REALTIME FILE

University of New Hampshire

nTIDE Regular Monthly Lunch & Learn Webcast

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>> Hello and welcome, everybody, to the national trends in disability employment or nTIDE Lunch & Learn series. A few housekeeping items before we begin. This webinar is being recorded. We will post an archive of each webinar each month on our websitewebsite at www.researchondisability.org/nTIDE. This site will also provide copies of the presentations, the speakers’ bios, full transcripts, and other valuable resources.

As an attendee of this webinar, you are a viewer. To ask questions of the speakers, click on the Q & A box on your webinar screen and type your questions into the box. Speakers will review these questions and provide answers during the last section of the webinar. Some questions may be answered directly in the Q & A box.

If you have any questions following this recording, please contact us at disability.statistics@unh.edu, or toll free at 866-538-9521 for more information. Thanks for joining us. Enjoy today's webinar!

>> Hi, everybody. This is Andrew Houtenville coming from University of New Hampshire where we are currently at seven degrees Fahrenheit. And, our today low, we will get to tonight, is negative 15. And it is breezy and sunny outside.

The breeze makes it even a bit colder.

So let's start today. Some upcoming events and information for you before we get started.

We will be releasing our annual disability statistics collection.

It's a collection of materials regarding people with disabilities. And, statistical materials. And we will release it Tuesday and Wednesday. The 7th and, February 7th and 8th.

The 8th will be a repeat live broadcast.

So we will give you two opportunities to call in if you want to go to both, you can go to both.

And, let's see, so ICDR, the interagency committee on disability research is holding a state of the science conference on Thursday and Friday, February 9 and 10.

It will be from 10:00 to 4:00 p.m. eastern. That is virtual only via Zoom.

So, it's four days of statistics.

It's a good week for disability statistics. The nTIDE registration, one thing to note from previous years, from last year, which worked out ok, but we will go back to the process where you have to have a separate registration and link for each month.

It turned out to be a little too hard to have one uniform link and one registration for nTIDE.

And also for those of you who know, we have an nTIDE mid‑month call, which is the second ‑‑ usually the third Friday of the month.

And we were given kind of COVID information and you know talking about COVID primarily. And layoffs, you know. Furloughing and things like that.

We are going to convert it. We will still have the third Friday call. But we will call it the Deeper Dive.

When we generate the statistics for that, for that web cast, we have access to the raw data.

I can cut the data by different age, race, disability type. I can also pool the data together to get bigger sample sizes.

It will be ‑‑ we will be looking at different demographics. Different, lots of different things. We will take a deeper dive.

Some zoom tips for sound click on the up arrow next to audio settings and then select from one of the options provided. If you are having difficulty hearing. Or for closed captioning, click on the closed caption button and you can select either subtitles or select the full transcripts, which is a running transcript on the side.

Your screen may look differently than the icons we have below.

About nTIDE, it's every first Friday of every month. When they release the jobs report. It's a joint effort for Kessler foundation, UNH, and the association of University centers on disability. AUCD.

We will talk, John and I will present the numbers. Denise will provide nTIDE news. We have a guest speaker, Jennifer Mathis from the Civil Rights Division at the Department of Justice. Then we will have Q and A. All right, John. Take it away.

>> Thank you, Andrew. So the monthly nTIDE report, it's a press release. An info graphic. It looks at the latest employment statistics. Primarily we focus on the workforce participation and actually who is employed. The numbers who are actually employed. It uses data from the jobs report which is released. Usually the first Friday of each month by the U.S. bureau of labor statistics.

>> Caught me drinking soda. Ok.

>> The data, the source for the data is the U.S. bureau of labor statistics current population survey. The CPS. The source of the official unemployment rate. As well as other information, as well. And ‑‑ it's data on civilians aged 16 to 64 who are not living in institutions. And the data on disability has been available since 2008 onward. That was the year that the disability questions were added to the census bureau's data collection efforts. Prior to that, at least in the BLS population survey, there was only I believe a work employment question around disability.

