

APPENDIX D

GUIDE TO ACCEPTABLE TERMINOLOGY IN THE FIELD OF DISABILITY

Language is a powerful tool in communicating thoughts and ideas. It reflects, reinforces and shapes our perceptions of people. Words that describe positive attitudes and awareness help to develop positive communications.

Words relating to disability and persons with disabilities have been influenced strongly by the legal, medical and political arenas. As such, our daily language is filled with technical terms that often do not convey our intended social message, and that are further complicated by personal styles and preference.

Language should portray accurately an individual or situation. It should emphasize the person, rather than the disability. This is not "political correctness," but a serious attempt to bring disability-related language into conformity with a 21st century understanding of the role of persons with disabilities in society.

The list below is shown with the *Acceptable* term followed by the *Unacceptable* term(s).

ACCEPTABLE	UNACCEPTABLE
Disability	Special
Person with _____	Victim of, afflicted with
Person with disabilities	Crippled, deformed, handicap, birth defect and physically challenged
Person without disabilities	Able-bodied, normal, healthy and non-disabled
Walks with crutches	Crippled
Person who uses a wheelchair	Confined to a wheelchair
Wheelchair user	Wheelchair bound

Person has cerebral palsy	Cerebral palsy victim, palsied, and spastic
Person who has polio	Person who suffers from polio
Person with epilepsy or person with seizure disorder	Epileptic
Person with learning disability	Slow, stupid, retarded, and learning disabled
Person with a psychiatric disability	Mentally ill, mentally disturb, crazy, insane and brain damaged
Person with a speech disability	Speech impaired
Person who is blind	The blind; sightless
Person who is visually impaired, legally blind	Living in a world of darkness
Person who is deaf, or Person who is hard-of-hearing	The deaf; stone deaf; deaf and dumb
Person of short stature or little person	Dwarf or midget
Accessible Seating	Special seating

APPENDIX E

GUIDE TO ETIQUETTE AND BEHAVIOR *For Working with Persons with Disabilities*

PART I - GENERAL ETIQUETTE

TIPS ON CONVERSATION:

The most important thing to remember in any conversation with someone with a disability is to assume nothing. If you have a question about what to do, what language or terminology to use, what assistance, if any, they might need, the person with the disability should be your first and best resource. DO NOT be afraid to ask.

- Be patient not only with the person with the disability, but with yourself. Frustration may come from both sides of the conversation and needs to be understood and dealt with by both parties.
- The most important thing to focus on during a conversation with a person with a disability is the overall goal. It is simply communication between two individuals. Ultimately, it is *what* is communicated, that is important, not *how* it is communicated.

PART II – TIPS ON INTERVIEWING

While etiquette and behavior are important in social situations, proper etiquette is crucial in conducting a job interview. While it may not be discrimination per se, the appearance or perception of discrimination is the root cause of the majority of misunderstandings and human resource problems.

- Be prepared to discuss the person's disability with him/her if the individual brings it up. However, this discussion is appropriate only in the context of addressing how the essential job duties (as described) would be performed, with or without the need for reasonable accommodation. The individual's qualifications, education, work experience and overall ability to do the job are still the main topics of conversation in the interview. These topics should be covered prior to any discussion about the need for an accommodation.
- As in a social conversation, during the interview, when in doubt about what to do or say, the correct terminology to use, or how much or how little assistance to provide, DO NOT be afraid to ask.

PART III - SPECIFIC DISABILITIES

The following summaries contain many true statements, but no absolute truths. Every person with a disability is an individual. While each summary is about disabilities, it is important to remember that you are not working with disabilities, you are working with individuals who have disabilities. It is most important to ask the individual what terminology he/she would prefer, or if they need assistance. With this in mind, the following general guidelines are offered:

DISABILITY – BLIND AND/OR VISUALLY IMPAIRED

THINGS TO KNOW:

- The definition of *legally blind* is 20/200 vision with best correction. Most persons who are considered blind have some sight.
- Most persons who are blind are mobile and independent.

While many persons who are blind can use Braille; the majority of those who are blind cannot.

