



Raymond A. Mason School of Business

WILLIAM & MARY

DIVERSITY GOES TO WORK PODCAST

EPISODE 21: STUDENT TAKEOVER PART 3 – DISABILITY ACCOMMODATIONS

Phil Wagner

Hello from the halls of the Mason School of Business here at William & Mary. I'm Phil, and this is Diversity Goes to Work. Buckle up because we're getting ready to take a deep dive into the real human lived experiences that shape and guide our diversity work in the world of work. Should be fun. Friends. Happy summer. By now, I hope you've gone back and listened to our other two specially featured summer Student Takeover episodes. If you missed them, we're releasing the work of some of our students from our spring 22 Diversity in the Workplace course, and we wanted to give you something to listen to as we plan for our own season two here, which drops in just a few weeks. The third episode that we'll feature today. Features Alicia Scott, Maddie George, and Bella Easton talking to us just a little bit more about disability accommodations. Again, we've got some exciting episodes planned for next season with topics spanning from natural hair to dignity to whiteness, not settling for status quo in the DEI space and beyond. We're going to really go there, but until then, buckle up. I hope you've enjoyed the Summer Student Takeover episodes as much as I have. Thanks for listening. Without further ado, here's Alicia, Maddie, and Bella.

Alicia Scott

On today's podcast, we are going to be discussing disability accommodations. Your hosts today are myself, Alicia Scott.

Bella Easton

Bella Easton,

Maddie George

and Maddie George.

Alicia Scott

All of us are taking the course Diversity in the Workplace, and because of that, we were incredibly interested in this topic. During our podcast, we're going to be hitting on three main topics. The first being disability legislation. The second administrative realm of disability. And third, looking towards the future with disability accommodations. We hope that from this podcast and the conversations and interview that we have. That you're able to walk away after listening, being able to identify key issues facing legislation regarding disability

accommodations. To have a better understanding of how the conversation of disability accommodation fits into both administrative and a little bit into personal spaces within the workplace. And then in addition to that, we hope that you have a better understanding of the future outlook of disability accommodations through current debates after the ADA was passed and how the interpretation of the ADA has changed over time. So we're going to be hitting on quite a few things today, so we hope that you're able to come along with us and learn as we do throughout this podcast. So to hit on that first topic. Of disability legislation, we felt that it was really important to go ahead and take a look at what existed prior to today's circumstances.

Maddie George

Yeah, so I know that I am talking about the ADA, which was passed for disability accommodations, but Alicia, what did that look like? Was there any legislation before the ADA that I didn't see, or what was life like before that was passed?

Alicia Scott

Yeah, that's a great question. So I was looking into what existed before the ADA, and there was something it was called Section 504 of the Rehabilitation Act of 1973. What this act did, it was actually the first disability civil rights law that was enacted in our country here in the United States. And what that did is it prohibited the discrimination against people with disabilities and programs that specifically received federal financial assistance. So there's that kind of, like, big disclaimer there as a part of that act.

Maddie George

Oh, man. Well, okay. Before we get into any more legislation and stuff, can we just take a second to think about what it would be like to have no accommodations at all for your life? If you're somebody with a disability and you're going in for a job, or you're going in just to do normal, everyday activities, and there's nothing for you to do that, is that not crazy?

Alicia Scott

It definitely is. Also, as you're saying that, I'm thinking about the name, and it's literally in the title. It's 1973 was not that long ago either. There was nothing before that. That is honestly quite frightening, truly.

Bella Easton

Well, in speaking of before, were there any challenges leading up to the implementation of Section 504?

