

**State of Illinois**  
Pat Quinn, Governor  
**Department of Human Rights**  
**Department of Human Services**

# ICED NEWS

## State Interagency Committee on Employees with Disabilities

### ICED 2014 Awards Program

The Committee is planning an Awards Ceremony with the theme, Celebrating Those Who Make a Difference, to be held May 20, 2014 at 1:30 p.m. at the Historic Preservation Agency's Great Room, 313 S. Sixth Street in Springfield. Nomination forms have been distributed for the following categories: State Employee, State Agency, State Advocate, Non-Profit/Business, Media, and State Legislator. This year, a panel discussion will be presented on programs for people with disabilities who want to become business owners. The business of a caterer with a disability will be featured.

### ICED Webinars

The Committee has already sponsored and cosponsored four webinars in FY14. An earlier issue of the newsletter discussed the first webinar on accessible parking issued. Two additional webinars were co-sponsored with the Department of Central Management Services, one in February and the other in March 2014. These programs explained application procedures for people with disabilities seeking state jobs. About 100 people participated in these webinars. Participants learned about the State application and testing process, including information on reasonable accommodation. Also, an overview of the Successful Disability Opportunities program was provided. This program allows applicants with disabilities who are customers of the Division of Rehabilitation Services to appear on a separate list of candidates that agencies can request. These candidates can appear on the regular Eligibility list as well.

The Committee sponsored another webinar in March 2014 on the rights of employees with disabilities. The speaker was Rachel Weisberg, of Equip for Equality. Ms. Weisberg discussed federal and state requirements regarding application procedures, equal treatment in employment, reasonable accommodation, as well as harassment and retaliation-free workplace provisions. About 90 people participated in this webinar. Information from this webinar will be posted on the ICED website.

## Have a Question About the ADA?

- [First, check to see if your question has recently been answered](#)

**For ADA technical assistance or referrals, contact the Illinois ADA Project:**

Rachel Weisberg, Illinois ADA Project Manager

c/o Equip For Equality

20 N. Michigan, Suite 300

Chicago, IL 60602

(877) ADA-3601 (Voice)

(800) 610-2779 (TTY)

(312) 541-7544 (Fax)

[RachelW@Equipforequality.org](mailto:RachelW@Equipforequality.org)

The Illinois ADA Project does not provide legal advocacy.

Please allow two weeks for an answer.

### [Great Lakes ADA Center](#)

The Great Lakes ADA Center is a member of the ADA National Network. We staff a toll-free information line providing informal guidance on the Americans with Disabilities Act (ADA) and Accessible Information Technology (AIT). The Center's Technical Assistance Specialists can answer most questions you have within 24 hours of contact via telephone.

800-949-4232 (V/TTY) M-F 8:00am-5:00pm CT

312-413-1407 (V/TTY) M-F 8:00am-5:00pm CT

Fax: 312-413-1856

Mailing Address:

Great Lakes ADA Center

University of Illinois at Chicago

Institute on Disability & Human Development (MC 728)

1640 West Roosevelt Road, Room 405

Chicago, IL 60608

### **Early ADAAA Case Addresses High Blood Pressure**

The Americans with Disabilities Act has been interpreted over the years to narrowly define “disability.” A significant percentage of ADA court cases have been dismissed over the years because the disabilities in question were found to be not covered by the Act. As a result, the ADA Amendments Act (ADAAA) was passed to ensure that coverage of the statute was not limited to a small subsection of people with disabilities. In one of the first ADAAA cases to reach the appellate court, *Anthimos Goggos v. AMS Mechanical Systems, Inc.*, the Seventh Circuit ruled that high blood pressure and ocular conditions could be disabilities under the ADAAA. The case involved a pipe welder with 45 years of experience who felt his blood pressure spiking at work and asked for time off to seek immediate treatment. He was fired. The district court dismissed the case finding that the employee’s conditions were transitory and suspect. On appeal, the 7<sup>th</sup> Circuit found that even if an impairment is transitory and minor, episodic or in remission, it is a disability if it substantially limits a major life activity when active. The case returns to the district court for disposition, but it’s clear that the ADAAA has already made a difference in Illinois.

### **Justice Department Issues Communication Factsheet**

The U.S. Department of Justice issued a factsheet on effective communication under the Americans with Disabilities Act (ADA) which is available from the following webpage, [ADA Effective Communication](#). Both governmental agencies and places of public accommodation are required under the ADA to communicate with employees and customers/clients in an effective manner. The effective means of communication may differ with different groups of people with disabilities. In communicating with blind people, print documents may need to be issued in Braille, large print, or an electronic format. It’s important to remember that not all people in a particular group communicate the same way. Only a small percentage of blind people read Braille, which means an agency might wait until a request for a Braille document has been made. Another communication issue in regards to blind people is that many use screen readers with computers and not all documents are accessible to screen readers.

