgeted for this, it is barrier removal that is readily achievable without much difficulty or expense.

What we look at the definition of the disability in this definition has been around for quite a while starting with the rehab act. A physical or mental impairment that substantially limits a major life activity we will talk about those in a moment. The second, somebody who has a record of an impairment. I was diagnosed in the fourth grade is being dyslexic. That record is what put teachers met me with before they met me in person. They very often we see my permanent record and realized I was in a special program in the fourth grade to learn tactile letters at the numbers and they thought there was something the matter with me. Despite the line item, that record probably did more damage than my actual disability.

The third prong, regarding is having somebody as having a disability even though they do not have one and they use the example of my oldest daughter, when she was pregnant with my granddaughter, the boss saw that she was pregnant, realized this was an issue, got her a chair, would not let her stand any more. She did not need a chair. She could stand. Would not allow her to lift anything. It was the bless your heart syndrome and the reality was that he was regarding her as having an impairment even though she did not have one. Gave her the protection without the need to be one. You do not have to accommodate the third prong, if the person is not disabled. Only have to accommodate the physical or mental impairment were somebody has a substantial limitation to a major life activity.

That being said, let's look at the realizations of, a definition of a disability expanded list major life activities. Caring for oneself, standing, eating, lead test speaking, performing manual tasks, walking, lifting, reaching, concentrating, communicating, breathing, working, sitting, some of them are black, someone bold. Some come across this bluish. Somewhere hidden disabilities, some are things that you can visualize. Why is this important?'s --?. I do not know where the list and send this is the tip of the iceberg. ADA was amended with ED AAA -- 80 AAA and the Americans with disabilities amendment act gave the understanding that conditions that are at the [Indiscernible] or in remission are still covered as a disability if the substantial limits of a major life activity as if they were active. Somebody has a record of of blest see, has not have a seizure in a very long time but they still have the protection as if it were active or bipolar or posttraumatic stress whether it is disorder or the diseases yet to be determined. I think if we deploy somebody five times to the same place, that is a normal response to have when you come back from five deployments.

Mitigating measures are those elements that may be removed some of the impairment. I have a individual with a lost limb, and amputee but because of their prosthetic they can now walk. Courts prior to mitigating measures you can walk you are no longer substantially limited from the major life activity of walking your no longer disabled. Under some prejudgment many of the cases were thrown out. The list of the impairments are fairly significant and 29 CFR 1630 1632 - - 1630 -- the reason why put this up is the rationale of giving -- getting an audience to say what would not be covered under the ADA that is probably a good place for a student to be thinking because like race, religion, creed, color, national origin, age, sex, protections we do not think of them in terms of to what degree we think of them in terms of do they need to do the job, are they qualified to carry it out in the hope is A.D. AAA will remove the mindset of the myths of the stereotypes and move it further toward accommodation.

Major life activities also include reproduction and sexual relations. Why that is of an important issue is that most people automatically see pregnancy as a protected category. You have to remember that the substantial limitations with regard to the major life activity needs to be included. Why go down this rabbit hole if to get to the point of bodily function issues whether it be a physical or impairment on immune system cell growth and just a neurological brain respiratory, circulatory, Andrew chronic and the list goes on is the important element. We hope that people understand that the rationale of protection is there and again impairments that are episodic or in relation are disabilities that they was substantially limited in activity when active. The rules apply even if the employee has never yet experienced a substantial limitation due to the

effects of the impairment, the diagnosis of, fill in the blank where somebody was say, I would like to give Billy Bob the promotion but he told us he was diagnosed with and we do not know what the outcome is going to be. If Billy Bob can carry out the essential elements of that job you've got to give him the job. Spec the mitigating measures to determine if an impairment substantially limits a major life activity must be made without regard to any of those mitigating measures except for ordinary correct of lenses or eyeglasses. One to delve deep into this issue the [Indiscernible] two major cases Toyota and Sutton in the set and sisters could not become an airline pilot because of the corrective lenses issue and that ruling stayed put -- repetitive hand motion was what cracked the code if you will. Is another train has to do with the history of how we got to an amendment act with those two Supreme Court cases.

We think of mitigating measures defined quick you think of the blood pressure medication or the assistive technologies of screen readers or the exhilarating aids or services of the accommodation or the learned behavior or the adaptive neurological modifications that to be perfectly frank I have learned over time with regard to my own dyslexia of if you do not know how to spell a word you cannot look it up in the dictionary because you have to know how to spell it to look it up in the dictionary. To be able to come up with some other mechanisms of getting around the phonics of that problem has been my lifelong battle. The surgical interventions with regard to some that may be in fact be controversial in the deaf community like the cochlea in plaque -- implant and being able to hear.

