

Learning Differences and Disabilities: What Every Employer & Employee Should Know

Ohio

- Our Purpose
- Learning Disabilities
- LD Assessment & Diagnosis
- Employer & Employee Rights
- Benefits To Employers



OHIO
UNIVERSITY

Central/Southeast
ABLE Resource Center

www.ouliteracycenter.org

How Do Learning Disabilities Impact The Workplace?

Many adults have learning difficulties. Some struggle with academic subjects such as math or spelling. Others struggle to learn a foreign language or new sport. Sometimes the difficulties can be significant enough to stand in the way of a person's ability to read, write, listen, speak, do math or even think.

The purpose of **The Ohio Initiative for Persons with Learning Disabilities (OIPLD)** is to build effective and efficient services that meet the needs of individuals with learning disabilities by using appropriate screening instruments to identify possible learning disabilities, providing the appropriate referral for diagnosis, and ensuring equal access with accommodated services. Additional resources from around Ohio and the United States are listed on the back of this brochure.

Please feel free to contact oipld@ohio.edu for more information.

Individuals with learning disabilities may struggle with:

Reading:

- Sounding out words
- Understanding what is read
- Reading out loud

Writing:

- Spelling
- Writing clearly
- Handwriting

Listening:

- Remembering what is said
- Understanding what is being said
- Hearing slight differences in words

Speaking:

- Understanding word meanings
- Remembering grammar rules
- Organizing thoughts

Math:

- Remembering math facts
- Solving multi-step problems
- Doing simple math

Reasoning and Thinking:

- Linking related ideas
- Thinking through decisions
- Deciding upon a learning strategy

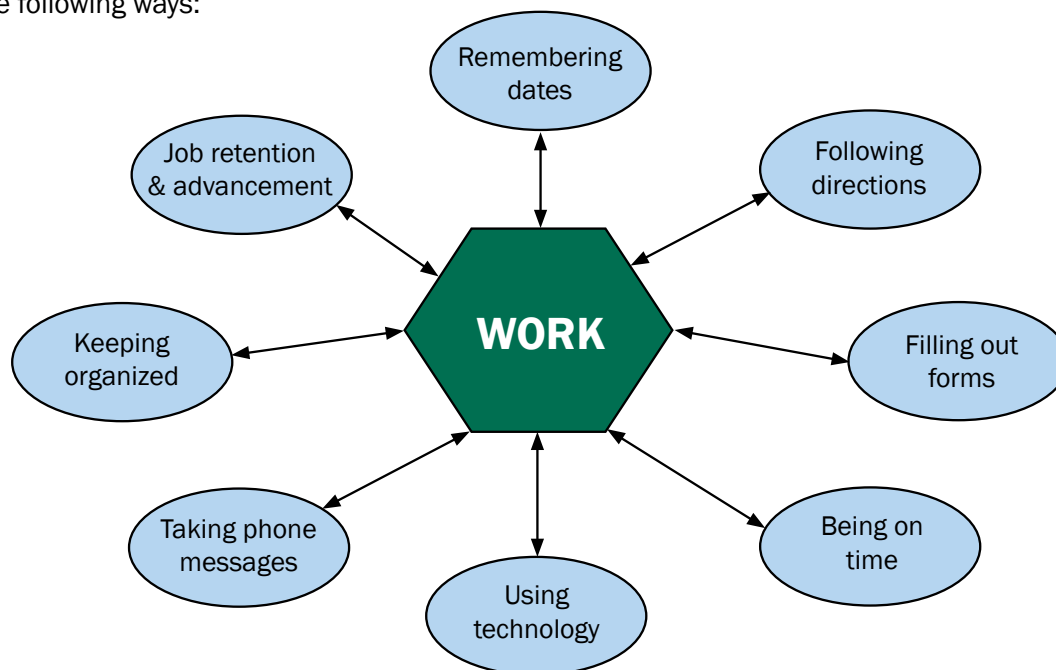
A Learning Disability Is Not Caused By...

- Visual or hearing problems
- Developmental disabilities
- Physical disabilities
- Economic disadvantages
- Cultural differences
- Emotional problems
- Attention Deficit/Hyperactivity Disorder (ADD or ADHD)

All of these things can make learning difficult, but they are not learning disabilities.

What Is A Learning Disability (LD)?

