

Assistive Technology for Vocational Rehabilitation Clients Attending Post-Secondary Programs or are Employed

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What is Vocational Rehabilitation (VR)

- VR is a public program funded through a Federal/State partnership and administered by the Arizona Rehabilitation Services Administration (ARSA).
- It provides a variety of services to persons with disabilities to prepare for, obtain, maintain, or regain employment.



ACDL Services to assist VR Clients

- Advocates for individuals in their relationships with the projects, programs, and facilities providing services available under the Rehabilitation Act.
- Advocacy services to individuals with disabilities with barrier to employment issues.
- Assists and advocates in pursuing legal, administrative, or other appropriate remedies to ensure the protection of rights.



What is Assistive Technology (AT)?

- For VR, AT is also called “Rehabilitation technology” and includes rehabilitation engineering, assistive technology devices and AT services to address barriers in education, rehabilitation, employment, transportation, independent living and recreation.

How is AT need determined?

- School records, medical records and evaluations provided by the client.
- If not enough information to establish need, evaluations should be done by VR.

Who is responsible for a student's AT?

- Schools' responsibilities – ADA, Section 504
- Public and private colleges, universities, trade schools, training programs, etc.
- Vocational Rehabilitation's responsibilities – Title II ADA, federal Rehabilitation Act, as amended, federal regulations

AT services VR can provide

- **Evaluation to determine AT needs of the individual, including functional evaluations in the place where the individual will use the AT device**
- **Customizing an AT device to meet the client's needs**
- **Purchasing the AT device and service**
- **Training and technical assistance for the client on how to effectively use the device**

Examples of AT Available Through VR for Post-Secondary Programs

- Computers, software and related items (keyboard, magnified screen, speech recognition, screen reader, Kurzweil 3000)
- Mobility equipment
- Augmentative/Alternative Communication Devices
- Auxiliary aids and services

Examples continued

- Vision Aids
- Hearing Aids or Other Assisted Listening Devices
- Home Modifications
- Vehicle Modifications –to get to and from school as either driver or passenger
- Other specialized items for client

Individualized Plan for Employment (IPE)

- A plan that lists your specific employment goal and the services to be provided to reach it.
- Services must be in an approved IPE before VR will provide them.



Comparable Services and Economic Need for AT services

- Rehabilitation technology is exempt from a determination of the availability of comparable services.
- Arizona VR only considers economic need for the AT service of vehicle modifications.
- Clients on SSI/SSDI meet economic need.
- Disability-related costs can be subtracted from your income for determining economic need.

VR Policies

- Exceptions to policy may be granted to meet a client's unique rehabilitation and AT needs to reach their vocational goal.
- VR can not establish arbitrary limits on the nature and scope of services and can not place absolute dollar limits on services.

Right to Appeal

- Any decision made by VR the client disagrees with. Includes denial, reduction, suspension or termination any of services.
- Services stay in place during appeal.

Assistive Technology for Vocational Rehabilitation Clients Who Are Employed



Reasonable Accommodation Overview

- Requirements
 - Covered employer
 - Employee meets ADA definition of disability
 - Qualified employee
 - Accommodation request must be reasonable
- Process
 - How to make a reasonable accommodation request
 - When can employers deny?
 - Documentation?

What's a Covered Employer?

- ADA covers most employers
 - Private employers
 - State/local governments
 - Employment agencies
 - Labor unions
- NOT covered:
 - Federal Govt. covered by similar law, not ADA
 - Tribal governments
- Must have 15+ employees

What's the ADA definition of disability?

- ADA definition:
 - Physical or mental impairment that substantially limits one or more major life activities
- Key terms:
 - “Substantially limits”
 - “Major life activities”
- Must be interpreted broadly

Who is a Qualified Employee?

- Must be able to perform essential job functions
 - With OR without reasonable accommodation
- Core functions vs. non-core functions
- Qualified individuals with disabilities can request accommodations

The Accommodation Process:

When is an Accommodation Request Reasonable?

- What is a reasonable accommodation?
- How to request an accommodation
- What documents should you provide?
- The interactive process
- When can an employer deny the request?

What is a Reasonable Accommodation?

- Change in rules or policies so that an individual with a disability may perform his or her job duties on par with nondisabled coworkers.
 - Must be able to perform essential job functions
- Can include AT
- Examples
 - Screen reading software for individual who is blind
 - Voice dictation/PC controls for individual with mobility impairment

How to Find a Reasonable Accommodation

- JAN = Job Accommodation Network
- Best resource for employees and employers looking for appropriate accommodations
- Searchable accommodations by:
 - Disability
 - Limitations
 - Job-related functions
 - Topics
- Live chat and phone options
- Askjan.org

How to Request a Reasonable Accommodation

- Best practices
 - In writing
 - Dated
 - Documentation if need is non-obvious
 - Uses words “reasonable accommodation”
- Kicks off interactive process
- Cannot be undue financial burden, fundamental alteration, or direct threat

Interactive Process

- Conversation between employee and employer to find best accommodation
 - Participate in good faith
 - May find alternative accommodation
- Required once accommodation request is made



The Process: Is the Request Reasonable?

- Burden is initially on employee to show accommodation is reasonable
- Two ways:
 - 1. Ordinary
 - 2. Warranted under specific facts and circumstances

The Process: Is the Request Reasonable?

- Once employee shows reasonableness burden then shifts to employer to show request is unreasonable
- Four ways:
 - 1. Fundamental alteration
 - 2. Undue administrative burden
 - 3. Undue financial burden
 - 4. Direct threat

The Process: Is the Request Reasonable?

- Employer receiving accommodation request has 4 options:
 - Grant request
 - Ask for more info
 - Propose alternative accommodation
 - Deny request
- Must participate in interactive process
 - Alternative accommodations?

The Process: What documents must you provide?

- Employer entitled to documentation to show 2 things:
 - 1. Individual meets ADA definition of disability
 - 2. Link between disability and accommodation
- Obvious vs. non-obvious need
- Do not necessarily need to disclose disability
- Does not necessarily need to be from doctor

ADA Protection Against Retaliation

- Employer cannot retaliate against employee who exercises his or her rights under ADA
- Protected activities:
 - Requesting reasonable accommodation
 - Voicing belief that employer is discriminating on basis of disability
 - Filing or participating in EEOC/Attorney General complaint
 - Filing lawsuit
 - Consulting an attorney
 - Threatening legal or administrative action

Complaint Options

- Administrative complaint
 - EEOC – within 300 days
 - AZ Attorney General – within 180 days
- Lawsuit
 - Within 2 years
 - Need right to sue letter first



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