What triggers this process that would look at the pragmatic and employment applicant request accommodation and what does the employer have the responsibility to do? The ninth circuit said that a disability and they do to deserve for accommodation when they're obviously to be accommodating so I can see the person with the guide dog or the white cane or the wheelchair or the sign language interpreter or the hearing aid or the obvious notion of it. I think it is important to at least address the understanding that to gain the folk ones civil rights there is no magic words needed. The plain English of I do not know if I can stand it, do we still use cash registers? The checkouts and for eight hours I need a still of that is okay if it is a reasonable accommodation. You do not need to be in writing although we often encourage people to do that especially in an email so there is a date time stamped document and the request can also come from a family member, friend, health professional, representative for job coach for individual. I do not want to use the term depends to be the end all, be all of this law but you can see the white stroke of inclusion of how this dialogue happens.

How does the employer determine if individual is covered? Once in accommodation is requested the employer again may require that documentation, keeping the information confidential. Questions but not be more inclusive for extensive than job-related or consistent with business necessity and never about a diagnosis or limitation. It really requires the notion of what you need.

Very often when somebody comes forward to ask for an accommodation the very first thing the supervisor or the office manager or maybe even an HR professional will often think of is, call legal, what do we do. I have come up with a gimmick to teach this and I call it the past. If we were in a classroom scenario I would ask everybody to pair up with one other person, what if you become person A, one become person B. Ask person A to make a clenched fist. Person B it

is your job to get the fist opened in the next 10 seconds. In the course of the 10 seconds it is always very comical to see how people will tickle or attempt to high five for fist bump were actually pry open a fist. Very rarely does any more than 10 to 20% of the audience ask the person across from them to open their hand. The notion of requesting an accommodation there is actually a piece of technical assistance written into the law known as the interactive process. Let's stop tickling or prodding fingers open or waving money in front of a closed fist and let's ask the person what do they need to. Let's dialogue. The employees very often in the best position to understand the barriers that have been fallen upon them, the employers in the best position to determine whether or not this is doable in the confines of the corporate culture, the issue of monetary change of venue, whatever the accommodation is. The dialogue, look toward problem solving. When we think of it, if at first you do not succeed try and accommodation. If it does not work the employer has an ongoing obligation to reassess and refined if needed.

This is a very difficult revocable to go down because the realization may in fact be, this person has progressed to the point where they can no longer do the job and the law never says we have to keep employing them that they are not qualified to carry out those elements of the job that are you essential. In this interactive process, sometimes the progressive nature of some disabilities will in fact create that threshold where we have to look at other options for somebody or finding a position that is not the one that they were in order eventual termination. That sounds coldhearted but just want to give you the letter of the law.

Let's look at a scenario. The bless her heart. Jill tells her manager Bob that she is pregnant. Already gave you that one. As a result Bobby Bailey provides the chair, sets it next to her, assigning others within the department to lift for her. Jill is not disabled by the way that the perception is. It is a curveball there.

Ted reveals that he has a chronic back condition is limiting his ability to lift more than 10 pounds. Asked to be able to stock bottle by bottle with a shopping cart instead of rolling a full case on a dolly. Is it reasonable? We offer the suggestion that sometimes you can get 55 pound case of champagne bottles from point A to point B in a different mechanism. It may not be reasonable the link -- the week between Christmas and New Year's in a liquor store where you are selling cases of champagne every 20 minutes. To have somebody doing it bottle by bottle but I think for the 51 other weeks of the year it may be. I think the rationale is part of the dialogue needs to look at that.

Susan is a new employee who is deaf and does not use her voice perked agency has an interpreter who cannot understand Susan's sign language. Susan requested that the agency higher it different interpreter. Is the request reasonable? The obligation really isn't the best interpreter, it is effective communication. I think it is adding a very important element here to understand that just because we accommodated and employee with a disability, let's call it a hearing impairment. Number one, does it mean we have become experts in accommodating every employee which every other hearing impairment from then on the? The interactive process may need different outcomes, sometimes for the same disability because of people's different skill sets. Their jobs, the jobs that change.

Think it is important that the employee not play doctor because they heard on NPR of a new procedure and encourage employee to look into something. Yes, friends may offer suggestions and some supervisors may be friends but not a condition of employment. Very often we see the zealot crossing the line. The virtue, zealot is a pain in the neck at times. I think understanding where the guidance might be is important especially when we understand the purpose of an accommodation is to allow employees who are protected under the legislation of the ADA to perform their job or those elements of the job that are essential and enjoy the privileges or benefits of employment.

