

HB312 - DISCRIMINATION IN EMPLOYMENT —REASONABLE ACCOMMODATIONS
FOR APPLICANTS WITH DISABILITIES

SUPPORT TESTIMONY

FEBRUARY 11TH, 2020

Chair Davis, Vice Chair Dumais, and Member of the Economic Matters
Committee,

My name is Rachel Hoyles and I am an employment consultant at TransCen Incorporated. I have been in employment services for over 5 years. I have specialized and focused on assisting individuals with disabilities find meaningful work and community inclusion. Whether that be through; internships, job development, interview assistance, or on site job coaching. My work would not be possible without the ADA's existence. I am grateful that the ADA prohibits discrimination, and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of the American life.

Currently, the ADA requires employers to provide reasonable accommodations to individuals with disabilities during the interview process, but it does not list anything specific. For instance: In 2019, my client asked an employer for a reasonable accommodation in order for me as her job coach, to accompany them on an interview. The employer agreed to the accommodation but once the interview started I was prohibited from sitting at the table with my client, and I was not allowed to offer verbal support to my client during the interview process. My client had an auditory processing delay and often needed questions to be simplified during an interview. Throughout the interview, my client struggled to answer questions correctly due to not fully understanding what was being asked, while I sat silent in the back of the room unable to provide the supports a job coach is trained to provide under the direction of the interviewer. Despite my client being a qualified applicant they were not hired.

My client's inability to answer questions thoroughly and concisely during the interview process did not allow my client to **verbally** present them self as a qualified candidate. With the written resume, they were able to

highlight their qualifications, leading the employer to schedule an interview. However, without the reasonable accommodation of a job coach during the interview, my client was not able to showcase their ability to perform the job. As a result, the employer conducting the interview no longer considered my client a qualified applicant. A situation that could have been avoided had my client had been given a reasonable accommodation. To make matters worse, I used hours out of my client's employment plan, a plan that provides individuals with disabilities a set number of hours of professional onsite job support. Job support and hours that my client will never get back. Thus, creating an additional barrier to finding employment. Having an employer agree to a reasonable accommodation but not allow me, as a job coach to support my client during the interview process was not in fact a reason accommodation. This bill would insure that moving forward individuals with disabilities, like my client, would never have to worry about receiving a reasonable accommodation during the interview process.

The above scenario is not an isolated situation as it related to individuals with disabilities finding employment. There are several examples of individuals with disabilities not given the opportunity to have a reasonable accommodation during the interview process. For example, in early 2019 another client I was assisting to find employment applied for a computer engineering position. During the application, process my client noted that a reasonable accommodation of having a job coach during the interview process would be needed. Because my client was a qualified applicant for the position, they were called for an interview. Once my client and I, as his job coach, arrived for the interview my client was informed that I would not be allowed to sit in during the interview. This was a direct violation of the request for an accommodation during the interview process. My client was not selected for the position.

After the interview, my client and I attempted to debrief in order to find out how the interview went. My client, who suffers from memory loss due to Hydrocephalus, was not able to remember the details of what happened during the interview process. As a result, I was not able to coach him on how to improve his interviewing skills for the next interview, nor was he able to obtain the support he needed during the interview process. This is another example of an individual with disabilities that is a qualified application for a position not being considered for employment. With a reasonable

accommodation he could have interviewed for the position with a job coach, and have the same opportunity as other qualified candidates to highlight strengths during the interview process.

This bill is critical in assuring that qualified applicants with disabilities, like my client, are not placed at an unfair disadvantage because the requested reasonable accommodation is not allowed.

By law, employers are required to provide individuals with disabilities reasonable accommodations throughout the hiring process. This includes pre-employment. Despite this law, employers are not always providing reasonable accommodations to qualified applicants. The EEOC filed suit in July 2018 alleging the defendants, Houston-based fuel retailer Northwest Petroleum, LP and Burger King Franchisee Travis County Investments, LP (collectively referred to here as NWP) withdrew a job offer from an applicant who sought employment as a dining room and bathroom attendant. A job coach accompanied the applicant to his job interview from Community Access Inc. (CAI), an organization that provides services to Oklahomans with intellectual and developmental disabilities. The applicant was offered employment, but when he requested that a job coach provide onsite support at no cost to NWP, the company withdrew the job offer. Repeatedly countless individuals with disabilities are being treated unfairly when attempting to gain meaningful work.

This bill represents an opportunity to treat individuals with disabilities in the same way that other applicants without disabilities are being treated during the interview process. Allowing a job coach as a reasonable accommodation throughout the interview process is an important step in insuring the interview takes place with the requested reasonable accommodation in place.

I look forward to the passage of this bill, and the positive impact it will have on people with disabilities during the interview process.