

## **Lifeworks Virtual Self-Advocacy Conference: My Community & My Rights**

**Monday, July 13, 2020**

### **Understanding Your Civil Rights**

#### **A Conversation with The Minnesota Disability Law Center**

Ashley: Thank you so much for joining us for our first ever Work/Life Self Advocacy Conference. This event was made possible by the co-sponsorship funds of the Minnesota Governor's Council on Developmental Disabilities. For more information, email us at [worklifemn@lifeworks.org](mailto:worklifemn@lifeworks.org). We hope you enjoy!

Alli: Welcome everybody, we might have a few more people joining us as we go along, but like I said earlier, my name is Alli, and I work at Lifeworks and it's my really great privilege today to be able to introduce our next speakers for this session from the Minnesota Disability Law Center. So first I'll introduce Kristina Petronko. Kristina is an Assistant Supervising Attorney in the Minneapolis office of the Minnesota Disability Law Center (MDLC). The MDLC is a statewide project of Mid-Minnesota Legal Aid. Kristina focuses on advocating for people with disabilities who are working or who want to work. She also manages MDLC's monitoring program in which MDLC staff visit facilities across Minnesota that provide services to people with disabilities. Before joining the Disability Law Center, Kristina worked at several legal aid programs representing clients with low incomes. And next I'll introduce Justin Page, also from the Minnesota Disability Law Center. Justin is an Assistant Supervising Attorney with Mid Minnesota Legal Aid and the Disability Law Center. He supervises MDLC's outreach efforts and voting rights work. Additionally, Justin litigates disability discrimination cases, and he has successfully represented individuals with disabilities in a wide range of disability related cases involving public accommodations and governmental entities. Prior to joining the MDLC, Justin was a law clerk for Judge Pamela Alexander of the Fourth Judicial District of Minnesota, and he worked as a legislative aide to the late U.S. Senator Paul Wellstone. And so with that, thank you again to Justin and Kristina for joining us, and I will turn it over to you to get started.

Kristina: Thank you, Alli, and thank you all so much for having us today. So Justin and I both work at the Minnesota Disability Law Center, and we just wanted to tell you a little bit about the office before Justin jumps in and talks about voting rights, and then I'm going to talk a little bit about employment. So the Disability Law Center is a statewide

legal aid office which serves people with disabilities – any type of disability, all across the state, any age, and our services are free. So that's the main takeaways of the office. We are the state's protection and advocacy organization, which means that we are the designated organization in the state to do different types of work to protect the rights of people with disabilities. And as in addition to our case work, we also do legislative advocacy. We do outreach and we do monitoring of facilities with disabilities.

So we just always like to let people know again how our office might be different from other disability rights offices across the state. We are a legal office and so we are comprised of lawyers and legal advocates who work on cases. We have, you know, a lot of people who need help and we don't always have the funding to help everyone. So what we have done is we've created our list of priorities and that helps us figure out what types of cases we need to prioritize and focus on, and what cases we may not be able to handle at that time. But our priorities are an evolving process and they can change – and we really invite people to let us know if our priorities should change – and they on our website which is throughout the PowerPoint and on our resource list. There's a way to go in and give us feedback about our priorities. We do have offices across the state, our main office is in Minneapolis, but we have offices in Duluth, Mankato and in Fertile in northwestern Minnesota. And as I mentioned before, our services are free and we do not have any income guidelines for our case work. So that means that your income or your assets are not something that we take into account when we're deciding if we're able to help. And our services can vary, you know, sometimes I think people get really nervous about calling lawyers, they think "if I call you then somehow you know the other side is going to get in trouble," or "I really like the person that I work with at this organization or at the county, but the problem is that I'm not getting what I want or I'm not getting what I think I'm entitled to." So we always try to make sure people understand that there's a range of services that we provide and in many cases we can give you advice about how you can handle your situation. We can give you information about the law, suggestions or strategies about how you can move forward and get the results you need. In other cases, if you want more help and we're able to help, we often are able to resolve things by just negotiating with the other side – reaching out and saying look this person contacted us, we think there's a problem here, let's talk about it. And a large percentage of our cases we're able to resolve with negotiation or some sort of informal dispute resolution process. There are times though, where we have to represent people in hearings, where we have to file lawsuits, but that is always done, you know, after a review of the case making sure that there are good legal arguments in the case, and making sure that that's what the client wants. So again there's a range, and also we are able to provide technical assistance for families, advocates, providers, for other people that are trying to help an individual make decisions about what would be best.