Alicia Scott

Yes, absolutely. That's probably why it took so long. And why it only started in 1973 that we had this section added. I did a lot of digging into that, and I think the kind of most interesting information I found came from the article from The New York Times titled before the ADA, there was Section 504, and it was published July 22 of, 2020, by Julia Carmel. In this article,

they really talked about kind of what it meant to have this section passed and enacted and how much they struggled to have it passed. So just to kind of touch on that a little bit, it's incredible to have the section at that time, and it's actually quoted in the article that Section 504 operated on a social model of disability that focuses not on a person's impairment, but on the ways in which their surroundings could better accommodate their needs. So I just thought that was very powerful, and I wanted to share that from the very start before I kind of get further into the specifics. But honestly, reading that, it's just crazy how long it took for this to become enacted. The action to have this pass was delayed for years, and even though it seems so successful afterwards, we really have to appreciate what it took to get that passed. Individuals were protesting around the country because this had just been sitting around. No one was pushing or moving it forward. And I want to share specifically about the protests that were occurring in San Francisco to get this pushed forward because what they actually did was they protested and they stayed inside one of the federal buildings, and they were in there and lived there, not expecting to have to do this, but they were there for almost an entire month. And that ended up being one of the longest occupations of a federal building in U.S. History. and the reason this came to be was because when they went, and they started their protests, the individuals that were working in the spaces, one specifically being Mr. Califano, and when they went to discuss this issue with him, they were met with reasoning along the lines of, we've never heard of this. We didn't know about this. So they wanted to make sure that everyone knew about it. So they stuck around, and it ended up being an entire month. It was insane. The federal government tried to really get them out and deter protesters by cutting off the building phone lines, their water supply. But luckily, other people in the community were incredibly supportive of these protests. To help push this along, the city's mayor was actually sending over mattresses and trying to arrange portable showers for the protesters. Also, other members of different organizations were supporting them. One kind of large group, actually two, included the Black Panther Party and the Gray Panthers. And they would bring the protesters supplies, and they've cooked meals for them. So even though the federal government was trying to shut down the protests, other organizations were really supporting these protesters, helping them to get recognition for Section 504 that they were trying to push through. And after a ton of work and a ton of effort, and a ton of grit on the people's part for being there protesting for so long, on April 28 of, 1977, the regulation was implemented, and this was such a huge win for not only the protesters but our entire nation. And this then applied to federally funded buildings. And while that doesn't seem like a lot, there really wasn't much there before. And we just talked about how crazy that is, that there wasn't anything before that. So this was such a huge win. On their part, because it then laid the groundwork for the ADA to come after it.

Maddie George

Yeah, and that's crazy. Just touching again on just appreciating everything that went into it and everything that still goes into it now. And we'll touch on that in a minute, but we should all just take a second and appreciate our history. But going into the ADA, first off, I'm going to just start off with a definition of what the ADA is. And it stands for Americans with Disabilities Act. In an overall broad definition, it prevents discrimination against those with

disabilities. And when it first came out, it basically advances questions related to disabilities on job applications, provides for greater accessibility to public buildings and transportation, and requires employers to reasonably accommodate employees and job applicants. It also made requiring medical examinations before a job offer, unlawful and limited disability-related questions, and medical examinations on employees. So that was a broad overview of what it did initially, which was a huge step, and the Rehabilitation Act was also a huge step, but going just a step further in accommodations was super important. A little story, there is a female. I read an article on a lot of the information that I looked up. It was the ADA at 30 Looking Back and Ahead, published May 27 of, 2020, by SHRM.org, and basically, a story was Amy Shearer. She was the first attendee of Furman University in a wheelchair, and accommodations were made. She said that she could live in a dorm resulting from accommodation requirements by the ADA, and that wouldn't have been a thing if it wasn't passed, and she wouldn't have been able to go to school and feel more like a normal student beforehand, which is awesome. Kind of looking back at it and taking a second to think about she is the first student who there's a disability accommodation for. It must have been so scary and nerve-wracking. And for the other students being there, I just think that that's a really interesting point to kind of take a second on.

Alicia Scott

That is one that's really worth taking a second on. I think also just thinking about all of us being college students and understanding the importance of just even sharing a living space and living in a dorm with one another. How many friendships and how many relationships do we build from that? I'm living with friends from my freshman hall, and I'm a senior now, so I have accommodations. They're creating for a more inclusive space where everyone can build those relationships. So it's crazy to think that that didn't exist before. And I'm glad that she fought it, and the ADA was there to back it up.

