



Risk Management and Safety

Americans With Disabilities Act

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This issue is designed to serve as a general guide to Disability Rights Laws, in particular the American with Disabilities Act (ADA). This issue provides a thumbnail sketch of the history, employer practice, reasonable accommodations, enforcement and telecommunication aspect addressed in the law. A number of resources exist on campus which enable all students gain better access in their academic studies and university life. Some of these resources include: Physical Plant, Student Housing, University, Student Development & Counseling Center, tutorial services, and of course Academic Affairs. For faculty, I strongly encourage everyone to take the time and visit the Office of Student Development & Counseling Center website which includes an excellent *Services for Students with Disabilities-Faculty Manual* and the *Students with Disabilities-Student Manual*.

What is the Office of Risk Management

ORM is the Property and Casualty and Worker's Compensation Insurance for all state departments, agencies, boards and commissions. This includes coverage for employee bonds, crime, automobile liability and physical damage, comprehensive general liability, personal injury liability, boiler and machinery, medical malpractice, road hazards and miscellaneous tort coverage for those claims otherwise not covered. In order to be fully covered, we must comply with the ORM Safety and Risk Management programs and policies.

In conjunction with requirements by our state safety carrier, the Office of Risk Management, safety meetings will be held twice each semester. Attendance is mandatory for all full time faculty, staff, adjuncts and student workers. Attendance will be measured by written acknowledgement, through paper format, email, or web-based.

Each college and department has appointed a Safety Representative to administer safety meeting information and to take safety suggestions.

Reminder: Safety Meetings are to be held twice per semester

Safety Meeting Acknowledgments are due to your Safety Rep by December 10

Next Safety Meeting: Spring 2007



Campus Safety Representatives

College of Business	John A. Vassar
College of Science	Jim Ingold
College of Education and Human Development	Timothy P. Winter
College of Liberal Arts	Stacey Martino
Continuing Education	Tisha Taylor
Student Affairs	Joseph Pearson
Academic Affairs and Chancellor's Office	Betty Taylor
Business Affairs	Vacant
Development	Dolly Salter

Americans with Disabilities Act (ADA)

History

The Americans with Disabilities Act of 1990 was created to provide civil rights protection to individuals with disabilities in congruence with those rights provided to individuals based upon race, color, national origin, age or religion. Fundamentally it provides equal opportunities for individuals with disabilities as they relate to public accommodations, employment, transportation, government services and telecommunications. Title I of the ADA addresses Employment, Title II Public Services including transportation, Title III Public Accommodations and Services by Private Entities; Title IV Telecommunications, and Title V addresses a number of Miscellaneous Provisions. It is estimated that over 43 million Americans have one or more disabilities. A sad fact of history is that traditionally these individuals were isolated, segregated and discriminated against in a number of ways. Some of these include housing, public accommodations restrooms, architectural, transportation, health services, voting. Different from other forms of discrimination individuals with disabilities typically had little legal recourse.

ADA

Title I: Employment

Title II. Public
TransportationTitle III. Public
AccommodationsTitle IV.
Telecommunication

Relay Services

Title V. Miscellaneous
Provision

Employer Practices

The ADA prohibits discrimination in the employment practices of job applications procedures, advancement, training, recruitment, tenure, lay-off, leave, fringe benefits, compensation, and firing against qualified individuals with disabilities. A qualified individual with a disability is any person who meets legitimate skill, experience, education, or other requirements for employment provided they can perform essential functions of the position with or without reasonable accommodations. This does not mean employers give priority to the 'qualified applicant with a disability' but do make the decision for hiring based upon skills needed for the position. During the interview/hiring process, an employer may not ask any applicant to take medical examination or inquiry about the disability. They may direct their questioning to ability to do the tasks needed in the job and if needed how the individual with a disability describe or demonstrate how they might perform the tasks. In the event that a post-offer medical examination reveals a disability, non-appointment must be job-related—not as a result of disability identification.

