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ICI

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Disclosure of Disability Information at a One-Stop Career Center: Tips and Guidelines

By David Hoff

One-Stops Career Centers (One-Stops) were established under the federal Workforce Investment Act to provide a full range of job seeker assistance under one roof. One-Stops are located at a variety of locations in each state, with more than 3,200 centers across the country. More than 13 million people per year use the One-Stop system. Many of these are people with disabilities. (The Resource Section at the end of this publication has information on finding the One-Stop location nearest you.)

The One-Stop system is required to be "universally accessible," meaning that any member of the general public (including those with disabilities) can access the system and use the basic, or "core" One-Stop services. These core services typically include instruction on how to conduct a job search, write a résumé, and interview with an employer; a resource library; and access to employer job listings. Additional intensive and training services are available to individuals who meet eligibility requirements. The One-Stop system provides a wonderful opportunity for people with disabilities to expand the number of resources available to help with their employment and career goals. (For additional general information on One-Stops, see the Institute publication "One-Stop Career Centers: A Guide for Job Seekers with Disabilities.")

When using the services of One-Stops, a person with a disability needs to decide whether or not to tell the staff at the One-Stop that he or she has a disability and what type of information he or she should provide regarding the disability. Disclosure of disability information in any setting is a personal decision, and there is no right or wrong answer. The most important thing to recognize is that you do have a choice about disclosing disability-related information, and no one should make that decision for you. People with disabilities need to decide what they are most comfortable with and what is going to work best for their specific situations. The purpose of this publication is to provide guidance to people with disabilities regarding disclosing disability-related information in their use of One-Stops and to highlight the various legal and practical issues to be considered in that decision.

Do One-Stops have the right to ask if I have a disability?

Under federal law, One-Stops are allowed to ask if you have a disability. It is completely up to you, however, whether or not you want to tell the One-Stop that you have a disability or provide any additional information about your disability. As discussed further in this publication, there are lots of good reasons for telling a One-Stop about your disability, but providing this information is strictly voluntary. Also, while federal law allows One-Stops to ask about disability, there may be states and local areas with laws and policies that are stricter and place more limits than the federal government on the types of disability-related information One-Stops can request.

I thought the ADA says that you can't ask about disability?

The federal laws and regulations that allow One-Stops to ask about disability should not be confused with the employment provisions of the Americans with Disabilities Act (ADA Title I). The ADA says that employers cannot ask about the presence of a disability prior to offering you a job. However, in their role as a service provider helping an individual find a job, access training or obtain other services, One-Stops are not acting as an employer but as a provider of government funded services. As a service provider, One-Stops are allowed to ask about the presence of a disability.

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What kind of information can a One-Stop ask about my disability?

One-Stops can only ask for information that will assist the center in meeting your needs. The center may not ask unnecessary questions about your disability. For example, a One-Stop would generally have no need for detailed medical information and records. However, it may be important for the One-Stop to know about any accommodations or assistance that would allow you to best use the center's services. If you have concerns, you should feel comfortable questioning why information is needed before providing it.

What additional guidelines should One-Stops follow when asking me about my disability?

When asking about disability, One-Stops should make clear that:

» providing this information is voluntary

» refusing to provide the information will not subject you to "adverse treatment" (i.e., the One-Stop cannot refuse to provide you services or treat you differently than other customers)

» the information will be kept confidential in accordance with the law.

Questions regarding whether or not an individual has a disability should also be asked of all customers, not just in cases where the One-Stop staff think that someone has a disability.

What are the rules about One-Stop staff sharing information about my disability with a potential employer?

Sometimes One-Stop staff will contact businesses on behalf of One-Stop customers to find out about potential jobs. However, even if One-Stop staff know you have a disability, they must have your permission to share that information with businesses that may want to hire you. If you decide it is okay for One-Stop staff to tell a potential employer that you have a disability, then One-Stop staff are required to adhere to the following guidelines:

» You must specifically tell One-Stop staff that it is okay to disclose disability information to employers on your behalf. Otherwise, the One-Stop must assume that you do not want this type of information shared.

» You must initiate the request to disclose (i.e., the One-Stop staff are not permitted to ask if it is okay to disclose disability information to potential employers).

» The decision to disclose must be made independently by you. One-Stop staff are not allowed to encourage or recommend that they be allowed to provide disability information to potential employers.

What laws pertain to disclosure and services in a One-Stop?

The services of One-Stops are covered under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. In addition, there are specific regulations concerning nondiscrimination and equal opportunity under the Workforce Investment Act (Section 188), which cover services provided by One-Stops. See the resource section at the end of this publication for further information on these laws and regulations.

