



The Burlington County Beacon



Providing job seekers, employers, and work force programs with information to enhance employment opportunities for individuals with disabilities

Fall 2013

Published by The Employment Sub-Committee of the Burlington County Disability Issues Committee

Our mission is to provide job seekers with disabilities greater access to employment opportunities.

This will be accomplished by:

Educating people with disabilities about work and the resources that can help them

Educating staff of workforce programs and services on how to better serve job seekers with disabilities

Educating businesses/employers as to how individuals with disabilities can be an asset to their operations

Short and Sweet by Joe Zeski

This column will be an ongoing feature to our newsletter.

About the author: Joe is the New Jersey affiliate of the Northeast ADA Center, Community Education Coordinator at Resources For Independent Living, Chair, Burlington County Disability Issues Committee, BA in English Communication, Cabrini College, Masters in Divinity, Harvard University



This section of the newsletter is focused on tackling dilemmas and topics related to employers and disability law. As someone who provides technical assistance on the Americans with Disabilities Act, Joe speaks to many employers who have questions about how the ADA might apply to them or their employees. He will address some commonly asked questions in each article. The material provided is for informational purposes only and is not intended as legal advice. If you have a question that you would like mentioned in a future newsletter, please send an email to burlingtondic@gmail.com.

Issue: The ADA Amendments Act of 2008 led to new regulations including those promulgated by the Equal Employment Opportunity Commission (EEOC). What are some of the changes?

On March 25 2011, the EEOC produced revised regulations for Title I of the ADA; the portion of the law concerned with employment. The ADA's literal definition of disability did not change; a physical or mental impairment that substantially limits a major life activity, a record of such an impairment, or being regarded as having such an impairment. What the ADA Amendments and its revised regulations did was to restore the original intent of Congress that disability should be understood to be broad in scope.

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Disabilities that Individuals Can & Do Overcome

Physical Visual Impairment Balance Disorder

Intellectual Sensory Developmental Behavioral

It Takes All of Us

By Ann Disare, Counselor
N.J. Division of Vocational Rehabilitation
Westampton, N.J.

The first time I met Anthony Fiorani I was nervous. I saw words like “cerebral palsy”, “motorized wheelchair”, and “visual perceptual problems” on the referral information. Even after more than 12 years of collective experience in the vocational rehabilitation field, I was thinking about the challenges and complex set of procedures that this new case was going to present.

It only took about 30 seconds for Anthony to put me at ease. With his pleasant disposition and sense of humor, he described his education and work experience which are no less than impressive. Having obtained a Juris Doctorate at the University of Illinois College of Law in 1994, Anthony had his own legal practice in Pennsylvania for many years. He also spent 2 years as an impartial hearing officer for VR cases. If he wanted to, he could have been teaching me a few things about DVR policies and services, but it is not like him to condescend or complain. He simply wanted to seek employment in New Jersey where his family had moved.

I have to admit, there were many factors that had already been in play in Anthony’s life that paved the way for his successful employment and made my job easier. First and foremost, it was obvious that he had the support of loving family members who I’m sure had helped to instill that positive attitude and determination that I was seeing. Anthony had also been able to maximize his strengths by attending college through VR services in PA. Then, there were the technical details; his ability to use voice activated software to access a computer, a modified van with a lift that allows Anthony to travel from place to place, a motorized wheelchair, and also the availability of personal assistant services to help with activities of daily living. With even one of these pieces missing from the puzzle, I knew that the employment goal could be jeopardized.

As luck would have it, a job opening quickly came up that I thought Anthony might have interest in. It was with the Social Security Administration through Federal Schedule A hiring for persons with disabilities. We quickly pulled together the application materials and went over some potential interview questions. Anthony was fearful of asking for accommodations and we practiced how to handle those questions covered under the ADA regarding disability and essential duties of the job. Now it was his turn to be nervous, but he must have presented well because he got the interview and the job as a claims representative. I could not imagine anyone more qualified both personally and professionally for handling the position.

To date, Anthony has remained on the job for the better part of a year, but not without a tear in that fragile patchwork of support services that needs to remain in place for employment to remain a reality. After a few weeks into the job, Anthony’s modified van, which is the only way to carry a motorized chair, broke down. But Anthony did not give up. Somehow he and his family kept that old van together and got him into work each day as we started the lengthy process of assisting him with modifications on a new van that is currently in use.

So, what’s next? It’s, of course, impossible to know, but if there’s anything to learn from Anthony’s story it’s this: When the right elements are in place, amazing things can happen. There is no one person or agency with all the answers and resources to make employment for people with disabilities become a reality. We are all participants and beneficiaries of this endeavor; consumers, families, educators, service providers both public and private, and yes, even a few nervous DVR counselors.

~Coming in September~

Burlington County Job Fair
Friday, September 27, 2013 10:00am-1:00pm
Burlington Center Mall, Rt. 541, Burlington, NJ.

~Coming in October~

Workshop—Busting The Myth Conference for Employers
Thursday, October 17, 2013 8:30am-10:30am
Human Services Facility, 795 Woodlane Rd, Mt. Holly, NJ.

(Short and Sweet Continued from page 1)

The EEOC revised regulations give guidance for this. Employee situations must be considered individually and should generally not require extensive analysis. Employers still have the right to ask for medical documentation of a disability if an employee requests a reasonable accommodation.

In terms of the definition of disability, the phrase “substantially limits” now means that an individual does not need to be severely restricted in their activity. For example, someone with an arthritic wrist may have a disability in relation to their job even though it does not prevent them from being able to do another major life activity like driving.

Next, the positive effect of “mitigating measures” (with the exception of ordinary eye glasses or contacts) cannot be taken in to account when deciding whether or not someone has a disability. Mitigating measures are tools, factors, or conditions that alleviate the impact of a disability. So an employee who has diabetes is now considered to have a disability even if their diabetes is controlled with insulin.

Third, a condition that would meet the criteria of disability when it is active but may currently be in remission or be episodic is considered to be a disability.

This might apply if an individual had cancer, but it now is in remission.

Finally, the EEOC addressed the third prong or part of the definition of disability; being regarded as having an impairment. The regulations state that any discrimination claims brought under this part should focus on how the employer acted and how the employee was treated; not on what the employer may have thought or believed. For someone to file a discrimination claim under this part, they need to have a condition that is not transitory in nature. So for example, a man with a severely scarred face applies for a job at a department store. The store does not want to hire him despite his excellent experience and skills because they worry how customers will react to him. Even though his condition has no impact on his ability to do his job tasks, the gentleman is being regarded as if he has a disability.

Note that an employee cannot claim a reasonable accommodation discrimination complaint under this prong of the definition of disability.

For more information on these changes, visit the EEOC’s website at <http://www.eeoc.gov/laws/>

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**“Putting the Pieces Together”
Partner Agencies**

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Burlington County One-Stop Career Center and Workforce Investment Board
NJ Division of Vocational Rehabilitation
Occupational Training Center of Burlington County
Catholic Charities/Delaware House Mental Health Services
Burlington County Board of Social Services
Resources for Independent Living
Goodwill Industries of Southern NJ
Burlington County College
Burlington County Offices of Human Services