The data is not seasonally adjusted for people with disabilities. So, when we analyze it, we, well, we ‑‑ one needs to be aware of the fact that it's not seasonally adjusted. And that's why we used to compare month‑to‑month. So we could kind of pull out the seasonal adjustment effects. But since COVID, I'm sorry, from year to year, that's how we control for quote unquote the seasonality. But since COVID, we have been comparing month to month because it was extremely important to see how the pandemic was affecting the employment statistics. We are going to continue to do that for the near, foreseeable future because our focus on that primarily, because it also gives us trends across time. Which are really interesting. Back to you, Andrew.

>> Ok, great. Thank you, John. Just on the season hall adjustment, I have written and had grad students develop software following a BLS procedures for seasonal adjustment. COVID I have yet to read up on how they have addressed COVID. Because a big chunk of time can really mess up the seasonal adjustment. And so, I haven't heard about any efforts of BLS to do it, but prior to COVID they had enough years to start. They typically need about 10 years to do the seasonal adjustment. All right. So the numbers. Let's look at the employment to population ratio. That's the percentage employed. This is up to December. So this is last month's nTIDE results. We saw that the chart shows back to 2008, we have a decline in the early part and then a rise back up. Where people without disabilities, it starts at about 75% are employed. Declines to about 68 or 69%. After the ‑‑ after entering the great recession. Then there's a slow climb up to just before the pandemic, just before the pandemic, it was 74.8%. The pandemic, it drops to 63%. And then it's a slow, steady rise with a little bit of tailing off in the last few months. And, it never really broke the pre‑pandemic level, you know. So it's sitting, as of December, it was at 74.4 for people without disabilities.

For people with disabilities, a similar trend although it took much longer to kind of bottom out after the great recession. So, it started during the great recession at 32.7%. You know. Five years later, it finally reaches its bottom point at 24.1%. That's Incredibly low number. So only one in four people were working‑age people with disabilities were employed at the time. That was incredible. And then a slow rise. There was a period of time in 2006, '07 and into '08 where the gap between people with disability started to close, although, there's a long way to go. Get to the pandemic, it's almost back to the great recession level of 31.7%. There's a big decline to 26.3% for the lockdown period. The lockdown recession. And then we have a slow and steady rise, a little bit of retrenchment at Delta and Omicron. Going past not only the prepandemic levels, but going past that historic high. And there's an historic high of 37% last ‑‑ in December. So let's click in January numbers. There's a small decline for both people with and without disabilities. People without disabilities went from 74.4%, down five percentage points to 73.9%. People with disabilities also declined a little bit less percentage wise from 37 to 36.7%. So not much change. I have the software now to ‑‑ I developed an approach to do this, confidence intervals around this. These are likely not to be very statistically significant, they are such small changes. But so ‑‑ you know, is this what we would expect, you know, seasonality? It could be John and I and the folks at Kessler were chatting about it, this could be the seasonality. It's the time when December to January, all of those months. But it's still not nearly the level that it was, you know, back in November and December, you know. So ‑‑ on net, if there's a seasonal effect, it isn't really it's still kind of net positive over the last few months. The other stories out there are certainly that, you know, the fed is trying to slow down the economy but there's a lot of news about jobs being added. The unemployment rate went down, but that was largely due to the people jumping into the labor force. And moving that denominator higher, which makes the unemployment rate lower. Let's go to the labor force participation rate. Labor force participation rate is not just the percentage of people who are working, but also adds in people who are looking for work or on temporary layoff. And the story in the general news is that more people are coming into the labor force. The general news focused on young individuals. You know. 25 and below. Showing that they had an increase in labor force participation. More December, again a similar trend with a decline during the great recession. A slow ‑‑ continued decline after the great recession and a slow increase up. We get the pandemic story. For people without disabilities it was kind of the same. A big decline and a slow March up, never reaching prepandemic levels. For people with disabilities, they never really left the labor market in incredible numbers or percentagewise. And have since, you know, after the first year of the pandemic, have really risen precipitously to a record high of 39% in December.

