

Developments In Business Simulation & Experiential Exercises, Volume 21, 1994

ADA AND ITS IMPLICATIONS FOR EXPERIENTIAL TRAINING

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ABSTRACT

This paper discusses the importance of the American with Disabilities Act (ADA) to training in general, and experientially-oriented training in particular. The paper first provides a brief overview of the ADA legislation and its implications for training. Second, it offers a self-evaluation questionnaire that training personnel can use to assess the disabled individual's integration and learning transfer in the classroom. The paper concludes with a discussion of accommodations that training personnel can make to remove barriers for the disabled during training.

INTRODUCTION

To increase the potential success of experiential learning exercises one typically recognizes that prior to incorporating an experiential exercise into a course or a training program, the trainer is advised to determine the educational purpose of the exercise. For example, one should have one or more important objectives for the training program, which the exercise is uniquely suited to fulfill. These may include the integration of current or previously learned material, providing participants with experience in decision-making, etc. The role of the exercise in the training module should be carefully planned prior to the beginning of the training program. The investment of time in the planning process before training sessions begin will make the experiential exercise more enjoyable and rewarding for both the participants and the trainer.

With the above as a backdrop, it is the contention of this paper that while such training planning may have been sufficient in the past, training professionals must now spend more time in recognizing and taking into consideration the impact of the American with Disabilities Act (ADA) on their training initiatives. This paper will specifically discuss the impact of the ADA on experientially oriented training efforts while highlighting several recommendations for responding to ADA requirements.

Our Changing Business

American businesses are continuously preparing themselves for the work place of the future. They know that to be globally competitive they need to change the way they conduct business. The American business can no longer afford to be characterized as a homogeneous work force, which is over-sized and over-managed. Over the last three decades competition and legislative pressures have been challenging businesses. The result is that the face and shape of the American company is changing.

While hundreds of organizations are downsizing and flattening their hierarchies legislation continues to be enacted to protect minorities and afford them equal opportunities in the work place. As a pinnacle to this activity, the Americans with Disabilities Act, perhaps the most significant piece of civil rights legislation since the Civil Rights Act of 1964, was enacted and is facilitating the employment of some 43 million disabled Americans.

Where does a/i this put the training professional in the future? The answer is not simple. They need to be fast moving, pro-active in their actions and almost surgical in how they make decisions. Workforce 2000 and other studies report that Americans are going to face a shortage of qualified, talented people in just a few years. According to government estimates cited in the ADA legislation, there are currently 43 million American with disabilities. Of those 43 million, according to the President's Committee on

Employment of People with Disabilities, about 7.75 million who are between the ages of 18 and 50 are unemployed and actively seeking employment.

One hurdle human resources departments and particularly training professionals must face in American business, is training our diverse work force. There is much published on learning styles and teaching techniques. However there is little information available on help us to mainstream training for disabled members of our diverse workforce.

The goal of this presentation is to provide a platform to respond to disabled employees once they are in an employment setting and particularly during training sessions. Effectively integrating the American with Disabilities Act into our training initiatives is key to good management.

How do we know this has happened? The answer is similar to the way we know we are combating other forms of discrimination in the workplace. Namely, various minority groups are represented throughout the organization. As with other minority groups the disabled individual population is significant. The legislation will be effective when employers realize the merits of creating a true discriminatory-free work place. We should then be able observe total integration of the workforce - representative of gender, race, national origin and disability.

AN OVERVIEW OF LEGAL OBLIGATIONS UNDER ADA

The Americans with Disabilities Act of 1990 (ADA) is perhaps the most significant piece of civil rights legislation since the Civil Rights Act of 1964. It prohibits discrimination against the 43 million people who live their lives with disabilities. Congress passed this law to expand the limited protection of the Rehabilitation Act of 1973 and to respond to powerful accounts of discrimination in all areas of private and public sector employment. Of particular interest to the training professional in implementing this Act is Title I - Employment.

Title I - Employment

For the training professional, Title I of the ADA is likely to have the most impact on the way their business is conducted. Title I pertains to private employers, state and local governments, employment agencies, labor unions, and joint labor-management committees. These covered employers are those that have 25 or more employees (1992) or 15 or more employees (1994), including part-time employees, working for them 20 or more calendar weeks in the current of preceding year. It prohibits any of these entities from discriminating against qualified applicants or employees on the basis of their disability.

Under the ADA, an individual with a disability is a person who has:

- a physical or mental impairment that substantially limits one or more major life activities;
- a record of such impairment; or
- is regarded as having such an impairment.

