

Inside the OUTcomes: A Rehabilitation Research Podcast

Episode 7: The Great Lakes ADA Center

SHARON PARMET, HOST:

On this episode of Inside the outcomes, we'll talk with Robin Jones. Robin is director of the Great Lakes ADA Center. I'd like to now welcome Robin Jones to the podcast.

ROBIN:

Thank you glad to be here.

SHARON:

We're gonna get started with just a basic question, what is the Great Lakes ADA Center? And what kind of services does it provide?

SHARON:

So the ADA, Great Lakes ADA Center is one of 10. We're part of what is called the ADA National Network. We were established back in 1991, right after the passage of the ADA, with the goal of providing technical assistance, training, and information to entities that are both covered by the ADA as far as their responsibilities to comply, as well as individuals who have rights under the law, helping them understand what those rights are, and what resources are available to them.

So we do that in a variety of different ways. Probably the main way that people contact or connect with us is through our 800 number. So we have a phone number 800-949-4232, which people can call at any time Monday through Friday 8:30am to five o'clock pm Central Time, and ask us any question that they want. We get questions about, you know, how does the ADA apply to me? Very specific questions from an employer. Let's say they have an employee who is been out, maybe due to an injury and is coming back into the workplace. And the employer wants to know, what are my responsibilities, or they have a specific request because an employee has asked them for an accommodation, and the employer is not quite sure if it is reasonable or not. And they want to talk it through. So we really are there to be a sounding board to be an information resource to people and to entities about the law, and what resources are available to assist them and understanding what that law is.

SHARON:

Did you see any changes in requests during the pandemic?

ROBIN:

Oh, yeah, so of course, the pandemic itself created a whole new host of issues for people to look at. So when you think about what happened with a pandemic, you know, the shutdown of everything, and everybody being, you know, relegated to a remote work environment, you suddenly had both people with identified disabilities, as well as people who had never identified as having a disability, suddenly having to rethink how their work played out. And what that meant for them in terms of, of work and, and being employed and how that impacted their disability. So probably one of the first main things that we got a lot of questions about when people were transferring to home was how do accommodations that are offered in the workplace transfer to a home environment. So is the employer obligated, let's say I had a special desk, I had a special chair, I had special, you know, specific equipment of some type that I used in the workplace, how does that transfer to a home work environment and what is it the employer's obligation, you know, to address that particular issue.

So that was a key number one thing just in the transitional process, but what we found was that you had a lot of people who had never identified as having a disability in the workplace before who now suddenly going to remote may have caused some or exacerbated some issues.

Mental Health was one of the probably biggest issues that came to us with the pandemic switched and changed kind of the dialogue that we're having. A lot of people who were never had not identified to an employer had probably self-accommodated through their flexible scheduling or whatever else they were doing were now in a situation where they didn't have regular support, they didn't have the regular structure of work, etc. And were potentially experiencing some issues now needed accommodations, or because their employer went from in-person to remote where they were now starting to use platforms like Teams, or Google or Zoom or whatever, to conduct business with individuals who had never had to ask for accommodations for hearing issues or for comprehension issues and things suddenly had to now identify and think about, I need an accommodation I need real-time captioning during this zoom event or this you know, teams event or whatever else it might be where I was used to in person, that dialogue and discussion I'd never needed those kinds of things. But now this remote environment has created additional barriers for me that I might now need. These accommodations are needed. Additional time to complete tasks or things of that nature. So we really saw a lot of a flurry of accommodation request-type issues come up. As soon as we transferred to remote work that had never been or was very different than what had been in the traditional in the office workplace.

SHARON:

Are you seeing that in reverse as people go back to work?

ROBIN:

What we're seeing is people going back to work are more of the issue of individuals who are finding it difficult to return to the work environment, post COVID because of their disability, so interesting. I mean, when you think about how long and again, every company has been a little bit different for this, but the companies that have been out longer, they've brought on a lot of staff, during the pandemic, they onboard new people. And those people came on in a virtual environment. And now the employer is asking employees to go back into the workplace. And these are people who were hired in the virtual world. So they started their job virtually, and now are being told they needed to go, they need to go into a work environment that they've never been in before. They didn't apply for a job that was in person at that time, it was a remote job when they applied and they got hired. Yes, there may have been some inference that eventually we might be going back in person or whatever. But of course, that you know, you always think about that, as I'll deal with that at the time that it happens. And so we've had a lot of issues of people struggling with going back to work, who have disabilities, whom their employers requiring them to come back to the workplace, and are finding it difficult to make that transition back because of transportation issues related to their disability, fatigue, you know, disability-related issues, that make it more difficult for them, potentially, to come back into the office where they have been accommodating themselves in the home environment, but they will find it more difficult if they have to go back. So it's kind of been the reverse of that of people trying to figure out how to work remote. And now figuring out how to go back to the workplace, or can I stay remote as an accommodation?