The brain of a person with a learning disability works differently in how it receives, stores, and sends information. It is not known exactly why this happens. Learning disabilities can run in families. A person is born with learning disabilities which do not go away. However, people can learn ways to cope with their learning disability. In addition to impacting one's life in the community and at home, having a learning disability can affect a person's work life in the following ways:



LD Screening: What Does It Involve?

A diagnosis for a learning disability involves a professional, such as a psychologist. The professional will test reading, writing, spelling, speaking, listening and math skills. The professional will also ask questions about health, family history and educational experiences. This testing can take several hours to complete.

Who Should Do An Assessment?

A diagnosis of a learning disability is conducted by a qualified professional such as a licensed psychologist or a licensed educational diagnostician. Choose someone who:

- has experience diagnosing adults with learning disabilities
- knows about the various types of learning disabilities
- knows how to measure skills in individuals who struggle with written tests

Resources & Support Services

A directory of psychologists who may be willing to provide services for low-cost or on a sliding scale can be found at the OIPLD website at:

<http://www.ouliteracycenter.org/partnerships/oipld>

Click on Provider Directory and find your county.

Cost Of Assessment

A diagnosis can cost several hundred dollars. But there are ways that some or all of the costs may be covered:

- Private insurance may cover LD diagnosis.
- Your local ABLE (Adult Basic and Literacy Education) program may be able to refer you to a professional who can do LD diagnosis for reduced cost.
- The Ohio Rehabilitation Services Commission helps people with disabilities find and keep employment. They may offer diagnostic and other services such as vocational counseling, training, job placement, and assistive technology.

What Does The Law Require?

There are laws that protect the rights of people with disabilities and prohibit discrimination. These laws also require employers to provide accommodations, within reason, to people with documented disabilities. An employee must inform the appropriate people about their disability to be covered by these laws. All employers should have policies and procedures about how to request a reasonable accommodation and/or how to file a complaint if an employee feels they have been discriminated against because of their disability. The employer's human resources or personnel office should be able to answer any questions. Additional information can also be obtained from:

Ohio Legal Rights Services

<http://olrs.ohio.gov>

(800) 282-9181 or TTY (800) 858-3542

Ohio Civil Rights Commission

<http://crc.ohio.gov>

(888) 278-7101

**U.S. Equal Employment
Opportunity Commission**

<http://www.eeoc.gov>

(800) 669-4000 or TTY (800) 669-6820

The Americans With Disabilities Amendments Act (ADAA)

The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a documented disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

Under the ADA, reasonable accommodations need to be provided to individuals with disabilities so that they can obtain employment, work, conduct business, and participate in programs and services. The ADA does not create a preference or advantage for an individual with a disability. The intent is to "level the playing field." If the individual with a disability wants to participate in a program, they must still be qualified for the program. As it relates to employment, the individual with the disability must be qualified for the job including, with or without an accommodation, being able to perform the essential functions of the job. Then the individual must compete for the job in the same way as everyone else. In the workplace, the employer is obligated to provide a reasonable accommodation for an employee if that accommodation then enables the employee to perform the job. The accommodation may or may not be exactly the accommodation the employee desires, but it needs to serve the purpose and be "reasonable."

Employer & Employee Rights

The Rehabilitation Act of 1973 - Section 504

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in federal employment, in programs that receive federal financial assistance, and in the employment of federal contractors. What constitutes employment discrimination by a federal employer is the same as it is under Title I of the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service. This section applies to numerous schools, colleges, and (non-federal) government agencies because many of these receive federal financial assistance (i.e. federal dollars). Usually a federal agency that provides financial assistance to a non-federal agency will also have specific section 504 requirements. In general, these requirements include providing reasonable accommodations for employees with disabilities; assuring that programs are accessible; assuring means of communication for people who have hearing or vision disabilities; and making sure new construction or alterations to current facilities are made accessible.

Accommodations & Assistive Technology

If a person has a diagnosed learning disability (or other diagnosed disability), they may be able to get accommodations in the workplace based on protections guaranteed by the Americans with Disabilities Amendments Act. A person must disclose their disability to be protected by these law.

