

R&A Tidbits

LEGAL NEWS & other
Disability-Related info

DECEMBER 2020



HAPPY HOLIDAYS!

NDRN Joins CCD on COVID-19 Vaccine Allocation Principles

October 26, 2020

The National Disability Rights Network joined the Consortium for Citizens with Disabilities (CCD) on a document outlining **principles** for COVID-19 vaccine allocation. The document states that any such plan should take into consideration the needs of people with disabilities and direct care workers across settings, ensure that both the information and the means of distribution are accessible, and comply with federal guidance and civil rights law.

HOLIDAY SCHEDULE

OUR OFFICE WILL BE CLOSED:
DECEMBER 24TH AND 25TH AND
DECEMBER 31ST AND JANUARY 1ST

NATIONAL
DISABILITY RIGHTS
NETWORK

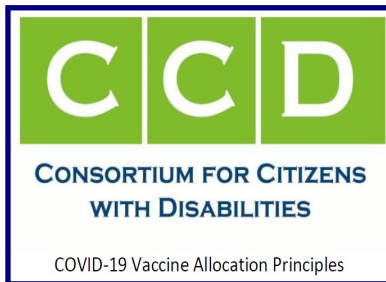
CONTACT

820 First St. NE, Suite 740
Washington, DC 20002

Employment Opportunities



The National Disability Rights Network announced that it joined the Consortium for Citizens with Disabilities (CCD) on a document outlining **principles** for COVID-19 vaccine allocation. The document states that any such plan should take into consideration the needs of people with disabilities and direct care workers across settings, ensure that both the information and the means of distribution are accessible, and comply with federal guidance and civil rights law. Among the principles, the organizations chose the following:



- Ensure Compliance with Federal Civil Rights Laws and Guidance
- Use Non-Discriminatory Value Assessments in Vaccine Allocation Prioritization
- Prioritize Residents and Staff in All Long Term Services and Supports (LTSS) Settings
- Address Health Disparities
- Ensure Disability and Language Access to Information
- Ensure Accessibility of Vaccination Sites
- Ensure All People Can Receive the Vaccine

To see the Principles and a full discussion of the items listed above, go to:
<https://www.ndrn.org/wp-content/uploads/2020/10/CCD-Vaccine-Allocation-Principles-October-2020.pdf>.

Seasons Greetings
from everyone at



ndi NATIONAL
DISABILITY
INSTITUTE

THE EXTRA COSTS OF LIVING WITH A DISABILITY IN THE U.S. — RESETTING THE POLICY TABLE



Research Brief: "The Extra Costs of Living with a Disability in the U.S."

National Disability Institute (NDI), in partnership with the Stony Brook University School of Social Welfare and the University of Tennessee College of Social Work, has released "The Extra Costs of Living with a Disability in the U.S. — Resetting the Policy Table" to catalog and quantify these costs, and explain their policy implications. People with disabilities encounter a wide range of out-of-pocket expenses. These expenses can weigh heavily on household finances and increase the risk of poverty; adults with disabilities experience greater difficulty meeting monthly expenses, saving for the future and making ends meet.

Researchers estimate that households containing an adult with a work-disability require, on average, 28 percent more income (or an additional \$17,690 a year for a household at the median income level) to obtain the same standard of living as a comparable household without a member with a disability.

NDI and Stony Brook U. released a brief that summarizes research on out-of-pocket expenses faced by individuals with disabilities compared to individuals without disabilities. Research indicates that a household with an adult who has a work-related disability will need an average of 28% more income to obtain the same standard of living as a comparable household without a member who has a disability. The brief recommends "resetting the policy table" for greater equity by addressing the tax code and eligibility criteria for public benefits.

Source: <https://www.nationaldisabilityinstitute.org/reports/extra-costs-living-with-disability>

Download the brief: <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-living-with-disability-brief.pdf>

Download the working paper: <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-working-paper.pdf>

Download the infographic: <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-disability-infographic.pdf>



HUD.GOV

HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

A new rule amends the Department of Housing and Urban Development's (HUD) 2013 disparate impact standard regulation, revising the burden-shifting test for determining whether a given practice has an unjustified discriminatory effect.

To read the new rule, go to: <https://www.federalregister.gov/documents/2020/09/24/2020-19887/huds-implementation-of-the-fair-housing-acts-disparate-impact-standard>

Equal Employment Opportunity Commission Issues Final Rule Revising Procedural Regulations Under Title VII, ADA, and Genetic Information Non-Discrimination Act (GINA)

The U.S. Equal Employment Opportunity Commission (EEOC) issued a final rule that amends its procedural regulations to explicitly provide for digital transmissions of documents and to update "no cause" determination procedures.



This final rule makes no changes to the charge filing process, but simply amends portions of the EEOC's regulations in parts 1601 and 1626 to account for the digital transmission of charge-related documents. The final rule memorializes changes that have been occurring over the past several years as the EEOC has made significant strides in providing digital services. Revisions to the EEOC's procedural regulations do not create a new system of digital transmission of charge-related documents.