Important to the this legislation is understanding what is meant by disabled. Obvious disabilities such as vision, hearing, walking etc. are most likely easier to realized and identified. However, disabilities are not necessarily visually observable (e.g., learning disabilities),

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thus causing an added dilemma to make accommodations. Examples of a physical or mental impairment include:

- sitting
- walking
- hearing
- performing manual tasks
- standing
- seeing
- breathing
- learning
- working
- personal care
- retardation

We know that under Title I discriminating against a person because of a disability is illegal. As with other individuals, a disabled individual is only required to carry out the essential functions of the job. It may appear that the current legislation affords the employer several loopholes in determining essential functions of the job and reasonable accommodations. However, it is expected that added emphasis by enforcement agencies will bring much more clarification to these issues in the near future.

The training department's objective should not be to manipulate the loopholes, but to understand what is meant by discriminatory behaviors in this area. Technical assistance manuals, legal opinions and the law attempts to make this issue clearer. They state that discriminatory behavior may include:

- interfering with advancement opportunities of a current employee or applicant;
- using evaluation criteria that discriminate, limiting benefits of equal jobs to a disabled person or one associated with a disabled person;
- not making reasonable accommodations within the bounds of undue hardship;
- not providing employment because of the need to provide accommodation;
- using criteria that tend to exclude a class of persons with a similar disability;
- failing to make accommodations so that the person's true abilities are not revealed.

ADA puts the responsibility on the company and its training department to ensure that in all training it does for non-disabled employees it also affords disabled employees the same benefits. Companies need to revisit their trainee selection criteria, the training development criteria, and training implementation criteria.

ADA LEGISLATION IMPLICATIONS FOR TRAINING

ADA's employment provisions are designed to eliminate all barriers to employment of people with disabilities. Consequently, ADA covers all stages in the employment process, from the first elements of pre-employment to all post-employment activities. This includes not only physical barriers but less obvious barriers such as advancement and training opportunities. The question training professionals must ask themselves is, *what kinds of activities do we conduct which maybe considered a barrier?* Answering this question is important when looking at training programs in general and experientially-oriented exercises in particular since many of these exercises are designed without consideration given to disabled participants. The goal for the trainer becomes one of eliminating or modifying experiential exercises that would present barriers to disabled participants.

Under ADA and the Equal Employment Opportunity Commission *Uniform Guidelines for Employee Selection Procedures* (29 CFR 1 630.4(g)) employees with disabilities must be provided equal opportunities to participate in training to improve job performance and provide opportunity for advancement. Training opportunities cannot be denied because of the need to make a reasonable accommodation, unless the accommodation would be an undue hardship. Accommodations that may be necessary, depending on the needs of the particular individual, may be obvious or not

so obvious.

For the trainer's purpose, barriers may be grouped accordingly: physical, training/instructional, and sensitivity/policy.

Table 1 outlines a self-evaluation questionnaire for assessing the disabled individual's integration and learning transfer into the training setting. The instrument is designed to assess the three pertinent areas to the training arena and the needs of the disabled employee.

1. Physical barriers: an assessment of what architectural concerns may prohibit access to training opportunities;
2. Training and instructional barriers: an evaluation of the twos of goods, services, materials, and teaching devices which may hinder the learning transfer to disabled employees;
3. Company sensitivity and policy barriers: a critique of the twos of internal training and policies, which can foster the integration, and support of disabled individuals in the workplace.

These three areas are listed as "barriers" because they highlight significant criteria of training success. Negative ("no") responses to the questionnaire should be areas of concern for the training professional. These areas should be carefully reviewed and altered, where necessary.

For the training professional, it is important to note that the purpose of accommodations is not to lower the quality or quantity standards of the training in order to make accommodations, nor are trainers obligated to provide personal use items such as glasses or hearing aids. The purpose is to remove unnecessary barriers, which prohibit otherwise qualified disabled employees from participating in training opportunities.

The decision for the appropriate training accommodation must be based on the particular facts of each case. In selecting a particular type of reasonable accommodation, the principle test is that of effectiveness, i.e., whether the accommodation will enable the employee with the disability to participate in the training activity.

Removing Barriers to Training

Understanding all the barriers and how they related to training endeavors is not a simple task. To comprehend better the scope of this situation, it is sometimes necessary to revisit what ADA's definition of a disability is and to note that disabilities are not always so obvious. ADA refers to both physical and mental disabilities. Accommodating employees with physical and/or mental disabilities in the training setting and integrating them into the workforce is the challenge for today's trainer.

For the trainer, it may be important to note that the requirement to accommodate will generally be triggered by a request from an individual with a disability, who frequently can suggest an appropriate accommodation. Thus many of the training accommodations will most likely be done on an individual basis, because of the nature and extent of the disabling condition and requirements of the training will vary in almost every case.

