

### **Are there legal requirements related to workplace accommodations?**

Employers with 15 employees or more must make their facilities and services accessible to people with disabilities. The Americans with Disabilities Act (ADA) requires that qualified individuals with disabilities be considered for a job if they satisfy the requisite skill, experience, education, and other job-related requirements, and complete the essential functions of the job with or without a reasonable accommodation. As people who are deaf and hard of hearing seek employment, the accommodations they need is addressed in the ADA.

An applicant or employee is responsible to inform an employer of a disability for which an accommodation is needed. An employer is not required to provide an accommodation if they are unaware of such a need. Every applicant or employee should be able to identify their strengths, skills, and accommodation requirements. To disclose a disability is a personal choice, where discussion on relevant accommodations for completing the job tasks only takes place when needs are expressed by the applicant or employee.

### **What do employers need to know about making pre-employment inquiries about a disability?**

An employer cannot make any pre-employment inquiry about a disability or the nature or severity of a disability. An employer may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how s/he would perform these functions.

### **When does the ADA require that an accommodation be made for a person who is deaf or hard of hearing?**

The ADA defines three circumstances in which an employer may be required to provide an

accommodation for a person who is deaf or hard of hearing:

1. When a person is applying for a job to enable that person equal access to job opportunities;
2. When necessary to enable an employee to perform the essential functions of their position or positions they desire;
3. Enable employees to enjoy equal benefits and privileges of employment, including access to training, employer-sponsored programs, etc.

Employers are required to offer accommodations to qualified applicants and employees who are deaf or hard of hearing unless the accommodation imposes an undue hardship. An accommodation is considered an undue hardship if it will cause significant difficulty or expense based on the resources of the entire organization.

### **What are some of the accommodations employers can offer for deaf and hard of hearing employees?**

One accommodation solution does not fit all, because of the wide range of hearing loss, the variety of communication methods and the differences in the age of onset. The following are just a few examples to aid in communication access:

#### ***Sign Language Interpreters:***

Interpreters can be found through local and state chapters of the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf (RID). Both NAD and RID have their own rigorous certification requirements. Further information about interpreters and when they should be hired may be obtained by contacting your regional BDHH office.

#### ***CART:***

Communication Access Real-time Translation (CART), also known as real-time captioning (RTC), is the instant translation of the spoken word into English text using a stenotype machine, laptop computer and real-time

software. The text appears on a computer monitor or other display. People who are deaf or hard of hearing and have a preference for, or are comfortable with, the English language use this technology.

#### ***Telecommunications:***

A TTY (also called a TDD) is a device with a keyboard that allows people who are deaf or hard of hearing to type and read their telephone conversations. The **Wisconsin Telecommunications Relay System (WTRS)** provides an essential 24/7 service for effective telephone communication between TTY users and telephone users. Communication Assistants (CA) are operators who relay conversations between the two callers. During a call, a CA says everything the TTY user types, and types everything the telephone user says. To make a call to a TTY user, dial 7-1-1 and give the CA the number to call. There is no charge for making a 7-1-1 call; however, long distance charges will be applied for long distance calls. All relay calls are confidential.

### **What does the Wisconsin Office for the Deaf and Hard of Hearing do?**

The Wisconsin Office for the Deaf and Hard of Hearing is a State of Wisconsin agency, under the Department of Health Services.

### **It provides a variety of free services including:**

- ✓ Information about deafness, Deaf Culture, American Sign Language, hard of hearing issues and living with a hearing loss.
- ✓ Information and demonstrations about assistive listening devices and communication technology such as TTY's.
- ✓ Referrals, consultations, and training to public and private sectors.
- ✓ A list of interpreter scheduling agencies and private practice interpreters.
- ✓ The Wisconsin Interpreting and Transliterating Assessment (WITA), a program that assesses and verifies

interpreting skills, knowledge and readiness to interpret in different situations.

- ✓ The Telecommunications Assistance Program (TAP), that provides funds to individuals with a hearing loss on low incomes to enable them to purchase special telecommunication devices.
- ✓ The Service Fund program that helps businesses or agencies pay for interpreting, CART and other communication access services when certain criteria are met. For more information, please contact the appropriate regional office in your area.

### What resources are available to help my company better understand the ADA?

#### U.S. Equal Employment Opportunity Commission (EEOC)

[www.eeoc.gov](http://www.eeoc.gov)

The EEOC offers technical assistance on the ADA provisions for employment, which apply to businesses with 15 or more employees.

**For publications:**

800-669-3362 V

800-800-3302 TTY

**For questions:**

800-669-4000 V

800-669-6820 TTY

#### U.S. Department of Justice, Americans with Disabilities Act Information Line

[www.ada.gov](http://www.ada.gov)

The ADA Information Line provides information and technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies and state and local government programs.

**For information and publications:**

800-514-0301 V

800-514-0383 TTY

#### Internal Revenue Service

[www.irs.gov](http://www.irs.gov)

To assist businesses with complying with the ADA, Section 44 of the IRS Code allows a tax credit for small businesses and Section 190 of the IRS Code allows a tax deduction for all businesses

**Tax code – information: Tax code-legal questions:**

800-829-1040 V

202-622-3110 Voice only

800-829-4059 TTY

TTY users, please use relay service.

Job Accommodation Network (JAN)

See [janweb.icdi.wvu.edu](http://janweb.icdi.wvu.edu)

Additional information about programs and services may be found at this website:

[www.dhs.wisconsin.gov/sensory/index.htm](http://www.dhs.wisconsin.gov/sensory/index.htm)

☞ **For further assistance, please contact the regional office in your area:**

#### **Southern Regional Office**

1 W Wilson St, Rm 451  
Madison, WI 53707-7851  
(888) 241-9428 TTY  
(608) 444-0335 Voice  
(608) 264-9899 Fax

#### **Southeastern Regional Office**

141 NW Barstow Street, Room 104  
Waukesha, WI 53188-1349  
(888) 701-1246 TTY  
(262) 521-5128 Voice  
(262) 521-5314 Fax

#### **Northeastern Regional Office**

Options Independent Living Center  
555 Country Club Rd  
Green Bay, WI 54313-4908  
(888) 241-9430 TTY  
(920) 490-0700 Voice  
(920) 465-1515 Fax

#### **Western Regional Office**

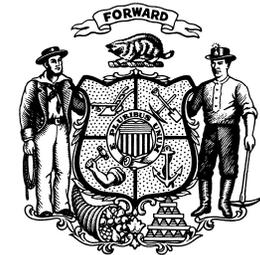
610 Gibson Street, Suite 1  
Eau Claire, WI 54701  
(888) 701-1254 TTY  
(715) 836-2107 Voice  
(715) 836-2535 Fax

#### **Northern Regional Office**

2801 North 7<sup>th</sup> Street, Suite 300  
Wausau, WI 54403-3281  
(888) 241-9431 TTY  
(715) 842-7693 Voice  
(715) 842-7051 Fax

Division of Long Term Care  
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# Americans with Disabilities Act Resource Guide For Employers



Prepared by:



## Wisconsin Office for the Deaf and Hard of Hearing

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