The EEOC also made changes to the language in our letters of determination to more clearly communicate with charging parties and respondents about the EEOC's decision to close an investigation.

This final rule amends section 1601.18(a) to add language clearly communicating that a dismissal includes notice of the charging party's statutory right to file a lawsuit. This final rule also amends section 1601.19(a) to add language clarifying the meaning and import of the EEOC's issuance of a "no cause" determination, specifically, that such a dismissal does not mean the claims have no merit.

The EEOC also amends sections 1601.18(a) and 1601.19(a) to bring greater efficiencies to charge closures by permitting further delegation. The EEOC believes further delegation will allow decisions to be made closer to the point of investigation, increase accountability, and not delay decision making.

Source: <https://www.eeoc.gov/newsroom/eeoc-issues-final-rule-revising-procedural-regulations-under-title-vii-ada-and-gina>

To see the final rule, go to: <https://www.federalregister.gov/documents/2020/10/15/2020-21070/procedural-regulations-under-title-vii-ada-and-gina-procedures-age-discrimination-in-employment-act>



Memorandum of Understanding Effective Between Equal Employment Opportunity Commission, Department of Justice and Department of Labor

The U.S. Equal Employment Opportunity Commission (EEOC) entered into a revised Memorandum of Understanding (MOU) with the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) and the U.S. Department of Justice. The measure aims to promote interagency coordination in the enforcement of equal employment opportunity (EEO) laws, maximize efficiency, and eliminate duplication and inconsistency among the three agencies.

To read the MOU, go to: <https://www.eeoc.gov/memorandum-understanding-among-us-department-labor-equal-employment-opportunity-commission-and-us>

Source: <https://www.eeoc.gov/newsroom/mou-effective-between-eeoc-doj-and-dol>



**What People with Disabilities
Need to Know about COVID-19**

Wyoming Department of Health Announces Free At-Home Testing Kits Available

Wyoming offers free at-home COVID-19 testing through a company called Vault. These tests are available to Wyoming residents at no cost; insurance is not necessary.

This saliva-based test does not require a nasal swab. The test uses high-quality laboratory technology for a high level of effectiveness. The sample collection process is performed under the supervision of a Vault healthcare provider through an online, video-based telehealth visit.

For more information, go to: <https://health.wyo.gov/publichealth/infectious-disease-epidemiology-unit/disease/novel-coronavirus/covid-19-at-home-testing/>

Questions about Vault testing? Send an email to wdh.covid19@wyo.gov.

For the link for the test, go to: <https://www.vaulthealth.com/covid>

ORDER A FREE AT-HOME COVID-19 TESTING KIT FROM VAULT

Questions about Vault testing? Send an email to wdh.covid19@wyo.gov.

DISABILITY RIGHTS ARE HUMAN RIGHTS

THAT'S
EASY FOR
YOU TO SAY



Robert Walters, P&A Staff Attorney

Last month, I asked readers to find at least one reason to be thankful. We are coming to the end of 2020, which has presented challenges for most everyone, but especially the disability community. Perhaps the season of giving that epitomizes the Holidays in December begs the question about what one would wish or hope for. As some families meet, they may notice the conspicuous absence of a family member or friend. Despite the loss, perhaps there are other types of losses. It would obviously require more space than this column permits. Perhaps the better question is what one would be willing to give.

Giving can take many forms. In some ways, it is an act of self-sacrifice. It takes on more significance if the giving is an action. With the pandemic growing in significant measure, it seems that the act of giving of oneself in a way that values everyone's health and safety would not seem too much to ask. Yet, it may take a mandate. A type of law to compel people to do what they can and should. I hope we can offer this type of gift without the compulsion of a mandate. To a peaceful, healthy and safe Holiday Season!

**Job Accommodation Network:
"Accommodation and Compliance:
Low Cost, High Impact"**



The Job Accommodation Network (JAN) posted the annual update of its report on the cost and benefits of providing workplace accommodations to employees with disabilities.

FINDINGS

- Finding #1: Employers want to provide accommodations so they can retain valued and qualified employees.
- Finding #2: Most employers report no cost or low cost for accommodating employees with disabilities.
- Finding #3: Employers report accommodations are effective.
- Finding #4: Employers experience multiple direct and indirect benefits after making accommodations.
- Finding #5: Employers find JAN helpful during the accommodation process.

To read more, go to: <https://askjan.org/topics/costs.cfm>

**STAY HEALTHY
AND
STAY SAFE**

FOR MORE INFO

CONTACT US

Protection & Advocacy System, Inc.

7344 Stockman Street
Cheyenne, WY 82009
(307) 632-3496 Voice or Relay
(800) 624-7648 (Clients Only)
(307) 638-0815 FAX