So that's two percentage points above the great recession level. So we are doing research into kind of how and we have some of the evidence from the Kessler survey. The 2002 Kessler survey that we released in November. The results released in November. Where, you know, it really showed up. A large and permanent increase in the use of flexible work hours and remote work which could be driving some of this. But this is also entry into the labor market. So, it's kind of a double‑edged sword. Sometimes the increase in the labor force participation rate is driven by necessity. And with prices going up, it's quite possible that, particularly over the last five months or so, that people with disabilities who are ‑‑ who are ‑‑ much more likely to live in households that experience poverty, would go out and go back into the labor market or enter the labor market. So, let's click in January. So January. One, two, three ‑‑ January oh! One, two, three, January. So ‑‑ people with disabilities again increased by over half a percentage point from 39% to 39.6%. People without disabilities remained roughly the same. Only a tenth of a percent decline. The rise in, you know, the media pointed to this morning, pointed to younger individuals entering the labor market. Here, we are seeing, you know, well ‑‑ people with disabilities are contributing to what that trend that the general media have been portraying.

One ‑‑ as we talked this morning, one thing we came up with was, you know, this really is that striving‑to‑work story. If you ‑‑ the Kessler survey back in ‑‑ Kessler's national disability employment survey of 2015, we focused a lot on what people with disabilities do differently to strive to work. As they strive to work. This is really kind of a striving story. Of course it could be driven by necessity. But, man! Almost 40%. That's pretty, pretty good. Still a huge gap. But ‑‑ the story we came up with was we also heard all the news about a bunch of new jobs being created. A bunch of new job openings. 500,000 somebody was saying. The whopper or something of an increase. And ‑‑ you know, let's see what happens next month, you know. Hopefully the employment‑to‑population ratio will rebound as people with disabilities are coming into the labor force, fit into those jobs that are being made available. So, I am going to stop there and turn it over to Denise before I keep yakking. Denise, take it away.

>> I'm still thinking about four days of statistics.

>> There you go.

>> Ok. Next slide. Hi, everybody. So ‑‑ we always start out with federal policy update. There's not a lot to tell you right now. We are in the very beginning of a new Congress. We talked a little bit about that last month. There's a new speaker. The house, Kevin McCarthy, from California. The house is under just barely Republican control. The senate is just barely under democratic control. We do have the new committee chairs and ranking members who have been appointed, as well as the members of the committees. I can at least share that with you. The senate HELP committee, health, education ‑‑ and pensions is where most disability legislation goes in the Congress. The Chair of that committee will be Bernie Sanders. Independent from Vermont. The ranking member that is the ranking Republican, most senior Republican, will be Senator Cassidy from Louisiana. On the house side, the house education and the workforce, when the democrats run the committee it's called N labor. When Republicans do, it's called education and the workforce. Charity is Virginia Foxx is a Republican from North Carolina. The ranking member is Bobby Scott, a democrat from Virginia. Those have just flipped. In the last Congress he was the chair and she was the ranking member. Appropriations, it's interesting. The top four people in the Congress on appropriations are all women. Senator Murray from Washington State is the Chair of the senate appropriations committee. The ranking member there is Susan Collins from Maine. Senator Collins on the house side, the chair is representative Granger from Texas and the ranking member is representative DeLauro from Connecticut. Those are just some names to know. You will be hearing about them clearly. Most of the work that gets done on disability issues are in one of these committees. Chairman Foxx on the house side is already talking about looking at RIOA, student loans, a whole variety of things. Particularly, she's talking about workforce innovation and opportunity act. WIOA. The President will come out of the state of the union next week. That will give us a variety of thoughts about his priorities for the year. In terms of legislation, it's been introduced. The only thing that we have seen ‑‑ not the only piece of legislation at all, but the one that would be of most importance to us is the better care better jobs act has been reintroduced. There wasn't a bill number when I went looking for it. So I'm not sure it's actually got an bill number yet. If one of you smart policy geeks knows a bill number, stick it in the chat and I'll share it. this is similar to the bill introduced last session. It adds a lot of money on Medicaid, home and community services to try to move the needle from institutional to community. Services for people with disabilities. And that includes employment services. That's why it's important to talk about here. It includes stuff around the direct care workforce. That is funding for it as well as additional workforce training T.A., that kind of thing. It also includes permanent, making the money follows person program permanent and the spousal provisions permanent. We will have to wait and see. We assume integration to the bill that will do away with some minimum wage and add over, basically phases out some minimum wage and adds money to help providers move their processes to competitive integrated employment. We assume that will be introduced but it hasn't been introduced yet. So ‑‑ we are waiting. Stay tuned. Ok. Thanks, Andrew. I have a number of things to talk about. This is interesting, because it builds on a piece of legislation that passed last session. The infrastructure investment and jobs act, and you probably hear members of Congress, when they come home, talking about bipartisan infrastructure law that passed. It's a boatload of money. $65 billion. Just for broadband. It's available to support broadband for all Americans. There's a really interesting piece that PEAT just put out. That's the partnership on employment and accessible technologies out of ODEP on how infrastructure investment in jobs can help close the employment gap for people with disabilities. So it takes a look at this big chunk of money that just came out. It's not a disability bill per se. It just came out and can help move people with disabilities and help close that employment gap. And it all has to do with broadband and making sure that people have access. So there's a website at the bottom, Internet4all .gov. If you have folks you are working with who need that kind of help, broadband expansion, go there. And then the article that PEAT came out with is really interesting, too, on how this money, which was not disability specifically targeted, can really help the community. Ok. Next one, Andrew. ODEP has come out with a couple of interactive data maps that I thought were really important and really interesting for folks just to be able to show it's another one of those things, when you talk with people from your state, it gives very state‑specific information. The employment population ratio map and the median annual earnings map. And ‑‑ the median annual earnings map shows median earnings by state and by sex among currently working people with disabilities. So, like ‑‑ no surprise. Women with disabilities have a lower median wage than men with disabilities. Workers with disabilities have the highest median wages in these states. Then you can look on your state and specifically ‑‑

