

# **The ADA and Training for Employment-Related Professionals: Implications for Rehabilitation Education**

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**Abstract.** *The Americans with Disabilities Act of 1990 holds promise for expanded employment opportunities for persons with disabilities. Critical to the realization of this potential is the education of those who facilitate entry into the work force, specifically managers, human resource professionals, and others who may impact successful work force participation such as labor union representatives and employee assistance professionals. This article focuses on the role of rehabilitation education and training in providing expanded information to these populations key to the integration of persons with disabilities into the work force. Information is provided on these target audiences regarding their role and function, how these professionals currently receive both pre-service and post-service training, and the implications for ADA training. The role of rehabilitation education and training in contributing toward a process of expanding awareness of the ADA to these target audiences is explored; a list of print resources on the ADA employment provisions for use in courses and presentations is provided.*

## **Introduction<sup>1</sup>**

Preliminary efforts by covered entities to implement the Americans with Disabilities Act of 1990 (ADA) employment provisions have moved us toward the lessening of barriers to employment of people with disabilities, but many barriers still exist (National Council on Disability, 1993; U.S. General Accounting Office, 1993). The implications of the Americans with Disabilities Act for the training of managers, human resource professionals, labor representatives, and employee assistance professionals have been selected for inclusion in this special issue of *Rehabilitation Education* because these individuals are often positioned in businesses, and organizations related to business, to facilitate entry and ongoing success in the work force. Since successful vocational outcomes are the focus of the state/federal vocational rehabilitation system, it is appropriate to address the needed education and training for persons located in positions in businesses who will impact the ability of persons with disabilities to gain and sustain meaningful employment. This article focuses on the employment provi-

sions (Title I) of the ADA which mandate non-discrimination for persons with disabilities in employment practices.

A major criticism of employers of the ADA is that its application is ambiguous in certain situations and, therefore, open to widely differing interpretations (O'Keeffe, 1993). Supporters of the Americans with Disabilities Act respond to this criticism by affirming that each individual with a disability is unique; therefore, every opportunity to address a barrier to employment or public access needs to be considered relative to the situation. Under the employment provisions the act does not require a specific accommodation for a particular disability, but, rather, encourages an informal problem solving process where an accommodation is required so that the accommodation can be designed to meet the individual's needs. The ADA thus establishes parameters to guide employers in considering how to accommodate persons with disabilities, but does not prescribe particular accommodations for specific situations. Rehabilitation educators and rehabilitation personnel can make a significant contribution to this process by working closely with employers and other professionals in the workplace.

### **Target Audiences for ADA Information**

For the Americans with Disabilities Act of 1990 to be realized it is imperative that persons in business be aware of the existence of the law and its implications for hiring, promotional, and personnel practices. This educational outreach can be done both through academic programs for particular professions and in post-service continuing education opportunities where such professionals may seek ongoing skill and knowledge building in their own career ladders. Four groups of professionals whose positions may impact the successful employment of persons with disabilities have been targeted for the purposes of this article. These are as follows: upper and middle-level management, human resource professionals, labor union representatives, and employee assistance program professionals.

#### *Managers in Businesses*

The United States Department of Commerce (1987) approximates that there are 3,878,866 companies nationally, employing 68,140,393 persons. The U.S. Department of Labor (1992) estimates that 13% of the labor force are in executive, administrative, and managerial positions. In terms of educational preparation, it is estimated that 70% of these professionals have some college experience, with approximately 29% having four years of college experience, and 17% with five or more years.

The educational preparation of persons in managerial positions in business is of interest because it can provide rehabilitation professionals with guidance as to where in the educational system we may most likely reach these individuals with information about the Americans with Disabilities Act and the rights of persons with disabilities in the workplace. Currently, there are 285 accredited institutions in the nation offering degrees in business (American Assembly of Collegiate Schools of Business, 1992). Typical master's degree programs in business administration require two years, and the core courses included in such instruction may be as follows: finance, accounting, human resources management, and operations (Krasner, 1990). In this list of possible courses it would appear that courses on non-discrimination and the Americans with Disabilities Act might most logically fit in courses under concentrations in human resource management. Some of the topics which should be considered for inclusion in these curriculum, in the light of the ADA are: appropriate recruitment, interviewing, and hiring practices; medical pre-screening; writing job descriptions with essential

functions; the accommodation process; the implications of the ADA for health insurance policies; and equal access for persons with disabilities to staff development and promotional opportunities.

#### *Human Resource Professionals*

Human resource professionals provide a wide variety of personnel support functions in organizations, and, therefore, are important professionals to consider when assessing information needs in business. Compensation, benefits, and employee service programs, specifically, are the responsibility of the human resource department. Employment interviews, training, organization development, and productivity improvement frequently are also handled by human resource professionals. Human resource staff levels relative to employment have shown very little fluctuation over the past 15 years; the median ratio of human resource staff to employees in 1993 is 1.0 human resource employee for every 100 workers in every organization (Bureau of National Affairs, 1993).