What factors should I consider in deciding to disclose disability-related information?

There are often excellent reasons for disclosing disability-related information to a One-Stop. There are also excellent reasons not to disclose this information. Ultimately, it is going to depend on your individual situation and your comfort level. The following are questions to consider when determining whether or not to disclose information about your disability to a One-Stop:

» Will disclosing information about my disability help me get the services and assistance I need or better quality services?

» Is my disability obvious (such as a physical disability) or hidden (such as epilepsy or mental illness)? (If your disability is readily apparent, then some level of disclosure is going to naturally occur. It is then your personal decision regarding what additional information, if any, you wish to provide regarding your disability.)

» Do I need accommodations or assistance to fully use and take advantage of One-Stop services?

» How much does my disability impact my job search process and prospects for employment? (If you are going to need significant assistance and guidance in your job search due to your disability, it may make sense to disclose disability-related information.)

» How has my disability impacted my ability to find and keep a job? As a result of my disability do I need assistance and guidance in finding a better job match than I have had in the past (i.e., a job that better matches my strengths and assets and that also minimizes the impact of my disability)?

» How do I feel about people knowing I have a disability? What have my past experiences been like when I have chosen to share or not share information about my disability?

Why might it be a good idea for a One-Stop to know that I have a disability?

By knowing that you have a disability, a One-Stop may be able to better serve you in a number of ways.

» Like any business or service, One-Stops are better able to provide quality customer service if they are aware of customer needs. As a result of your disability, if you need some type of extra assistance that is not readily available, it may make sense to disclose that you have a disability to help ensure that the One-Stop is able to provide you with the highest-quality services possible.

» As a person with a disability, you are entitled to:

a) reasonable accommodations and auxiliary aids and services so you can enjoy the same benefits of services as people without disabilities. Examples include readers, qualified interpreters, assistive listening devices, large print materials, and Braille materials

b) reasonable modification (i.e., changes) in policies, practices, and procedures to avoid discrimination

c) communications that are as equally as effective as communications to people without disabilities

Through disclosing that you have a disability, you can help ensure that these rights are respected and that accommodations, modifications, and equally effective communications are provided. (Please note that while you have the right to accommodations, modifications and equally effective communications, this does not require One-Stops to have specific assistive technology readily available or materials in a specific format. One-Stops vary regarding the availability of specific assistive devices and types of accessible materials.)

» Many One-Stops have a variety of additional services to offer, which may be of help to you, if they know you have a disability. Your disability may make you eligible for additional programs and funding. Examples include the following:

a) Disability Program Navigators, who are available in many One-Stops to help guide people with disabilities in their use of services

b) services available from the public vocational rehabilitation (VR) system, possibly including public VR

staff on-site at the One-Stop

c) services available from other public or private disability agencies that either have staff on-site or have some other type of partnership with the One-Stop through which services are provided

d) increased eligibility for services for youth ages 14 to 21 that are available through One-Stops

e) special grants and projects focused on the needs of people with disabilities

f) assistive technology and fully accessible computer work stations.

Please note that these are examples, and these services may not be available at your local One-Stop.

Are there any concerns I should have about disclosing information about my disability to a One-Stop?

Over the last several years, major efforts have been made to enhance the ability of One-Stops to better meet the needs of individuals with disabilities and to ensure that the rights of people with disabilities in using One-Stops are respected. You may still be concerned, however, that by disclosing information about your disability you are not enhancing the ability of the One-Stop to meet your needs but rather

» making it more difficult to get services (due to fear or stigma)

» increasing the likelihood of being redirected to only disability specific services, either within or outside the One-Stop

» increasing the risk of being excluded from services.

Such actions are prohibited by law. It is illegal to deny services based on your disability, and requests for information concerning the presence of a disability cannot be used as a basis for excluding you from receiving services. The basic core services of a One-Stop are required to be universally accessible, meaning that any member of the general public can use them. As a person with a disability, you have the right to the same core services as any other member of the general public. In addition to core services, the One-Stop system has a wide variety of intensive and training services that you may be eligible for. In cases where the One-Stop has services available specifically for people with disabilities, you can decide whether or not to use those services. Whether you decide to use disability-specific services or not, you should still have access to the full range of other One-Stop services you may be eligible for. You also should receive services in the most integrated setting possible, side-by-side with people without disabilities.

Making the Decision about Disclosure

There is one key criteria in making a decision about disclosing information about your disability to a One-Stop: by disclosing information about your disability, will you be able to get more or better services that will assist you in getting a job and meeting your career goals? If the answer to this question is yes, then it may make sense to disclose some information about your disability. If the answer is no, then it may not make sense to disclose information about your disability. However, your answer may be, "I'm not sure." Here are some additional tips to help guide you in that decision.