So we always want to make sure people feel comfortable reaching out to us. Any client conversations that we have are confidential. And so you know as lawyers we really take

your confidentiality and your privacy seriously, and the way that you can get services from our office is to call our centralized intake line. The number is as you'll see here on your screen 1-800-292-4150. You call and an intake advocate will take your information, and see if the type of legal problem is something we work on. And then the case will be assigned to an advocate or a lawyer to reach out to you. So that's the best way to get in touch with us and to open a case. We also have a lot of fact sheets on the website [lawhelpmn.org](http://lawhelpmn.org) and that's a great way to get some information, and our website is [www.mndlc.org](http://www.mndlc.org). So unless there are any initial questions, I will turn it over to Justin to talk about voting.

Justin: Hello everyone, my name is Justin Page and I'm an Attorney with the Disability Law Center. One of the programs that I supervise is our non-partisan voting rights work, under our PAVA grant. And under our PAVA grant, we do voting rights presentations, we do a lot of voting rights policy work, and that's why I'm here today to talk to you about voting, and your right to vote, and why you should vote in the upcoming election. Now this is a very big year in terms of voting who can tell me why it's a big year? Well that's because we have upcoming elections, and not only, you know, we have elections from the Federal level to the state level, and to the local level. So I'm going to talk about why we want to vote in those elections, who can vote, how to vote, and then voter accessibility. So why vote? Voting is a right, it's not a privilege. Under the Constitution, all people have the right to vote. It makes people empowered, for you to exercise your right to vote, and it allows you to vote for people who share your passions, interests, values, and the issues that you're concerned about, So what's important to you? So, you know the issues you're most interested in could be jobs, education, drugs law, healthcare, transportation, I mean there's a number of issues, What we encourage people to do is kind of explore all the candidates who are out there running, and explore the issues and their stance on those issues, and pick the candidates that they feel most comfortable, feel they represent their views. And we encourage people to vote for those issues or for those candidates. Voting is about you. You have a lot to say, and a lot of opinions but if you don't vote, no one's going to hear your voice. So it's very important to exercise your right to vote and make your voice known. If you don't vote, someone else will, and they may or may not have the same opinions of you, and if you want to make sure that someone gets elected who shares your opinions, you should vote. So the first question is who can vote? You have to be a US citizen, 18 years old on Election Day, a Minnesota resident for 20 days, and finished with a felony sentence. And we often get a lot of questions regarding guardianship, but the rule is if you're under guardianship, you can vote unless a judge specifically has revoked your right to vote. So if you are under guardianship and you have questions whether or not you're eligible to vote, you'll need to look at your guardianship papers. And it's only if a judge has specifically found in your guardianship papers that you don't have the right to vote – that's the only way your right to vote is revoked. Otherwise, you do have the right to vote. So how to vote in Minnesota. First, you have to register each time you move, you change your name and if you haven't voted in more than four years, you have to go and actively register to make sure your information is updated. I always

encourage people to register prior to Election Day, and if not, that's not a problem because you can register on Election Day, but it's always easier and saves time if you do register prior to Election Day. And to register, you can go to the Secretary of State's website [www.mnvotes.org](http://www.mnvotes.org) and you can register online. Or you can request to register by mail.