>> They can look in the compendium for all of this stuff. So blah blah blah.

>> Ok. This is from our friends at ODEP, Andrew, who are online and have it up there. Go in and look at it. Or you can go look at the compendium for all of this information. So, anyway, these two things that are up there. There's other stuff on ODEP research evaluation statistics. I'll give you that. It's a cool little map for quick information. Both of them. Ok. Next slide. Social Security. This one I frankly ‑‑ I had a friend call this week with a Social Security problem. And I ‑‑ I saw this, this week, as well. And I thought, you know, this is really interesting. I don't know a lot about ‑‑ I don't know as much as I should about Social Security. And clearly neither does the rest of the country. What do we know about Social Security? It's a ‑‑ Social Security bulletin based on 2021 results looking at descriptive statistics things like what knowledge people have of SSI and SSDI across age, race ethnicity, educational attainment, income. Presence of a long‑term disabling condition. Clearly, if you have a disabling condition, you probably know more about Social Security than Joe blow walking down the street. SSI and SSDI in all likelihood. It includes all kinds of information and I just found it fascinating. Particularly because it was in my face this week, how little I know about some of the Social Security questions people were asking me. I found it fascinating. Next slide. There's a new article out in journal of rehab from our friends at VCU on efficacy of CIE versus segregated employment. It is probably yet another in a long series of articles about the importance of competitive integrative employment but this is the newest one and specifically targeted toward folks with intellectual disabilities. The quote was our findings provide further evidence against the use of segregated vocational services for individuals with individual disabilities. With IDD. It has implications for policy and practice. Next slide, Andrew, this is really the concluding slide. This review demonstrated the comprehensive lack of evidence to support this approach meaning segregated employment. And thus we revisit the call to end the practice and serve people with disabilities with service delivery models. I just couldn't not put this up there. They did have a little piece of good news saying that it really looks like perhaps the reason for optimism, meaning we are finally seeing some policy change. And that also looks like somebody who's been working on for 30 years, I with as happy to see. I pass that along to you. Good article. Next slide, Andrew. Our friends at JAN have a really interesting ‑‑ I talked to you about an interactive, some interactive stuff they have been doing across the job environment. This is specific to during the hiring process. And, it summarizes both situation ‑‑ similar to situations employers face with accommodation requests in hiring. Both the interviewing, the hiring, all of that. But it gives really specific nice examples in plain language about, you know, on the one hand how to ask for accommodations. On the other hand, how employers can and should respond to those. Ideas for streamlining requests. And frankly, building the process the hiring process as accessible as possible to start with. So that you aren't always backfilling and trying to accommodate. But rather, if you build accessible in the beginning, you don't have a lot of those issues. Resources, ideas for how to provide accommodations quickly, if somebody asks you in the midst of your process. Then it goes on to all kinds of stuff about new hires and onboarding. It's not that long actually for all the stuff I just told you was in there. It has very specific examples. It's another great one to have whether you are working with employers or with folks with disabilities trying to be employed, or you are a person with lived experience going through a hiring process. I just thought it was really nicely done by JAN. Next slide, Andrew. I usually don't share this many webinars with you guys but there are two or three webinars that I just thought people on this call might be really interested in. This is by NTA CT. It's