

P&A Tidbits

LEGAL NEWS & other

Disability-Related info

OCTOBER 2021



HAPPY HALLOWEEN



Researchers Clarify Reasons for Low Rate of Employment Among People with Disabilities

A team of researchers identified nine meaningful reasons that prevent people with disabilities from seeking employment.



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Press Releases

Researchers clarify reasons for low rate of employment among people with disabilities



Understanding the diverse issues that prevent people with disabilities from seeking work is integral to developing effective and responsive interventions, according to new research from Kessler Foundation.

Employment and Disability Survey, the first nationally validated survey of the work experiences and perspectives of individuals with disabilities. The participants were adults of working age (18 to 64), representing 50 states and the District of Columbia. The majority identified as striving to work, defined as working, actively preparing for employment, searching for jobs, seeking more hours, or overcoming barriers to finding and maintaining employment. This analysis focused on 1,254 respondents who self-identified as being unemployed or not seeking employment and having one or more disabilities.

The results revealed a broad range of meaningful reasons why people with disabilities did not see themselves working in the near future. The most common reasons for not striving to work related to their perceptions about their medical conditions, functional limitations, or disability, which contributed to concerns about being able to find and keep a job. Other common responses cited problems related to bodily functioning and health issues, household responsibilities and educational conflicts, fear of losing disability benefits, and concerns about workplace culture, accessibility, and acceptance.

Participants' reasons for opting not to work differed across demographic and sociodemographic characteristics, pointing to the pitfalls in relying on such characteristics as the framework for employment strategies rather than focusing on the underlying reasons for not striving to join the workforce.

Their findings provide a much-needed understanding of this population's motives for remaining unemployed, which can inform programs and policies that promote labor force participation of people with disabilities. The article, "Understanding Persons with Disabilities' Reasons for Not Seeking Employment" was published in Rehabilitation Counseling Bulletin on April 15, 2021.

To read more, go to: <https://kesslerfoundation.org/press-release/researchers-clarify-reasons-low-rate-employment-among-people-disabilities>

Veterans Can Train and Adopt Service Dogs Under a New Law Signed by Biden

A new law called the "Puppies Assisting Wounded Servicemembers (PAWS) for Veterans Therapy Act" includes a program through the Department of Veterans Affairs that aims to connect service dogs in training with veterans who have post-traumatic stress disorder.

The effort was years in the making and became a reality when President Biden signed PAWS into law. Under the law, the VA will partner with nonprofit organizations for a pilot program in which veterans will be able to train aspiring service dogs. The dogs will learn how to shield a veteran from an overwhelming crowd or wake them up if they're having a nightmare, lawmakers said.

At the end of the program, the veteran trainers may adopt their canine pupils.

Source: <https://www.npr.org/2021/08/26/1031285993/veterans-can-train-and-adopt-service-dogs-under-a-new-law-signed-by-biden>



October is
National Disability Employment
Awareness Month



And OCTOBER IS

Down Syndrome Awareness Month
National Spina Bifida Awareness Month

AND INCLUDES:

Mental Illness Awareness Week – October 4 thru 11th
People With Disabilities World Mental Health Day –
October 10th
World Cerebral Palsy Day – October 7th

HOLIDAY
SCHEDULE

OUR OFFICE WILL BE CLOSED ON
MONDAY, OCTOBER 12, 2020, IN
OBSERVANCE OF COLUMBUS DAY

COVID-19 Data on Individuals with Intellectual and Developmental Disabilities

A report from the U.S. Department of Health and Human Services (HHS) highlights the great variation across states in efforts to detect and prevent COVID-19 infection among people with intellectual and developmental disabilities (IDD) and to collect COVID-19 vaccination data. The findings also highlight the state-level collaboration necessary for a successful pandemic response for individuals with IDD.

Despite high risk of COVID-19 infection and mortality among individuals with ID/DD, there is no standardized national framework to

facilitate the collection and sharing of COVID-19-related data for this population. An increased understanding of state collection and reporting of COVID-19

data; COVID-19 infection prevention strategies; and COVID-19 vaccine prioritization for the ID/DD population at the state level may help inform future policies, programs, and practices that aim to reduce the risk of infection and mitigate adverse effects of COVID-19 and other infectious diseases for the population.