So you can register in person at your local election office. You can also, if you're not able to register prior to Election Day and want to vote and realize "oh no November 3rd is here and I haven't registered," the good news is you can still register on Election Day. In order to do that, you'll need to show proof of residence, you can bring a current Minnesota driver's license, a photo ID that has your old address, along with a bill showing your current address. If you don't have any of that identifying information, you can have someone vouch for you that you know. Someone from the precinct that knows you they can confirm your name and address. So there's a number of different options to register on Election Day, but just to be sure I always encourage, again I always encourage people to register to vote prior to Election Day.

So absentee voting. In Minnesota we've had absentee voting for a number of years, so nothing about the way we do absentee voting has really changed but this year. The big difference is that because of the COVID-19 situation, in the Secretary of State's office, and I think most elections officials are encouraging people to vote absentee. It used to be that you needed some sort of excuse to be able to vote absentee, but Minnesota got rid of that a number of years ago. So you don't even need an excuse, you can just request an absentee ballot to be sent to you in the mail before the Election Day. So you don't have to go to the polling place, you can request an absentee ballot, or you can go to your local county government election office in order to vote absentee in person. And we want to encourage people to vote absentee this year especially so no one has to make the make a choice between going and voting and kind of the potential to get sick due to COVID-19 situation. But having said that there will be some polling places open on Election Day if you do want to vote, on Election Day at your polling place, in some, there's also a process that's called the agent delivery where you can ask a friend or family member to pick up and return an absentee ballot for you. You're going need to go to the Secretary of State's website, fill out the request for an agent delivery of paper, and then send it to them. And then your friend or family member can pick up and deliver ballots for you and/or two additional individuals. So, where to vote on Election Day. It's going to be a little different this year, so if you're used to going to the church down the street because that's always been your polling place, I'd encourage you to go to the Secretary of State's website [www.mnvotes.org](http://www.mnvotes.org), and type in your polling place because of the COVID-19 situation, I don't think they're going to have as many polling places open. So you're going to want to make sure you go and make sure where your polling place is, to confirm you're going to the right place. And just going to the Secretary of State's website will allow you to do this. Polling places are open from 7 a.m to 8 p.m. on Election Day. At the polling place you're

going to need to sign in and register if needed. If you're already registered, that's going to save you some time because you can just sign in, get the ballot, fill out the ballot, and then cast the ballot. Again this year things at the polling place might be a little slower just due to the reduced number of polling places. And I know that some counties elections officials are having a hard time finding poll workers this year due to COVID 19. So you might have to wait a little bit longer this year to cast your ballot if you do go on Election Day, but I think they should have all the personal protective equipment to keep people as safe as possible at the polling place this year. Voting is private. Who you vote for is private, you can vote with privacy in the polling booth. So now we'll talk about some of the accessibility options that you have.

Voters in a residential facility can ask a staff person to vouch for them at the polling place. So if you live in a residential facility, you have the ability to have staff vouch for you. This is a little bit different than the other types of vouching because staff members provide a list of residents to the Secretary of State and they can vouch for more than a traditional person can vouch for. They can vouch for everyone who lives in the facility. So you send the list, the residential facility will need to send the list 20 days in advance to the county election office and provide a letter with the employee on the official letterhead with the official language, and then the employee will just need to show the election workers an employee ID. So under guardianship I've already talked a little bit about this, but I'll just reiterate: if you're under guardianship, you still have the right to vote unless court specifically takes away your right to vote. No one can tell you that you can't vote if your guardianship papers are silent on it, and no one can tell you how to vote. You know our office has seen a few cases over the years where people will assume that certain people can't vote because they think "oh that person has a disability and looks too disabled to vote." Well, that's not the test. The test is you know the actual guardianship papers and to take a look at the guardianship papers and you only need to have that discussion with the election officials if you are challenged on that basis, but no one should be able to tell you that you can't vote because you're "too disabled." Now, if you do need assistance at the polling place, you can get that assistance. You can ask for an election judge for help, an election judge can show you how to use the accessible voting machine which in most counties is still the AutoMARK. Although, again the AutoMARK is the accessible voting machine, and Minnesota has had accessible voting machines, you know, since the early 2000s, and it's changing because it's been you know 20 years or so. The life of the AutoMARK is kind of getting aged out, so there are some counties with different ballot marking machines, but every polling place should have – whether it's an AutoMARK or a different ballot marking machine, but every county should have one. Another way to get help is to bring a friend or family member along with you for help. And also as I said before, you can ask an election judge for help and they cannot tell you, friends cannot, or no one else can tell you who to vote for. So whether that's a family member or friend or the election judge, you are the one who's voting. You're the one who gets to make the decision. There's also another form of accessibility that Minnesota provides – curbside



