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SELF-IDENTIFICATION OF DISABILITIES FOR VETERANS FAQ GUIDE

By Dr. Richard Pimentel

Introduction:

I served in Vietnam from 1968-69. I was with the 101st Airborne Division. When I returned home to Portland, Oregon I came back with a profound hearing loss and a traumatic brain injury. Years later I found I was exposed to Agent Orange and like so many Vietnam Veterans of my generation I deal daily with the progressive medical problems caused by this exposure.

After going through rehabilitation and enrolling in college I observed that many of my fellow Vietnam Veterans who came home with disabilities were facing the same employment challenges that I was facing. I realized that when I graduated from college my chances of finding a good job were not equal to my fellow students who did not serve in the military or/and did not have a disability.

I became interested in ways persons with disabilities found employment. I secured a job with a private employment agency just to learn how people find jobs. I left the agency and began translating what I had learned to be of use to veteran job applicants with disabilities and other employment barriers. I joined the early civil rights movement for persons with disabilities. I became a trainer and a consultant for employers who were willing to hire veterans with disabilities. I opened a free veteran “drop in” center out of my home and developed jobs for returning veterans. The disability civil rights movement eventually resulted in the passage of the Americans with Disabilities Act in 1990.

The ADA was a potential game changer for every job seeker with a disability in the United States. Discrimination was prohibited.

*Written in the ADA law was an open dialogue called the “**interactive communication process.**”*

It is the key for developing “reasonable accommodations” that allow all persons including veterans with disabilities to effectively communicate with employers to the tools, equipment and changes they need to be successful at work.

Unfortunately the interactive communication process of the ADA has not worked out as well as we had hoped. It is difficult for most people to bring up their disability to an employer in an interview or on the job. Employers are often uncomfortable talking about an applicant’s or employee’s disability, even when the disability is obvious and may impact job performance. Not discussing these issues may result in missed opportunities for both the veteran and the employer.

I have also found that veterans are often especially uncomfortable and unsure of how to talk about these issues. This makes them reluctant to bring up their disabilities to an employer. **When should veterans with disabilities bring it up? How should they bring it up?** These are the issues and questions that this guide will try to answer.

I wish you all the best in every aspect of the rest of your life. I am honored to say “welcome home” no matter how long you have been back, whether it’s been a week or like myself , decades.

Q&A

1. Am I required to tell employers about my disability?

No, you are not. That is up to you. Some veterans feel comfortable bringing it up and some do not. Some veterans believe that employers have a need to know and some do not believe it is any of their business.

There is no employment law that requires a veteran to disclose a disability to an employer.

*If you discuss your disability with an employer it should be because you think it will **benefit** you and be in your best interest to do so. What to bring up, how and when to do it, is up to you. It's a personal decision.*

2. What are the benefits of bringing up my disability to an employer?

The main benefit is that if you need a reasonable accommodation to be successful in your job you should consider that self-identifying your disability jump starts the communication with the employer about what you need and how a reasonable accommodation will help you to be the best employee that you can be.

Not bringing it up may make it more difficult for you to get the accommodation you need. Without the accommodation it might be more of a challenge for you to be successful in a job.

Another benefit of bringing up the disability is if you believe that the employer might be concerned that your disability may cause you problems on the job. Bringing it up gives you the opportunity to explain how you are able to perform successfully with or without an accommodation.

3. Is not talking about my disability to an employer ever a good idea?

Some people believe so. This was truer in the past than it is today. Before there were state and federal laws against discrimination in employment and education such as the Americans with Disabilities Act and the Americans with Disabilities Act as Amended. People often chose not to talk about their disabilities because they were afraid that if an employer was aware of their disability the employer would not want to hire them.

This is one of the reasons why many people with disabilities who lived during these years with little or no legal protection may still believe it is better not to say anything. Our world has changed a lot in the last thirty years. People now have a better understanding about what persons with disabilities can do in the workplace. They also have more exposure to successful people with disabilities than in the past.

Franklin Roosevelt, the 32nd President of the United States, had polio and could not walk unassisted. He had a team of people whose job it was to “stage” his appearances so that the public would not know about his impairment. They were worried that people would lose confidence in his ability to lead if they knew about his mobility impairment.

We have come a long way since then.

Today, simply knowing about a person’s disability is not a rational, a valid or legal reason to reject them. Employers are more receptive to accepting and accommodating employees with disabilities to be successful.

Are there still people who feel negatively about people with disabilities? Yes, of course there are. However, there are fewer of them every year. There are many more good reasons for you to self-identify a disability to employers today than there were in the past. Successful persons with disabilities believe that the rewards of doing so are greater than the risks.

Disclosing your disability not only increases your chances of being offered the job, it also increases your chances of being reasonably accommodated which in turn increases your chances of being successful and productive on the job.

4. Should I just wait for the employer to bring it up and ask me about it?

The short answer is they might not bring it up. Not all disabilities are physically obvious. The two most common disabilities in this current war are Post Traumatic Stress and Traumatic Brain Injuries. Neither of these are immediately obvious to an observer. If you need an accommodation because you have a 'hidden' disability that might make it difficult for you to do the essential functions of your job and it is never discussed with the employer, you might not get the accommodation you need to be the best employee that you can be.