There are accommodations available for individuals diagnosed with:

Learning and Other Cognitive Disabilities

Examples of conditions: dyslexia, dyscalculia, receptive aphasia, written language disorder

Attention/Deficit Hyperactivity Disorder

Examples of conditions: attention deficit disorder, hyperactivity

Emotional/Mental Health

Examples of conditions: schizophrenia, depression, bipolar disorder

Physical/Chronic Health Disability

Examples of conditions: blindness, low vision, deaf, hard of hearing, HIV, diabetes, mobility impaired

Assistive Technology Solutions

Workplace accommodations may range from low to high tech assistive technology solutions.

Low-tech solutions may include strategies such as:

- requesting information in an alternative format
- requesting additional time/training/assistance to complete tasks
- modifying the job tasks

High-tech solutions may include equipment such as:

- a digital recorder or digital reading device (for reading books and other scanned/digital media)
- personal digital assistant (PDA) or talking dictionary
- adaptive computer software programs such as:
 - word prediction to increase computer input speed and accuracy
 - optical character recognition (OCR) for scanning and reading information electronically
 - voice recognition for voice input into a computer
 - screen reading software for audible feedback of information on a computer screen
 - visual thinking software tools designed to assist with planning, organizing, research, comprehension, and communication
 - software designed to assist with mathematical/scientific calculator tasks

Benefits To Employers

Incentives For Employers

FACT: Employers may be eligible for tax credits and tax deductions.

Employers can use financial incentives—tax credits or deductions—to help create disability-friendly environments for workers and customers with disabilities. The most frequently used employer incentive for hiring individuals with disabilities is the Work Opportunity Tax Credit. In addition, other tax credits and deductions are available to employers, including the Disabled Access Credit, the Architectural/Transportation Tax Deduction, the Mentor-Protégé Program, and the Social Security Administration Employment Network Cash Provision.

FACT: Consumers with disabilities represent an enormous market niche.

People with disabilities have a combined income of more than \$1 trillion, with \$220 billion in discretionary income. By comparison, the teen market, heavily catered to by businesses, controls \$140 billion in spending power according to a 1998 estimate by Teenage Research Unlimited.

From [HireABILITY: Employer Resource Kit](#)
Ohio Rehabilitation Services Commission
Revised April 2008

Tax Credits

There are several federal tax credit programs available to businesses that hire and retain employees with disabilities.

Work Opportunity Tax Credit

The employer is eligible for this credit for hiring consumers from any disability category up to \$2,400 for the first year of employment. This is a one time incentive per consumer.

Barrier Removal Tax Credit

This is an annual credit available for each year that an employer removes a physical, structural or transportation barrier (must own the facility or vehicle) up to \$15,000/tax year.

Disabled Access Tax Credit

Similar to the Barrier Removal Credit, this credit also incorporates removal of communication barriers (interpreters, reader, taped text, JAWS, or other visual adaptive technology) to acquire or modify equipment and is up to \$5,000. Additionally there is a separate incentive for small business that is up to \$10,500.

Benefits To Employers

Funds for producing and distributing this publication were provided by the Ohio Board of Regents under authority of Section 223 of the Workforce Investment Act, 1998. Opinions expressed do not necessarily reflect those of the Ohio Board of Regents or the U.S. Department of Education, and no endorsement should be inferred.

For More Information & Additional Resources

The Ohio Initiative for Persons with Learning Disabilities

<http://www.ouliteracycenter.org/oipld>

The Ohio Board of Regents

<http://www.regents.ohio.gov>

The Ohio Board of Regents State ABLE Program

<http://www.uso.edu/able>

Ohio Department of Job and Family Services

<http://jfs.ohio.gov>

Ohio Department of Development

<http://www.odod.state.oh.us>

Ohio Rehabilitation Services Commission

<http://www.rsc.state.oh.us>

National Center for Learning Disabilities

<http://www.ld.org>

Information and Technical Assistance on the Americans with Disabilities Act

<http://www.ada.gov>

Job Accommodation Network

<http://www.jan.wvu.edu>

Closing the Gap

<http://www.closingthegap.com>

DBTAC: Disability & Business Technical Assistance Center

<http://www.adata.org>



OHIO
UNIVERSITY

**Central/Southeast
ABLE Resource Center**

The Literacy Center
338 McCracken Hall
Athens OH 45701

T: 800.753.1519

T: 740.593.4419

F: 740.593.2834

www.ouliteracycenter.org

The Ohio Initiative for Persons with Learning Disabilities
is a partnership between:



Ohio | Department of
Development



Ohio | Department of
Job and Family Services