voting. So in curbside voting all you need to do is pull up to your polling place. Two election officials will come out and they'll hand you a ballot. You can fill out the ballot, you hand it back to the election officials and then they will cast your ballot for you. I always encourage people, because every year we hear stories about "well there were no election officials outside my polling booth so it just took me a while to get the attention of polling workers." So I always encourage people who want to use curbside voting to call their elections office prior to the election, and just tell the election officials what polling place they're going to go to and what time they think (they'll be there), so that the election officials working at that polling place will know a little bit about what to expect – "Okay well so-and-so is going to show up around 2:00, we should we should keep an eye around 2:00, so that person can curbside vote." Polling places should be fully accessible with marked parking spaces, doors and routes to the voting area. If you cannot leave your vehicle, that's curbside voting.

So the key dates this year: obviously the March 3rd primary, our presidential primary, has already passed, so I can take that out, but there are two upcoming elections Tuesday August 11th is the primary, and then the general election where you will vote for of all the offices including President, Federal elections (Senate and House), State Senate and House, and any local elections, such as school board, mayoral, etc. That (General Election) is on Tuesday November 3rd. One thing that I forgot to mention with regards to absentee voting, if you want the absentee vote and you are planning on voting absentee for the primary election on August 11<sup>th</sup> that is actually open now. So you can cast a ballot now for that race if you want to, and again you'll just need to request an absentee ballot or go into your local elections office and request an absentee ballot, and then you can request your ballot prior to the primary. Does anyone have any questions on voting this year?

Alli: This is Alli from Lifeworks, I have a question about election judges – who are the election judges and how do I know who they are at the polling place?

Justin: Well, the election judges are volunteers who sign up to be election workers, so every year I think the secretaries or local election officials in Minnesota have to hire, you know, a number of thousands of polling workers, and they should be identified at the polling place. So you should be able to, I mean there's always a head elections official and then there's also a number of election judges, and they're usually sitting behind the tables and if you have any questions, you can always ask for the head election judge who should be able to answer any questions that you have.

Kristina: Okay well then I will move on to talk a little bit about employment, and then Justin will come back in the middle to talk a little bit about the Americans with Disabilities Act, and then we'll both be available at the end for questions. So if there's something that you think of related to voting, employment, or anything else about our office feel free to ask and/or to save it for the end, whichever works best for you. So I

wanted to talk about kind of two different issues related to employment and the first one I wanted to talk about is vocational rehabilitation and how it can help people as they're looking for employment. Let me tell you a little bit about the agency and how it can help you as you're planning for and looking for employment or staying employed, and then a little bit about your rights as you're working with the agency.