Human resource professionals may receive formal preparation at the graduate level in master's degree programs in business administration, as previously mentioned, or in related schools of industrial and labor relations. Some of the courses in master's degree programs focusing on human resources development are as follows: effective supervision, career development theory and practice, human resource management, human resource economics and public policy, training and development, organizational communication, and performance appraisal and organization effectiveness. Currently, there are 66 master's degree programs reported in majors identified as personnel/industrial relations/human resources, and 61 programs nationally identified with these areas offered as concentrations under master's degrees in business administration (Herman, 1984). Topics on the ADA employment provisions which are appropriate for such curriculums can be similar to those previously mentioned as appropriate in business administration curriculums.

Often, human resources professionals either learn their job function or expand skills in this area through continuing education.

Support for the professional development and recognition of personnel service human resource practitioners, consultants, educators, and researchers is provided through the Human Resource Certification Institute (HRCI). The HRCI, incorporated in 1975 by the Society for Human Resource Management,<sup>2</sup> grants certification after an applicant has verified current full time professional exempt experience in the HR field as either a practitioner, educator, researcher, or consultant and has passed a comprehensive written examination to demonstrate mastery of knowledge. (Bureau of National Affairs, 1992, p.156)

Candidates for receipt of verification may apply to earn the basic generalist designation, Professional in Human Resources (PHR) or the senior generalist designation, Senior Professional in Human Resources (SPHR). To receive these designations candidates must pass a national examination and have a required number of years of professional experience.

At both the PHR and SPHR levels examinations cover the following six functional content areas: compensation and benefits; employee and labor relations; employment compensation and personnel planning; training and development; occupational health, safety, and security; and management practices. All of these areas may be ones that will

impact a person with a disability in the work force, and therefore are areas where knowledge on the Americans with Disabilities Act of 1990 can be infused.

#### *Labor Union Representatives*

The passage of the Americans with Disabilities Act was the beginning of breaking down barriers toward nondiscrimination for persons with disabilities in the workplace. The ADA has the potential of bringing together employers and employees in the common cause of promoting employment of people with disabilities (Orrick, 1992). Labor unions have been among the most vocal supporters of the ADA and the added benefits that the act brings to their members, and, therefore, should be a logical target for ADA outreach (O' Melveny, 1993-1994).

According to data reported by the Bureau of Labor Statistics in February, 1992, the percentage of employed wage and salary workers who belonged to unions was 16.1% in 1991. Eighty-nine unions representing 13.9 million American workers belonged to the AFL-CIO as of June 30, 1991 (Gifford, 1992). The membership of unions typically provides representation of persons in the following trades and professional occupations (percentage of total work force is provided in parentheses): government workers (43%), transportation and utilities (34%), operators, fabricators, and laborers (28%), precision production, craft and repair (28%), manufacturing (22%), construction (22%), managerial and professional specialty (18%), service occupations (15%), and technical, sales and administrative support (12%) (Gifford, 1992).

Katz and Kochan (1992) stated that "workers might turn to unions because of their concerns with employment conditions or because they are unsatisfied with the process by which decisions are made at their workplace" (p. 171). Some of the areas which may be discussed in a bargaining agreement are as follows: wage and fringe benefits, stability of employment and lay off policies, organizational communications and information sharing; participatory decision making, appraisal and promotion systems; grievance procedures, psychological climate, and location of new production facilities (Katz & Kochan, 1992). Any of these can be issues which might impact workers with disabilities, and may be areas where workers with disabilities would invoke the ADA to protect their individual interests.

In order to understand where continuing education on the ADA would best impact union workers, it is important to understand union structure. The union steward is the person in the union with whom each member may have direct contact — to whom he brings his problems and grievances, from whom he gets information, and who he generally sees everyday on the job. The following are rights and responsibilities which the steward has in the exercise of his or her representation of union membership to assure just and proper treatment of the employees under the contract terms: the right to investigate grievances on paid work time; the right to circulate in the work area to police the contract; the right to take paid time to post union notices; the right to talk with new hires at the time of their orientation; the right to unpaid (or paid) leave for union business; and the right to be notified of discipline of bargaining unit members (Begin & Beal, 1989; Daniels, Till-Retz, Casey, & DeAngelis, 1986).