Sample Reasonable Accommodations in the classroom:

Interpreter
 Additional time to complete examination
 Lighting in the classroom
 Seat arrangements
 Elimination of distractions
 Wheelchair accessible
 Alternative testing formats
 Books on Tape
 Tape recording of lectures

Remember: University Police Department at #999; after hours 9-455-5497

Reasonable Accommodation

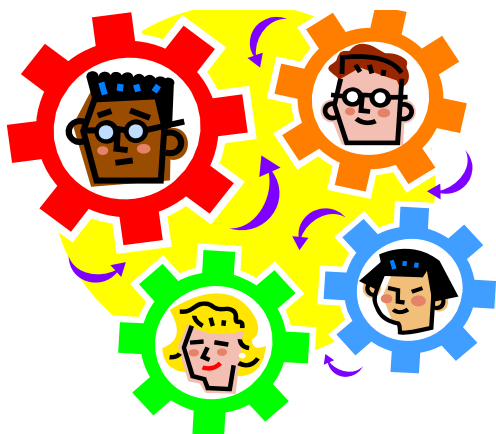
A reasonable accommodation refers to modification or adjustments to a job, or work environment that enables the employee to perform their primary job functions. These accommodations may include accessibility, modifying, adopting equipment, or other accommodations recommended by the employee's health care provider.. There are limitations to the required accommodations which bring us to the concept of "undue hardship". It is defined as an "action requiring significant difficulty or expense." In many ways it is dependent upon the size, resources and nature of the employer. Typically it is evaluated on a case by case basis. For example a larger employer or organizational structure will be expected to make accommodations that are dependent upon greater effort and expense than a smaller business with limited resources. The international symbol found on page one demonstrates a simple but valued accommodation.

Enforcement

The provisions under the ADA are subject the same procedures of enforcement under title VII of the Civil Rights Act of 1964, as amended and the Civil Rights Act of 1991 as race, color, national origin and religious discrimination. For complaints that occurred after July 26, 1996, they are filed with the Equal Employment Opportunity Commission or appropriate State human rights agencies. Remediation may include reinstatement, hiring, back pay, restored benefits, attorney's fees, witness fee and court cost. In case of deliberate or intentional discrimination, and/or good faith effort, compensatory and punitive damages may be claimed.



Students with Disabilities— A Resource for Faculty and Staff



LSUS has a Coordinator of Services for Student with Disabilities, Paula Atkins, located in the Student Development and Counseling Center (SDCC). The SDCC provides intake assessment of needs, verification of accommodation needs with accompanying recommendations, and serves the role of liaison between students, faculty and staff. The goal of the program is to provide students with access to higher education. If you have specific questions as they relate to services for students with disabilities or assessment of needs on campus the office can be reached at 797-5365.

Remember: University Police Department at #999; after hours 9-455-5497

Telecommunications



Imagine your world if you didn't have the ability to use your telephone at home or in the office. Now extend that image to being without a cell phone. The inability to communicate via a phone would literally eliminate many of us from the active world and for many inhibit us from doing our jobs. ADA Title IV address the telecommunication relay services. Title IV requires carriers such as telephone companies to provide telecommunications relay services (TRS) 24 hours day, 7 days a week(24/7). Having operational TRS enables individuals with hearing and speech difficulties who use telecommunication devices for the deaf (TDDs) also commonly labeled as teletypewriters (TTYs) to communicate with voice telephones via a third party communication assistant. In addition Title IV mandates close captioning of Federally funded public service announcements. A thing as simple as being able to communicate with the external world should not be undervalued..

Final Thoughts

Next time you walk across campus and see that 'handicapped parking sign', that TDDs listing, or that ramp on the sidewalk, I hope you recognize and appreciate the efforts many on campus are taking to assist all students in accessing their academic goals. I had a professor years ago state to me that *we are all temporarily able-bodied*. As I continue to develop or as some individuals may label age, having undergone numerous surgeries and sudden onset hearing loss—I understand that statement more and more every year. TPW

Resources

Available at LSUS:

1. <http://www.lsus.edu/sdcc/handbook/faculty/>
2. <http://www.lsus.edu/sdcc/handbook/students/>

For additional website information :

1. For more information on **TRS** visit <http://www.fcc.gov/cgb/dro>
2. For more information on title II Public Transportation visit: <http://www.fta.dot.gov/ada>
3. For more general information on Disability Rights visit <http://www.ada.gov>

For additional reading:

1. U.S. Dept. of Justice Civil rights Division Disability Rights Section. (2005). *A Guide to Disability Rights Laws*.
2. Shapiro, J.P. (1993). *No Pity: People with disabilities forging a new civil rights movement*. New York: Times Books.
3. Hodge, B. & Preston-Sabin, J. (1997). *Accommodations-or Just Good Teaching?: Strategies for teaching college students with disabilities*. Westport, CT: Praeger Publishers.
4. Jarrow, J. (1993) : *Title by Title: The ADA's Impact on Post Secondary Education*. Columbus, OH: AHEAD.