SHARON:

And have you seen any effects due to long COVID?

ROBIN:

Oh, definitely, we've had a lot of people who did not have a disability prior to the pandemic. So they had never used accommodations, even when they were out in a remote environment weren't using accommodations, but now they have, you know, been infected with COVID. And now how are experiencing residual impacts from COVID. And as we know, you know, it's very different for different people. But some of the common things that we hear and that we get, often issues that people are still having are fatigue being number one, which drives the issue of how do I return to the workplace or working full time, even if it's remote, working full time, as a person with fatigue-related issues. If I have brain fog, which is another one, you know, that I'm having memory issues, I'm needing more visual cueing things of that nature to help me, you know, remind I mean, you need to use more tools, you know, organizational tools and things of that nature. We're also seeing people who are experiencing some residual pain, and headaches and such from long COVID so that they are experiencing those things. So yeah, so we've seen a whole new, I would say, new group of people coming forward with disability-related issues attributed to having long COVID. That, you know, mirror a lot of other kinds of disabilities, but you know, the diagnosis being long COVID. And now having to figure out how does that work for me? Or what does that mean, for me moving forward in the current job that I have in either a remote environment or going back into the workplace environment?

SHARON:

So do you help individual people who have questions about accommodations and disclosure, call you up and ask you to walk them through what might occur, and how they should do it? And what the law says?

ROBIN:

Yeah, well, we get oftentimes it's the person doesn't even know whether or not exactly they're covered. Right. So you know, it starts there, it starts like, you know, I have x is this a disability under the ADA? That is often where the conversation starts. They may have heard or heard or read something, but they're not quite sure. And because the ADA does not have a list of diagnoses itself. We know that the EEOC Department of Justice, Health and Human Services have put out statements related to recognizing long COVID as a disability under the ADA. But it still has to go through that same analysis. Yes, long COVID as a diagnosis may be a covered issue under the ADA, but each individual represents different limitations. And so it still is that individualized assessment as to whether that person who is experiencing long COVID meets that definition of disability under the ADA and then that next step is are they I trouble for reasonable accommodation because it's always sticky.

And it's it gets confusing for people to understand, they may be covered under the ADEA for nondiscrimination based on having a disability, but not everybody that has a disability always needs an accommodation to do their job. So, you know, you have to go through that analysis. Yes, I'm covered. And then second being, you know, what is the limitation? And how does that relate to my job duties and tasks, and what potential accommodations might I need? In order to do those tasks, we have to go through that analysis with people and help them go through that process, and then talk through what is their job and job duties. It's amazing how many people have not really sat down and thought about their job and their job duties, they just kind of do it, they have never broken it down. And so we help them do that. And then look at what might be the alternative ways that might be they might be able to do those job tasks or job duties? Or does it come down to the fact that they may not be able to do those specific job duties or dot job tasks anymore? And what does that mean?

So you know, what is reassignment as an example of a type of reasonable accommodation mean for them, or what kind of leave might be needed? Maybe they haven't worked long enough for FMLA. But leave is a form of accommodation under the ADA as well, aside from FMLA, leave a very different type of leave, but they may not understand and know that. And so we talk through and help them understand those things. Also, for many people, if their disability is new, they've never used their employer's process. And so they often aren't even aware of the fact that the employer may even have a process. And you know, who do I talk to? Do I talk to HR? Do I tell this to my supervisor? You know, what, if I'm in a union, do I go to the union, so helping them figure out that process as well.

SHARON:

So it sounds like you might work with a single person for several weeks to bring them through the process, even longer?

ROBIN:

Yeah, we will have we have many that we have multiple conversations with, you know, we start out at one point, maybe with some basics, we send them back to get more information from their company, you know, find out more about the process, etc. And then they'll come back once they've learned more, and we'll talk through what that process is, and help them you know, go that next step. Yes, right. Yeah. And then the next time that we will often hear from people is after they've made the request. And if the request has been denied, they will come back. And when we will talk through the fam what their other maybe next step next options are.

SHARON:

I know, we talked about this a little bit in our call before, but AI is coming on the scene, and it's impacting everybody's life, and especially in the workplace. I know, as a writer, it's a little close to home for me. But can you talk a little bit about how these new technologies and AI have changed the landscape and change maybe how you work with people?

ROBIN:

Yeah, you know, it's really interesting, it's happening, and it's, they're changing so fast, that it's, you know, it's often hard to just keep up what's new, you know, what's the next frontier, you know, that that we're there, but we know that, you know, it's going to be ever-changing and continue to change and improve?