Wherever possible, reasonable accommodation should be provided in the experientially oriented training setting. The purpose is to give employees with disabilities equal opportunity for training to perform their jobs effectively and to progress in employment. Examples of training accommodations are virtually unlimited and highly contingent upon the disabled individuals situation. A sample of accommodations most frequently encountered include:

- providing accessible training sites;
- modifying the administration and content of examination and training;
- providing training materials in an alternate format;

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TABLE 1 SELF EVALUATION Training Evaluation Guidelines for Integrating Disabled Employees in the Training Setting		Yes	No
	Policy and Sensitivity Issues		
1.	Is non-discriminatory treatment for disabled employees, equal to that afforded to other individuals?		
2.	Is training for individuals in need of accommodation provided similarly from that provided others?		
3.	Has modification been made to policies, practices, or procedures to address training related accommodations for individuals with disabilities?		
4.	Do your training practices or procedures refrain from limiting, segregating, or classifying training participants in ways that adversely affect their opportunities or status because of their disability?		
5.	Are modifications made to training policies, practice or procedures, when you are providing training to individuals with disabilities?		
6.	Do you have a policy concerning "reasonable accommodation"?		
7.	Has your company determined the process to be used to decide at which point "reasonable accommodation causes an undue hardship"?		
8.	Do you have a procedure to document decisions not to train disabled employees because of "undue hardship"?		
9.	Is someone responsible and accountable in your company for ensuring that disabled employees have fair opportunities for training and advancement?		
10.	Are individuals with disabilities provided equal opportunities to become trainers or participants on advisory boards for policies and procedures?		
II.	Is there an established grievance procedure to address reasonable accommodation issues that incorporate due process standards?		
12.	Have your managers and supervisors or other responsible parties been informed of the ADA and accommodation policies?		
	Training and Instruction Issues		
13.	Have you reviewed the requirements of your job (e.g., job descriptions, job analyses, tests, or other selection criteria) to be sure that no unfair criteria are included in the training curriculum?		
14.	Are training accommodations offered to individuals with disabilities in the most integrated setting appropriate to the needs of the individual?		
15.	Do your training eligibility criteria screen in, not out, individuals with disabilities?		
16.	Are employees with disabilities provided with external training opportunities the same as those who are not disabled?		
17.	Does your training group consult or seek advise from advisory groups on adult education and instructing the disabled?		
18.	Does the training format (e.g., lecture, role-plays, experiential exercises) accommodate disabled individuals in the training classroom for equal participation and learning time?		
19.	Is external training monitored for appropriateness of training materials, accessibility?		
20.	Does your company solicit input from the employee or special interest groups in making reasonable accommodations to training curriculums, materials, or presentation mediums?		

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	Physical Barriers		
21.	Are architectural barriers and communication barriers that are structural in nature - including permanent, temporary, or movable structure, such as furniture, equipment, display racks - removed from training facilities?		
22.	Has new training facility construction with first occupancy after January 26, 1993, been designed to be usable by individuals with disabilities?		
23.	Are other benefits and privileges such as meals, rest room, transportation and/or overnight accommodations free from barriers that may prohibit or discourage a disabled employee from enjoying the benefits of training?		
24.	If you altered the facility, have training rooms been redesigned in such a way as to allow an individual in a wheel chair sit anywhere in the room as a non-disabled employee may choose?		
25.	Does your company follow-up on vendor compliance in the area of ADA issues such as accessibility, presentation mediums, transportation etc.?		
26.	Does your company solicit input from the employee or special interest groups in making reasonable accommodations in the training room (e.g., architectural, training materials, format)?		

- reorganizing the set-up of the training room;
- interpreters and note takers for employees who are deaf;
- individualized instruction for people with mental retardation and certain other disabilities.

Accommodation is a sensitive issue in the training arena. The purpose of training is to expose participants to a job-related training curricula, whether it include an exercise or lecture. What trainers need to be aware of is that many accommodations can be made in this context. However, accommodations are more likely to be specific to the individual with a disability. The best approach in identifying these accommodations is to work with the individual and/or their sponsor to develop the best solution. Disabilities are continuously changing, technology to assist disabled individuals is changing, and the needs of the workplace is also changing.

For the most part, employees with disabilities are experts on their own accommodation needs. They have lived with their disability and they can often come up with an inexpensive solution to an apparently insurmountable problem. For example, one person with a disability suggested putting a paper cup dispenser next to a water fountain rather than lowering it. A computer programmer who was blind showed his manager how to set up his computer with Braille output. Still a trainee offered suggestions to a trainer in how to conduct outdoor training exercises for the disabled as well as the nondisabled.

Earlier it was outlined that training barriers could be categorized into three areas: physical, training and instruction; and sensitivity and policy.

Physical Barriers

Physical barriers are perhaps the most easily identified barriers in the training setting. These barriers represent architectural or physical layout barriers, which may hinder equal opportunity access for the disabled employee. Examples these barriers may include:

- accessible locations and facilities for people with mobility disabilities;
- lighting and lighting sources;
- seating arrangements; and
- aisle widths.