Let's talk a woman about the threshold which is undue burden. Which of the following is not an employer defense to provide reasonable accommodation? It's financially difficult, it is unduly expensive for disruptive? Fundamentally alters the nature of the operation of the business? Causes discord among employees not receiving an accommodation? I impeding you the line here, and undue burden is not those things that caused this course among employees who received the accommodation. An employer cannot claim this is an undue hardship because everybody else is upset that Billy Bob got the nice chair and gets a good parking space, how can we get that? It is not of anybody's business what the accommodation is but the rumor mill is a very difficult place to keep the information at a -- At be prepared go back to the confidentially issue, you can only tell people what they need to go -- no.

Shifting essential functions, moving employees to a different supervisor, lowering productivity standards, looking at direct [Indiscernible] are all areas that we can talk an awful lot of time on. I want to give you at least a recap of some of the important ones and then hopefully leave enough time to see if there are any questions, comments or concerns from those of you who are on the call today.

70% of the reasonable accommodations earned \$500. 31% costs nothing practices from the JAL -- JAM. Understand how easy this can be. Already gave you the 1% earlier in my pie chart. Types of accommodations. When we think in terms of assistive tools, devices or personnel changes, exceptions to policies or rules, that is the tip of the iceberg. All too often when the policies clash with the common sense, very often a charge is born. I remember as a youngster my mom would tell me something very simple. Do what I tell you, do not make a federal case out of it. Now I work for the group that makes the federal case out of the request for an accommodation. I just want to share with you, a really great policy that existed in a department store, a grocery store where they had an anti-creasing policy. You cannot steal the grapes I cannot pick up a banana, you cannot open up a bag of chips. This assistant store manager found an open back of chips by a cashier's place and the loss prevention supervisor asked her, did you eat the chips before paying for them? Her answer was yes, my sugar was low and I didn't have time to go get my purse. This doesn't happen often. Josefina was a cashier for 18 years with a clean disciplinary record. 413 of those years, she was not to have type II diabetes. She often paid for the chips at the end of her shift if this happened but in this case she was fired for violating an anti-theft policy.

Why the fist in the interactive process gimmick is a great teachable tool is because all too often when we manage risks, we have to make sure that our perception hasn't become our reality. I think in this case it ended up costing the employer much more than they would have wanted to

pay for the one dollar and 39 sent back of chips in the \$180,000 settlement. There's an awful written about this case and will often delete to use the fear of litigation in the wide spectrum of putting your arm around one or communicating about the fist in the interactive process to the bringing them into court, the notion of Walgreens in the anti-creasing policy is a good policy but really should have been thought through with regard to is this part of our accommodation.

What we think in terms of exceptions to the rule, think it is at least worth understanding that if something poses a direct threat to self or others, this may be worth looking into. There is a fairly significant understanding of the donut maker who works in front of the fact of hot grease and the fear and trepidation the business owner has with regard to allowing the employee to work by themselves with epilepsy in front of the hot that of Greece. We think of direct threat part of the dialogue has to be understanding the risks and responsibilities and were disability related contact renders a person unable to perform those elements of the job with regard to, can they stay employed.

Attendance, a person with obsessive compulsive disorder compelled to go through multiple personal hygiene activities before leaving the house, which frequently -- the employee -- the employer disciplined them and terminated the worker. Was there were a way around that particular attendance violation? Was there a dialogue that needed to happen? The private school teacher was fired from his job due to mental illness, due to his mentally ill son's physical attacking threats against Clement in the headmaster of the teacher filed for a violation of the ADA on the grounds of association in the court ultimately upheld the district court's grant of a summary judgment in favor of the employer based on the direct that -- threat analysis. We can see the court in the back of chips fall in favor of the anti-grazing policy as being in the irrational lack of dialogue and the notion of somebody's son with mental illness and there are threats of other students, the coursing and gently -- deserve is the school does not want to take part in.