Maddie George

Yeah. And moving forward kind of into her life after she graduated. She stated that going into the workplace. Which is what we're talking about right now. She felt that she was focused less on her disability and more on her work abilities and she used provided public transportation to get to her work, and she was just she stated many of these things again. Like, could not happen without the ADA and without our history. So that was super cool. And again, we'll touch on this, but there is such a great area in there has been so much that has been done, and there still needs to be so much more that needs to be done. And so it's cool, as I was reading her story and a couple of others, just how wild it is that it has been possible over the years. But another thing that the ADA did, you know, it created more of a voice for people with disabilities to have a say in what accommodations are needed. There's a big broad spectrum, and we're still discovering it and looking through it and going back the 1990s and early 2000s, and again, this isn't that long ago, but due to the broad ruling of the original Ada, people with prosthetics were not considered for accommodations. Just as an example, which to me is crazy because they do need accommodations. So just kind of like one hold back. I guess over the years where people have been trying to decide under the realm of administration. You are, or

you aren't disabled. And what does that really look like? Just looking at the broad spectrum of what is a disability. What isn't? And I really don't think that's our place to say it's more so what do you need and what does that look like for you? So I think that we made a lot of progress from the 1990s and 2000s with being more open to what that looks like for individuals, which I think is awesome. And legislation-wise, the ADAA mended this problem a little bit. And there was an emphasis on reasonable accommodations centering the broad definition to the needs of people with disability, which, again, is the most important thing, in my opinion.

Bella Easton

So, yeah, touching on the ADAA a little bit. Its name is the Americans with Disabilities Amendment Act. And one of the things that it also touches on is temporary impairments. So whether someone is sick or if they break a limb, or if they're going through any sort of problem, there's currently a debate as to whether or not these temporary impairments are qualified as a disability and if they should be protected by the ADA. And so, it's expanded the definition of a disability to include temporary impairments if they're sufficiently severe, but its guidelines have been somewhat unhelpful. Some courts, however, ultimately protect even episodic impairments. Since the purpose of the ADA is to protect disabled workers, there is inherently subjective reasoning necessary to decide whether an impairment substantially limits a major life activity. So whether you have the flu or again, if you break something, if you can't lift anything heavy, if you can't walk or be on your feet for extended periods of time, this is something that's really important to help employees in their day to day life.

Maddie George

Yeah. And so that's super interesting. Just, again, like the advancements that we've made under the realms of legislation, but again, kind of going into the fact that it's difficult to make universal accommodations for people whenever you're in administration because every disability is different. And so with that, joining us is Debbie Howe, who works in this realm of accommodations in the workplace for administration.

Bella Easton

Okay. Hello, everybody. Today, right now, we are interviewing with Ms. Howe is the Deputy Chief Human Resources Officer at the school. Ms. Howe, thank you so much for being here with us to discuss administration in the realm of disability accommodations in the workplace. We're excited to have you.

Debbie Howe

My pleasure. Glad to be here.

Alicia Scott

Thank you so much again. And we kind of wanted to start off by chatting from a more kind of general standpoint first, and we wanted to know what it looks like from the lens of administration to run, advise, and coordinate with accommodations in your position specifically.

Debbie Howe

Basically, we work with all the employees. So that includes faculty members, staff members. And if anybody needs accommodations, they can start off by having a conversation with us. And then we'll work with their doctor. We'll get information from their doctor for exactly what they need. But we try to be creative. We try to give people the kind of accommodations that will help them continue in their jobs. And we do have some options, particularly with the university, with some things that we can do that might not be available at other places. Basically, it's working with people and getting them what they need. I guess that's repeating the same thing over and over. But that's basically, and they can be a variety of accommodations. It doesn't have to be just there can be we have a golf cart service, so if people have trouble moving around campus, we have that option. We do have some people that work remotely occasionally or teach remotely due to accommodations. We can get people equipment that is really easy to do. We can also do different schedules for people. So there are different types of things based on need.

Bella Easton

Awesome. And what does that look like kind of day to day? What is your schedule like? Meetings and meeting with people to accommodate and all of that?

