

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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Exciting ICED Awards Ceremony Held in Springfield

Governor Rauner, Lieutenant Governor Sanguinetti, State Treasurer Frerichs, and State Senator Delgado joined an audience of about 100 people for ICED's Awards Ceremony on May 11, 2016 at the Illinois State Library Atrium in Springfield. Firsts for the 2016 Awards Ceremony were the new Constitutional Officers as members and participants, live streaming of the event, and a performance by the Illinois School for the Visually Impaired Concert Choir. Notable categories and winners include, **William Sitter**, as Intern of the Year, Department of Human Services Ludeman Developmental Center Director **Glenda M. Corbett** as the Dan Dickerson State Advocate of the Year, **Nanette Larson**, as State Employee of the Year, **Department of Employment Security** as State Agency of the Year, **State Treasurer's Office** as Internship Provider of the Year, , **Chicago Community Trust/ADA 25 Chicago**, as Nonprofit of the Year, **The Herald-News** as Media of the Year, and **Senator William Delgado**, as Carl Suter Legislator of the Year. For more information about the event and to link to photos, go to [ICED 2016 Awards Ceremony](#).

ICED Educational Programs Presented During Meetings

Several interesting presentations have been made at ICED meetings this year. First, Vickie Simpson, an ICED member and Policy Advisor at the Illinois Attorney General's Disability Rights Bureau, presented a program on accessibility requirements of Illinois and federal law at a meeting on March 9, 2016. Vickie, who is an expert on the Illinois Environmental Barriers Act and the Americans with Disabilities Act's accessibility requirements, provided a detailed outline of state agencies' requirements in making their facilities usable by people with disabilities. Ms. Simpson's presentation is posted on the ICED website, at [Accessibility Requirements under State and Federal Law](#) .

Second, Lore Baker, of the Department of Human Services, made a presentation during a June 1, 2016 meeting on the current status of Employment First efforts in the state. Employment First is a program to ensure competitive, integrated employment opportunities are available for people with disabilities. ICED has been following these efforts since Employment First implementation began. Ms. Baker's presentation can be read here, [ICED Website Training Page](#) . A draft Employment First implementation plan has been posted on a state website for comments. Visit the [Employment First Website](#) and click on 'EEOPD Strategic Plan' to review the plan. The comment period will be open for a month.

EEOC issues Guidance on Leaves of Absence

In May 2016, the U.S. Equal Employment Opportunity Commission issued helpful guidance on employer requirements in regards to leaves of absence under the Americans with Disabilities Act. A variety of examples are provided to help employers determine what questions they can ask employees regarding their need for leaves of absence, when providing a leave might constitute an undue hardship, and under what circumstances affected employees may have the right to return to alternative employment. Read the guidance at [EEOC Leave Guidance](#).

Save the Date for EEOC Presentation on the ADA and Leaves of Absence

Ms. Sharon Rennert, a U.S. Equal Employment Opportunity Commission senior attorney advisor on the ADA, will present a program on the Americans with Disabilities Act and leaves of absence on October 4, 2016, at 2:00 p.m. for ICED and interested state employees. Further details will be available closer to the date from Susan Allen, of the Department of Human Rights, at Susan.Allen@Illinois.gov.

Working in State Government as a Person with a Disability

By Bill Sitter, a Search, Inc. No Boundaries participant

Reprinted with Permission from a blog Posted by Bill Sitter on JJsList.com/blog/, on May 20, 2016



(L to R) JJ Hanley, DHS Secretary Dimas, Bill Sitter, State Treasurer Frerichs, DHR Director Claps

I have been honored to have the opportunity this spring to serve as a Policy Intern Analyst at the State of Illinois Office of the Treasury. This position lets me utilize my research skills and, as a result, allows me to be seen as a person first, before being a person with a disability.

I assist with the formation of the policy programs in the office. Legislators pass laws developing and creating roles for various offices and my office figures out how we can accomplish those roles.

The folks at the Treasurer's office have appreciated the work that I have done and I have had a chance to interact with many of the people that help make the office work on a day to day basis. On numerous

occasions, I have met and conversed with State Treasurer Mike Frerichs himself, and today I was able to engage in a brief conversation with and meet up with the President of the City Club of Chicago.

With so many opportunities, I've had to learn the general "Dos and Don'ts" of working for the government. This is an important concept because public sectors are held to a higher standard of behavior than those in private sector.

These rules begin the moment that I enter the building. Every day, I have to go through a security check. As person with Autism, dealing with security personnel of varying personalities can be a frustrating test of personal patience. The important thing to know is you have no say in changing the rules and neither does the security guard. Any complaints about procedures have to be addressed outside of the security checkpoints. I have dealt with this frustration regularly.

Once I enter the office, a new set of rules are in play. One must remember important communication protocols. If the communication is 100% work related, utilize your work email. If there is a question of whether or not the communication is work related, then utilize a personal email to send the message. If people visit and ask you where things are, refer them to the secretary. Never ever directly ignore people. This is imperative, especially in government offices, because one negative impression of government can be a lasting one.



Bill Sitter, ICED 2016 Intern of the Year, at ICED Awards Ceremony in Springfield

Communication between co-workers is another important matter. In the State Treasurer's office, I cannot just randomly go from office to office looking for people to talk to. I have to first try and email my supervisor, second reach out other members of the policy team. Then they can give me assignments.

In addition, from what I have experienced at the Thompson Center, where I work, the spaces in the building feel accommodating for people like me. Also, in government there is a need for subject matter expertise.

