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**JAN**

**MONTHLY WEBCAST SERIES - CURRENT EVENTS IN ACCOMMODATION**

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>> LINDA CARTER BATISTE: Hello everyone and welcome to the Job Accommodation Network accommodation and compliance audio and Web Training Series I'm Linda Batiste and I'm here with Beth Loy. Beth and I will be presented today's program called "Current Events"in Accommodation but before we get started I want to go over just a few housekeeping items. First if any of you experience technical difficulties during the webcast, please give us a call at 800-526-7234 for voice hit button 5 when the automated system picks up. Or for TTY call 877-781-9403. Second toward the end of the presentation we'll have a question and answer period you can send in your questions at any time during the webcast to our email account which is question@askJAN.org or you can use the question and answer pod located at the bottom of your screen. To use the pod just type in your question and then submit it to the question queue also on the bottom of your screen you'll notice a FileShare pod you can use if you have difficulty viewing the slides or you would just like to download them.

I also want to mention that after the presentation is over, we're going to be sending you a resource handout with some of the resources that we talk about during the presentation today.

>> BETH LOY: Linda, they will also get a link to the recorded webcast. And a link to the PowerPoint slides.

>> LINDA CARTER BATISTE: Great. Okay. You can be expecting that --

>> BETH LOY: And the transcript.

>> LINDA CARTER BATISTE: So that will be a few days after the presentation.

>> BETH LOY: As soon as we get the transcript we'll get it posted and get it over.

>> LINDA CARTER BATISTE: Great finally I want to remind you at the end of the webcast an evaluation form will automatically pop up in another screen in another window as long as the popups aren't blocked we do appreciate that feedback so please stay onto fill out the evaluation form and now let's get started.

>> BETH LOY: All right. We have an exciting program for you today. We're going to start with some statistics.

>> LINDA CARTER BATISTE: Not very many, though, because that's your area, not mine. I'm going to be talking about the home report and we have lots of exciting news to report to you today starting with JAN of course as of course and one of the biggest things that happened in 2018 is we switched our Web site over to a Content Management System.

Some of you may have noticed that our site looks a little different now. And toward the end of today's presentation we'll show you some of the new features and where to find some of your old favorites in case you haven't been able to do that.

>> BETH LOY: And we're going to share some things that aren't even public yet.

>> LINDA CARTER BATISTE: Yes some hot off the press things we're working on but for now I want to talk about what else we've been doing at JAN for the past year. As usual we have stayed very busy. Last year we handled over 47,000 contacts mostly from employers and individuals with disabilities but remember anybody can call us so there are other people who have used us besides employers and individuals with disabilities.

But the employers that called us tend to continue to focus on what's required under their duty to provide accommodations rather than focusing on whether people are covered or whether they have disabilities. But we still do get the occasional question about whether an employee has a disability.

The employees with disabilities who contact us tend to be looking for information about how to get the accommodations they need to keep their job. We're going to be taking a look at some of the accommodation issues we hear about later in the broadcast. But first I want to tell you about the services we offer and how to use them just in case you're new to JAN. There are various ways to reach us. Half the people who use our services last year contacted us in the good old-fashioned way using our toll free telephone line. But the other half in came -- came in electronically through things like general email account, we have an online tool called JAN on Demand. We have a live chat and of course we have social media accounts like Facebook and Twitter.

And speaking of Twitter, last year if you joined us we noted we wanted to get up to 6,000 followers I'm very happy to report with your help we now have well over 6,000 followers.

If you're not one of them, please consider signing up so we can work toward our new goal which is 7,000 followers I can't guarantee that will happen by next year but we can try.

>> BETH LOY: We can try.

>> LINDA CARTER BATISTE: Our webcast remained popular too. In the last year we received over 18 million page requests as I mentioned we'll be talking more about our site later on but I want to mention new videos we added to our site that we think might be of interest to you.

First up is a whole new series of videos that we call solution showcase videos. These are mostly two to four minutes long and describe or show how various accommodation solutions work.

Currently there are videos about Smartpens, Speech Recognition Software, and telephone amplification. And coming soon we'll add videos demonstrating CART or captioning services, Microsoft and iPad built-in accessibility features, and alternative mice. These videos are designed to help you understand how various services and assistive technologies work. Just to help you explore accommodation options in the workplace. And we're going to continue adding new videos pretty much every year, right, Beth.

>> BETH LOY: Yeah, and we wanted to do this just to kind of engage our customers into looking at some of the more common pieces of technology that's being used as accommodations. And we kind of took it from a standpoint of a person tuning in say to our future iPad video, a person that is not even turned on an iPad before. So we took it from a very basic user friendly view to try and say, hey, look at all of these features that Windows already has built into its system and that the iPad already has built into its system.

So I'm pretty excited about those two videos.

>> LINDA CARTER BATISTE: Yeah, me too because a lot of times you don't need to go buy anything new you already have stuff built into what you already paid for and a lot of people aren't aware of that so these videos will be really cool to give you a good overview of what's already there that you don't have to buy.

>> BETH LOY: And another thing these will do is if you want to have a technology demo, and one of your -- in one of your trainings that you have, you can use these videos rather than having someone come onsite to bring the equipment in.

>> LINDA CARTER BATISTE: Yeah.

>> BETH LOY: So it really makes it quite handy I think.

>> LINDA CARTER BATISTE: Or even during an Interactive Process with an employee or with your employer if you're an individual with a disability, you can pop these up and see if they might work for you.

>> BETH LOY: Yeah.

>> LINDA CARTER BATISTE: The other videos that we have are called the just-in-time training videos. And these highlight various disability related issues that can come up in the workplace and then offer practical solutions for addressing each issue.