on enhancing inner‑agency collaboration. Specifically, collaboration across career tech Ed, VR and Special Ed and how some specific states have done that work and how putting that together then, what are the examples? How did you do it? How did it work? What are the strategies to enhance state interagency collaboration? And particularly I was really pleased to see CTE. That career Tech Ed piece along with VR. I don't know that we talk enough about CTE with folks with disabilities. This is February 7. Knowing NTEC, I am sure they will record it and put it on their website. Because they usually do. Ok. Next slide, Andrew. This one is on ticket. Again, I have had this conversation with folks for years over Ticket. This I liked a lot. Because it is a spotlight particularly on an independent living center that is part of an employment network and using Ticket. And I thought, you know, that's actually something I don't tend to hear much about. So I thought you might be interested in this one, too. You will hear both from the SSA folks and the national perspective and the local people that is directly from the CIL about the structure of the program, how they did it, how they are using it, how the CIL is using it or other service folks can use it to diversify their funds. Which is a good use for Ticket. It's not for everybody but lets you diversify some. And how they are working on it in the community. This one is February 14th. This is done by the administration on disability employment TA center. They have a national community of practice but generally speaking these webinars are open to other people even if you aren't a part of that community of practice. I think you just like ‑‑ there's some easy join and then you can get these e‑mails and jump in. So this was a nice one. And then there's one more. That is around, rider transformation. This one again is community practice. The national employment first community of practice. This one is on financial support for provider transformation. Again, since we are going to be seeing, we hope, knock on wood, more financial support from the federal government if we can get transformation to competitive integrated employment passed. But even if not, this is an example in California where they found some financial support for a provider that's the ARC of Bakersfield and some minimum wage and closed workshop, they found some sources, I see a typo on this page. Just forget I didn't edit that. Anyway you will hear from California state agencies on how they worked with the provider. You will hear from the provider and there's information on how to take this information and use it elsewhere. There was another one done with Bakersfield ARC when they started out a little over a year ago. So they are revisiting to say here's where we are now. Here's what we are doing. I also thought this one was really good and I am guessing this one will also be recorded but I wouldn't swear to that. But go in and see. I thought it was a nice one. We will be doing a lot of talk about, I hope, about provider transformation this year. So I thought this was a nice connect. That's it, Andrew. I am going to jump in, I am really excited to invite and introduce a friend of mine who have I known for ‑‑ we will neither one tell you how long. Jennifer Mathis is the ‑‑ is a deputy assistant Attorney General in the U.S. justice department's Civil Rights Division. Before that, Jennifer was the Director of policy and legal advocacy at the Bazelon Center for mental health law which is where I know her from primarily.

It advances the we all opportunity for people with disabilities in all areas of life including community living, healthcare, housing, employment and more. Jennifer played a key role including strategy and briefing when the Olmstead case was heard by the sue supreme court and has litigated numerous community integration cases. I got to know her during a restoration act. Maybe even before that. We have been together on a whole host of pieces of legislation and I am excited to have her here. She's doing great work at the Department of Justice and frankly we are lucky to have her there. I'll turn off my camera and hand it to you, Jennifer.