Training and Instructional Barriers

One of the largest impacts on successful integration of disabled employees into the training setting in general and experientially-oriented training in particular is identifying the appropriate types of training and instructional tools. Important to this is that fact that training curriculums, not just tools, may have to be altered to accommodate the disabled individual. As we stated earlier, the trainer is not obligated to adjust a training curricula which may lower the quality. What is important is that the trainer, provide a medium for learning to occur. Training and instructional barriers in this area can often be addressed by paying particular attention to the following areas:

- recruitment and registration process for training;
- instruction mediums (e.g., video, lecture, overhead, audio, flip-charts); and
- training materials in accessible formats and or reader for employees who are visually impaired, for people with learning disabilities, and for people with mental retardation.

Finding answers to questions like the following can also help training personnel to design and implement training programs that are sensitive to the need of the disabled:

- How do the color blind handle color coded directions?
- Do we ask stutterers to make presentations?
- Do we provide tactile material for the blind?
- Are we aware of our rate of speech for the deaf? Can we sign?
- How do we react to paraplegics, quadraplegics, the wheelchair bound?
- Are we aware of the reduced physical ability of the aged?
- What are our responses to those with cerebral palsy, multiple sclerosis?
- For the learning disabled; how do we address:
 - Timed tests?
 - Reading limitations?
 - Rate of speech?
 - Directions in prose, maps, lists, graphics, pictures?
 - Vigilance task for those with attention deficit?
 - Videos with complicated language, graphics, charts?

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Assessment Centers: Have we re-examined!

- Critical factors
- Job descriptions
- Evaluation

Some of these considerations may also apply to cultural differences:

- Skills: reading, writing, speaking, listening
- English as a second language (ESL)
- Limited enculturation: effect on “cultural” simulation -- BAFA BAFA, Pink and Green

When training personnel make accommodations in terms of ADA guidelines, experientially oriented training will be enhanced and the entire training group benefits.

Sensitivity and Policy Barriers

Probably the best way to guarantee a good faith attempt at ADA oriented accommodations is to name an ADA coordinator to review training policies and practices. This person should also be responsible for overseeing reasonable accommodation requests and other special situations for ADA compliance in training. All training personnel should fully understand the new law and make sure all training forms and procedures are updated to comply. Every supervisor and manager in the organization should be strongly encouraged, if not required, to follow a standard policy, consult the ADA coordinator at certain stages and use a standard set of forms to document decisions related to training.

Maintaining the integrity of the process should have at least four benefits:

1. improve the odds that the organization will utilize its disabled workers productively by providing equal training opportunities;
2. decrease the possibilities that employees will file ADA complaints;
3. provide a powerful defense to legal challenges;
4. promote work force diversity at every level within the organization.

Training personnel must realize that training a disabled person may have an impact on the group. Sometimes training and specific experientially oriented exercises may take longer. If this is the case, *what do you do with others? What do you do if others feel the individual is getting preferential treatment?* Some of the best way to get around these issues is to get employees to know more people with disabilities. Examples of understanding these sensitivities can help both parties in experientially oriented training exercises and debriefing activities. For example, someone who is talking to a deaf person who reads lips won't know that the best lip reader only picks up 40% of what you say with you lips because we swallow vowels. The person who has hearing impairment must have context cues, such as facial expressions or body movement that is relevant to the conversation. If there is another activity going on such as chewing gum, drinking coffee, that does not help the individual absorb the message. People do not ordinarily realize things. However, a key for trainers is to keep an open mind and utilize their resources, both internally and externally to define the “best fit” accommodations in the training arena.

CONCLUSION

We are seeing people in the workplace we are not used to seeing. This is going to mean that in some way people will be shocked and uncomfortable. We are not used to people sitting beside us with special equipment or disabilities in training. What is important is that training personnel set the context in the training effort. There is a need for a cultural shift, a change from the group norm. Trainers from two ends of the perspective can influence this process: educate the disabled and sensitize the workforce for diversity.

As a result of the ADA it is important that training professionals understand that when approaching the disabled in training in general and experiential exercises in particular, it is critical to presume resourcefulness. What are their strengths? How do they add value to the training initiative? It is also important that trainers recognize the disabilities, but see a whole person. The trainer's behavior should follow in an appropriate manner.

With the major thrust to include the disabled in organizations and their training efforts we offer some possible actions that can improve the potential success of such efforts. Many of these actions should be done in conjunction with the disabled person. In most cases, as trainers we should ask before offering help. In addition, the organizations should (1) develop a clear policy on ADA and training; (2) train supervisors on how to deal with these issues; (3) train training personnel on the needs of the disabled; (4) conduct etiquette training- we tend to make decision for the disabled rather than involve them; (5) apply the same standards for training to everyone; (6) make use of training coaches for the disabled when necessary during training efforts; and (7) consult with representatives from organizations for the disabled to gain insights on training-related issues.