Debbie Howe

Well, I actually do the accommodations in addition to my job is to I manage the day-to-day functions in the HR office, the university HR. So I actually do employee relations, performance management. I'm over the talent acquisition, the recruitment, the benefits, and the ADA. So we do not have like every day, I don't have a whole bunch of people coming and asking for accommodations. Sometimes it comes in like it comes in groups or it's individually, but I will get an email, or we have an online system that we use that people can put a request in. I get that. Then I make sure that people give us the medical information. Then I try to have a conversation with people about what they need. Sometimes it's easy if it's simply just the golf cart service or if it's the piece of equipment. I can go ahead and buy that and take care of that for them. But if they need something that would be changed, a modification to their job, the hours they work or something like that, then I'll have a conversation with the supervisor, and if they're able to meet the accommodation, then we can go ahead and approve it. Otherwise, we'll have a meeting between myself, the supervisor, and the employee. And we'll kind of negotiate and see what we can do and what accommodation we can give the person and come up with something that works for all parties.

Bella Easton

Okay, awesome. So a lot of stuff under one day. You got a lot going on. So moving it back a little bit, what motivated you to do this work in the first place and in this position? How did you get here? What upbringing did you have or any background stories, or anything like that?

Debbie Howe

I've actually been in human resources for 33 years now, so I was in human resources when the ADA became a law. So I've been with it the whole time, actually longer than you guys have been alive, which is scary. But basically, it was actually interesting. I had gone to college and got my associates because I didn't know what I wanted to do. And I was taking community college classes and took an HR class and loved it. So then I started, I went back and got my Masters, I'm sorry, and then my Bachelor's, and then my Masters in HR. And then, I've had the opportunity to work in different areas of HR. And along the way, I've worked with ADA accommodations for most of my career, the different jobs that I've done, and I've had that. And I really enjoy with the ADA helping people and making sure that we can keep people working and keep them working productively. Because sometimes people, they just need a little bit of help in order to do the job or some accommodations or piece of equipment, otherwise they might have to quit, or they might have to go somewhere else. So that's the part I really enjoy, is helping the people and keeping them employed.

Alicia Scott

That's wonderful. That sounds great. And I also am curious, kind of on the flip side of that. So while there are these great benefits And you're able to help a lot of people and help them stay employed. Are there challenges that you also face on a daily basis and also things just in the general realm of HR, working with accommodations that you think has the largest room to grow?

Debbie Howe

The one challenge is that sometimes there are physical or mental issues that occur. And sometimes people, when they think of disabilities, they're thinking of people in wheelchairs or people with the white cane, and there are a number of disabilities that you just can't see. Mental health is a big area now, too, with that kind of disability. And sometimes it's really difficult because the person does not want to accept or acknowledge that physically, they cannot do things anymore, they really can't do the work, or they're having cognitive issues or things like that. So that is really hard when you kind of have to have those difficult conversations with people, and it's like this may not be the right job for you anymore, but then you can kind of talk about what might be other options. Is there something else they can do here? Is it more that they're going to have to go somewhere else? Or sometimes we've had people that just because of the decline physically, they've had to retire. And those are just hard. And it's hard just admitting to yourself sometimes that you can't, particularly if you worked your whole life or if financially you need to work, or you need to work to have the benefits. And that can be a catch-22 also, because if you stop working, then you don't have your health insurance. And if you do have medical issues, you need your health insurance. So some of that and also when people first give their accommodation request in the medical documentation, the first thing we have to do is determine if they're a qualified person with a disability. So we have to determine because you have to be able to do the essential functions with or without accommodation. And sometimes people don't quite understand that, but they're not able to

do the essential functions, and so, therefore, we're just not able to accommodate them. So those are some of the challenges with it. It's not always easy.

Alicia Scott

No, it doesn't sound easy at all. Those definitely sound very challenging. And I also wasn't aware about making sure that you have to be able to do like, certain functions. I just kind of thought it was a catch-all. So that's really great to know. Thank you.

Bella Easton

Yeah, and it's definitely interesting because a lot of it seems like a big gray area, and working through that is definitely a challenge. But where have you seen the most growth and success over the years? You said 33 years. Did you say you've been in this work? And from the beginning of the introduction of the ADA to now, what have processes look like? Kind of an administration, but also with those personal kind of stories that you've had, what does that look like? Where's the growth and challenges?