So far we have videos about interviewing a young person on the autism spectrum, managing an accommodation request from a Veteran with hearing loss and PTSD managing an accommodation that surface during a performance review, retaining an individual with a chronic health condition, hiring an individual with an anxiety disorder that results in a stutter and returning an employee with a back injury to work.

Now, these are a little longer and they show people kind of acting out situations in the workplace. Doing them wrong. And then maybe a better way to do some of these things.

So they are very helpful for training your frontline, training your HR, training your managers. And we're going to be adding to this series, as well.

>> BETH LOY: And I like these, Linda, because, first off, the actors have disabilities.

>> LINDA CARTER BATISTE: Yes.

>> BETH LOY: And the actors are very engaged in the process of writing the scripts so that kind of made it --

>> LINDA CARTER BATISTE: They are very realistic.

>> BETH LOY: Made it more interesting and these are good for training, too.

>> LINDA CARTER BATISTE: Really good for training. A lot of people have already been using them and I just want to mention that all of the videos I mentioned, these as well as the solutions showcase videos are free. They are on our Web site. We have included the links on each slide here for the relevant videos. And you can download them any time you want to use them. And as many as you want.

>> BETH LOY: And they are all made to be accessible. And the easiest way to get to them is really on our YouTube channel.

>> LINDA CARTER BATISTE: Oh, yeah I didn't think about that.

>> BETH LOY: You can just go one-stop shop.

>> LINDA CARTER BATISTE: Yeah so good tools for training.

And then I just want to say on the home front, we think these are very exciting times. Hopefully you think so, too. So stay tuned to the JAN Web site at askJAN.org for all of the latest JAN news and here is Beth with today's business news the JAN cost/benefits report.

>> BETH LOY: Thank you this is my favorite section but probably only 10% are interested in these statistics.

>> LINDA CARTER BATISTE: Statistics, yay.

>> BETH LOY: We put it at the beginning of the presentation just so everyone would have to listen to it anyway.

(Chuckles).

>> BETH LOY: In this section what we want to do is look in the costs and benefits of workplace accommodations and this is more the business side of implementing the ADA and Rehabilitation Act.

Now, we have been performing a study on what workplace accommodations cost and the benefits of workplace accommodations. Really what that study has shown is not only are accommodations low cost but they do have a positive impact in the workplace in many different ways.

And we collect our data from different groups, employers, professionals, such as service providers, individuals, and those interested in self-employment.

These are individuals, of course, who contact JAN. Now, the cost-benefit data that Linda and I like to use for this report is available from employers. And usually employers know more about the costs and the benefits of an accommodation so that's why we analyze these data. Now the JAN study has been ongoing since 2004 so we did have quite a bit of data. And employers in this study really represent a range of industry sectors and sizes.

And most of the time these individuals contacted JAN for information about both workplace accommodations and the ADA or Rehabilitation Act.

And employers who contacted JAN, they are asked if they are willing to participate in a user satisfaction survey and approximately eight weeks after the initial contact, the employers are asked a series of questions about a situation they discussed with JAN.

Also as a part of this, they get to comment on the quality of the services that we provide.

We do have an external contractor who provides this service for JAN so the data are collected from an unbiased researcher.

So okay all of that sounds great but what's the bottom line? Well, workplace accommodations are actually very low cost. And they also make a high impact.

And this trend hasn't wavered since the inception of JAN. And best of all JAN can help employers make these workplace accommodations free of charge. All totalled, JAN follow-up study includes 2387 employers. And having this number of employers in our sample means the data are more robust than most surveys and we can be sure that the data are reliable and valid and the data are very consistent with previous years. It's always very surprising to me that the data don't really take these wide swings that can sometimes happen in surveys.

Now I'm going to highlight these results and talk a little bit about what they mean as far as the business view of workplace accommodations.

So the first finding I would like to share is that employers want to provide accommodations so they can retain valued and qualified employees. So what this means is most of the employers who contacted JAN for accommodation information solutions were doing so to retain or promote a current employee. And it was 83%. And that stayed in the 80s for quite some time. It's a very high percentage rate.

And on average, including those persons who had just been given a job offer or who were newly hired, the employer had that employee work for the company for about seven years. So these are not really brand-new employees.

The average wage was $14 for those paid by the hour. And the average annual salary was $51,400. So these are not minimum wage jobs.

In addition, the individuals tended to be fairly well educated, with 55% of individuals having a college degree or some other higher degree. So let's look at a real example because that's really what's more interesting than just talking about the numbers.

And Linda and I pulled some examples for you today. And we think these kind of exhibit the different types of benefits and costs that we're talking about.

So we had a situation that involved an insurance specialist. And this individual had Post Traumatic Stress Disorder. Had difficulty handling stress and controlling his emotions. And the employee's physician stated that these limitations were due to his mental health impairment and the side effects of his diabetes. Now, this individual's job performance and attendance were declining.

Now, in this case, of course he wanted to be at work more. And his employer wanted him to be at work more. As a reasonable accommodation, the employer allowed the employee to use a service animal and this is not an uncommon request is it Linda.

>> LINDA CARTER BATISTE: It's more and more frequent all the time.

>> BETH LOY: And the service animal was beneficial in helping the individual handle stress and controlling his emotions. And by making this accommodation, the company was very happy. The company was able to retain a well qualified employee. And the cost of the policy modification was $0.

So in a case like this, this could be something that's very easy to do in a workplace.

Okay. I see questions coming in about service animals so we'll hit those later. We'll get to those, don't worry. I expected them.

So the second finding I would like to share is most employees report no cost or low cost for accommodating employees with disabilities.

And this is always what gets me excited because over half of all accommodations were made at no cost.