After I talk about that then I will move on to reasonable accommodations in the workplace, and how both federal and state law protects your ability to work and get accommodations. So I think probably the first thing is: what are Vocational Rehabilitation services and State Services for the Blind? So they are both state agencies, and the general term to use for both of them is Vocational Rehabilitation, and their whole job is to help people who have disabilities who are looking to work in what's called competitive integrated employment. So just to break that down a little bit, competitive employment means that you are earning a minimum wage or higher so they won't place you in a job where you earn a sub minimum wage. Integrated means that you would be working in a place with other people with disabilities and without disabilities, so it's different from a workplace where maybe you're only working with people with disabilities, and then there might be staff of people without disabilities. The goal for Vocational Rehabilitation Services or State Services for the Blind is to help you find a job where you're working side by side with people with and without disabilities, earning minimum wage or more. And you know, because this is the section about the laws that empower everyone, I just wanted to let you know that the law that applies here is really the Rehabilitation Act of 1973, but you've maybe heard about how it was changed more recently, and that the changes are called the Workforce Innovation and Opportunity Act, or WIOA. There have been a lot of discussions since WIOA was passed by Congress in 2014, and so that's why I just wanted to highlight that in case you've heard that term before, I'm talking about some of those pieces.

So the reason you might want to get services from Vocational Rehab agencies is if you have a disability and it's making it hard for you to either get a job, or to keep a job, and if you need some extra help for that. And it could be when I talk about a job, I mean work, but it could also be the training that you need to get a job, you know, so let's say you wanted to be a hairdresser and you needed to go to cosmetology school to do that, you might have trouble figuring out well "how do I apply, how do I figure out the right school, how will I get an accommodation at that school, how will I pay for that school, and then I need to get licensed once I've graduated before I can go to work, how do I do the licensing process, who can help me throughout that time, then how will I find a place to work and get that job?" So it's not just getting the actual job it's not just the job application or the interview – it can be the kind of long training process up until you're getting the job. And one thing that's easy in terms of applying for Vocational Rehabilitation Services is if you're getting SSI or SSDI, then you're presumed eligible for Vocational Rehabilitation Services, and that's helpful because that gets you past a first

hurdle. But some of you may have heard about waiting lists for Vocational Rehabilitation Services, and so that process is called – it's not just called a waiting list – it's called order of selection. And so this is when agencies, you know many government agencies don't have all of the resources that they would need to be able to help everyone all the time, and so actually federal law – the Rehabilitation Act (1973) that I mentioned before – it requires vocational rehabilitation agencies to make sure that they're serving every individual person who has the most significant disability first, and then once those people are served, to move on to other people who have less significant disabilities. So it's not just a standard waiting list where the first person who applied gets services first, and then the second and then the third, it is actually a different process where there are kind of "tiers" and there are different people can come off of those tiers once the agency has money. So right now both Vocational Rehab Services and State Services for the Blind have an order of selection in place which is kind of that waiting list. State Services for the Blind has a shorter waiting list and they are moving people faster than Vocational Rehab. Vocational Rehab Services is taking people off of the waiting list, though, for the first time in years, so if maybe you applied before and you haven't heard anything, it's possible that they will be in touch now. And if you think you're on the waiting list, it's also a good idea just to reach out to them and find out kind of "where am I on the waiting list?" and just make sure things are moving along. But just to understand a little bit more about how this order of selection waiting list works, what happens is that people who have – for VRS – it's three or more functional limitations, get services right away. So if I have three or more functional limitations and I apply right now, then I can get services right away, even if Justin has applied two years ago but he has only two or more functional limitations. So it's just that idea that people are getting services, again whoever has the most substantial disability first. And here are the seven serious functional limitations that Vocational Rehabilitation Services looks at. State Services for the Blind's program it's a little bit different – they actually to get on the top of the waiting list or to get in that first priority category, you have to have five serious functional limitations, but for Vocational Rehab Services, which is a broader agency and serves people with all types of disabilities, except for blindness, visual impairments or deafblindness, these are the seven such serious functional limitations. So they are getting from one place to another, talking and listening to others, taking care of yourself, making or carrying out plans, work tolerance, which means really that you can do the job but you'll need some changes to be able to do it, having the skills to have a job, and then getting along well with others.