Subject matter expertise is one of the important ways to market yourself in the professional world. A simple way to describe *subject matter expertise* is having more knowledge on a topic than most people. Government is a large organization that is organized into various departments. Thus, it employs accountants, policy researchers, communications professionals, janitorial workers and other staff that make the office operations possible. If you are passionate about your field, government might have a

place for you. Knowing the dos and don't allow me to have a productive work experience at the Treasurer's office.

Note: Bill Sitter is a No Boundaries Participant and a Policy Analyst Intern for the State of Illinois Treasurer's Office. [No Boundaries](#), a social enterprise of [Search, Inc.](#), supports the meaningful integration of individuals with disabilities into the workplace and the community, through innovative on-land and on-line classroom and experiential learning. [JJsList.com](#) is a communications and marketing social enterprise that helps businesses meet the needs of customers or employees with disabilities by incorporating disability-aware marketing, customer service, and employment best practices into core business strategies.

Successful Disability Opportunities Hires Increase in 2016

Total state hiring was down in 2015 due to budgetary problems, and the number of people hired through the Successful Disability Opportunities (SD) program – an affirmative action program for employees with disabilities -- was similarly low. In calendar year 2016 to date, SD hires have increased. There have been 21 placements in this program in the first four months of 2016, 19 in the Department of Human Services and 2 in the Department of Veterans' Affairs. The SD placements to date have exceeded the number of such hires in all of calendar 2015. Because people with disabilities can be hired by the state through the standard state application process as well as the SD program, more people with disabilities were hired so far this year by the state than the SD numbers reflect.

Disability Employment Cases Decided in the Courts

In *Patricia Rozsavolgyi v. The City of Aurora* 2016 IL App (2d) 150493, No. 2-15-0493, a 20-year municipal employee with depression, anxiety, and panic attacks, who was allegedly subjected to harassment from co-workers designed to provoke and agitate her, was fired when she called her co-workers "idiots." Ms. Rozsavolgyi filed suit, and the Illinois 2nd District Appellate Court determined the following under the Human Rights Act: 1) a failure to provide reasonable accommodation can be brought as a separate legal claim; 2) disability harassment is a civil rights violation, and 3) an employer is responsible for disability harassment by co-workers if the employer was aware of the conduct, and it failed to take reasonable correction measures. The case returned to the circuit court for disposition.

In *Chavira v. Crown Cork & Seal USA Inc. (D. MN, 2015)*, an employee with diabetes and a heart problem was exempted from a mandatory overtime requirement as an accommodation under an agreement between the company and the union. After several years, the business need for overtime increased, as did the number of employees seeking overtime exemptions. As a result, the union and the company decided to end the overtime exemption; the employee was reassigned to a lesser position not requiring overtime. The employee filed suit under the ADA, and the court ruled for the employer. An accommodation is not necessarily permanent. In this case the growing number of employees seeking accommodation of work hours caused a problem. Also, the union had revoked the waiver for overtime requirements, and courts have ruled that collective bargaining requirements have precedence over accommodations when the two conflict.

In *Green v. Teddie Kossof's Salon & Day Spa* (N.D. Ill., 2015), an employee with lumbar radiculopathy and a short-term ovarian cyst condition requested an accommodation of shorter hours and less strict attendance requirements. The court denied the employer's Motion for Summary Judgement (allowing the case to proceed), finding the employee's conditions a "disability," and finding no evidence that that accommodation request for shorter hours was unreasonable.

In *Peña v. City of Flushing* (E.D. Mich., 2015), a sewage plant worker submitted a psychologist's note for FMLA leave, stating "needs to be on sick leave." The City approved the leave contingent on the employee's undergoing a medical evaluation before returning to work. The employee subsequently refused to submit to the return-to-work evaluation and was fired. The Court dismissed the employee's ADA lawsuit finding that an employer has a right to require return-to-work evaluations.

In *Izzo v. Genesco, Inc. d/b/a LIDS, Case No. 14-cv-13607-ADB (D.Mass.Mar.22, 2016)*, the plaintiff's supervisor allegedly demanded that the employee admit to abusing drugs, and when he wouldn't, was fired. The employer defended its action by saying the plaintiff quit after the supervisor provided information about the company's Employee Assistance Program. The federal court allowed the case to proceed to trial to determine whether the employer erroneously regarded the plaintiff as illegally using drugs and fired him in violation of the Americans with Disabilities Act.

In *Lankford V. Reladyne*, 2015 WL 7295370 (S.D. Ohio 2015), the plaintiff alleged he was fired after returning from a 35-day leave of absence for alcohol rehabilitation, while the employer said the termination was based on the employee's ethical violations. The general manager's statement that the employee's personal life was in ruins and that he needed outside help convinced the court to allow the case to go to trial.

Your ICED Members

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

James Dimas, Secretary, Department of Human Services, ICED Co-Chair

Lieutenant Governor Evelyn Sanguinetti

Attorney General Lisa Madigan

Secretary of State Jesse White

Comptroller Leslie Geissler Munger

Treasurer Michael W. Frerichs

Erica Jeffries, Director, Department of Veterans' Affairs

Michael Hoffman, Director, Department of Central Management Services

Fredrick Bates, Chair, Civil Service Commission

Your ICED Members (continued)

Sandy Ryan, Acting Director, Council on Developmental Disabilities

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

Catherine Collier, Department of Children and Family Services

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