Debbie Howe

It did get amended. I can't remember the year right now that the ADA was amended. So it actually has been expanded since it was originally put out in 1990. The law was signed in 1990. There are some that it was hard because, at first, you had, particularly when you didn't have disabilities that people could see. Then you had people that were thinking the person was faking it, or they were getting a doctor to write up something for them, or they were trying to get something solely in order to make the job easier or to have an easier time. So the mindset shift. That has shifted a lot over the years. There is more respect and understanding of disabilities, particularly mental health, mental disabilities. It's also kind of interesting because sometimes there is kind of a tension in the disabled community between the more visible disabilities and the less visible, and sometimes that's kind of interesting to see. But I think that the biggest growth is the fact of people understanding and more respecting people with disabilities and seeing beyond the disabilities. It's still hard. There are certain disabilities where it's still, I think, harder for them to find jobs or to have employment. But I've been lucky with the employers I've had. They've all been very supportive of doing accommodations, and we've never had anything where we're trying to get around it, which is very good.

Bella Easton

I just have one more little follow-up question because we heard a story in class where there was a man, and he was in a wheelchair, and of course, just the stigma behind that is always challenging in the workplace. But then COVID Zoom calls, and everything were all that we did, and so everybody saw chest up, and so that kind of went away for a little bit. Have you seen like a lot of that in your work or anything like that or anything similar?

Debbie Howe

Not so much with COVID. The one thing COVID did is we had some people that prefer to work remotely, and it's easier for them. Just mobility issues. Sometimes it's easier if you don't

have to leave the house. So I know those individuals appreciated that, and some of them do not want to come back into the office, which is hard. I didn't notice that as much. But it's funny, we're still doing some meetings and things remotely, so there could be people with disabilities. You don't see them, so you don't know, like wheelchair or something like that. You wouldn't know. Or even if you can't see, you would notice that as much on a Zoom call, you might think the person's just looking up at something else.

Alicia Scott

As many people happened to do when you're on Zoom calls. Yeah. I also had an additional follow-up question, but I think it's interesting our minds like went in different directions with sharing how things have kind of changed and adapted, especially with people being more understanding and not thinking of it as someone trying to use it as an advantage, but somebody that's actually just making experience equitable. So I was wondering with that, what do you think has driven that change? Is it a matter of people learning more about personal stories and narratives, or do you think there's something else that's kind of pushed that along to grow over time?

Debbie Howe

I do think it's more people listening. And sometimes, some of these employment laws, I don't necessarily think people have bad intent. I think people are just kind of oblivious or don't think about it sometimes. And so when you have these laws, and you have to follow them, you look more at it, and you consider it more. But I also think just overall. I've seen more with people that are disabled are talking about it more. They're coming out and discussing, and they're actually using different words like ableism or different things like that, that they're taking away a lot of the stigmas by coming out and talking about them. And as you have some people that are celebrities or things like that, that are doing things even if they have these disabilities, that also helps too. But I think a lot of it is it's just people are noticing more and talking more about it. And that's a good thing.

Maddie George

Yeah, definitely, absolutely.

Alicia Scott

Well, we wish we could stay and chat for a whole hour about all of this. We are a little restricted for time when it comes to a podcast, and now long listeners are willing to keep listening. So before we end today, is there any final thought that you would like listeners to know about how accommodations for disability work in the workplace? And especially with diversity, equity, and inclusion work, is there kind of one thing you wish that more people would know?

Debbie Howe

I think one of the biggest things is you can't make assumptions. You can look at a person, and just because they're in a wheelchair, you can't make assumptions about what they can and cannot do.

Maddie George

Absolutely.

Debbie Howe

And sometimes people try to be super helpful, and that person really wants to do it themselves. So it's more you need to ask people and listen to them. If they say, no, I've got it, listen and let them be. So I think that's part of it too, is don't make assumptions about people.

Alicia Scott

True. I think that's great advice for this space specifically, but also just great advice in general. So that's a fantastic note for us to end on today. Thank you again so much, Ms. Howe, for being here with us today. We really appreciate your time and perspectives.

Debbie Howe

Thank you. Anytime.

Bella Easton

Yes, thank you so much.

Alicia Scott

It was so fantastic to hear from Ms. Howe's perspective of actually working in the administrative space herself.