>> LINDA CARTER BATISTE: Well over half.

>> BETH LOY: Yeah almost 60%, 59%. And of those who did -- that did had a cost the typical cost was $500 and this has remained at $500 for several years.

>> LINDA CARTER BATISTE: That's amazing you would think it would go up with inflation.

>> BETH LOY: You would think it would and I've seen the data that's come in and it is an accurate representation of the data so it always gets exciting when you're running that number to see what's going to come back and when it comes back at 500, it's still surprising that it remains that steady.

So let's look at another real life example of an accommodation situation. This was a quality control manager. This individual had trouble sitting for long periods of time due to chronic pain.

Now, as a reasonable accommodation, the employer purchased a sit/stand workstation. And the employer stated that this is really beneficial and this allowed the individual to alternate from sitting to standing every 20 minutes. And the employer felt that this allowed the employee to really increase her productivity. And the cost of the sit/stand workstation was only $500.

>> LINDA CARTER BATISTE: And that varies a lot depending on what you get but you can get some inexpensive ones that do the trick.

>> BETH LOY: Yeah. Now, the third finding I want to share is that employers report that accommodations are effective. And this is probably my all time favorite statistic. And to me, I don't think it is quoted enough.

Now, of those responding, 75% reported that accommodations were either very effective or extremely effective.

And to me, I don't think the rest of this data mean anything without this statistic.

>> LINDA CARTER BATISTE: Right they have to work or -- it doesn't matter what they cost.

>> BETH LOY: So if I was going to invest $1 to get a 75% return, you can bet I would. I'll take that.

>> LINDA CARTER BATISTE: Yeah.

>> BETH LOY: Okay. So let's look at another real life accommodation situation. This one involved a bank employee with fragrance sensitivity. And don't worry, we'll take your questions about fragrance sensitivity.

>> LINDA CARTER BATISTE: And I've got another example of it, too, since it's so popular.

>> BETH LOY: Yeah. She was having problems working due to irritants such as perfume and candles and this is a problem that she experienced that caused her to have significant nausea and migraines.

Now, as a reasonable accommodation, the agency made changes to its policy. And wrote a policy -- rewrote the policy until they got it to the point where they felt like employees understood that they should not use fragrance items in the workplace.

And the employer also purchased an air purifier and provided employees with education packets about fragrance sensitivity. And believe it or not, the employer reported that the accommodation was very effective. Actually extremely effective. Because the employee is able to work without worrying about getting sick from strong fragrances and odors and the ultimate cost of that accommodation was $200.

So all in all, this study -- the study results have consistently shown that the benefits that employers receive from making workplace accommodations far outweigh the low cost. I would say that most of the people who are attending today's session believe in that. Otherwise you probably wouldn't be on our current events webcast.

And also Linda and I would like to thank you for attending because we set a record today.

>> LINDA CARTER BATISTE: Yeah, record number. And our equipment is working.

(Chuckles).

>> BETH LOY: So far everything is working and everybody is logged on.

So I think when it comes to the business side of events, you know, it's always good to have hard data and numbers that you can go back to when you're trying to argue for changes in your organization.

So just to keep up to date on our research, go to our A to Z topics page which is available from JAN's homepage, go to benefits and costs and you'll be able to find this updated report and we're going to send you a link to that in a handout, as well.

Now, with that, let's head to favorite topics for all of us, controversial but yet exciting. I'm glad I don't have to do this section, it's on politics, Linda.

>> LINDA CARTER BATISTE: Well, let me just say, this year there were so many things we could have talked about related to politics but I'm taking the safe route and we're going to focus on our favorite legal topic and that's the Americans With Disabilities Act.

So for any of you who are about to get up and arms about politics, just the ADA today, please.

In the past year, we've been seeing a lot of court cases which is something I like to review all the time. Just for fun.

But these kind of trends that I'm seeing, they have been mostly about an employer failing to provide an accommodation, which isn't you are into. That's what we mentioned most of our calls were about. But in the cases, one of the issues that the courts have been looking at is whether the parties, both parties, the employee and the employer, whether both participated in the effort to come up with an effective accommodation.

This Interactive Process between the two parties is a lot of times going to be the key to actually coming up with an effective accommodation, which is why the courts have started looking to see if that Interactive Process actually occurred. And if there was a breakdown in the process by one of the parties and which one was it. If the court can tell that one party failed to cooperate, that party often loses the case.

So we thought it would be interesting to look at the Interactive Process from both sides, the employers and the employees side, talk about some of the problem areas we've been seeing, and share some practical tips for avoiding these problems. And we're going to use our sample Interactive Process as the framework.

So Step 1 in the Interactive Process is the accommodation request. Usually initiated by the employee.

And here is a typical scenario.

Joe is a machine operator in a manufacturing plant. He's been having trouble standing because of foot pain related to his diabetes.

He mentioned to his supervisor that he doesn't know if he can keep doing his job if his foot pain continues. And he says he wishes there was something he could do.

His supervisor, who he has known for a long time, expresses sympathy but then the supervisor doesn't do anything else.

From the employer side, this is likely a failure to recognize that an employee has made an accommodation request. Which means the Interactive Process goes no further and there is potentially a violation of the ADA.

This often happens when the employee says something informally to the direct supervisor who a lot of times isn't really trained to process accommodation requests at all. Sometimes the employer has a formal written process that says, employees are not supposed to ask their supervisors for accommodations. They are supposed to go to HR.

So a lot of times nobody thinks about training the frontline supervisor because they are not supposed to be involved in the process but honestly in our experience employees don't always follow the formal policy. They don't even always know that they are requesting an accommodation under the ADA. All they know is that they are having a problem and they are going to go talk to the person in management that they have the closest relationship with.