You know, when we think about when AI first started, we were using AI and we were talking about AI and the concept of things like automated captioning, for example, you know, many of us went to, you know, virtual platforms with the pandemic. And one of the biggest barriers with that is now suddenly everything is a talking word or a talking head. And for those individuals who have difficulty processing auditory information and need to have a visual component as well, we were struggling with getting people captioning and, you know, real-time captioning and AI came into play there, because it was one of the early means of which captioning was provided in many of the platforms. So that the, you know, speech-to-text would be the automatic thing that would either be built into the platform or would be something that you could add to the platform. And we were struggling with that, that being an effective accommodation or not, because of the accuracy of that AI and how accurate the terminology is that the voice was in capturing, you know, and transcribing that into text or the written word that is improved greatly.

You know, when we first started with this back in 2021, that was first looking at AI, and these issues we were getting somewhere in a 65 to 70% accuracy in AI for captioning. And now with a regular just general conversation without a lot of technical terminologies and medical terminologies and stuff, we're pretty much at the 85 to 90% accuracy rate with, you know, AI in those arenas. That's huge. You know, that's, that's a huge improvement. Now AI is being you know, also applied in you know, being able to be used to, you know, generate information for a term paper or to write a letter, or to, you know, craft a memo or to craft anything, you can, you know, give a few terminologies and you know, terms and, and parameters to a platform, and it will generate whatever you basically have asked it to generate.

And now, you know, good, bad or indifferent, what we have to look at is how can that AI and these kinds of technologies be harnessed to be used effectively and ethically by individuals to accomplish their job tasks and duties and help them in doing that if I have to create a letter, can I use AI to help me with the foundations of the letter, and then I go back, and I'm responsible for editing it to make sure that it's accurate, you know, that it reflects the correct tone and tenor that I want it to be and things that nature, so it's not writing it for me, but it's giving me kind of a structure or an outline, that I can work off, that's a huge job, or labor savings for somebody, especially somebody who struggles with writing and things of that nature as part of their maybe a learning disability or something of that nature. So those are really positive things that AI can be used for.

On the other side, we have seen some negatives impacting people with disabilities, not AI being used by people with disabilities, but being used by other entities, I'll use the example of employers who are using a lot of AI in the hiring process, they have almost completely automated the employment process from your application to your, you know, your screening process or whatever, to determine what next steps you will go on in the hiring process. And the AI systems and tools are being used with certain algorithms and things to screen, resumes, and to screen, you know, cover letters and things of that nature. And the research that has been done and shown in this is showing that there's a pretty significant bias in some of this information, that is screening out people with disabilities pretty significantly and disproportionately in this process. And so there's a lot of concern about how AI is being used, and what that impact could be to negatively screen people out because of these, you know, algorithms and things that that are part of that, that could have some bias built into them.

SHARON:

We've talked a lot about employment, can you give another kind of example of a typical kind of category of requests that you get in and how you help out?

ROBIN:

Sure, so probably another very large area of our requests, or architectural accessibility, those requests come from people with disabilities who are facing barriers in the community, as they experience them could be at a retail store could be when they're traveling at a hotel, could be with a, an airport, or with a, you know, a taxi or an Uber driver or something of that nature. We get a lot of requests from businesses themselves, who are either being challenged by somebody with a disability saying, Hey, you're not accessible, you know, I'm going to sue you. And so now they're, you know, panicking, what do we need to do? Or they're proactively looking at, hey, you know, I'm going to be doing some remodeling, and I want to make sure that I make my facility accessible. What do I need to do, we want to we need to look at architects and designers are huge users of our services to validate their designs to make sure that they understand the architectural standards and the application of those architectural standards.

I also don't want to overlook the virtual world, and how much that is a part of what we do, as all of us do everything that we do these days, including listening to this podcast right now. We're using technology, websites, apps, you know, mobile phones, things of that nature, kiosks, point of sale, machines, at stores, and things. All of these have

now become part of our day-to-day lives and our everyday business without necessarily looking and taking into consideration how those are usable or not usable by people with disabilities. So you know, if the website's not accessible when I say not accessible, it doesn't have alt tags on its images, that the links on that website aren't labeled with somebody knows where they're going to be going when they click on a link, when they have a form to fill out and the form isn't labeled correctly. So I don't know that you're asking for my name, and you're asking for my address, or my telephone number or my credit card, or whatever else it is, when all of those things aren't accessible so that when I might be blind, and I'm using a screen reader to read your website, or I'm somebody who uses speech to text software to fill things out, so I speak I use software like Dragon Dictate or something of that nature in order to interface with the computer, but your system won't accept it because it's not been coded correctly to be able to do that you have now shut me out from a huge part of the world. That is that virtual worlds, you know, we used to worry about the ramp to get into the door. Now we worry about getting into the virtual ramp, you know, into that virtual world. Because, again, so much of what we do from ordering food to our groceries to our entertainment, etc, goes through that virtual world applying for a job, you know, asking a question or interfacing with a vendor, very few vendors have telephone numbers anymore, they have a form you have to fill out, or a chat online that you use to get customer service. So these are huge areas that we're also addressing that impact the lives of people with disabilities.