» Become as familiar as possible with the One-Stop services before you decide whether or not to disclose information about your disability. Check out the One-Stop's website, talk to other people who have used the One-Stop to find out what their experiences were like, and use other information sources.

» Particularly if your disability is not obvious, when you start using the One-Stop you may want to consider not initially disclosing that you have a disability. As you become more familiar and comfortable with One-Stop services and the staff delivering these services, you may decide there are advantages to disclosing disability information.

» If your disability is obvious, before using the services of a One-Stop decide on what information, if any, you wish to provide the One-Stop concerning your disability. If you will need accommodations or assistance, consider what strategies you will use to request and advocate for the assistance you need. Any accommodation needed, will have to be requested by you.

In deciding about disclosure and One-Stops, you may find it helpful to discuss this issue with family, friends, and professionals that you work with.

Guidelines for Discussing Disability Issues with One-Stop Staff

Ask for privacy if you want it. People vary widely in how comfortable they are with others knowing information about their disability. If you are going to disclose or discuss specific issues about your disability that you don't wish others to overhear, you should not hesitate to request (and require) that such discussions occur in private.

Be practical in the information you provide. In disclosing disability information, the focus should be on providing information that will allow the One-Stop to better assist you. Also, in providing information, offer practical strategies on how to help you (for example, instead of saying "I have a learning disability that impacts my verbal reception and comprehension skills," it would be better to say, "I have trouble understanding what people are saying sometimes, so it helps to have information in writing.") There is no need to discuss diagnostic information at length.

Intake and Orientation. When you first go to a One-Stop, you will go through some type of registration and orientation process. Questions about the presence of a disability are often part of this process. Such questions are typically asked in writing (such as a check-off box on an application or registration form), and it should be clear that providing such information is optional. If registration is done with One-Stop staff recording information that you provide verbally (because this is how the Center typically does registration or because you need assistance in filling out forms), feel free to ask that this be done in a private office where others cannot overhear you.

Receiving program information. You may find yourself in a group setting with other One-Stop customers (such as an orientation session), where a program or service specifically for people with disabilities is being discussed. Ideally you will be given information on such programs in writing. In some cases, however, such information may only be given out verbally, or you may want to ask questions about written information you have received on disability programs. You should recognize that in a group setting, simply by writing down the information on these programs and services or by asking questions, you are disclosing that you potentially have a disability to others in the room. If you find yourself in such a situation and are not comfortable with others being aware of your disability, ask the center staff member for the information in private, after the group session has concluded. If disability program information is only given out verbally, you may also want to make the center staff aware that by only giving out such information in this way, it potentially violates confidentiality.

Everyone doesn't need to know. You may feel it would be helpful for One-Stop staff to know detailed information about your disability in order to assist you with your job search. It's not necessary for all the staff of the Career Center to know the history and details concerning your disability. Share only the information that you feel comfortable sharing, and share it only with those staff you feel comfortable with. Don't hesitate to ask the following:

» that private information concerning your disability be kept confidential

» how and with whom is this information being shared.

The law requires that One-Stops keep disability information confidential and only share this information with other staff and programs with your permission and when absolutely necessary.

Disclosure to employers. If the One-Stop is having any contact with a potential employer on your behalf, talk to the staff about what they are saying about you. Under Title I of the Americans with Disabilities Act, employers do not have a right to information about your disability until they offer you a job. As noted earlier, One-Stop staff must assume that you do not want disability information disclosed to potential employers unless you tell them otherwise. If you have not granted permission to the One-Stop staff to disclose, you may want to remind them not to share information about your disability with employers. If you have said it's okay for One-Stop staff to talk about your disability with businesses potentially interested in hiring you, you should find out specifically what type of information they plan to share to make sure you are comfortable with it.

Utilize the Disability Program Navigator. Many One-Stops now have a Disability Program Navigator. These individuals are specialists in disability issues and are available to guide people with disabilities in using the services of the One-Stop system and link them with support services. If your One-Stop has a Disability Program Navigator, you may wish to contact them to help guide you regarding disclosure of disability issues within the One-Stop system as well as dealing with disclosure issues with potential employers.

Concerns About Disclosure: What to Do

What if you feel the One-Stop is asking for or handling disclosure in ways that you don't feel are appropriate? Examples include the following:

» Asking about presence of a disability in a group setting

» Only asking certain individuals whether they have a disability

» Asking for information you feel is not necessary for good customer service

» Denying access to core services or only offering disability-specific services after the disclosure of disability information has occurred.