THINGS TO DO:

- Introduce yourself. Identify who you are and what your job or role is. Give the person verbal information that is visually obvious to those who can see.
- Be descriptive when giving directions. For instance, saying, "Over there," has little meaning to someone who cannot see you point. Instead, saying, "Four doors after turning right from the elevator," would be much more helpful.
- Always ask people if they need your assistance and how you can assist them. Lead someone who is blind only after he/she has accepted your offer to do so. Allow him/her to hold your arm above the elbow rather than you holding theirs. It is important that they control their own movements.
- Many techniques are used as tools for independence. Some persons who are blind use a "clock" reference for things directly in front of them such as a meal. For example, something could be positioned at three o'clock (to their right) or six o'clock (directly in front and close). Before using this technique, ask the person if this is useful. Remember to describe things from their perspective, not yours.

THINGS TO AVOID:

- DO NOT move any items (i.e., personal items) without informing the person who is blind. Doing so can be frustrating and embarrassing for the person.
- DO NOT use references that are visually- oriented, such as: "Over there near the green plant."
- DO NOT interact with a dog guide while it is working (in harness), without permission.

THINGS TO CONSIDER:

- Persons who are blind and/or visually impaired are, by and large, far more independent than people give them credit. Negotiating the physical environment is frequently less frustrating than trying to communicate with persons who are not sensitive to their needs.
- Persons who are blind have a long history of being patronized and spoken to as if they were children. Too frequently they have been told what to do, rather than asked what they would prefer doing. This approach is not acceptable when dealing with anyone, let alone an individual with a disability.

DISABILITY – DEAF AND/OR HARD OF HEARING

THINGS TO KNOW:

- Most persons who are deaf or hard-of-hearing have some ability to hear.
- Sign language is not another form of English. It is a language with its own grammar, context and rules.
- Lip-reading, while helpful without sound clues, is only about 30% effective.
- Long conversations with persons who lip-read can be very fatiguing.
- Not all persons who are deaf use sign language, read or write.
- Not all persons who are deaf speak or lip-read.

THINGS TO DO:

- Determine how the person prefers to communicate.
- If the person uses an interpreter, address the person directly, not the interpreter.

- If the person reads lips, speak in a normal not an exaggerated way. Short, simple sentences are best.
- If the person reads lips, avoid blocking their view of your face. Make sure the lighting is good.
- Gain their attention before starting a conversation.
- If there is any doubt that you have been misunderstood, ask if they understand you.
- Be aware of situations where a person may be waiting for assistance (i.e., transportation, a table, the start of an activity), where the common method of communication is by announcement or the calling of the person's name. Develop an alternative method for notifying the deaf and/or hard-of-hearing person.

THINGS TO AVOID:

- DO NOT become impatient or exasperated with the person if it takes additional time to communicate.
- Make sure there are no physical barriers to effective communication.
- If the person is using hearing aids, avoid conversations in large, open and/or noisy surroundings.

THINGS TO CONSIDER:

- Persons who may typically deal well in one-on-one communication situations could have a more difficult time with two or more speakers, especially if there are numerous interruptions and interjections.
- Showing impatience to someone who is deaf or hard-of-hearing may cause the less assertive person to refrain from telling you what he/she needs.
- When someone asks: "What did you say?", the answers such as "Never mind", "Nothing", or "It's not important", are very common responses. However, they are insulting and demeaning because those responses communicate that the person is not worth repeating yourself for.

DISABILITY – WHEELCHAIR USER

THINGS TO KNOW:

- There are many reasons (not just paralysis) why someone uses a wheelchair.
- There is a wide range of physical abilities among those who use wheelchairs. Persons using them may require different degrees of assistance or no assistance at all.
- Some persons DO NOT use wheelchairs exclusively, but may use canes, leg braces, and in some cases, no assistive devices at all for short periods.
- All wheelchairs are not the same. Different sizes and types meet different needs. Some wheelchairs are manually operated while others are motorized.

THINGS TO DO:

- If you are requested to fold, carry or store a wheelchair, treat it with care. They can break, and are difficult to repair on short notice. It is extremely disruptive to the user if their wheelchair is unavailable.
- When speaking to someone who uses a wheelchair, give the person a comfortable viewing angle of your face. Having to look straight up is not a comfortable viewing angle.