So the way the process works, is that you apply and they have to determine first if you're eligible, and then they determine how many serious functional limitations you have. And so when we are giving people advice about what's the best thing to do to get services right away, we want to make sure that people are giving all of the information about all of their disabilities to the agencies – to Vocational Rehab Services or State Services for the Blind – and so the reason for this is you want to make sure that you meet the criteria for as many of these serious functional limitations as possible to get services right away. And



so sometimes let's say you go in and you apply, you meet with a counselor, you sign, maybe they ask you who your doctor is – let's say you tell them who your family doctor is, or the clinic that you usually go to, but you don't mention that you also have three different specialists who are helping you with these other things, then the records that they get from your family doctor or your local clinic might not show all of the different serious functional limitations that you meet, or that doctor may not know about them, so that's why it's important just to make sure that the agency has all of the information so that you can try to get services as fast as possible. You also want to make sure, the process usually works great now, let's say you've shown all the serious function limitations you have, they say you're eligible, you're at the top of our list now to get services right away, the next step is you put together an employment plan with your counselor and you and your counselor sit down. You talk about what your job goal is going to be, and then everything you need along the way to get to that job goal. So I gave the example before, if someone wanted to be a hairdresser who needed to apply to school and needed to go to school and so all of that information would be in your employment plan. And what's really important is you want to make sure everything is written in there, because the agency (Vocational Rehab Services or State Services for the Blind) they're only going to pay for the things that are in your employment plan. And so if you thought they agreed to pay the application fees for the training school but they didn't agree to that in the plan, then you pay them and they're not going to pay you back. So you always just want to make sure that everything is written in that plan. For people who are still in school, so students who are between 14 and 21, they always want to make sure that they are inviting a VRS or an SSB counselor to their IEP meetings. This is part of the changes that I mentioned in the Workforce Innovation and Opportunity Act, and so those counselors are supposed to be at meetings and helping along the way with transition. You also need to make sure you're doing what you're supposed to, so it's a partnership, and, you know, often you're supposed to come back from your meeting with your counselor and do some homework make some calls, do something and then get back to your counselor. So you need to fulfill your responsibilities. And honestly, there are times where people and their counselors just don't click they don't mesh, and so if you are not getting along with your counselor, you have the option to ask for another counselor and to be switched. You don't have the legal right to, but the agencies usually will change for counselors, particularly if it's the first time, maybe second time, but you're not going to get five or six new counselors though. So at some point you kind of have to make it work with whomever you have, unfortunately.

Once you get services from VRS and SSB, say you get services, then you go through the training program, you get licensed, you get a job, you're in that job for 90 days, then they'll close your case. But let's say you're going to lose that job, they tell you "you know what your work performance has been bad," and you need help from the agency to maintain your job, contact them right away and let them know. Or let's say that they helped you 20 years ago but now you're interested in going back to work – contact them

again. You have the right to informed choice about what you do, which vendors you work with throughout the process, if there are things you disagree with, you have the right to appeal that decision and our office – the Disability Law Center – we actually have a part of our office that's called the Client Assistance Project or CAP, and we are kind of like a dedicated organization that helps people who are getting services from VRS or SSB and they need help. So we are independent from the agencies and we represent people who are trying to solve problems that they're having with VRS and SSB. And I've just included here a link to some fact sheets we have on [lawhelpmn.org](http://lawhelpmn.org). This has a lot of information about all the things I just discussed. So next we're going to move on to reasonable accommodations. Justin, did you want to talk a little bit about reasonable accommodations now and then I'll talk a little bit about employment?