From the employers side a really simple way to avoid this ongoing problem is to train your frontline supervisors and managers that any time an employee says something that seems to indicate that a medical condition is causing a work related problem, call the person or the department in charge of processing accommodations and tell them so that they can take it from there.

Because it's going to continue to happen. Employees are going to talk to their supervisors.

From the employee side, don't make an employer guess whether you're asking for an accommodation. If you're having trouble at work, check your employee handbook if you have one. Find out how to address the issue properly in the workplace. If it's addressed in the handbook, then follow the procedures. If it's not addressed, you might want to come up with your own formal procedures, meaning put your request in writing. You're not required to put it in writing. But in our experience, putting it in writing can sure cut down on a lot of confusion. Especially if you specifically state you're making an accommodation request under the ADA.

And if nothing else, a written request gives you evidence of your request. If you feel strongly about keeping your direct supervisor in the loop, you can even address the request to the supervisor and then just send a copy to HR or personnel.

We're going to include a publication in the handout that we're going to send you. If you need more information about making a written request, we send this out a lot to our employee callers.

Step 2 in the Interactive Process is gathering the information needed to make an effective accommodation. Sounds pretty simple but here is a typical scenario we hear can happen. Mary has multiple sclerosis and received accommodation in the past related to her schedule she asked if she could telework a couple of times when she can't get to work her employer gives her ADA paperwork, even though she had her doctor fill out the same paperwork last year.

Mary refuses to provide any medical documentation stating it's illegal to require it again, the employer already has it, the employer says hey no it's a new accommodation request we can get new paperwork and we're not going to consider telework until you get us that documentation.

From the employer's side, employers do have the right to get reasonable medical documentation that shows the employee has a disability. And needs the requested accommodation. But that doesn't mean asking for the same information more than once.

If you have documented that an employee has a permanent disability, you should not ask the employee to document it again.

In our scenario, Mary might be right, the employer may have everything that's needed. But we don't know that for sure. Because in addition to documenting the disability, the employer can document the need for accommodation. And if this accommodation is needed for some other reason besides the fatigue that's already documented, then the employer can probably get new documentation.

To help sort this out, it can be really helpful to just talk to the employee about why the accommodation is needed. And then if more medical documentation is necessary, talk with the employee about why you need that information.

Sometimes the Interactive Process is really about making sure both parties understand what is needed, why you're asking for it. And what you're going to do with the information.

The bottom line in the information gathering stage is not to stick rigidly to medical documentation forms. That's what we hear happens a lot. You just automatically give out that ADA paperwork. But you need to think about what you need. You need to talk to the employee. And then you can customize your approach to fit the situation, which is a much better approach.

From the employee side, if you think an employer is asking for more information than is allowed put something in writing to the employer asking why the information is being requested. You want to show that you're willing to provide reasonable documentation but you're just not clear why the information is being requested.

You don't want to just refuse to provide anything because then it looks like you're the one who caused the breakdown in the process.

In our scenario about teleworking, the employer might have needed more information in order to explore accommodation options. While the employer shouldn't have asked the employee to redocument the disability, again, that employer might have been justified in asking for more information about the need to telework. So you need to clarify why an employer is asking for information.

Step 3 in the Interactive Process is exploring accommodation options, which is our favorite step in the process.

>> BETH LOY: Yes.

>> LINDA CARTER BATISTE: Here is an example of how the process can break down at this step.

Mike is an office worker with a sleep disorder. He asked his employer to provide him with a private office he's usually in a cubical environment says he needs the private office so he can take naps as needed his employer says no, no, no, you're not entitled to a private office you sit in the cubical and it's against company policy for employees to sleep on the job.

The problem here is that the employer didn't offer to discuss other options. For example, could a private rest area be provided, not a private office but somewhere where the person could go rest and then could the employee take breaks on his nap -- or on his breaks or his lunch break can he sleep then? Are there other things that would help like a schedule modification? Maybe keeping the employee's work environment cool. Allowing the employee to take breaks to get up and walk around.

There could be lots of simple accommodations that could be made. But we often hear that the employer just says no. We're not going to do what you ask for. And that ends the process.

So as a starting point, the employer should talk with the employed to see if other ideas are going to work. Maybe the employee has some other ideas. If not, use resources such as JAN to help come up with other options.

Then from the employee's standpoint, put something in writing to the employer asking to continue talking about possible accommodations. If possible, try to come up with other ideas yourself. You can use resources like JAN to brainstorm ideas that you can then present to the employer. Your goal is not just to go file a complaint. I mean sometimes that's the only option. But in this case, you want to try to get the Interactive Process going again.

It's a much easier process than filing a complaint.

Step 4 is choosing an accommodation. Under the ADA, employers get to choose among effective accommodation options. What we hear about a lot is an employer choosing an option that is not effective. Oftentimes the employer thinks it's effective. When it's not.

To avoid this happening, the employer should talk with the employee about the options being considered just to make sure each one is effective before making a final choice.

And when possible, we always suggest the employer try to opt for the employee's preferred accommodation.

From the employee's standpoint, don't lock yourself into just one accommodation option. You need to be willing to discuss other options. Again, it's the employer who gets to choose the final accommodation.

So talk with your employer and be flexible enough to consider other options.

And if your employer ends up offering an accommodation that's not effective, don't just ignore it. Don't necessarily go file a complaint. I mean, again, that's your option. But it can be more helpful and quicker to put something in writing letting the employer know, hey, this accommodation is not going to work and here is why.

Then ask the employer to meet with you again to discuss effective options.