Source: <https://aspe.hhs.gov/covid-19-data-idd>. To read the report, go to: https://aspe.hhs.gov/sites/default/files/2021-07/COVIDIDDFR_0.pdf. To read the issue brief, go to: <https://aspe.hhs.gov/sites/default/files/2021-08/covid-idd-ib.pdf>



U.S. Department of Health and Human Services
Office of the Assistant Secretary for Planning and Evaluation
Office of Behavioral Health, Disability, and Aging Policy

COVID-19 AND PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FINAL REPORT

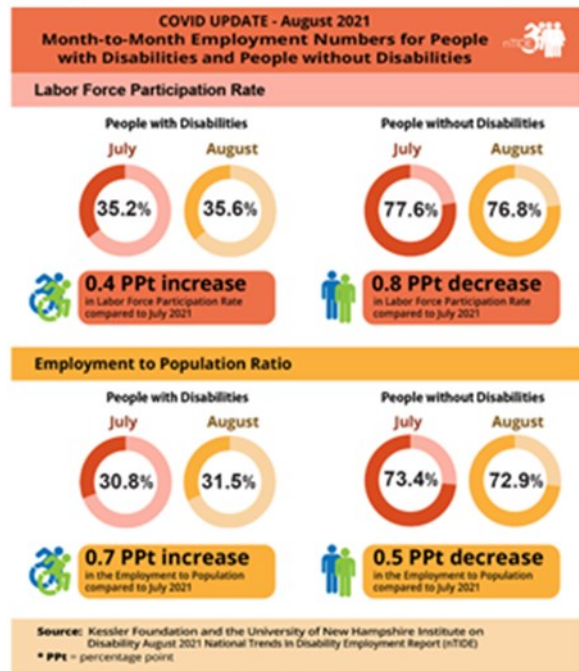
July 2021



What People with Disabilities Need to Know about COVID-19

August 2021 nTIDE Jobs Report: Job Numbers Show Resilience Among Workers with Disabilities

The August job numbers rose for people with disabilities in contrast to declines for people without disabilities, according to the most recent National Trends in Disability Employment – Monthly Update (nTIDE), issued by Kessler Foundation and the University of New Hampshire's Institute on Disability (UNH-IDD). This improvement may be a sign of resilience among workers with disabilities.



To read more, go to: <https://kesslerfoundation.org/press-release/ntide-august-report-resilience-workers-disabilities>.

Supporting Workers with COVID and Long COVID

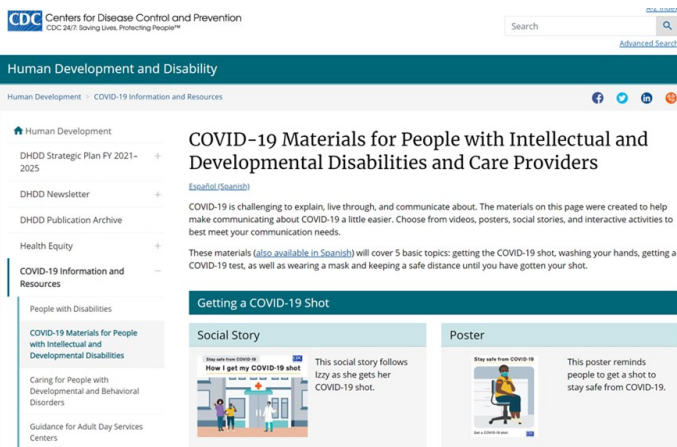
The Office of Disability Employment Policy (ODEP) published a new webpage with resources related to COVID-19 and Long COVID.

For more information, go to: <https://www.dol.gov/agencies/odep/topics/coronavirus-covid-19-long-covid>.



CDC Launches COVID-19 Resources for People with Intellectual and Developmental Disabilities

The Centers for Disease Control and Prevention (CDC) created a COVID-19 toolkit to address the unique challenges faced by people with intellectual and developmental disabilities (IDD). The toolkit includes plain language materials about staying safe during the pandemic.



From the press release: "People with intellectual and developmental disabilities can experience communication barriers that make it harder for them to understand and act on crucial health guidance," said Karen Remley, MD, director of CDC's National Center on Birth Defects and Developmental Disabilities. "The aim of these materials is to help people with IDD, their parents and other caregivers share critical information with their loved ones about COVID-19 and what to expect when getting a COVID-19 test or vaccine and explain how to stay safe if they are not vaccinated."

The toolkit contains social stories, videos, posters, and interactive activities that focus on five topics:

- Getting a COVID-19 vaccine
- Wearing a mask
- Social distancing
- Hand washing
- Getting a COVID-19 test

To read more about the toolkit, go to <https://www.cdc.gov/ncbddd/humandevelopment/COVID-19-Materials-for-People-with-IDD.html>.

There is also a **tip sheetpdf icon** for caregivers that offers suggestions for things they can do to ease their loved one's worries about the virus.

Stay safe from COVID-19

A guide for caregivers

COVID-19 is challenging to explain, live through, and communicate about. As a caregiver, you work hard to help the person you care for stay healthy and safe during this difficult time. These materials were created to help you share important information about COVID-19 — and make the tough moments a little easier.