Another group of people with communication disabilities, people who are deaf or hard of hearing, may request sign language interpreters or captioning services. Again, an agency might want to wait until it receives a request for an interpreter or captioning to ensure the services are needed. In regards to the type of accommodation to be provided, the fact sheet says that “...Title II entities [state and local governments] are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability.”

A governmental entity must honor a person’s preference in regards to specific services or aids, unless it can demonstrate that another equally effective means of

communication is available or that the use of the means chosen would result in a fundamental alteration or in an undue burden. Even if the accommodation requested would result in an undue burden or a fundamental alteration, the public entity has an obligation to provide an alternative aid or service that provides effective communication if one is available. Agencies and accommodations may require reasonable advance notice to provide an aid or service, based on the length of time needed to arrange for it. Accommodations requested without advance notice should be provided to the extent possible. Information about the ADA is available from the Justice Department at [ADA Website](#), or 1-800-514-0301 (V) or 1-800-514-0383 (TTY).

### **The ADA and Employment Issues**

Individuals with disabilities who have questions about their employment rights, as well as agencies seeking ADA compliance guidance can visit the U.S. Equal Employment Opportunity Commission's website at [EEOC website](#). For individuals with disabilities, there is information about reasonable accommodation, harassment, confidentiality and charge filing procedures. For employers, there is guidance on the definition of disability, the use of medical exams, and resolving a charge of discrimination. In Illinois, applicants and employees with disabilities have 180 days to file a charge of discrimination with the Illinois Department of Human Rights, and 300 days to file with the Equal Employment Opportunity Commission. Each state agency has an Equal Employment Opportunity/Affirmative Action Officer and an Americans with Disabilities Act Coordinator. An employee's supervisor should be able to provide the names of those individuals within the agency in question.

### **Tammy Duckworth, A Woman of Character**

Tammy Duckworth was one of 12 honorees as a part of Women's History month, which highlighted this year's theme of, Celebrating Women of Character, Courage, and Commitment. The National Women's History project recommended Ms. Duckworth, among other outstanding women, to be recognized by President Barack Obama during Women's History Month.

Representative Duckworth is an Iraq War veteran and former Assistant Secretary of Veterans Affairs. In 2012, she became the first woman with a disability elected to serve in the U.S. House of Representatives. Ms. Duckworth has a strong record advocating and implementing improvements to veterans' services. In 2004, she was deployed to Iraq as a Blackhawk helicopter pilot. She was one of the first Army women to fly combat missions during Operation Iraqi Freedom until her helicopter was shot down on November 12, 2004. She lost her legs and partial use of her right arm in the explosion and was subsequently awarded a Purple Heart for her combat injuries.

## **Plans to Broaden ICED Membership**

A bill, HB4665, has been introduced in the legislature to expand membership of the Committee to include the following individuals: Attorney General or designee, Secretary of State or designee, State Comptroller or designee, State Treasurer or designee, Lieutenant Governor or designee, and Director of the Council on Developmental Disabilities or designee, and 3 State employees with disabilities (bringing the total number of employees with disabilities on the Committee to 7). The objective of the bill is to extend opportunities and access for people with disabilities to all segments of State government. The bill also moves the Committee from the Personnel Code to the Illinois Human Rights Act.

## **Your ICED Members**

- Rocco J. Claps, Director, Department of Human Rights, ICED Co-Chair
- Michelle R.B. Saddler, Secretary, Department of Human Services, ICED Co-Chair
- Erica Borggren, Director, Department of Veterans' Affairs
- Simone McNeil, Acting Director, Department of Central Management Services
- Garrett FitzGerald, Chair, Civil Service Commission
- Deborah Johnson-Small, Employee Member, Department of Human Services
- Karl Moulton, Employee Member, Department of Employment Security
- Catherine Collier, Employee Member, Department of Children and Family Services

## **Serving State Employees with Disabilities for Forty Years**

### **State Interagency Committee on Employees with Disabilities**

**222 S. College, Room 101, Springfield, IL 62704**

**(217) 785-5119 (Voice); (866) 740-3953 (TTY); (217) 785-5106 (Fax)**

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Note: This publication is provided in alternative formats upon request.