The next step in the Interactive Process is implementing the chosen accommodation. And here is an example of the biggest breakdown we see and we're going back to the fragrance sensitivity issue that Beth brought up earlier.

>> BETH LOY: Good because we have like ten questions on that.

>> LINDA CARTER BATISTE: We get lots of questions here. Janice has fragrance sensitivity and has asked her employer for a total fragrance ban policy I was going to say a total fragrance free workplace but let's call it a fragrance ban. The employer is unwilling to completely ban fragrances but is willing to set up a fragrance free work zone for employees and it's something we often talk to employers about trying to do to accomplish this the employer hangs signs in the employee's work area indicating this is a fragrance free zone but does not educate co-workers about what that means or even notify the employee's immediate supervisor because the employer feels violating the ADA confidentiality rules.

So as you might guess, the result is an ineffective accommodation because co-workers don't understand what fragrances they are not supposed to wear, what a fragrance free zone is so they wear fragrances and they trot right through the fragrance free zone.

From the employer's side one of the main things that needs to happen here is communication with the employee to find out how she would like to notify others about the fragrance free zone. Confidentiality rules are important and they can limit what someone can tell supervisors in some cases but that doesn't mean the employee can't voluntarily educate others when needed and sometimes there are things the employer can do without violating confidentiality.

Supervisors can be informed about accommodations on a need to know basis from the employee's side what we often say is the employee is frustrated the accommodation isn't working and a lot of times feels like the employer is basically denying the request just paying lip service to it when in many cases the employer isn't aware of what needs to be done or like we mentioned in our scenario is afraid to do something that will violate the ADA. As I mentioned before in another step, when an accommodation isn't working, put something in writing to the employer and say that. If you have ideas about what needs to be done, say that, too. And if anyone in the workplace needs to be educated about your accommodation and you're willing to do that educating, make that offer to the employer, make the employer's life a little easier in this kind of situation.

And the final step in the Interactive Process is monitoring accommodations to ensure they continue to work the easiest way for an employer to avoid having an accommodation stop working is communicate with the employee. Check in periodically and ask whether the accommodation continues to be effective. And remind the employee to let you know if any problems occur.

And the same goes for the employee. Communicate with your employer if you start having any problems with the accommodation that you've been provided. Don't wait for your employer to happen to notice your accommodation isn't working. Just go ahead and say something.

So That's my summary of the Interactive Process, breakdowns and tips for avoiding these breakdowns. As you may have noticed, the most important tip I can offer is to communicate with each other throughout the process.

If the other party isn't communicating, put your communication in writing so you have a record of your efforts. And honestly, a lot of times when someone puts something in writing, the other party is more likely to pay attention to it. Because everyone knows that creates a paper trail.

Hopefully neither party is going to need a paper trail but if you do, you're going to have that evidence.

And if you need more evidence on the interactive process, feel free to contact us and we will be providing some information on the handout that we send to you afterwards.

So again the ADA is making headline news and it's going to continue to do so for a while I can guarantee so stay tuned to the JAN Web site for all of the breaking political and legal news and now back to Beth to talk about my favorite part of the webcast and that's exciting developments in the world of technology.

>> BETH LOY: I think you totally dodged politics.

>> LINDA CARTER BATISTE: I know.

(Chuckles).

>> LINDA CARTER BATISTE: I didn't do it.

>> BETH LOY: I think you bluffed everyone because you went off on the ADA and it's like the most interesting part of the presentation.

>> LINDA CARTER BATISTE: It was my goal. And I had succeeded until you opened your mouth about it.

>> BETH LOY: Well, I like to be open with the people who tune in.

(Chuckles).

>> LINDA CARTER BATISTE: If you want to talk more politics, Beth is available after the webcast via our toll free hotline.

(Chuckles).

>> LINDA CARTER BATISTE: And our live chat.

>> BETH LOY: No. That's not going to happen. I'll just send them to you. Secretaries like me better, anyway.

>> LINDA CARTER BATISTE: Yeah, that's true.

(Chuckles).

>> BETH LOY: Okay. Our next step is to talk a little bit about some new technology. This is always kind of exciting. We tend to get information on products that aren't necessarily available yet or new ones that are just on the market. And this is a new type of wheelchair. This is called the Model M wheelchair. It's from a company called WHILL. And this is kind of a cool wheelchair. Because it has a lot of rollers on each wheel. So that makes it very easy for a person to turn the wheelchair on a dime.

It also has something called a scoot seat. And what happens is when you pull up to a table, the seating part of it will push you up. So that you're closer to the table.

>> LINDA CARTER BATISTE: That's cool.

>> BETH LOY: Yeah you can go underneath the table and the chair itself sits back from the table.

>> LINDA CARTER BATISTE: That's cool.

>> BETH LOY: So I thought that was a really neat design.

It has three speed settings. And it goes 5.5 miles an hour.

>> LINDA CARTER BATISTE: Oh.

>> BETH LOY: Right and it will go for 15 miles on a charge.

>> LINDA CARTER BATISTE: That's cool.

>> BETH LOY: That's a long way.

>> LINDA CARTER BATISTE: It looks good too.

>> BETH LOY: Yeah that's a long ways. So pretty exciting wheelchair. The cost of this is $10,000.

So here is an app, this is actually a free app. You can get it for whatever type of SmartPhone that you have. But this is an app. It's very customizable and it was designed with the idea that it can support individuals with intellectual disabilities. And it helps them independently complete tasks. And what's interesting is these tasks can be broken down into manageable steps.

So a user can access a picture. Can access text or can access audio that support the different steps that go along with the task. It also has video where it can prompt a user or show modeling of what the task -- how the task needs to be done. And all of this is supported within one app. It's called TaskAnalysisLIFE. And this is actually designed by a department at Clemson.