In terms of the training of stewards, much of this is accomplished within the context of the local union. Once appointed, they are trained in the goals and purposes of the movement, in the functioning of local union structure, and in their duties (Union Labor Report, 1992). Because of the continuing changes and increasing complexity in the labor movement, government, industry, and labor law, ongoing training of stewards is usually provided through their local labor union (Union Labor Report, 1992). It is at

this level that information about the ADA can be shared with union leadership on such topics as the union's role in informing the work force about non-discrimination of persons with disabilities in the work force and the reasonable accommodation process.

#### *Employee Assistance Program (EAP) Professionals*

Employee assistance is a relatively new profession which evolved from several sources including occupational medicine, personnel, industrial social work and the occupational alcoholism programs of the 1940s and 50s (Employee Assistance Professionals Association, 1991). An estimated 45% of full-time employees work for employers who provide Employee Assistance Programs (EAP) (Blum, Martin and Roman, 1992). The Employee Assistance Professionals Association (EAPA),<sup>3</sup> formerly known as ALMACA, undertook the task in 1985 to define the scope of practice and the body of knowledge necessary for competency within the employee assistance profession. Employee assistance professionals have, at present, no standardized educational preparation for their field. In fact they come from highly diverse backgrounds, perhaps being originally trained in social work, chemical dependency treatment, psychology, personnel disciplines, business administration, public service, medicine, or other fields. They may hold advanced degrees or they may have little formal education yet be highly qualified by their personal histories and EAP experience (Employee Assistance Professionals Association, 1991).

Although most EAP professionals to date come from diverse backgrounds, as previously mentioned, and receive training on the job, curriculums devoted to EAP concerns are currently developing. The *EAPA Exchange* (1990) lists 30 colleges and universities with EAP or closely related curriculums offered in summer schools, undergraduate programs, and some programming at the graduate level. The EAPA established the Employee Assistance Certification Commission (EACC) in 1986, which is at present the only body governing certification of individual practitioners in the EAP field. The EACC currently offers a voluntary certification process to provide the designation of "certified employee assistance professional (CEAP)" to establish that a given professional meets the standard of EAP knowledge established by their peers. Prior to January, 1992, there were 4,603 CEAPs (EAPA Staff, 1992). The scope of practice knowledge is measured by a national examination, which covers the scope of practice in six content areas as follows: work organization, human resource management, EAP policy and administration, EAP direct services, chemical dependency and other addictions, and personal and psychological problems. In order to take the certification examination for employee assistance professionals, the candidate must have three years experience in employee assistance programming, having worked a minimum of three thousand hours.

There are a number of topics related to the ADA employment provisions which may have relevancy to the functioning of EAP professionals. The prior focus of EAP professionals has been on service to persons who have alcohol and drug addiction problems; certainly these individuals may be persons who are covered by the employment provisions of the Americans with Disabilities Act of 1990. Therefore, providing EAP professionals with information about who are covered persons under the ADA and their rights in terms of nondiscrimination in employment practices is most important. In addition, persons with disabilities of other kinds may also seek support from EAP professionals to assist them through the difficult times they incur when a disabling condition or serious illness impacts their work and day-to-day life functioning. EAP professionals may be the support counseling system for business organizations; there-

fore, providing EAP professionals with information about the impact of disability and the rights of persons with disabilities is most appropriate. Another area where EAP professionals might intervene is that of employee relations and the disciplinary process. A role of EAP professionals can be to assist supervisors and persons who are experiencing performance problems in coming to a mutual agreement about how to deal with the situation appropriately. Particularly in those situations where disability may be a complicating factor in a performance issue, it will be imperative that EAP professionals are able to sort out disciplinary and performance issues from those that may relate to a disability which impacts performance and the need for an appropriate accommodation. These areas of information relative to the ADA may be infused in the EAP curriculums of the 30 colleges and universities cited above, but, also, would be ones relevant for continuing education offered by such organizations as EAPA.

#### **Implications for Rehabilitation Counselor Educators**

##### *Outreach in Colleges and University Academic Programs*

Rehabilitation counselor educators in colleges and universities are located where they may have the best opportunity to impact undergraduate and graduate education programs for some of the professionals which are targeted here. Specifically, some Rehabilitation Counselor Education (RCE) programs may be located in colleges and universities that also have masters degree programs in business administration, human resources administration, and/or industrial and labor relations. Students preparing for future positions in the management of business or positions as human resource professionals can be exposed to topics on the Americans with Disabilities Act of 1990 through the efforts of rehabilitation counselor educators to recruit students to RCE courses which are relevant to the interests of both business and rehabilitation students. Courses can be designed to provide information on more effective human resource management practices that minimize discrimination for persons with disabilities; these courses could be cross-listed in several departments to heighten the likelihood of sufficient student enrollment to warrant such a course. Where specialized courses on such topics or cross-listing of courses may not be appropriate, it might alternatively be possible to reach students from other disciplines through special lectures by RCE educators in business curriculums; such invitations may have to be cultivated where existing relationships with other business or human resource-related departments are not already established. Rehabilitation educators may also be of assistance in the identification of community practicum sites where human resource or EAP professionals can gain experience in facilitation of accommodations in employment for persons with disabilities.