We've created videos, posters, social stories, and cut-out activities so you can choose the materials that work best for your situation. The materials cover 5 basic topics:

- Getting a COVID-19 shot
- Wearing a mask until a few weeks after your last COVID-19 shot
- Keeping a safe distance until a few weeks after your last COVID-19 shot
- Washing your hands
- Getting a COVID-19 test

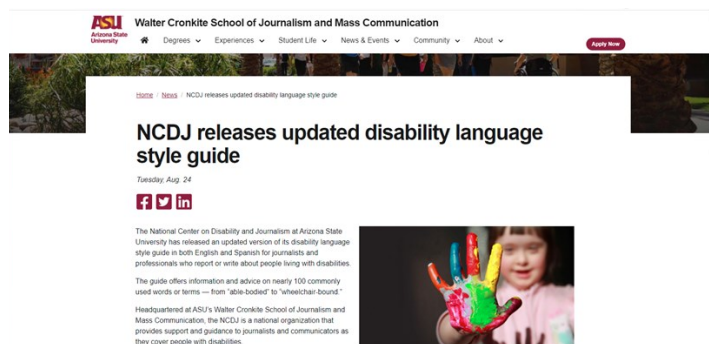
For get the tip sheet, go to <https://www.cdc.gov/ncbddd/humandevelopment/documents/covid-easy-read/CaregiverTipSheet.pdf>.

DID YOU KNOW?

National Center on Disability and Journalism (NCDJ) Releases Updated Disability Language Style Guide

The National Center on Disability and Journalism at Arizona State University released an updated version of its disability language style guide in both English and Spanish.

Source: <https://cronkite.asu.edu/news/2021/ncdj-releases-updated-disability-language-style-guide/>. To read the guide, go to: <https://ncdj.org/style-guide/>.



7 Ways New Voting Laws Can Affect People With Disabilities

An article of the same title, written by Andrew Pulrang, notes actions by states to more tightly regulate and restrict voting methods. He acknowledges that many within the disability community and outside it are taking notice, and see significant risks ahead to disabled people's right and access to the vote.

He quotes Dom Kelly, founder and leader of Fair Fight Action's Disability Council: "There are hundreds of anti-voter bills in states across the country that would present barriers to disabled people voting privately and independently." Pulrang posits that these threats are not solely or even primarily targeted against voters with disabilities, though the new and proposed measures themselves would significantly hamper disabled people's actual access to voting.

The seven types new voting laws he identified are:

1. Voter ID requirements
2. Eliminating or reducing early voting
3. Narrowing options for mail-in and absentee voting
4. Eliminating ballot drop-boxes
5. Prohibiting on-site aide for people waiting at the polls
6. Paper-only ballots
7. Making Election Day a holiday



Pulrang offers particular impacts to the disability community of these laws. He also points to a toolkit on voting rights and access from the American Association of People with Disabilities and the #RevUp disabled voter registration campaign, which identifies several types of measures that directly affect disabled voters' access to an unfettered and independent vote.

To read more, go to: <https://www.forbes.com/sites/andrewpulrang/2021/07/25/7-ways-new-voting-laws-can-affect-people-with-disabilities/?sh=67ba3d0d6289>. To get the toolkit, go to: <https://www.aapd.com/wp-content/uploads/2021/06/REV-UP-Toolkit-States-Anti-Voting-bills.pdf>.

DOJ: Guidance Concerning Federal Statutes Affecting Methods of Voting



U.S. Department of Justice

Guidance Concerning Federal Statutes Affecting Methods of Voting

Published July 28, 2021

The U.S. Department of Justice (DOJ) provides guidance on a number of federal laws, including the ADA, which protect voting rights and ensure equal opportunities to participate in elections, including through early voting and voting by mail. Recently, the DOJ issued a guidance publication, entitled, "Guidance Concerning Federal Statutes Affecting Methods of Voting."

To read the Guidance, go to: <https://www.justice.gov/opa/press-release/file/1417801/download>



REV UP Toolkit: Protecting the Right to Vote in States



DON'T FORGET — HHS Hotline to Improve Access to COVID-19 Vaccines for People with Disabilities

The U.S. Department of Health and Human Services (HHS) launched a first-of-its-kind national hotline to connect people with disabilities to information and services to improve access to COVID-19 vaccines. The **Disability Information and Access Line (DIAL)** is now available to help people with disabilities get vaccinated. The DIAL's trained staff is standing by to:

- Help find local vaccination locations
- Assist with making vaccination appointments
- Connect callers to local services — such as accessible transportation — to overcome barriers to vaccination.