Maddie George

Yes.

Alicia Scott

Honestly, I think it's so easy for us to kind of assume what that would be like, but to actually hear from a first-hand perspective, I think it helps me to really better understand. What it's like and what challenges someone faces in the workplace when working from the administrative side with this legislation in place.

Maddie George

Yes, it was very nice just to get some insight on all of that and kind of go into the future with it in mind.

Alicia Scott

Absolutely. So we've heard from now the administrative side. So I'm kind of wondering, do you guys have any ideas from more the personal side when you're requesting accommodations? What barriers exist there for the individuals?

Bella Easton

Yeah, so Frank and Beline did a study on people requesting accommodation, specifically people who are blind, and they said that common barriers that they found were broken trust, the fact that there are so many barriers, fear of retaliation, problems with technology, and the fact that they are blind people. There's so much paperwork involved with accommodations anyways, and they fear that negative responses to accommodation would inhibit further requests. And so, according to the ADA, failure to provide accommodations is a form of disability discrimination. But despite that, there's little benefit for those who file a complaint against their employer for failing to provide accommodations. And also, it's common for the clients to be blamed for their lack of accommodations rather than as a result of their work environment. This hostile attitude towards people with disabilities can be very harmful, not only for those with disabilities but for people in the future who are trying to create more legislation supporting them. There's also something known as a direct threat concept, which entails that the employee has a medical condition that poses too much of a safety risk for the employee to work in a particular position. And there exists a debate as to whether it's an affirmative defense that the employer must prove or whether a qualified employee with a disability must prove that they can safely perform all job functions and that they're not a threat. This perceived threat is required to be correct but should be objectively reasonable. It's common for employers to consult with doctors to determine whether these accommodations can be feasible to limit dangers that people with disabilities and people without disabilities may face. In addition, there's been a study about people with disabilities in the hiring process, and when hiring, there seems to be a lack of discrimination against people with disabilities in all areas except for their wage. In fact, less than 33% of people with disabilities are employed, compared to the 73.5% of people the same age without disabilities. An empirical evidence shows that despite ambivalent views of employees with disabilities, they earn a starting salary that is significantly lower than their non-disabled peers.

Maddie George

Man, that is so crazy. And it's very interesting just to see the differences between people with disability and not. And even though accommodations have been put in place, there's still a lot of ways to go. But I know this is going into all conversations now, I feel like, in our lives. But I'm going to ask the question, what impact did COVID-19 have on all of this under the realm of accommodations for disabilities in the workplace?

Bella Easton

Yeah, so great question. Obviously, the ADA was passed in the 90s, and the internet wasn't as big of a part of our life as it is now. And so because of this and the fact that so many things have moved online from school to shopping to even eating. Now there are different

interpretations of the ADA scope. Some people believe that the ADA applies to physical entities only, like when you go to the store or sit down in a restaurant. The ADA could also apply to a website or mobile app that has a sufficient nexus to a physical place, things like DoorDash or Uber eats. And others think that the ADA should apply to everything beyond physical spaces into online technology. And due to societal changes stemming from the COVID-19 pandemic, ADA protections should finally adapt and apply to website accessibility discrimination so that people with any sort of disability are able to access life just like everyone else.

Maddie George

All right. Wow. Well, that is awesome. It's so interesting, again, to see the gray area. There's so much of it. And figuring that out, what does that look like? And I hope that you guys, as listeners, were able to get a little bit of insight on what it may look like identifying key issues facing legislations regarding disability accommodations. Better understanding the conversation of accommodations in the workplace and how that fits into administrative spaces. Then lastly again, just better understanding the future outlook of disability accommodations through current debates after the ADA has passed and how that interpretation has changed over time. And just one last thought. And if you guys have anything. You're welcome to input it. But we hope that you now go into your day and look around and see what accommodations there are and have been put in place and just kind of take a second to appreciate what all has gone and happened under legislation and under just people protesting and whatever that may look like. But also what's missing in accommodations in the workplace and life just all around us. There's so much. And just one last thought how do you think that we can make our workplaces more inclusive and equitable for all individuals?

Phil Wagner

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