>> Sure. Great. Very happy to be here. Thank you for inviting me. What I thought I would do is just talk a little bit about some of the highlights of the recent enforcement work that the justice department has been doing affecting employment. Obviously the ADA, which is primarily what I focus on at DOJ, has significant implications for employment in lots of different ways. Our enforcement work touches employment in lots of different ways. The things that I thought I would focus on are EDA title 1 work which is the discrimination provision. The EEO work, a little bit on our ADA title 2 work which is public services and I am going to talk a little bit about some licensure issues which have significance on employment. Also, Denise talked about CIE competitive integrated employment and transformation to competitive, integrated employment from sheltered work or segregated employment services. And so, we have a lot of community integration work around disability services systems that is geared toward expanding opportunities for competitive integrated employment in the community. And a little bit even about Title 3 which is public accommodations. Privately operated service providers, employment, et cetera. So ‑‑ anyway, I thought that I would talk a little bit about some representative work, identify some trends, make some observations about what these things tell us about what's happening, what we should be paying attention to and some things that DOJ is particularly interested in. So ‑‑ one thing I want to highlight is a new trend of using the ADA to address discrimination against people with opioid use disorders which are nearly always a disability because they substantially limit major life activities like self-care, thinking, concentrating, learning, and most people who have them. So, this is not an issue that I think has been front and center in the disability community. But, it is something that is, I think, increasing in national prominence, in getting a lot of attention. And the ADA turns out to be I think pretty significant in terms of addressing issues that people are facing particularly who have opioid use disorders and take medication for them. This turns out to be in recent years one of the most effective means that has emerged for treating opioid use disorders, taking medications that help people control the condition. But, as the treatment has become widespread, so, also has discrimination against people who abuse it. We are seeing pervasive discrimination against folks who take MOUD, medication for opioid use disorders. That discrimination occurred in lot of different contexts including employment. DOJ issued a guidance explaining how the ADA applies to people with opioid use disorders. We have done a significant amount of work in the area. So, I will highlight a few matters that are interesting. Representative of Title 1. EEO matter a week and a half ago we had a settlement, a consent decree approved by a court between the justice department and Cumberland county, Tennessee in an ADA case involving a corrections officer who takes medication for his opioid use disorder. We filed a complaint together with a consent decree on January 18 to revolve allegations that the county was violating the ADA by failing to accommodate and by discharging him on his opioid use disorder. Basically the county had implemented a policy prohibiting its employees from having certain controlled substances including medications for opioid use disorders in their system while at work. So, effectively, they barred people who were taking medications for opioid use disorders from working for the county. So, under the consent decree, Cumberland County will implement policies and train its staff on the ADA and pay $160,000 to the complainant in damages. Under Title 2, professional licensing, we had a recent settlement with the Indiana state nursing board. It was September, 2022. We entered a settlement resolving a claim that the board violated Title 2 by prohibiting nurses who take medication or opioid use disorder from participating in a state program that was a rehabilitation and monitoring program for nurses with substance use disorders and the program is often required for nurses to maintain their license or have a license reinstated. The complainant in that matter needed to participate in the program to have her license reinstated, which wasn't allowed to enroll if she continued taking the medication that finally allowed her to manage her disability. This woman had said nursing is my calling in life. But couldn't participate in the program if she continued to take the medication for her disability. And so, therefore, chose not to pursue her nursing career until the settlement. Under the terms of that agreement, the nursing board will allow nurses to participate in their rehabilitation program while taking their opioid treatment medication. If it's prescribed by a licensed practitioner as part of a treatment plan. The board also agreed to revise its written policies to ensure that nurses taking such medication are not subjected to discriminatory conditions and also to pay damages to the complainant so people shouldn't have to choose between pursuing their desired career and taking what's effectively life‑saving medication for many folks with disabilities. Another manner in this area under Title 3 this time, a settlement that we entered last year March of 2022 with an employment services provider called ready to work in Colorado. The settlement was against a ‑‑ sorry ‑‑ it's Friday. The settlement involved a homeless services provider that DOJ alleged had alleged violating the ADA ‑‑ based on the use of medication for opioid use disorder. The complainant takes Naloxone as part of the addiction recovery program. Under the agreement, ready to work agreed not to deny services on the basis of a disability including opioid use disabilities or to apply standards or criteria that screen out people with disabilities. And also to adopt nondiscrimination policies, training its staff on discrimination obligations and paid damages to the complainant. So ‑‑ that is some sampling of our work on opioid use disorder. Disabilities. Another thing that I wanted to highlight, a trend that we are seeing in our recent work, is that HIV discrimination remains a significant problem. Specifically, and particularly unfounded assumptions about risks of transmission of HIV. So recent A. recent case that we settled in September of 2022 under Title 1 of the ADA with the town of Clarksville, Indiana, resolved in a lawsuit that DOJ had filed after it