And it also works on GPS location, which is cool because for different locations, it will automatically populate the tasks that go along with that location. So if somebody is at work, it automatically populates work related tasks. If the individual is traveling from work to home, it automatically populates those tasks. Once the individual is home, it automatically populates its home related tasks.

So very cool device that the Clemson people have designed.

Okay. So next is the Instant Pot. Right. Okay. You might not think of this as an accessible device. But this device has become so cool.

I don't know if any of you out there remember the old time stove top pressure cookers.

>> LINDA CARTER BATISTE: Don't look at me why are you looking at me.

>> BETH LOY: Because.

(Chuckles).

>> BETH LOY: My grandmother used one.

>> LINDA CARTER BATISTE: Great, your grandmother used one.

>> BETH LOY: No seriously do you remember those.

>> LINDA CARTER BATISTE: Yes I do.

>> BETH LOY: They are very scary they used to make a whistle like a train was coming.

>> LINDA CARTER BATISTE: Yes.

>> BETH LOY: Well, this is a whole different thing. This thing is Bluetooth enabled and you hook your SmartPhone up to it and it will actually read the screen to you.

>> LINDA CARTER BATISTE: That's scary.

>> BETH LOY: So you don't have to have vision to work this thing. Even though it looks like it's very vision based. And to me it's just so exciting once you pair it with your SmartPhone and then your SmartPhone has the voice output that tells you what's going on with the Instant Pot.

>> LINDA CARTER BATISTE: Wow very cool.

>> BETH LOY: There's no excuse for not cooking now. I mean because $150 for this. You can find it on Amazon.

Okay. This was a case that we had, remember this case.

>> LINDA CARTER BATISTE: Yeah, I love this simple accommodation solution.

>> BETH LOY: Do you want to tell them what happened with it.

>> LINDA CARTER BATISTE: What happened with it.

>> BETH LOY: Well, remember the person couldn't see the top of the stove.

>> LINDA CARTER BATISTE: Oh yeah.

>> BETH LOY: And it was too expensive of course to retrofit the stove this individual used a wheelchair. And so rather than doing any type of retrofitting, there's actually an over-the-stove mirror.

>> LINDA CARTER BATISTE: I thought you were going to say the pot blew up or something.

>> BETH LOY: Yeah, but this type of over-the-stove mirror. It's $100 it mounts on the wall over the stove so the burners can be seen from a seated position. And it actually goes on the wall with one screw so that you can angle the mirror to get the best visibility.

>> LINDA CARTER BATISTE: Nice. I like that one.

>> BETH LOY: Okay. This is a little update here on Instagram I'm not a big Instagram user but I know a lot of people are recently Instagram introduced two new features related to alternative text or custom alternative text so individuals who could not see the image but use screen reading software will better understand the images on Instagram since it's so heavily image based.

>> LINDA CARTER BATISTE: Oh, wow.

>> BETH LOY: And the coolest part of this is for people who don't want to take time to actually customize the text, it will -- the system will adopt object recognition technology. And that will formulate an alternative text. You can then take it and customize it. But it will automatically do it for you.

>> LINDA CARTER BATISTE: Wow.

>> BETH LOY: And I anticipate that that will only get better with time.

Okay. This is something called the Tactonom. And what this does is you plug this baby into a PC. And whatever type of graphic you have, say it's a table, a graphic, a map, a diagram, it will turn what you have on your PC into Braille. It's a graphic device that shows the graphics in Braille. And this is just being developed. This is a project that should be finished this month. That's what the estimated finish date was.

And you know just imagine you can plug this in if you're working on a map and immediately you can feel the different places on the map in real-time.

So there's no price on this yet. The software is supposed to be Open Source. And usually when it's Open Source like that, you'll see a lot of updates and changes to it once it's out.

Next we have this little dolly. This little dolly is called the Dozop. This Dozop is neat for like moving paper. Moving boxes in paper around the office.

It's a collapsable dolly. 40 bucks. And you can actually -- the cool thing about this is it collapses into one piece. It doesn't come apart.

So you can put it altogether. And then stick it on a shelf.

>> LINDA CARTER BATISTE: It looks lightweight, too.

>> BETH LOY: Yeah it can handle light -- it's lightweight but can handle up to 250 pounds so it can handle a good bit of paper. Okay.

Next product is something called CARA. And this was developed by Cal Tech. And what it does is the researchers at Cal Tech developed what's called a Cognitive Augmented Reality Assistant.

And this uses Microsoft HoloLens to make objects talk to you.

So you put these on. And CARA uses computer vision to identify the objects in a given space and it says their names.

And you'll know if there's a chair in front of you, if there's a door to your right. And the closer you are to something, the higher the pitch of the voice that's speaking to you. So as you get closer, the pitch gets higher.

You have three different modes. You have a spotlight mode. Which only talks about objects when you're looking directly at them. You have a scan mode that will name everything that's in your view. And then you have a target mode and that let's you focus on just one object. And that is not out yet, either. But it's going to be pretty amazing when it does come out.

Next we have something called a Code Jumper. I like this. It's not really workplace related. But this is a project for kids who are blind. To teach them how to code on computers.

And it's called Code Jumper. It allows children to learn coding by connecting these physical blocks together. And each block is about the size of a football. And it's very brightly colored. And they are different sizes for different commands and the children can connect them together to build a computer program.

And Microsoft has been working with the American Printing House for the Blind. To help tweak this system. And it's going to become available in the United States, Canada, India, Australia, and the UK. This year.

No price on that yet, either.

>> LINDA CARTER BATISTE: Nice. Good interesting products.