Justin: Sure, so under the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, which are federal laws, and the Minnesota Human Rights Act (and these laws are all interpreted similarly), people with disabilities have the right to reasonable accommodations to request public services programs, school and training programs, and under housing. In housing, reasonable accommodation – although that's the Fair Housing Act – for purposes of this presentation, you can request make a request for reasonable accommodations in employment, you can also request reasonable accommodations under the ADA or the Minnesota Human Rights Act. And you know some of these requests for public service what are we talking about. We're talking about government programs or government offices, so if you go to the courthouse or if you go to your county elections office, for example, but anything that the government does you (can) request reasonable accommodations. Examples of reasonable accommodations: say you have a service animal, under the ADA you have a service animal who accompanies you to various places the grocery store, wherever you go, the mall, government offices, etc. you have a right to have that service animal as a reasonable accommodation. In housing, you also have the right to have that service animal and also emotional support animals to live with you. With regards to you know other accommodations, to request if you need an interpreter, you can request an interpreter under the ADA. So there's a number of different requests for reasonable accommodations, so it's very important if you need the accommodation, that you make the request for an accommodation, then hopefully your requests will be approved. But if your request is not approved, you have the options of contacting or filing a complaint with a department such as the Department of Human Rights or the Department of Justice. And you can also file a lawsuit but hopefully before doing that the issue can be resolved. In our office, we handle a number of these reasonable accommodation cases on everything except employment. Unfortunately we don't do a lot of reasonable accommodation work in the employment realm, just because there are attorneys in the Twin Cities who do plaintiffs- side employment discrimination. But we can offer you advice in referral, if you do have an employment discrimination case.

Kristina: So just an important thing to think about: is some people when they think about what would count as a disability, they think more about the Social Security Administration's guidelines for getting disability benefits, like SSI, SSDI, RSDI, but in the discrimination laws, the definition is broader than that. So there are more people that are considered to have a disability under the ADA or the Minnesota Human Rights Act than who are people who are getting disability benefits. So that's just an important thing to know. In terms of reasonable accommodations at work, some of the things that Justin already talked about, so making a facility accessible, whether that's physically accessible, or an interpreter, that is something that an employer has to provide, but it could be different, too. It could be you having a modified work schedule so if you need to go to physical therapy or mental health therapy once a week on Thursdays at four o'clock it might be to have a change work schedule so that you can leave early that day. It could be changing what's in your job to not include absolutely everything that's in your job description, but just to include the most important things in the job description, and leaving some things out that are not that important to the job and things that you can't do because of your disability. It could be making sure that you have the accessible technology or devices that you need at work – that could be also having aids, readers, interpreters, etc. And then leave can also be an accommodation, whether that's unpaid or paid. And that gets pretty complicated between the ADA the Family Medical Leave Act and then now with COVID-19 there are some different leave acts so you know, if that's something if you need, you definitely want to look into and get some advice about. Because it's unfortunately not simple.

But one thing that a lot of employers don't quite realize is that reasonable accommodations don't have to cost a lot of money. And there is a great organization called the Job Accommodations Network (JAN). JAN has done studies every year about how much reasonable accommodations cost, and most of them cost under five hundred dollars, and then allows a company or an employer to keep a valuable employee. So that's an important thing just to think about in the framing, and when you're talking with an employer is that this doesn't have to cost a lot of money. So the most important things for the ask are that you have to ask! As Justin said, if an employer, or a government agency or a service provider, or a landlord for the Fair Housing Act, doesn't offer you what the accommodation is, you have to ask them for it. And then you have to have a discussion back and forth it's called the interactive process to discuss it. You don't have to use fancy language like "I'm making a reasonable accommodation request under the ADA or under the Minnesota Human Rights Act," but it would help to be clear. So we always tell people, it doesn't have to be in writing but try to make it in writing if you can. Say you're asking for a reasonable accommodation that might clarify what you're doing, you do have to identify your disability if it's not obvious. So (for example) if you need a parking place at work that allows you to use your wheelchair accessible van, and you use your wheelchair to get in and out of work and during the work day, then if you ask that from your employer you know you may not have to identify exactly the type of disability you have