##### *Outreach through Continuing Education Efforts*

As previously mentioned, many of the professionals which are targeted for purposes of this article earn their certification for practice through professional development once on the job. Therefore, reaching some professionals with information about the Americans with Disabilities Act might be best accomplished through impacting their established continuing education mechanisms. Rehabilitation counselor educators and trainers of rehabilitation counseling professionals might therefore explore existing networks for continuing education for managers, human resource professionals, labor union leadership, and employee assistance professionals in their local communities or at the state or regional levels. Many metropolitan areas have existing professional

organizations which provide continuing education for each of these respective groups. Examples of such professional organizations are local or regional chapters of the Society for Human Resource Management, the College and University Personnel Association, the Job Service Employers Committee, the International Management Council, the Employee Assistance Professionals Association, Better Business Bureaus, and Chambers of Commerce. Labor union leadership can be most effectively reached with information on the Americans with Disabilities Act by working with local unions which are active in their continuing education efforts for union representatives and shop stewards. Since all of the above mentioned professionals may have certification requirements and the need to accrue continuing education contact hours, allying oneself with the existing continuing education networks will enhance the likelihood that professionals will see the content of the program offerings as directly related to their professional development needs.

#### *Community Outreach and ADA Information*

The dream of the Americans with Disabilities Act of 1990, to provide equal access to persons with disabilities in all facets of American life, will be realized only if it has impact at the grassroots level, across a number of institutional systems. Educational institutions and vocational/employment service providers must address the need of persons with disabilities to be prepared for competitive employment environments. State and local government organizations must make their services accessible to persons with disabilities and educate citizens to their rights under the law. Employers must develop resources to facilitate securing appropriate accommodations. Rehabilitation educators and RCE students can assist local organizations in meeting their responsibilities for implementation of the ADA. This might be done by using such organizations as locations for interns or practicum students in rehabilitation counseling. Field experiences can be broadened to include not only enhanced development of clinical skills, but opportunities to work in public policy development and community outreach. Students should be encouraged to seek innovative projects which combine the interests of industry, local service providers, and their own talents to further the impact of the ADA in their own communities. Disability studies in America today have moved beyond medical, and even vocational issues, to include social public policy and civil rights issues as well.

#### *Implications for Research*

Providing information on the Americans with Disabilities Act through educational outreach is the first step in establishing awareness, and thereby hopefully minimizing the discrimination which has historically occurred in the workplace for persons with disabilities. Beyond this information sharing, however, research is needed to find out what makes a difference in terms of changing the behavior of key professionals in the workplace who determine hiring and promotional practices which impact workers with disabilities. Both quantitative and qualitative research is needed to assess the current status of the ADA and to monitor its subsequent effects (National Council on Disability, 1992).

Rehabilitation counselor educators, allying themselves with professionals from other disciplinary areas, should take a leadership role in identifying those factors in organizations which make a difference in empowering persons with disabilities. Personnel policies, staff development efforts to minimize discrimination, and comprehensive policies in the implementation of the ADA should be scrutinized and their results

disseminated to nurture the establishment of model ADA implementation efforts in labor and industry. Rehabilitation educators and rehabilitation practitioners can provide a leadership role in encouraging such research and establishing needed linkages for a cross-disciplinary comprehensive effort.

### Conclusion

The purpose of this article has been to provide information for rehabilitation counselor educators and trainers about needed information on the employment provisions of the Americans with Disabilities Act of 1990 for managers, human resource professionals, labor union leadership, and employee assistance professionals. Information about how these target groups currently function in industry, how they are trained, and relevant topics on the Americans with Disabilities Act for their respective functioning was provided. Some ideas for rehabilitation counselor educators and trainers in contributing to an information dissemination effort on the ADA to these target populations were presented; a list of print resources on the ADA employment provisions is included at the end of this article for consideration for use in courses or for presentation material.

### Footnotes

- <sup>1</sup>The author would like to acknowledge the significant contributions of Joyce Hoying and Connie Lee, undergraduate students in the School of Industrial and Labor Relations at Cornell University who assisted in the research and preparation of this manuscript.
- <sup>2</sup>For further information contact the Society for Human Resource Management, 606 N. Washington St., Alexandria, Virginia 22314, (703) 548-3440.
- <sup>3</sup>For further information contact Employee Assistance Professionals Association, 4601 North Fairfax Drive, Suite 100, Arlington, Virginia 22203, (703) 522-6272.

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