>> BETH LOY: A lot of things that aren't out yet but that are in development. All right, Linda you're up.

>> LINDA CARTER BATISTE: All right, thanks. This year in the living section of our broadcast we're going to be talking about disability and conduct in the workplace because we get loads of questions about what an employer can do when an employee is causing conduct problems when their disability is causing conduct problems let me say the ADA doesn't make employers to have conduct rules, they should have conduct rules that apply to all employees including employees with disabilities but there was one ADA requirement employees must follow. A conduct rule must be, quote, job related and consistent with business necessity end quote when it applies to employees with disabilities that apply them to violate the rule what does that mean basically it means it's going to depend on the situation in most cases an employer must make a case-by-case determination when deciding whether to enforce a conduct rule if an employee with a disability cannot comply with the rule because of the disability. The decision is going to come down to looking at the conduct at issue, what is the employee doing. And whether it's truly a problem based on the employee's job and how the conduct impacts others in the work environment. So let's look at some examples from the Equal Employment Opportunity Commission and this is from a publication we're going to include on your handout.

Say we have an employee that has Tourettes syndrome which causes certain behaviors he can't control the employer has a general rule about acceptable workplace conduct and another rule about being disruptive to others.

To determine whether these general rules can be applied to the employee we need to look at several things including what the behavior is, what job the employee has and what the work environment is.

So in a first example this employee with Tourettes syndrome barks, shouts, utters nonsenseable phrases and makes a lot of other noises that are really loud and frequent. This disability related conduct probably would not be acceptable in jobs dealing directly with the public like a bank teller, a cashier, a teacher. Or a retail salesperson. In those kinds of jobs with these kinds of symptoms the employer could apply that conduct rule meaning the employee has to comply with it or won't be qualified for the job. But say the same employee with the same behaviors works in a noisy warehouse with no conduct with customers and not in close proximity to co-workers in this case the conduct rule the employer has probably can't be applied to this employee because it doesn't seem to be necessary for the job and the work environment. Let's say in the third example that this time this same person has Tourettes syndrome but has less disruptive symptoms. His symptoms are he clears his throat every now and then and his eyes blink. Well this conduct is going to be most likely acceptable even in public jobs that deal directly with the public.

So the employer's conduct rules include things like clearing your throat or eyeblinking may have to make an exception for this individual because it's really not necessarily going to interfere with job performance as you can see you can't just apply a general conduct rule without making sure it's valid for the situation and I want to real briefly go over some others that come up a lot in our calls and all of these need to be approached on a case-by-case basis.

Dress codes. No animal policies and as you can see in the picture that's typically related to a service animal. Leave policies. Schedules. Not allowing food or drinks at the workplace. That can come up for employees with conditions like diabetes where you need to drink periodically.

Probationary periods. Maybe somebody can't get through training in the usual time and needs accommodations to extend the probationary period.

All of these conduct policies employers need to decide on a case-by-case basis whether to excuse an employee with a disability from compliance and whether there might be accommodations that would enable the employee to comply. There are some others in this category but those are the main ones we hear about.

And the good news is that there are certain conduct rules that automatically meet that job related and consistent with business necessity standards that means you don't have to go through a case by case determination on these. They are always enforceable.

Some examples, prohibiting violence. Threats of violence, stealing, destroying property. Insubordination. Disrespect toward clients and customers. Inappropriate behavior between co-workers. Inappropriate or offensive emails. Inappropriate use of the Internet. Excessive use of the employer's computers for personal non-work related reasons. And drinking alcohol or illegally using drugs in the workplace.

Keep in mind even though you can enforce these rules without making a case-by-case determination if there's an accommodation that would enable an employee with a disability to comply with the rules, you have to consider providing them unless doing so poses an undue hardship. But you don't have to excuse employees from complying.

This can be kind of tricky sorting out whether and when to apply conduct rules so feel free to contact us if enough you have any questions and we are going to include our conduct page on the handout that we're sending you.

And Beth, let's talk about the JAN Web site now.

>> BETH LOY: Yeah, Linda, let's do that with the time that he have with left.

And we're going to answer a few of these questions during our webcast tour. But for those that we don't get to, we'll answer those in our follow-up email.

Okay. So we put this under the world section simply because everybody is able to access our askJAN Web site from wherever they are. As Linda mentioned we did make some changes to the site. We were very excited about those. We knew there would be a few bumps in the road just because people were -- and we were even, you know, very used to the way things were.

But we think we're over that hump. We have some really nice features that we would like to share -- nice features that we would like to share.

Okay. Looks all right, doesn't it.

>> LINDA CARTER BATISTE: Looks good.

>> BETH LOY: Okay. So Linda let's talk a little bit here about the homepage and what we have. Of course we have something really exciting here. So kind of visually attract everyone to the site. But let's talk more about the content.

>> LINDA CARTER BATISTE: One of my very favorite things is the A to Z the very first thing you come to across the top there. And we have always had A to Z by disability. But we have added some areas to the A to Z list. Now in addition to an alphabetized list of disabilities and accommodations, you can go in by limitation, which is you know sitting, standing, concentrating, things like that, and look for accommodation solutions by the type of limitation rather than disability.

You can go in by the work related function that someone is having trouble doing. Like parking, safety standards, dealing with stress, things like that.

My very favorite is by topic. Because this is an alphabetized list of the things we have on our Web site where we pulled everything about that topic into one nice place. Like Beth if you click on the service animal by topic there, you can see that we have a lot of information about service animals. And it's all in one easy-to-find place. We have a Q&A on the ADA and service animals. Lots of different information in that. At the bottom of this page we have more articles on a lot of different topics. And accommodation ideas for service animals. Some situations and solutions with really cute pictures of service animals. And then all of our JAN topics related to service animals, all kinds of stuff, emotional support animals, breed, discrimination, taking a service animal to a job interview. Just about anything we get questions about we have written articles about these.