SHARON:

So it's the real world and the physical world and the virtual world. Important. I know that the ADA celebrated its 33rd year this year, what does the ADA need to evolve to become?

ROBIN:

Well, we're still not done, you know, 33 years later, we still have a few things that are a lot of things, I guess that you know, are still happening, I just talked about the virtual world, one of our biggest problems with the virtual world is, at this time, we still don't have an enforceable standard for what an accessible website looks like. We have guidelines, we have international guidelines that are accepted, you know, internationally about what that is, we have a federal standard that the federal government has to comply with. But we don't have an enforceable standard in the private sector, you know, yet or under the ADA, the Department of Justice did just announced with the 33rd anniversary of the ADA that they have finally, after years and years of waiting, put out a proposed notice of rulemaking for establishing an enforceable standard on website accessibility, which is going to be huge. When that hits, because even though we have a lot of court interpretation, saying that the internet is covered under the ADA, until we can get that standard, and we can get be able to be enforceable, you know, we're not going to make the progress that we need to make. So that is a huge leap forward for us to go that way.

Our streets, our sidewalks and our crosswalks and things of that nature continued to be an issue 33 years later, many of our municipalities have yet including Chicago, and a lot of other big cities, address all of the barriers in their public right of way, and how much that impacts people, you know, being able to go to work, go to a store go to visit their families, in their neighborhoods, in the downtown areas, in the tourism areas, etc. And so this, this is a huge area that we're putting new focus on, and with the anniversary. The Department of Justice also did announce that they are finally moving forward with enforceable standards for the public right of way, which we've been waiting on, since the early 2000s for those standards to, to come out.

So those are really promising things that are imminent to happen. But at the same time, another thing that we you know, know that it still continues to be that we have not achieved yet is when we look at areas like people with mental illness and mental health, we have not yet achieved equality for this population of individuals with disabilities in the way that they're treated in the criminal justice system, we have way too much disability in the criminal justice system, people are criminalized for having a disability, we still have those systems are not dealing with people with disabilities, the jails and the institutions themselves are not yet adequately serving people with disabilities in those systems. So we know that that's a huge area, just even in community mental health, and just the lack of mental health can be argued to be one of the largest areas of disability, cross-cutting, you know, every other disability that we have, that, you know, this is really a huge area of concern and ongoing work that needs to be done other protecting the rights and developing the services. And making sure that the services are available are accessible to people with disabilities where they are and where they're at.

Also, you know, as we move forward, we're in the third going on the fourth generation of you know, youth with disabilities. That, you know, we really need to look at where our leadership in the disability community is coming from and make sure that those youth you know, get the leadership get the mentoring and stuff that they need to be the leaders of tomorrow, the other area, and I know that there's going to be a huge effort that is kicked off with the

anniversary this year and is going to be moving forward into next year. Is this solidifying codifying the right to live in the community versus in an institution for people with disabilities? We've had under the ADA litigation like the Homestead Act, litigation with the Supreme Court and such, and mandates that have come down from Health and Human Services, Department of Justice, etc. About the fact that people with disabilities have a right to live in the community. versus institutions and that the state and local governments have the responsibility to provide the support necessary for people to make that choice and to have that choice. However, all of the programs and systems that have helped or that have been designed to do that have come and gone, they get put into a piece of legislation and are funded for three years or whatever. And then they're gone. And then there's just no sustained activity in that area. And so there is a real push, going forward from this anniversary to the next anniversary, to solidify in legislation, a right to live in the community independently with appropriate supports and the funding to do that for people with disabilities. So this is going to be a huge push in the disability advocacy community for the next year. And I call upon people to really watch what's going on to support those efforts. And really, let's finally realize the ADA promise of, you know, full inclusion in society by you know, having people live and make the choice of where they live and support them where they live.

SHARON:

You gave the phone number at the beginning of the podcast, but can you give it one more time to reach the Great Lakes ADA Center?

ROBIN:

I would encourage you to contact us at 800-949-4232 This is voice and TTY. We also have a website, which is www.ada.greatlakes.org and we have a wealth of resources, trainings, documents. And you can also submit a question to us through our website as well.

SHARON:

This has been INside the OUTcomes: A Rehabilitation Research Podcast. This podcast is supported by the National Institute on Disability, Independent Living and Rehabilitation Research. This is your host, Sharon Parmet signing off. I hope you'll join us for the next episode.