Discuss the situation with the Center. Specific information on what to do when you have concerns related to nondiscrimination and equal opportunity are required to be posted in each center and should be discussed at orientation. If you have concerns about how you have been treated, you should bring the matter to the attention of the staff member involved and the management of the One-Stop. It is recommended that you avoid being angry or upset in your approach, but instead discuss the issue with the center staff in a calm and diplomatic way that helps to educate them about the needs and rights of people with disabilities. Most of the time, people are not intentionally violating your rights or acting inappropriately on purpose; they are simply unaware of the implications of their actions. However, if people with disabilities do not make individuals and organizations aware of the inappropriateness of their actions, then such improper actions will simply continue, impacting not only you but also other people with disabilities.

If you are not satisfied with the center's response. In most cases, issues likely can be resolved through discussions with One-Stop staff and management. In cases where your efforts to resolve the situation with a Center have not been successful, however, you can contact your local or state Equal Opportunity Officer or the U.S. Department of Labor's Civil Rights Center (CRC), which is responsible for ensuring that One-Stops do not discriminate. The law requires that this contact information be posted in the One-Stop. Contact information for the CRC is also listed in the resource section at the end of this publication. Other information

concerning your legal rights may be available from your state's Protection and Advocacy Organization and other legal advocates. You should also feel free to contact the Local Workforce Investment Board, which is the governing board that oversees One-Stops, or the State Workforce Investment Board.

If you're not sure what to do. There may be situations where you feel you are not being treated properly but are not sure how to proceed or aren't comfortable discussing the situation with One-Stop staff. Discuss the situation with a family member, friend, support staff you may be working with, or individuals at an advocacy organization (such as an Independent Living Center, a self-advocacy organization, or multicultural service organization). They can assist you in determining the best way to deal with the situation, including, if you wish, advocating with the One-Stop on your behalf.

Conclusion

As you use the services of a One-Stop, disclosure of information about your disability should occur in a way that you are comfortable with and that will allow you to receive the best possible service to meet your employment goals. People with disabilities should be familiar with their legal rights in using One-Stop services and also fully consider the practical issues involved with disclosure of disability in such a setting.

People with disabilities can benefit greatly from the services and resources available from One-Stops, and you have the right to use these services like all other members of the general public. As you use these services to meet your employment goals, you should be treated with dignity and respect and always feel welcome.

Resources

One-Stop Locations

To find out the location of One-Stops in your area, contact America's Service Locator.
www.servicelocator.org
Toll-free Helpline: 877-US2-JOBS (877-872-5627)

For information on non-discrimination polices and One-Stops:

Director
Civil Rights Center
U.S. Department of Labor
Room N-4123
200 Constitution Avenue, NW
Washington, DC 20210
Voice: 202-693-6502
TTY: 202-693-6515
www.dol.gov/oasam/programs/crc/EO.htm

Other legal information and advocacy resources:

National Disability Rights Network (NDRN)
900 Second Street, NE, Suite 211
Washington, DC 20002
Voice: 202-408-9514
Fax: 202-408-9520
Email: info@ndrn.org
www.ndrn.org
Membership organization for the Protection and Advocacy (P&A) Systems. There is a P&A in each state, which protects the legal rights of people with disabilities. If you have questions or concerns about how a One-Stop is treating you as a result of your disability, your local P&A can help. The location of your states P&A can be found by contacting NDRN; a listing is also available on the website.

U.S. Department of Justice ADA Information

Voice: 800-514-0301
TTY: 800-514-0383
www.ada.gov
Information and technical assistance on the Americans with Disabilities Act is available by phone and on the website. Contact to obtain answers to questions you may have concerning your legal rights under the ADA and in the use of One-Stops.

Resources

WIA legislation and regulations

Workforce Investment Act of 1998, and Final Regulations: *www.doleta.gov/regs/statutes/*

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998; Final Rule: *www.dol.gov/_sec/regs/fedreg/final/99028202.htm*

Section 188 Checklist—Section 188 of the Workforce Investment Act contains the equal opportunity and nondiscrimination provisions. This checklist was designed to ensure meaningful participation of people with disabilities in programs and activities operated under WIA, including the One-Stop delivery system: *www.dol.gov/oasam/programs/crc/section188.htm*

Other publications

Disability Inquiries in the Workforce Development System
National Collaborative on Workforce and Disability/Youth Info Brief; Issue 9; October 2004
www.ncwd-youth.info/resources_&_Publications/information_Briefs/issue9.html

One-Stops: A Guide for Job Seekers with Disabilities
Institute for Community Inclusion/Tools for Inclusion; Vol. 8; No. 1; November 2000
www.communityinclusion.org/article.php?article_id=50&staff_id=21

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