In military terms think of being assigned a mission but not given the tools and resources you need to accomplish it. This is a failure waiting to happen.

However, all disabilities that veterans have are not hidden. Many are visibly obvious such as amputations, scarring, mobility impairments, blindness, etc. Sometimes employers may not bring up a concern about an obvious or visible disability because they are uncomfortable or embarrassed. Most of us were taught when we were children to never point out or talk about people's disabilities. Many people avoid the topic entirely. This includes employers.

While you have the right to talk about your disability to an employer, employers have a long and often complicated list of do's and don't's when it comes to initiating a discussion about an applicant's or employee's disability.

Employers are prohibited from making general disability or medical inquiries of an applicant in an interview. They may not ask about current or past medical conditions; and unless a job is offered, the employer may not have an applicant submit to a medical

examination unless all applicants for that job who received a conditional job offer are required to have the medical examination.

One should keep in mind that there is a difference between your “disability” and your disability job-related limitations. Information about your disability may include: its definition, how you acquired it, how it affects your life, its prognoses, any medical treatments, etc. Employers generally have neither the right nor need to know these things.

Disability job-related limitations and your need for accommodation is another issue. If you request a reasonable accommodation or if the employer cannot evaluate how you can perform the main or essential functions of the job with your disability, then more information might be needed by the employer to properly evaluate and accommodate you.

The information the employer would need is limited to what is called the job-related “manifestation of the disability”. Simply put, the employer would need to know how it affects your ability to do the job. You can discuss this aspect of your disability with the employer without revealing the more personal aspects.

Example: The employer might have the need to know how the applicant who uses a wheelchair was going to perform some of the job functions while using the wheelchair and whether the applicant needed a reasonable accommodation to perform those functions. At the same time, the employer does not have a need to know why the applicant was in a wheelchair, the nature of the injury or illness, the medical prognoses of the condition and how the disability affected the applicant off the job.

If you feel uncomfortable about an employer knowing anything about your disability, it is your right not to discuss or disclose it. But remember, the employer only has the obligation to accommodate *known* disabilities.

Declining to assist the employer with information about your abilities, limitations and need for accommodation can hinder the employer's ability to successfully evaluate and accommodate you.

The decision is yours, but the question is,

“Are you doing everything you can to maximize your employment potential and help the employer to hire you?”

5. What does the term “accommodations” mean and what does it have to do with disabilities?

Basically, it is some change in the job or the classroom that takes into consideration your disability or student-related limitations and enables you to perform satisfactorily.

On the job, an accommodation could be many things, such as: changing the work schedule for someone who needs medical treatments or breaks during the day, providing accessible computer equipment for blind or visually impaired employees, changing the way work is traditionally done or assigned, or making the workplace more accessible.

6. What are adaptive behaviors and how are they different than accommodations?

We think of accommodations as things that:

- Employers provide such as talking computers, accessible workstations, flexible schedules and equipment.
- Schools and instructors provide accommodations such as lecture notes, having someone read a test to you, or extra time for an examination or test.
- Society provides accommodations for people through accessible public spaces, shopping assistance in retail stores, access to public services and transportation.

- Adaptive behaviors are the things that each person with a disability learns to provide for themselves through the things they do every day.

What kind of things have you learned to do to make you more successful with what you want to do? Persons with disabilities practice adaptive behaviors in every aspect of their everyday lives, their social lives, recreation, workplace and education.

Examples:

- A veteran who is blind might arrange their living space in a certain order where things are always put in a specific place. They might fold their paper money in a certain way so they know the difference between \$5, \$10 and \$20 bills. They may have learned to put their right hand out when they meet someone so they can shake hands rather than wait for the other person to put their hand out.
- A veteran who uses a wheelchair might check out all claims of accessibility before going somewhere. Just because someone says something is accessible doesn't mean it is. The person when meeting someone, might offer them a chair so they can be at the same height.
- A person with dyslexia might ask people to give them verbal information rather than written information.
- A veteran who is deaf or hard of hearing might use texting to communicate with someone if there is no interpreter available or verbal communication is difficult.
- A veteran with a Traumatic Brain Injury might take large tasks and break them down into smaller tasks using a checklist. This person might use software to stay on task and manage time.
- A veteran with Post Traumatic Stress with hyper vigilance might use noise-cancelling headphones or hearing aids to eliminate distractions while working.

- A veteran with Post Traumatic Stress might use breathing and focusing exercises to “decompress” when necessary.

These adaptive behaviors may seem like common sense to us because we do them every day. But, at work there are adaptive behaviors that each person with a disability can do to be more successful. Your adaptive behaviors on the job are as important to your success as the accommodations provided for you by an employer.

7. How do I decide whether to bring my disability up or not?

There is no law that requires, restricts or recommends to persons with disabilities when, if, or how to bring their disability up to an employer or teacher.

The following opinions are based on extensive experience in developing jobs for persons with disabilities.

- A. If the disability will require a reasonable accommodation, the person with a disability should bring it up and explain the nature of the accommodation needed and how it will enable the person’s ability to perform successfully.