THINGS TO AVOID:

- DO NOT push someone using a wheelchair without permission.
- When communicating, DO NOT stand too close to the person in the wheelchair. Give him/her some space.

THINGS TO CONSIDER:

- It is common for persons who use wheelchairs to be told that a facility is accessible when it is not. Listen carefully when someone using a wheelchair informs you that an area you thought was accessible is inaccessible to him/her.
- DO NOT assume that the person using a wheelchair needs assistance. Ask him/her if there is anything special they need.

DISABILITY – SPEECH LIMITATIONS

THINGS TO KNOW:

- There are many causes for persons having speech limitations. Deafness, cerebral palsy, stroke, head injury, and general speech impairment are just a few.
- It is not unusual in stressful situations for a person's speech to become more difficult to understand.

THINGS TO DO:

- If you do not understand what the person is saying, bring it to his/her attention immediately and ask how the two of you might better communicate.
- If the situation is stressful (i.e., a job interview), remain calm. If you are in a public area with many distractions, move to a quiet or private location.
- Consider writing as an alternative means of communication.

THINGS TO AVOID:

- DO NOT pretend to understand the individual if you do not.
- DO NOT become impatient with the person or situation.
- DO NOT finish the person's sentences or interrupt.

THINGS TO CONSIDER:

- Many persons with difficulty in speech find themselves in situations where they are considered drunk, retarded or mentally ill. They are accustomed to being avoided, ignored or even hung up on when making a telephone call
- Accessibility for persons with difficulty in speech lies within the power of the individual with whom communication is taking place. The patience, understanding and communication skill of the "other party" are as important to someone with speech that is difficult to understand as a ramp or grab bar is to someone who uses a wheelchair.



DISABILITY – LITTLE PERSON

THINGS TO KNOW:

- Little person is a protected disability under the ADA. Some individuals prefer the term “person of short stature.” Generally, a person is considered to be a “little person: if they are 4' 10," or under. The individual may or may not have an apparent disability. Less than half the population of little persons experience orthopedic impairments.
- A significant difficulty for little persons is receiving treatment based on their size, rather than their age.

THINGS TO DO:

- Whenever possible, try to maintain eye level contact with the person. This may require standing a little further away than usual so that the person does not have to look straight up. Picking a person up or squatting down are never acceptable methods of making eye contact.
- If the person is having difficulty dealing with office furniture, ask what he/she prefers. DO NOT volunteer footstools or stepladders.
- Relate to the person's age and professional status, not his/her size.

THINGS TO AVOID:

- DO NOT pat the person on the head, and DO NOT point out to the person that he/she is short; the person already knows it.
- Avoid short jokes even if the person initiates them.
- Avoid questions about the person's sexuality or sex life. A person's “different-ness” does not give you a license to go beyond common standards of decorum.

THINGS TO CONSIDER:

- There are two aspects to this, and other disabilities, the sociological and the physiological. The sociological aspect is the part that affects how people feel about themselves. How they feel about themselves affects everything they do. The physiological aspect is almost always easier for the individual to deal with.
- The term “midget” is almost always considered to be an insult. Midget is a freak-show term used in the past to describe a sub-population of the community; ostensibly, such individuals were considered to be more proportioned than most little persons.

DISABILITY—PERSON WITH A PSYCHIATRIC DISABILITY

THINGS TO KNOW:

- There are a wide variety of psychiatric disabilities with different causes. Some disorders are biologically or chemically based and can be controlled through medication.
- Just because someone takes medication does not indicate that he/she will be unable to work.
- Other psychiatric disabilities, not chemically based, will have an emotional or environmental basis.
- As with other disabilities, there are degrees of severity from easily managed and short-term to significantly disabling.

THINGS TO DO:

- Respect the individual's privacy on the job and particularly during the performance evaluation.
- Always conduct interviews in private, especially if the subject of the individual's disability is likely to come up.
- Be empathetic and as supportive as possible; keep in mind that the person may not be comfortable discussing his/her behavior when the disability may be an issue.
- Only ask specific job-related questions of the person.
- Be sensitive to factors such as the person's workload, especially while he/she is mastering the job.