>> BETH LOY: Linda, this section is going to answer the service animal questions that we've got.

>> LINDA CARTER BATISTE: Oh, good.

>> BETH LOY: Right?

>> LINDA CARTER BATISTE: Probably.

>> BETH LOY: For example, service animals and allergies.

>> LINDA CARTER BATISTE: Yeah.

>> BETH LOY: We have a couple of questions related to that. If you go to this page, that's going to answer that.

>> LINDA CARTER BATISTE: And the Q&A in the beginning, also has a lot of information that probably would answer a host of those. And then at the bottom of this page, we have external links to other publications that might be related to service animals and organizations and resources.

So it's all right here. And we have lots of other topics on our by topic page that you can find everything in one easy-to-find page.

>> BETH LOY: Okay back to the A to Z.

>> LINDA CARTER BATISTE: Yeah talk about our new tab.

>> BETH LOY: Well, yes our new tab that is not public yet that you can see on here.

>> LINDA CARTER BATISTE: Yes you guys are getting a preview of something that's not available yet.

>> BETH LOY: Actually two things that aren't.

>> LINDA CARTER BATISTE: Get in here and find all you need to know like Beth just pointed to fragrance free if you have somebody with fragrance sensitivity and the accommodation the person has requested is a fragrance free work environment you can come in here and click on that and get all kinds of ideas about how to implement that. Issues related to that. Samples, fragrance free policies, whatever we're going to build in there, you're going to be able to get.

>> BETH LOY: This will be able to answer everyone's question about what to put in a fragrance free education packet.

>> LINDA CARTER BATISTE: Awesome. Remember to build that in there when we put that in there. But anything related to finding out what these accommodations are about. Reassignment will have stuff on the ADA because that's a question we get all the time. And then --

>> BETH LOY: Services.

>> LINDA CARTER BATISTE: Services, that's a big one. That's going to have a lot of information about how services work. And if we have one of those solution videos about any of these that we told you about earlier, this is where we can connect those to this topic. So look for that. I think it's going to be really, really useful when we finish it. You can go in just about any way you want to try to find information, depending on the information that you have when you come searching for solutions.

>> BETH LOY: Well we had someone ask about accommodations for Tourettes. So all you have to do is go to this by disability page. And we have an entire section on Tourettes.

>> LINDA CARTER BATISTE: Yeah.

>> BETH LOY: And so that should answer any of the questions that you have about Tourettes syndrome. If it's something more specific that you need information on, you know, feel free to contact the office.

Okay. So I want to show you just one more thing that's going to be a new addition to our Web site after we have worked out all of the bugs. See this United States flag up here in the right hand top corner? This is cool.

Okay. So I'm going to press on this flag.

We're going to select Spanish as the language.

>> LINDA CARTER BATISTE: Wow.

>> BETH LOY: And guess what happens.

>> LINDA CARTER BATISTE: Spanish.

>> BETH LOY: It switches to Spanish.

>> LINDA CARTER BATISTE: So you can have any publication or any page on our site in Spanish. Just by clicking on that.

>> BETH LOY: In real-time.

>> LINDA CARTER BATISTE: Real-time. Wow.

>> BETH LOY: If you want it back to English you go up and hit the flag again and that's that.

>> LINDA CARTER BATISTE: And that's coming soon.

>> BETH LOY: Coming soon.

Another thing I wanted to highlight is some people tend to have problems finding our newsletter. See this little menu up here? This is called a hamburger menu. It looks like is it three lines.

>> LINDA CARTER BATISTE: Yes.

>> BETH LOY: It looks like three parallel lines. If you click on that, you can get things like what's new. Hot topics. Different trainings and events. And our newsletter. And for everything that we have talked about today, our newsletter comes out every quarter. And it will keep you up to date on technology. On statistics.

>> LINDA CARTER BATISTE: ADA information.

>> BETH LOY: Right, ADA information. Performance and conduct issues.

So please feel free to use all of the resources that we have available on there. One Job Squad last thing we have this chat that's available. I'm going to demonstrate it here for you. If you can't find something, click on this chat. Live chat. On the right-hand side. It will automatically take you into our office. And say, hey, Beth told me there was information on service animals. Service animals. Where can I find it? It's as simple as that.

Someone is going to grab that URL. Send it right back to you. And it will send you directly to that page.

So don't spend a lot of time on there if you can't find something. Drop us a message. And we'll send you exactly where you need to go.

>> LINDA CARTER BATISTE: And there it is.

>> BETH LOY: And there it goes. Okay. And with that, we're going to go ahead and lock down the webcast.

So you know, contact us, you can get our contact information off askJAN.org, as well. You can pretty much find us wherever we are. You'll see here at the bottom we have our telephone numbers. Feel free to get ahold of us whenever you need us. Okay. With that we're going to wrap this up. We do want to thank you for attending. We had over 2,000 registrants today. And set a JAN record and I cannot tell you how happy I am to leave this session and go brag about it.

(Chuckles).

>> LINDA CARTER BATISTE: Go sign up for the rest of them.

>> BETH LOY: If you want to discuss an accommodation or ADA issue please contact us we thank you for attending and thank you also to Alternative Communication Services for providing the net captioning we do hope the program was useful as mentioned earlier an evaluation form will automatically pop up on your screen if you don't have your popups blocked if you do we'll send it to you at a later date we do appreciate your feedback so we hope you'll take a minute to complete the form.

Thanks for having Linda and me in your space today this concludes today's webcast.

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