

Employment and Financial Rights, Responsibilities and Resources for People with Disabilities During COVID-19

COVID-19 has caused interruptions and changes at work for many people, including people with disabilities. It is important for people with disabilities to know about and exercise their rights with employment at this time; and it is the responsibility of organizations who provide services and supports to people with disabilities to promote and protect their rights.

To make informed choices about maintaining, resuming or finding new employment during the pandemic, it is critical that people with disabilities be empowered to talk with the people who support them and their employers about their rights, their responsibilities, and resources they might need for information and assistance. Some important things people should consider are:

1. Is the person in a high-risk group because of their age or health?
2. Is physical distancing possible at the person's job?
3. Is their employer making their job safe from COVID-19?
4. Can they get the supports they need to be successful at work and follow new rules for COVID-19?
5. Do the short- and long-term benefits of working right now outweigh the possible risks? Some people may choose to work for the health and mental health benefits and other people may choose to stay home.
6. Is the person at risk of being terminated by their employer if they don't return to work when the employer reopens?



People with Disabilities Have a Right to:

- Go to work if they are working in an essential job. An essential job is at a business that the local city/town, county, or state officials allow to continue to operate during the pandemic.
- Get an essential job, even a temporary one, if they want to work during the pandemic.
- Access employment services to help them find a job they want to start now, during the pandemic, or after the pandemic.
- Get remote/virtual job coaching supports for work if they need them.
- Continue to live at their current home or apartment even if they chose to go to work in an essential job.
- Keep in touch with coworkers who are their friends through their phone or computer.

“I’m very glad to be working and proud to be essential”

– Nate, Kwik Trip

- Talk with their employer about their options for going back to work if they have been laid off or their employer has allowed a leave of absence.
- Request accommodations from their employer if they have a health condition related to their disability that puts them at risk for COVID-19. A job accommodation is an adjustment to a job or work environment that makes it possible for an individual with a disability to perform their job duties.
- Get support to understand how their public benefits might change with employment, unemployment and government stimulus payments and to apply for other resources that can help them if they are laid off or lose their job.
- Have the transportation they need to get to and from work. If transportation services for work were part of their plan to prior to COVID-19, these services should continue. If their situation has changed and they will need new or different transportation services, they have the right to talk with their care team or IRIS consultant about adding these to their plan.
- Contact Disability Rights Wisconsin at 800-928-8778 if they feel their employment rights are being violated.
- Ask for and receive support to understand and exercise all of their rights. If they need help with any of them, they should ask their MCO care team, IRIS consultant or service provider for help.

“I feel important to the community and customers”
– Eddie, Pick ‘n Save

Responsibilities for People with Disabilities:

- If the person isn't working right now, loses their job, gets a new job, makes less pay, or works less hours, they are responsible for reporting these changes to the people or agencies who need to know. These changes may also change their benefits and services. Make a list of people that should be contacted (for example: Division of Vocational Rehabilitation counselor, MCO Care Manager or IRIS Consultant, the Social Security Administration, Unemployment Insurance Office, etc.). They should ask someone to help if needed.
- If the person works at an essential job, they are responsible for keeping the people around them and their roommates safe by washing their hands often, wearing a mask, staying six feet away from other people, and not going to work if they are sick. They should talk to their employer about safeguards they can take, including wearing a mask, while at work to keep themselves and others safe.
- If city or county's safe at home rules have been relaxed or lifted, the person should contact their employer to find out if and when they need to go to work. They should ask their employer what they are doing to keep people safe at work and the new rules that need to be followed.
- If the person needs to ask their employer for an accommodation to keep themselves safe because of a health condition that makes them high risk, the person is responsible for understanding the pros and cons of disclosing their disability to their employer. They may need to provide their employer with documentation from their doctor about their disability and put their accommodation in writing. They can ask their employer for help with this.



Resources:

WI Division of Vocational Rehabilitation: <https://dwd.wisconsin.gov/dvr/>

Disability Rights Wisconsin: www.disabilityrightswi.org

US Equal Employment Opportunity Commission - What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws

Visit EEOC on the web at www.eeoc.gov for information about illegal employment discrimination. You can reach out to EEOC to ask questions or to file a charge of discrimination at: 1-800-669-4000 (voice); 1-800-669-6820 (TTY); 1-844-234-5122 (ASL Video Phone). Or, contact Maria direct at maria.flores@eeoc.gov.

Your Employment Rights as an Individual with a Disability,” <https://www.eeoc.gov/laws/guidance/your-employment-rights-individual-disability>, and “Job Applicants and the ADA,” <https://www.eeoc.gov/laws/guidance/job-applicants-and-ada>

Great Lakes American’s with Disabilities Act Center: www.adagreatlakes.org

Job Accommodation Network: <https://askjan.org>

Frequently Asked Questions about Economic Impact Payments, Unemployment Insurance, Special Pay, and Other Benefit and Work Incentives during the COVID- 19 Pandemic: <https://vcu-ntdc.org/resources/covid19FAQ.cfm>

Wisconsin Work Incentives Planning and Assistance: <https://eri-wi.org/programs/wipa/>

The Social Security Administration: 1(800)772-1213

Occupational Safety and Health Administration (OSHA) Guidance on Preparing Workplaces for COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>

Wisconsin Unemployment Insurance: <https://dwd.wisconsin.gov/uiben/> or (608) 266- 3131

United Way 211: 211 can help people find information or services for a variety of needs. 211 is free and confidential. Text ‘COVID19’ to 211-211, visit www.211wisconsin.org or call 211.

Aging and Disability Resources Centers (available in every county)
<https://www.dhs.wisconsin.gov/adrc/index.htm>

If the person recently lost their employer-sponsored health coverage, they should contact ACCESS Wisconsin: <https://access.wisconsin.gov/access>