THINGS TO AVOID:

- DO NOT provide counseling or therapy to the individual.
- As with other non-visible disabilities, DO NOT reveal any information regarding the nature of the person's disability to coworkers.

THINGS TO CONSIDER:

- Many people have experienced a psychiatric disability at some time in their lives, or know someone who has.
- With treatment, most psychiatric disabilities are manageable.
- Because a disability is non-visible, it may be more difficult for others to believe or understand that the individual has a disability.

DISABILITY – LEARNING DISABILITIES

THINGS TO KNOW:

- Learning disabilities are neurological conditions which affect understanding or the use of language, spoken or written, which is manifested in imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations.
- Persons with learning disabilities — unlike individuals with mental retardation — have average or above average intelligence, and with proper training, can learn at their age-appropriate level.
- Not everyone with a learning disability has dyslexia, or difficulty writing or doing mathematics.
- Not everyone with a learning disability has difficulty hearing or processing information.
- Not everyone with a learning disability has an attention deficit.

THINGS TO DO:

- Determine (by asking the person) how he/she learns best.
- If the individual has difficulty understanding written instructions, provide the information verbally—allowing the person to take his/her own notes—or use a tape recorder.
- When giving instructions, ask if he/she understands; paraphrase the instructions if there is any doubt.
- Since there is such a wide variety of learning disability, it is crucial that one discuss with the individual the most effective way(s) to provide information and/or training. They will know what works best for them.

THINGS TO AVOID:

- DO NOT become impatient or annoyed with the person if it takes longer for him/her to learn tasks than it would for someone else.
- DO NOT assume that the person understands you; ask him/her to be sure.
- When communicating verbally, limit interruptions and make directions clear and straightforward.
- DO NOT hold meetings in large, open spaces where noticeable background noise can be a distraction.

THINGS TO CONSIDER:

- If employment applications or other forms require completion, allow the individual to take them home to fill out, if possible. Many persons with learning disabilities need assistance in completing such paperwork. Do not assume however, that they will be unable to handle routine paperwork once they are on-the-job, as many types of reasonable accommodations exist to facilitate job performance.
- Testing accommodations should be made on a case-by-case basis; the applicant should be consulted prior to the test about what he/she will need to facilitate test taking. Make certain that the person understands the test instructions. If there is more than one question or section to the test, give instructions for only one question or section at a time. The individual with a learning disability may have difficulty remembering multiple instructions at a time, particularly under stressful conditions.

APPENDIX F

OVERVIEW OF MAJOR DISABILITY LEGISLATION

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are similar to those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications.

I. Employment

- Employers with 15 or more employees may not discriminate against qualified individuals with disabilities. For the first two years after July 26, 1992, the date when the employment provisions of the ADA go into effect, only employers with 25 or more employees are covered.
- Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.
- Employers may reject applicants or fire employees who pose a direct threat to the health or safety of other individuals in the workplace.
- Applicants and employees are not protected from personnel actions based on their current illegal use of drugs. Drug testing is not affected.
- Employers may not discriminate against a qualified applicant or employee because of the known disability of an individual with whom the applicant or employee is known to have a relationship or association.
- Religious organizations may give preference in employment to their own members and may require applicants and employees to conform to their religious tenets.

- ❑ Complaints may be filed with the Equal Employment Opportunity Commission. Available remedies include back pay and court orders to stop discrimination.

II. Public Accommodations

- ❑ Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability, effective January 26, 1992. Private clubs and religious organizations are exempt.
- ❑ Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.
- ❑ Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities so that they can have an equal opportunity to participate or benefit, unless an undue burden would result.
- ❑ Physical barriers in existing facilities must be removed if removal is readily achievable (i.e., easily accomplishable and able to be carried out without much difficulty or expense). If not, alternative methods of providing the services must be offered, if those methods are readily achievable.
- ❑ All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or professional office of a health care provider.
- ❑ Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.

