

# Putting You in the Employment Picture

## *Getting the Equipment and Services You Need*

By Brenda Battat, Deputy Executive Director of SHHH

*This is the second in a series of articles which takes a common-sense approach to the issues related to hearing loss in the workplace. The first article in the July/August issue covered getting a job. This article looks at getting the equipment and services you need. Future articles will cover getting promoted and getting along with your supervisors and coworkers. This article was originally published in SHHH Journal September/October 1995. Used with permission of the author.*

Title I of the Americans with Disabilities Act (ADA) which covers discrimination in the workplace, went into effect on July 26, 1992, for companies with 25 or more employees; and on July 26, 1994, for companies with fewer than 25 employees. The law defines disability as "a physical or mental impairment which substantially limits one or more life activities."

The ADA specifies that employers cannot discriminate against "a qualified individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the position that such an individual holds or desires."

A reasonable accommodation is a modification or adjustment that provides an individual with hearing loss equal benefits and privileges of employment. What is reasonable is determined on a case-by-case basis. You may have a preferred accommodation but employers do not have to provide the exact accommodation request. They may substitute a similar accommodation that will enable you to accomplish the essential tasks of the job.

You may provide your own accommodation, but the employer is obligated to provide something if you are unwilling or unable to supply it. The law does not cover personal devices (for example, hearing aids.) The request for accommodations has to come from the employee.

### ***Be Willing to Disclose Your Hearing Loss***

The fact that the request for accommodations has to come from the employee puts the ball in your court. To ask for an amplified handset to hear on the telephone or a flashing light so that you

know when the buzzer goes off on a machine, requires that you make known that you have a hearing loss. As we all know, this is not easy for many people to do, especially in the workplace. There is a real fear that our jobs may be threatened if we disclose that we have difficulty hearing, and that we will be seen as less competent. By avoiding dealing with our hearing loss directly, we are fooling ourselves. People around us probably know or suspect the problem. Or even worse, they may attribute miscommunication to a lack in communication skills or an unwillingness to be a team player, both of which would be a real deterrent to promotion.

We need to separate the fact of our hearing loss from the skills and abilities we bring to the job. If an assistive device will enable us to have access to important information in staff meetings at the same time as everyone else does, then, clearly, this is contributing to our productivity. We could get the information later, but this is playing catch up and is a waste of valuable time.

### ***Know Exactly What it is That You Need***

The first step is to go through a period of on-the-job communication problem identification. Basically, you need to do an inventory of your work situation and where you run into difficulty hearing. Make a list of:

- What functions you carry out on a daily, weekly, monthly, and yearly basis.
- Those with whom you interact in the course of your work.
- Where you interact both on and off-site.

- What difficulties have arisen, or ones that you can anticipate. For example, the types of situations you might include as requiring accommodations are: meetings, training, telephone use, hearing a warning signal on a machine, communication with supervisors and co-workers, and communicating with clients.

### ***Do All the Leg Work***

Next comes an analysis of how to overcome these barriers which you have identified. Research what is available as possible solutions. This could be some type of assistive listening device; change of behavior on the part of yourself and/or those with whom you work, restructuring your job; or relocation of your desk or office.

Whatever the options are, have them ready to present when you make your request for accommodations. If it requires some form of equipment, find out where to get it and how much it costs, so that you can present all the information at the same time. When you provide complete information, it will greatly simplify the decision-making process for your supervisor or whoever is in a position to authorize the accommodation.

If you don't have all the information you need, consult with resources that are available. If you work in a large organization, there may be an office responsible for working with employees with disabilities and they could work with you to develop a plan of action. Otherwise, you might seek help from your human resource officer or outside resources (see the list at the end of this article).

### ***Advocate on the Basis of Productivity***

When requesting the accommodations you need, do not base the request at the outset on the law alone. Show how these accommodations will enable you to be a more productive employee. Demonstrate how you will be able to better perform the essential functions of the job. Only if you meet resistance should you then bring up the mandates of the law.

### ***Seek Out Tax Incentives for Your Employer***

There are some tax credits available for employers who accommodate an employee with a disability. Examples of these are the Targeted Tax Credit and the Disabled Access Credit. Get the details on these from the Office of the Chief Counsel, IRS, and the Local Employment Service Office; then provide this information to your employer. This is a way to help your employer and, at the same time, get what you need.

### ***Keep a Paper Trail***

Be sure to follow up all verbal requests for accommodations in writing and keep a file. Requests don't always go smoothly, so if you hit resistance, you will have documentation which you can use if you decide to file a complaint with the Equal Employment Opportunity Commission (EEOC.) You have 180 days to file.

## **Resources**

### ***Job Accommodation Network***

The Job Accommodation Network (JAN) was established in 1984 by the President's Committee on Employment of People with Disabilities. JAN is based at West Virginia University in Morgantown. They keep a database of what accommodations are most appropriate for different situations in the workplace for employees with disabilities, including hearing loss. It is a free service for employers.

#### **Toll-free numbers for JAN:**

800-526-7234 (Voice and TTY, outside West Virginia)

800-526-4698 (Voice and TTY, within West Virginia)

800-526-2262 (Voice and TTY, throughout Canada)

### ***State Technical Assistance Programs (TAP)***

Each state has a program to improve access to assistive technology to people with disabilities. These programs are funded by the Tech Act of 1988 and administered by the Department of Education. A list of TAPs in the country can be obtained by sending a stamped self-addressed envelope to:

TAP List  
SHHH National  
7910 Woodmont Avenue, Suite 1200  
Bethesda, MD 20814

### ***Assistive Devices Demonstration Centers***

There are centers across the country, many of them run by volunteers, where you can view and try out different kinds of assistive technology. This is an effective way to find out what is available to help you in different situations including the workplace. A list of demonstration centers can be obtained from the SHHH National office by sending a stamped self-addressed envelope.

### ***State Vocational Rehabilitation Agencies***

Each state has vocational rehabilitation offices which provide counseling to people who are trying to find a job or to remain employed. Counselors work with you to develop a plan which could entail selecting assistive technology and other strategies to help you cope with your hearing loss in the workplace. These offices can be found in the state government section of the telephone directory.

### ***Support Groups***

Meeting other people with hearing loss who are in the workforce can be a good way to get new ideas on how to handle certain workplace situations. There may be an SHHH group or chapter near you. If you would like a list of the SHHH chapters in your state, contact SHHH National.

### ***Exchanging Workplace Information Online***

Another way to network with people with hearing loss is through computer online services. SHHH's new service on GENie, SHHH *OnLine*, went live in June 1995. In addition to the software library where a GENie subscriber may find articles relating to employment, there is also an employment category in the bulletin board area. Here, one can read postings of job announcements, and also post questions and comments to which others on the service may read and respond. For your free GENie software

and User's Guide, contact Nancy Macklin, business manager, at the SHHH National office.

### ***Other Organizations***

President's Committee on Employment of People with Disabilities  
1331 F Street, N.W.  
Washington, D.C. 20004-3470  
(202) 376-6200 Voice  
(202) 376-6205 TTY  
Works with corporations toward expanded job opportunities.

National Center for Law and Deafness  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002-3695  
(202) 651-5373 Voice and TTY

Legal Network for Deaf and Hard of Hearing People  
ATTN: Leonard Hall  
P.O. Box 1541  
Shawnee Mission, KS 66222  
(913) 791-6203 Fax