couldn't resolve claims that the town violated the ADA by rescinding a job offer with a Police Department to an applicant who has HIV. Because of his HIV. The job offer was rescinded. The man had already been working for the Police Department as a volunteer reserve officer for over a year at that point. And was qualified for the new position. Another HIV discrimination case that we have a letter of findings in, this is the U.S. attorney's office in the eastern district of Pennsylvania. That issued findings later in November of 2022. Concluding that Pennsylvania state prison violated Title 2 of the ADA by barring an ins cars rated person from working in the prison kitchen as a result of his HIV. You can see that even in 2023, 2022, HIV discrimination is still alive and well. And of significant concern. Some other trends basic reasonable accommodation issues remain a problem. Wanted to highlight a settlement that we entered in December of 2022 a consent deck with the Ohio rehabilitation and corrections resolving a charge that a state correctional facility discriminated against a corrections officer by denying him a shift accommodation that he needed to manage his diabetes. The man had been put on a different shift after he was promoted and experienced two hospitalizations after his blood sugar began to spike. So, consent decree allows the man to resume his original shift and requires the facility staff to be trained on the ADA's requirements and provides damages to the complainant. So ‑‑ we have had reasonable accommodation claims in many other contexts, as well. Many other types of disabilities. One other thing to note, the EEOC, which does similar work with respect to private employers, DOJ's work is all with respect to ‑‑ employers under ADA Title 1. EOC has many similar cases in their disability docket and one thing that I think stands out is they have recently done quite a few health disability cases and failure to hire cases. Failure to hire cases are often unusual because they are hard to prove. But, this is where the ADA's preemployment protections for people with disabilities are really important. Because those protections that prevent employers from asking about a disability until they have made a conditional job offer, enable people to ferret out when there may be disability discrimination going on. So for example in the Clarksville matter involving the man with HIV, he had gotten a conditional job offer as a police officer then they found out about his HIV afterward. So he was able to know that that was the cause of why he didn't get the job. And was able to challenge it. So those provisions remain incredibly important. Wanted to say a few words about our Olmstead community integration work involving segregated employment services. Last year, we successfully ended a settlement agreement with the state of Oregon that had been going on since 2015. Entered in 2015, the litigation started in 2012 or so. So it went on for about 10 years. Very significant settlement agreement that had required at least 7,000 people to receive supported employment services to help them secure and maintain integrated competitive employment opportunities. People with intellectual and developmental disabilities. The monitor found that at the end of settlement period, they had exceeded some of the requirements. And so that was very significant. We have a similar consent decree that is still in implementation in Rhode Island that was entered in 2014 involving people with intellectual developmental disabilities who have been segregated in the sheltered workshops. Rehabilitation programs ‑‑ facility based ‑‑ which is that settlement decree currently runs through 2024. So, those are obviously of great significance and generating competitive integrated employment opportunities. We continue to be very interested in discrimination in that area. Please know that. Please contact us if you have concerns about discrimination happening in that area. I also wanted to highlight a few other things. With respect to licensing. Professional licensing. DOJ had done a bunch of work during the Obama administration on professional licensing and specifically disability related inquiries. This happens in bar licensing, that is attorney licensing, medical licensing, nurse low sensing, social work licensing, where there are often disability related inquiries that are over broad and really not related to or not necessary to assess somebody's fitness to practice in a particular area. The justice department had, for example, entered a settlement agreement with the Louisiana supreme court concerning mental health related inquiries of bar applicants for attorney licensing. So we continue to have a priority looking at disability discrimination in professional licensing. Would be very interested in hearing from folks who have those concerns. Any type of professional licensing. Additionally, we are very interested in the use, increasing use of artificial intelligence. Hiring. And this is an area that is emerging, there is a lot of concern about how the use of A.I. impacts people with disabilities in the hiring process. DOJ and the EEOC both issued guidance here on this issue. And, this I think is an area that you will see increasingly in the government's enforcement efforts as A.I. is used in so many different arenas. Including child welfare and housing and, you know, many, many other areas in addition to employment. It may have a significant impact in screening out people with disabilities. And one concern is for example when an employer uses a tool for hiring, that is based on looking at criteria for what successful employees look like, what employees who have been with the employer or been employed in a particular field, for a long time, look like, if those are the criteria that are used in screening for who should get jobs with that player, that may begin discrimination that has occurred when people with disabilities have historically been excluded from the workplace in great numbers. And so, who is currently considered a successful employee may reflect already a workforce that is the product or results from some amount of bias or ‑‑ further bias or unwitting discrimination. Against people with disabilities. And people with other characteristics as well. So ‑‑ that is something that we are very interested in. I am running out of time. So, I just want to highlight that if folks have complaints, I want to give the civil rights portal information. You can file a complaint of disability discrimination at civil rights . justice .gov. And I'll stop there.