and how you're limited in terms of your mobility and why you need the parking space, that might be kind of clear. But for other disabilities, for disabilities that are not as visual or for an employer that's not going to be able to see the connection between what your disability is and what you're asking for, you do need to show that connection you have to make it clear about why you need that, what your disability is, or that you have a disability and the accommodation that you're asking for. So some people worry "does this mean that an employer can ask me for all of my medical records?" No, they can't ask you for medical records, but they can ask you for a letter from a medical provider – it doesn't have to be a physician it could be, you know, a physical therapist, it could be your counselor, it could be someone who has the understanding of your condition and medical knowledge to know. And they can require this if either your disability isn't obvious or if the accommodation you're asking for and why you need it isn't obvious. And lots of employers are going to have forms that your medical provider can fill out, but your medical provider could also just write a letter, as long as again they're making that connection between what is your disability, and what do you need as an accommodation.

So employers have the obligation to provide a reasonable accommodation, but they don't have to do it if it's an undue hardship. And so every one of these situations is usually going to be kind of a case-by-case decision about this, in the case for this employer, you know, an accommodation for this person might not be an undue hardship, but then for a smaller employer, for a different situation it might be. So it's hard to give generalized advice, but the employer does need to interact with you and go back and forth and to figure out what the accommodation would be. They have to actually try to help you and it doesn't have to be exactly the accommodation you ask for – it has to be an effective accommodation, but it doesn't necessarily have to be what you particularly asked for – it has to get to the end result. And so one thing we like to just highlight for people is what doesn't count as an accommodation. So, you know, asking to change supervisors probably isn't going to count. You can't ask them to lower the standards of the job (the quality standard) that you're doing, they don't have to put up with abusive behavioral or violent behavior and the most important thing, I think really, is that they don't have to change what the job is. So i mentioned before how maybe you could you know you can do most of the job but there are some small parts of the job that aren't really exactly what the job is, but you know that's a responsibility. So let's say the receptionist at an office – they're in charge of answering the phone, greeting people who walk in and that every once in a while they also handle the mail, but dealing with the mail is something that you can't do because of your disability, but it's not a really essential function of the job, and you only have to do it one out of the five days a week. Maybe asking your employer, "Look I can't really, or no longer do the mail part of my job anymore, but I can still do the receptions jobs of answering the phone, greeting people who come into the office..." that would be an example of an accommodation that's asking to continue to do what's called the essential job functions, but no longer doing the marginal job functions. And so then if you ask for an accommodation and an employer turns it down, and if it ever goes to a

legal case, the employer is the person responsible or they're the one that we say has the burden to show that they looked into the options, they tried to make it work, they talked with you but they couldn't make it work, etc. So I mentioned before that there are different ways to resolve problems if an employer or someone else is not granting your reasonable accommodation. For employment, the way it works is you can file a claim under the federal Americans with Disabilities Act and you file that with a federal agency called the Equal Employment Opportunity Commission, what people call the EEOC, but you have to do that relatively soon after the problem happens. So if your employer says no to your reasonable accommodation, you know in a case where you applied for a job and you didn't get it and you think it was discriminatory, or you were fired and you think the employer's decision was discrimination based on your disability, it's 300 days from the date of when the discrimination happened. Under the Minnesota Human Rights Act either you file the complaint with the Minnesota Department of Human Rights or in court within one year of the discriminatory act.

Justin: Can I just jump in right there that 300 days for the EEOC that's only involving employment-related cases. So for example if you're a wheelchair-user and you're trying to get to the department store but the department store has a bunch of steps and you can't get up the steps, that might be a discrimination you might have a discrimination case, but you don't have to file a discrimination claim with the EEOC, you can either just file a charge with the Department of Human Rights or you can bring a case like that straight to court. So that applies for all – if you're suing a governmental entity or public accommodations, under either Title II or Title III of the ADA.

Kristina: Thanks, Justin. So these are just some resources about reasonable accommodations and employment. And again our contact information at the Disability Law Center and some links to fact sheets are here but I think at this point we're happy to open it up for any questions. We'll also stick around for the breakout sessions but if people have any questions we're really happy to entertain them at this point.