- Entities such as hotels that also offer transportation generally must provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles ordered on or after August 26, 1990, and capable of carrying more than 16 passengers, must be accessible.
- Public accommodations may not discriminate against an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
- Individuals may bring private lawsuits to obtain court orders to stop discrimination, but monetary damages cannot be awarded.
- Individuals can also file complaints with the Attorney General, who may file lawsuits to stop discrimination and obtain monetary damages and penalties.

III. Transportation

Public bus systems

- New buses ordered on or after August 26, 1990 must be accessible to individuals with disabilities.
- Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result.
- New bus stations must be accessible. Alterations to existing stations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations.
- Individuals may file complaints with the Department of Transportation or bring private lawsuits.

Public rail systems

- New rail vehicles ordered on or after August 26, 1990 must be accessible.
- Existing rail systems must have an accessible car per train by July 26, 1995.
- New rail stations must be accessible. As with new bus stations, alterations to existing rail stations must be made in an accessible manner.
- Existing "key stations" in rapid rail, commuter rail, and light rail systems must be made accessible by July 26, 1992, unless an extension of up to 20 years is granted (30 years, in some cases, for rapid and light rail.)
- Existing intercity rail stations (Amtrak) must be made accessible by July 26, 2010.
- Individuals may file complaints with the Department of Transportation or bring private lawsuits.

Privately operated bus and van companies

- New over-the-road buses ordered on or after July 26, 1996 (July 26, 1997, for small companies) must be accessible. After completion of a study, the President may extend the deadline by one year, if appropriate.
- Other new vehicles, such as vans, must be accessible, unless the transportation company provides alternative service to individuals with disabilities that is equivalent to that operated for the general public.
- Other private transportation operations, including station facilities, must meet the requirements of public accommodations.
- Individuals may file complaints with the Attorney General or bring private lawsuits under the public accommodations procedures.

IV. State and Local Government Operations

- State or local governments may not discriminate against qualified individuals with disabilities. All government facilities, services, and communications must be accessible consistent with the requirements of Section 504 of the Rehabilitation Act of 1973.
- Individuals may file complaints with Federal agencies to be designated by the Attorney General or bring private lawsuits.

V. Telecommunications Relay Services

- Companies offering telephone service to the general public must offer telephone relay services to individuals who use telecommunications devices for the deaf (TDD's) or similar devices.
- Individuals may file complaints with the Federal Communications Commission.

AMERICANS WITH DISABILITIES ACT Statutory Deadlines

I. Employment

- The ADA requirements become effective on:
 - July 26, 1992, for employers with 25 or more employees.
 - July 26, 1994, for employers with 15-24 employees.

II. Public Accommodations

- The ADA requirements become effective on:
 - January 26, 1992, generally.
 - August 26, 1990, for purchase or lease of new vehicles that are required to be accessible.

- January 26, 1993, for new construction.

- Generally, lawsuits may not be filed until January 26, 1992. In addition, except with respect to alterations, no lawsuit may be filed until:

- July 26, 1992, against businesses with 11-25 employees and gross receipts of \$500,000 to 1 million.

- January 26, 1993, against businesses with 10 or fewer employees and gross receipts of \$500,000 or less.

III. Transportation

A. Public bus systems

- The ADA requirements become effective on:

- January 26, 1992, generally.

- August 26, 1990, for purchase or lease of new buses.

B. Public rail systems - light, rapid, commuter, and intercity (Amtrak) rail

- The ADA requirements become effective on:

- January 26, 1992, generally.

- August 26, 1990, for purchase or lease of new rail vehicles.

- By July 26, 1995, one car per train accessibility must be achieved.

- By July 26, 1993, existing key stations in rapid, light, and commuter rail systems must be made accessible with extensions of up to 20 years (30 years, in some cases, for rapid and light rail).

C. Privately operated bus and van companies

- The ADA requirements become effective on:

- January 26, 1992, generally.
- July 26, 1996, (July 26, 1997, for small providers) for purchase of new over-the-road-buses.

IV. State and Local Government Operations

- The ADA requirements become effective on:
 - January 26, 1992.

V. Telecommunications

- The ADA requirements become effective on:
 - July 26, 1993, for provision of relay services.

For more information on the ADA contact:

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