Example: A veteran applicant who is blind requires a talking computer to do word-processing. The applicant informs the employer of the need for accommodation, the nature of the required equipment and details of his/her successful past performance using such equipment.

- B. If the disability will not require an accommodation but is obvious (visible) and the average employer would have reasonable concerns or questions about how someone with the disability would perform the job functions, the applicant should bring it up and explain how they will perform those functions.

Example: A veteran has three fingers amputated from his dominant hand. The person needs to be able to type and take written messages. He has learned to both write and type without any accommodations. But since the employer will notice and probably be concerned, the applicant may want to bring it up and explain or demonstrate how he/she can perform those functions.

- C. If the disability is not obvious and will not have an impact on the veteran's performance, the veteran should not bring it up as it has no bearing on an accommodation or the hiring decision.

Example: A Veteran has been treated for depression. She is currently on medication that controls the depression and it does not affect her work performance. There is no reason to bring it up.

8. Are there correct and incorrect ways to bring up a disability?

Yes, there are. Once you decide if you want to bring up your disability, your next step is to choose how you will do it.

Do not make a bigger issue out of the disability than it really is. The main focus of any interview is who you are, what you can do and why the employer should hire you. The issue of disability and need for accommodation does not change that.

- First, present your qualifications for the job. Focus on your ability to do the essential functions of the position. Next bring up the functions that you will need a reasonable accommodation for. Do not focus only on the "need" for the accommodation, but stress the resulting productivity and effectiveness of the accommodation to allow you to perform.

- Do not only concentrate on your limitations, but do stress on your abilities. Would it be better for a person who is deaf to describe themselves as someone who cannot hear or someone who can read lips? They both describe the same person but the latter one is much more positive because it describes what the person can do — not what the person cannot do.
- Do not only talk about what the disability prevents you from doing. Talk about what the accommodation allows you to do.

9. In interviews I have been asked to fill out a Federal form that asks me if I am a person with a disability. What is that about?

This is a form from the OFCCP. OFCCP is the Office of Federal Contract Compliance Programs. It is a branch of the Department of Labor. Most companies who do business with the Federal Government are considered Federal Contractors.

Federal contractors have added obligations and to set goals to hire and accommodate persons with disabilities. The form is the government's way of evaluating the number of applicants and employees that a federal contractor has who identify themselves as having a disability. The form is to be used for statistical and analysis purposes only. The information about a disability is prohibited from being associated with any specific applicant or employee.

The form explains all this. The applicant or employee is given three choices.

I. YES, I HAVE A DISABILITY

II. NO, I DON'T HAVE A DISABILITY

III. I DON'T WISH TO ANSWER

However you choose to answer will not have any impact on your getting or keeping the job. If you have a disability I recommend you answer the question **YES** if the answer will not do you any harm.

Can it do you some good? Yes, in a way. Your answer will not be attached to you personally. However, this data can help the employer to more effectively hire and accommodate all persons with disabilities as well as veterans.

Employers can use this raw data to determine if their recruitment of persons with disabilities is working. The number of employees and applicants who identify themselves as having a disability, allow the employer to allocate resources, efforts, programs and training to better meet the needs of applicants and current employees who have disabilities.

The form may look intimidating but what government form doesn't? It is simply a measurement tool that serves a useful and positive purpose. If you have a disability it can help you indirectly by helping your employer to be better prepared to complete their mission of providing a successful, productive and supportive work environment for veterans with disabilities.

THE CHALLENGE OF AN ACQUIRED DISABILITY

Veterans who acquire a disability face many changes.

One of the hardest is the intellectual and emotional task of acquiring a disability later in life, understanding what has happened to them and finding a way to get on with the rest of their life.

Every disabled veteran goes through some form of this at one time or another.

The hardest question I had to answer when I lost my hearing and started my recovery from my brain injury was the question, “**am I still me?**” Before my injury I had a very clear sense of who I was. I saw myself as a communicator, a public speaker and a person committed to promote positive social change.

I could not understand how I could possibly do these things since I had a substantial hearing impairment having difficulty concentrating and physically keeping my balance. I asked myself if I can no longer do these things then who am I? Do my dreams and goals have to change? Do I have to become someone else?

The people at the Veterans Administration told me that I was going through what they called the “Grieving Process”. They told me I was grieving the loss of my hearing and loss of some physical and mental coordination.

They may have been right.

But to me, the largest thing I was grieving was not these physical losses. It was the loss of myself, my very identity.

It would have been easy for me to just withdraw from my former life and focus on becoming a “disabled person”. I was lucky I made a friend, Arthur Honeyman, who was born with cerebral palsy. He told me that I was not a “disabled person.” I was instead “a person with a disability”. I asked him what the difference was. He stated that I was a person first, not a disability first. Not only was I me, I was still the old me. I had lost my hearing, not my dreams.

Art told me my mission was now to figure out how to continue to be me, to accomplish my goals and dreams with my disability, to learn to do old things in new ways and new things in ways that my pre-disability self would have never imagined.

It was the best advice I have ever received. I also believe it is the best advice I ever shared. I am now sharing it with you.