Help with COVID-19 vaccinations for people with disabilities

Call: 888-677-1199

Monday-Friday from 9 a.m. to 8 p.m. (Eastern) - or email: DIAL@n4a.org

To learn more, go to: <https://acl.gov/DIAL>

EEOC Sues Employer, Claiming Failure to Accommodate Worker at Risk for COVID-19

According to a September 7, 2021 Press Release, the U.S. Equal Employment Opportunity Commission (EEOC) filed a lawsuit against ISS Facility Services Inc., claiming the employer unlawfully denied a request for a reasonable accommodation, and then fired the worker for making the request. The worker, whose heart condition placed her at a greater risk for contracting COVID-19, had asked to work from home.



According to the EEOC's suit, Ronisha Moncrief worked for ISS as a health and safety manager at ISS's Takeda facility in Covington, Georgia. From March 2020 through June 2020, ISS required all of its employees to work remotely four days per week due to the COVID-19 pandemic. In June 2020, when the facility re-opened, Moncrief requested an accommodation to work remotely two days per week and take frequent breaks while working onsite due to her pulmonary condition that causes her to have difficulty breathing and placed her at a greater risk of contracting COVID-19. Although the company allowed other employees in Moncrief's position to work from home, it denied Moncrief's request and, shortly thereafter, fired her.

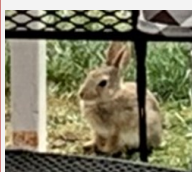
Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit (Civil Action No. 1:21-CV-3708-SCJ-RDC) in U.S. District Court for the Northern District of Georgia, Atlanta Division, after first attempting to reach a pre-litigation settlement via its conciliation process. The EEOC is seeking back pay, compensatory damages, and punitive damages for the employee, as well as injunctive relief to prevent future discrimination.

This case represents the first lawsuit the EEOC has filed about a request for an ADA accommodation related to COVID-19.

For more information, go to: <https://www.eeoc.gov/newsroom/eeoc-sues-iss-facility-services-disability-discrimination>.

DISABILITY RIGHTS ARE CIVIL RIGHTS

When is Something Too Small?



A bunny has taken residence in my backyard. I had a similar visitor last year about this time. Obviously, they are not the same animal but I could not help but wonder why this was happening. Although I would see rabbits out in the streets and other places, it occurred to me that there might be a small opening just the right size for a little bunny, but not older and bigger ones. I have not been able to find the opening.

More curious is what might be so attractive about my backyard. I have a garden, which last year's bunny did not disturb, and thus far my new visitor either has not discovered or is disinterested. Both seem to be content to chew on the grass. I saw the bunny from last year pretty much each morning for a couple of months. I wondered if he had gotten too big for the hole and somehow could not return. Perhaps he found other bunnies or rabbits with which to congregate or be included. I did not feel compelled to attempt to eradicate access by my visitors.

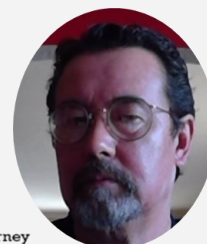
You might wonder what any of this has to do with any kind of disabilities issue. It was not until the Americans with Disabilities Act that people with disabilities acquired defined rights to equal treatment and greater or more meaningful access to programs and services, applicable to places of public accommodations and government entities, as well as to be able to vote. Discrimination under the Fifth and Fourteenth Amendment to the U.S. Constitution has been recognized, for many classifications. Cases were in fact brought. Perhaps, like the small opening my visiting bunnies used, it was an opportunity to protect people with disabilities. However, the ADA reflects that this was too small an opening and a more pervasive legislative scheme was needed. More laws, both at the federal and state level, also passed, the latter providing greater protection than the minimum standards established by federal law. Federal voting laws also have been enacted.

Recently, many state laws have emerged having the effect of creating restrictions to voting, which though likely aimed at other populations or ethnic groups or voters, also distinctly impact people with disabilities. As an organization, P&A tracks these developments as they may impact people with disabilities in Wyoming. This year, there is a new voter ID law in Wyoming, which could create difficulties for people with disabilities, even if this was not intended, which reemphasizes the importance and benefit of early voting. This is not an election year, although important measures will be presented for vote. It is not too early, however, to be thinking about voting. It will remain to be seen how Wyoming's new law will actually impact people with disabilities.

Although, in the case of the bunnies that visit me, a small thing, I did not feel compelled to limit their access, I recognize others may have a different viewpoint or act differently. I can decide what to do or not do in my own yard, as well as to respect what others choose to do in theirs.

Voting is obviously a more important issue. There may be justifiable measures to protect the voting or election process, which has become questioned. Whether measures that are being considered will accomplish this goal also remains to be seen. Voting challenges to people with disabilities should not be overlooked, however. The right to vote and provide appropriate access cannot be treated as something too small.

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FOR MORE
INFO

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