

State of Illinois
Bruce Rauner, Governor
Department of Human Rights
Department of Human Services

ICED NEWS

State Interagency Committee on Employees with Disabilities

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Awards Program Planned for May 19, 2015

Each year ICED honors individuals and organizations that make a difference in the lives of people with disabilities. This year the ceremony is planned for May 19, 2015, at 2:00 p.m. in the Great Room of the Historic Preservation Agency, at 313 S. Sixth in Springfield. Everyone is welcome to attend to honor the recipients and enjoy the program. The Illinois Assistive Technology Program and the Talking Book Program will be present to display some of their devices and provide information about technology for people with disabilities.

Webinars Sponsored for Applicants with Disabilities

ICED co-sponsored two webinars on March 17, 2015 with the Department of Central Management Services regarding job procedures for applicants with disabilities. Under the Successful Disability Opportunities program, the Division of Rehabilitation Services customers can qualify for a variety of state jobs by getting a passing grade on the state tests. Their names then go on the standard Open Competitive List and the Successful Disability (SD) Opportunities list. Agencies can hire from the SD list when they can hire applicants from outside of state government. Find out more about the SD program here <http://work.illinois.gov/disabpgm.htm#sdo>.

ICED Leadership Plan Committee Future

ICED is led by Rocco J. Claps, Director of the Department of Human Rights, and Gregory M. Bassi, Acting Secretary of the Department of Human Services. The ICED leadership looks forward to a year of activities to expand opportunities for state employees with disabilities, including an awards ceremony, scheduled for May 19, 2015, in Springfield, a newly designed website to be completed by May 2015, and passage of S.B. 1728, which will expand membership to the State's Constitutional Officers, the Council on Developmental Disabilities, and three additional employees with disabilities. Director Claps mentions as a priority this year's work to formalize the structure of the Internship Program for Students with Disabilities, which an ICED workgroup has been assigned. The internship program has functioned for years informally and served nearly 100 students with disabilities, some of whom have become

permanent state employees. One course the workgroup is considering is making it an independent entity, like other State internship programs. Martha Younger-White, of the Department of Human Services, is chairing the internship work group.

Disability Cases Determined in the Courts

An employer's duty to reassign an employee with a disability who can no longer perform his/her job was considered in *EEOC v. St. Joseph's Hospital, Inc.* The plaintiff, a nurse who used a cane for mobility following hip replacement surgery, was told by the hospital where she worked that she could not use the cane because patients could take it away from her to use as a weapon. The plaintiff was given a month to find another job in the hospital; she applied for seven positions, but did not get any of them. The plaintiff was fired and filed a charge with the U.S. Equal Employment Opportunity Commission (EEOC). EEOC filed suit for her, and the district court ruled that the issue of job reassignment should go to trial, although the court found that the plaintiff's request for use of a cane at work was not reasonable given the work environment.

In another case involving accommodation, the EEOC obtained a \$95,000 settlement from First Title & Escrow/Streamline Title & Escrow in Maryland in a disability bias suit involving an employee with end-stage renal disease who needed a part-time schedule to allow her to obtain dialysis. The employer fired her after first allowing her to work a part-time schedule. According to EEOC, "This Company initially did the right thing and provided a reasonable accommodation for an employee with a serious illness, but for some reason revoked its proper decision. The EEOC will come to bat for victims of such harmful actions against people with disabilities."

In a third accommodation case, the U.S. Court of Appeals for the Seventh Circuit allowed a disability discrimination case to go to trial on the issue of whether transporting (pushing) people in wheelchairs is an essential function of a beautician in a nursing home. The employee was unable to push more than fifty pounds following reconstructive bladder surgery. For a brief time, co-workers pushed the wheelchairs for her, but the nursing home administrator told the plaintiff the facility didn't allow employees to work under restrictions and denied her request for reasonable accommodation.

In a case involving substance abuse, a federal district court, in *Alexander v. Washington Metropolitan Area Transit Authority*, dismissed a discrimination case filed by a former employee with alcoholism, finding that the alcoholism was not a disability because the plaintiff failed to show his impairment affected major life activities, which is a part of the definition of "disability" in the statute.

State Disability Survey will Begin Soon

State government conducts an online disability survey of employees each year to meet two important objectives: affirmative action program requirements, and emergency evacuation purposes. By state law, each state agency is required to examine its workforce to determine whether disability hiring goals should be set; the survey data base allows an agency to compare its percentage of employees with disabilities with that available in the State of Illinois labor force. In regards to emergency evacuation programs, the disability survey is the only way the State has of determining the need for assistance from specific employees. State agencies will soon be disseminating information about the survey. Employees are encouraged to participate, either in responding to the survey itself or choosing to Skip the survey, both of which options establish the fact that an employee had the opportunity to participate. No employee is required to identify a disability, and agencies are prohibited from using the information to discriminate against an individual. Employees have the right to change their disability status at any time during the year and can update emergency evacuation needs then. Go to [state employee disability survey webpage](#), for further information.

Chicago Program will expand Employment Opportunities

As people with disabilities struggle to find employment in a difficult economy, a Chicago non-profit is up to this challenging task. The local chapter of Best Buddies Illinois is launching an employment program in the Chicago area with the goal of increasing the placement rates of people with intellectual and developmental disabilities in competitive employment. Programs like this are aided by a new federal law, the Workforce Innovation and Opportunity Act (information about this important law can be found at [workforce innovation act](#)).

Disability Publications Issued Recently

Three publications that encourage employment of people with disabilities have been issued recently. The first, “Best Practices in Employee Retention and Return-to Work: An In-Depth Look Inside an Exemplary American Corporation,” [report on returning employees with disabilities to work](#), which examines structures and practices that enable employees with disabilities to successfully remain in their jobs. The second, “Recruiting, Hiring, Retaining and Promoting People with Disabilities: A Resource Guide for Employers,” [report on hiring and promoting employees with disabilities](#), begins with a quote from President Obama, “I want future generations to know that we are a people who see our differences as a great gift, that we are a people who value the dignity and worth of every citizen—man and woman, young and old, black and white, Latino and Asian, immigrant and Native American, gay and straight, Americans with mental illness or physical disability.” The third publication, “Building a Workforce that Reflects the People We Serve,” [blog on recruiting employees with disabilities](#), is a blog post by Katherine Archuleta, Director of the U.S. office of Personnel Management. A final

publication that will be of interest to people with disabilities is, “Disability Connection – 10 Things You Want to Know about Federal Government Employment,” [tips on getting federal jobs](#). The federal government is taking seriously a commitment from President Obama to hire 100,000 people with disabilities.

State Senate Bill Introduced to Expand ICED Membership

S.B. 1728 was introduced by State Senator Heather Steans to expand the ICED membership to include the Constitutional Officers, the Council on Developmental Disabilities, and three additional state employees with disabilities. The bill would allow the Committee to share its successes in employing people with disabilities across state government.

Your ICED Members

Rocco J. Claps, Director, Department of Human Rights, ICED Co-Chair

Gregory M. Bassi, Acting Secretary, Department of Human Services, ICED Co-Chair

Erica Jeffries, Acting Director, Department of Veterans’ Affairs

Tom Tyrrell, Acting Director, Department of Central Management Services

Fredrick Bates, Chair, Civil Service Commission

Deborah Johnson-Small, Employee Member, Department of Human Services

Karl Moulton, Employee Member, Department of Employment Security

Catherine Collier, Department of Children and Family Services

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