Leave as an accommodation. When we think in terms of the Bermuda triangle of the issue of ADA, I can come to work you need to accommodate me, FMLA, family medical leave I cannot come to work I have been injured on the job, I have something in caring for. I cannot come to work, holds my job or the tip of that iceberg the worker comp Clay's -- case. What happened in a workers comp scenario was at the end of the 12 weeks of unpaid leave that somebody had four to the last 12 months, 1250 hours, they were entitled to the 12 weeks of leave that the cobra papers were being sent or the bless your heart letter that when you are fit for duty feel free to come back and visit with us about reestablishing a career here, we felt the EEOC that you had missed the boat by not invoking the interactive process. What if the employee had just left physical therapy and was told by the physical therapist that after another session they would be fit for duty and return to work today they got the letter. FMLA guidance says you cannot communicate with the employee while they are on FMLA so when the letter comes at week 12, we take the position that, couldn't another week of leave the reasonable so that the trained employee could come back to work next the notion of leave policies may need to invoke the fist notion once again.

At Oakland Children's Hospital paid \$300,000 for firing an employee with breast cancer because these six months leave policy and a request for extended leave can be reasonable in cases of serious medical illnesses. Don't substantive options about employee's prognosis for a valid medical opinion is the take away or a reassignment issue where the individual is qualified for

another job may be that notion of a transfer or some kind of a job reclassification. And pay may also be reclassified. FMLA does not allow that but the ADA does. Or looking for equivalent jobs first and then the lower positions. Or employ -- the employee never has to promote creative position but I think the dialogue is important.

Before I get to the questions I want to use the resources of what I have indirectly Job accommodation network, JAMA great resources as is the ADA hotline a place I worked for seven years before coming into the EEOC, 16 years ago calling this number will ring in wherever your phone call originates. My hope is these resources are things that you won't find worthwhile.

Have a few minutes left I will open it now for any questions that have either been submitted and I do not see any in the dashboard but I will shut up and feel free to ask me anything you would like in our few minutes left.

Hello. I just want to remind all of our participants that if you have to go to Control Panel and to the question box you can submit questions to Joe was using the box any he will be able to read them. Again I apologize if you're hearing an echo. We did receive a question by email. The employee with depression was hospitalized for surgery, taking all of his sickly. During recovery he had a significant psychiatric breakdown and requested extended leave. Is it under the ADA, FMLA or both? How much do we need to grant him?

I do not know the answer to that because what we would need to feel in this union is with regard to -- peel in this onion is with regard to the type of job they had whether or not the employer feels this is reasonable, whether not the prognosis for this extended time is something that the unit or the company can accommodate and a case-by-case scenario like this is something that I would never give an answer to carte blanche. Would require the interactive process of, you do not know all of the attributes. It is a good segue to my email and by cell phone on the screen and I would ask you to please those kinds of specific or talk them through on a phone call because I would hate to offer an opinion something I know very little about. Spec of another question for you, what would you recommend to a specialist who is working with then employer to hire a person with a hearing impairment to recommend as in interpreting service?

In interpreting service that is needed for I'm guessing the application process and understanding the effective communications past that may be one of the local -- depending on what state you are in, a local rehab counseling entity would be a great resource of why we create the wills this is the experts, they would be able to assist you with a number of resources to be able to look at solutions for that individual.

I see in your question box to see the comment?

You said [Indiscernible - echo] does this mean pregnant women in labor-intensive jobs would be forced to accept [Indiscernible - echo] is their former position protected? Spec --

FMLA does not require paid to be specified in other words if I come back to work actively backing the same job when I come back. The ADA allows for a lot of flexibility. A pregnant

woman in labor-intensive jobs could be forced to accept a lower paid during pregnancy only if the individual's protected under the ADA meaning the pregnancy is compromised. If they could, that is an interactive process. Is their former position protect did is a mute point because you would have to understand whether or not pregnancy is protected under the ADA. A normal pregnancy is not protected under the ADA. Is a very difficult conversation to have. Pregnancy discrimination under title VII of the civil right act of 1964. 1990 as amended. [Indiscernible]. Mandating someone take a pay cut based on practice is pretty much across the board a violation of civil rights. We get this question an awful lot pricked into something very new. Stopped laughing. We seem to have an uptick of this.

I do not see any of the questions coming in. Do you?

I do not. Am not going away. I still have seven years to work before I can retire and I would like to can to do the dialogue and if I can help in any we have my email and my phone number. I would happily chat with any of you all.

Thank you so much for your time with us this afternoon. I do think a lot of our participants. You will be receiving an email from [Indiscernible - echo] and ones that is returned will be able to put in a credit to your portal. We appreciate your time and energy and you know how to get a hold of Joe if you have any further questions.

Thank you all very much. Have a great day.

Goodbye Joe, have a great day.

Thank you.

Actions	Save as Text	Save as HTML
---------	------------------------------	------------------------------