

This document aims to provide employers with information regarding the employment of U.S. veterans. The information will be useful in your decision to employ and assist veterans in becoming productive members of the workforce.

AMERICAN WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is a federal law that protects the rights of individuals with disabilities by eliminating barriers to their ability to live and work. In regards to employment, it prohibits covered employers from discriminating against people with disabilities in the employment process, including, but not limited to, recruitment, hiring, advancement, pay and benefits. The law, in essence, “levels the playing field” for people with disabilities who are able to do the job.

Reasonable accommodations under the ADA are modifications that allow a person with disability to apply for a job, perform the essential functions of the job, and enjoy the same benefits as any other person in the workplace. These accommodations are usually less expensive than employers may think and many result in no cost to the employer. There may also be tax incentives available to assist employers in covering the costs of accommodations, as well as for making their business more accessible to persons with disabilities.

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 (USERRA)

USERRA provides protection for veterans with disabilities and requires employers to make reasonable accommodations. Service members recovering from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

For more information about U.S. Department of Labor employment and training programs for veterans: http://www.dol.gov/vets/programs/userra/userra_fs.htm

ASSISTIVE TECHNOLOGY (AT)

Assistive Technology (AT) is anything that allows someone to accomplish tasks that would otherwise be difficult for them to perform. For individuals with TBI or PTSD, the right AT can help them perform their job more effectively. Technology such as personal digital assistants, digital pens, applications for cell phones and other computer devices are available to assist individuals at home and on the job.

The Tennessee Technology Access program has five technology access centers across the state. These centers are available to employers for AT evaluations to determine what AT is available for employees with disabilities. Information about these centers is included at the end of this guide, under Resources.

EMPLOYER BENEFITS

There may be several tax incentives available to help employers cover the cost of accommodations for employees with disabilities and to make their places of business accessible. These include the Small Business Tax Credit (IRS Code Section 44, Disabled Access Credit), the Architectural/Transportation Tax Deduction (IRS Code Section 190, Barrier Removal), the Work Opportunity Tax Credit (WOTC) and the Welfare to Work Tax Credit (WtWTC). For more information, please see the resources included in this guide.

TRAUMATIC BRAIN INJURY (TBI)

A TBI occurs when an injury to the brain caused by trauma, such as a blow or jolt to the head or a penetrating wound, causes a disruption of the function of the brain. TBIs can include concussions, skull fractures, bruising or bleeding in the brain that is caused from external trauma, which can range from mild to severe. Even medical doctors often miss mild TBIs and emergency room staff, as the injury is not always outwardly visible.

In the U.S., approximately 1.4 million people experience a TBI every year. It is now known that injuries that were once considered minor or insignificant can have long lasting effects that may show up years after the injury. The number of people living with the aftermath of undiagnosed brain injury is unknown.

Due to the overwhelming numbers of injuries reported, Traumatic Brain Injury (TBI) has been labeled a "**signature injury**" of the current conflicts in Iraq and Afghanistan.

Some symptoms of TBI may include:

- Physical symptoms such as headache, fatigue, ringing in the ears, vision impairment
- Difficulty with cognition impairments to include concentration, attention, memory and time management
- Physical impairment, such as difficulty with balance and gait
- Difficulties with speech and communication

Employees with TBI can be well qualified and bring valuable assets to the workplace. With proper supports, they can become loyal and productive members of an employer's workforce.

POST TRAUMATIC STRESS DISORDER (PTSD)

PTSD is a condition that can occur after a person experiences a traumatic event in which serious physical harm occurred or was threatened. A number of events can trigger PTSD, including, but not limited to, military combat, exposure to traumatizing experiences or events, natural or manmade disasters and sexual assault.

Some symptoms of PTSD may include:

- Intrusive thoughts, recollections, dreams about the event
- Exaggerated startle response, increased sensitivity to the environment, anxiety, irritability and a sense of detachment

- Avoidance of reminders of the trauma
- Difficulty sleeping

REASONABLE ACCOMMODATIONS

The needs of individuals with a TBI or PTSD may vary greatly. An Assistive Technology (AT) Assessment can be useful in determining what accommodations may benefit an employee. The following are some examples of accommodations for TBI and PTSD.

Examples of Accommodations:

If an employee has difficulty with memory, organization, problem solving, concentration, an APPROPRIATE accommodation may be:

- Reduce workplace distractions/clutter
- Consider use of ear plugs/noise canceling headphones or sound absorption panels
- Suggest use of agendas/planners & electronic organizers
- Use checklists and "to do" lists
- Provide written instructions
- Divide large assignments into smaller tasks

If an employee has difficulty with vision impairment, an APPROPRIATE accommodation may be:

- Provide full spectrum lighting in workstation
- Provide magnification screens
- Consider computer software options, such as screen readers

If an employee has difficulty with fatigue/weakness, an APPROPRIATE accommodation may be:

- Allow for frequent breaks
- Consider modified work hours or part-time employment

If an employee has difficulty with stress/anxiety, an APPROPRIATE accommodation may be:

- Provide positive feedback and support
- Schedule rest breaks away from work area
- Allow time off for medical appointments

If an employee has difficulty with flexibility, an APPROPRIATE accommodation may be:

- Provide predictable schedule and deadlines
- Consider job sharing or other flexible employment options

If an employee has difficulty with social interactions, an APPROPRIATE accommodation may be:

- Provide written guidelines for appropriate workplace behavior

If an employee has difficulty with muscle fatigue or tension, an APPROPRIATE accommodation may be:

- Provide an AT assessment to adapt workstation

For more information on workplace accommodations, please visit:

- Dol.gov and search for workplace accommodations
- Job Accommodations Network--askjan.org

RESOURCES

Traumatic Brain Injury:

Brain Injury Association of Tennessee.....braininjurytn.org
The Defense Centers of Excellence for Psychological Health & Traumatic Brain Injury...dcoe.mil
The Defense and Veterans Brain Injury Center.....dvbic.dcoe.mil
TN Department of Health Traumatic Brain Injury Program.....health.state.tn.us/TBI/index.htm

Post Traumatic Stress Disorder:

The Defense Centers of Excellence for Psychological Health & Traumatic Brain Injury...dcoe.mil
The National Center for PTSD.....ptsd.va.gov
The Mayo Clinic.....mayoclinic.com/health/post-traumatic-stress-disorder/DS00246

Assistive Technology Centers:

Mid-South Access Center for Technology.....act.memphis.edu
The STAR Center.....starcenter.tn.org
Technology Access Center.....tacnashville.org
Signal Centers Assistive Technology Center.....signalatcenter.org
East Tennessee Technology Access Center.....ettac.org

Employer Support:

America's Heroes at Work.....dol.gov/vets/ahaw/
Employer Support of the Guard and reserve.....esgr.mil
VA Vocational Rehabilitation and Employment.....benefits.va.gov/vocrehab/
Vocational Rehabilitation Services.....<http://www.tennessee.gov/humanserv/rehab/vrs.html>

Information about Tax Credits:

Work Opportunity Tax Credit.....doleta.gov
Tax Credits for Providing Business Accessibility.....dol.gov
Workplace Accommodations.....dol.gov

About Disability Rights Tennessee (DRT)

DRT, previously Disability Law & Advocacy Center of Tennessee (DLAC), is a nonprofit legal services organization dedicated to protecting the rights of Tennesseans with disabilities. DRT is the designated federal Protection & Advocacy System for Tennessee.

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For assistance with disability related issues, contact RT at gethelp@disabilityrightstn.org or call 1-800-342-1660.

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