>> Ok. Thank you. That was really nice. We do have a couple of questions already. Let me ‑‑ let me read them out to you. Has cannabis discrimination ever been studied for states who have legalized medicinal cannabis? And as a federal employee, you know, the federal view of cannabis is different than the state views of cannabis. But do you have any thoughts on cannabis as a source? Cannabis use as a source of discrimination? Whether for medical or nonmedical reasons, yeah.

>> That is an interesting issue and actually there has been some litigation using the ADA.

>> Is that right?

>> To try to address that. I think in the context, if I am remembering correctly, I may not be, but I think in the context of people using it for medicinal reasons related to a disability, and I think that my vague recollection is the law is mixed in this area. This is not an issue that I have looked at in a while and it's not one that I think DOJ has been involved with as a disability rights issue. But, I do think that there have been some efforts to use the ADA in the context, if I remember, of employment actually. So ‑‑ but again, I think the courts have come out differently. There are exclusions for people who are engaged in the current illegal use of drugs and so, I think there are, my recollection is the courts have considered what that language means when it comes to medicinal cannabis.

>> Ok. I'm told to turn on my video because I am denying people of my ‑‑ presence. All right. So another question. This comes to about mass e‑mailing of businesses. For lack of web accessibility for people with visual impairments. And apparently there's, according to the, to Nancy, there's clarification from DOJ that is not ‑‑ from DOJ, it's not enough it stop the lawyers from suing businesses and in many cases taking advantage of blind people as plaintiffs. So the idea is for, is that, for those on the call, there are lawyers who look around websites and then will start suing. This doesn't sound like it's employment based. As much as it is accessibility of a website itself. Do you know anything about this Jennifer?

>> Yeah. So I think what that comment is about is lawsuits that target small businesses that are using the ADA's protections to say that businesses are not complying with accessibility requirements if they have inaccessible websites. There are, I think, there are lawyers sometimes who use the ADA just as there are lawyers who use other laws in ways that sometimes, you know, sometimes are inappropriate or like ‑‑ unscrupulous in some ways. I think there are also many instances where there are legitimate lawsuits brought with legitimate accessibility concerns brought by folks representing people who, in fact, need or want to access websites and can't, because they are inaccessible. And that are often characterized as somehow, you know, unscrupulous because there are a lot of them. And the fact that there are a lot of lawsuits about accessibility doesn't necessarily mean that they are a problem. It means often that there's a lot of inaccessibility in the world. And so in any event, the comment about the clarification from DOJ is that DOJ issued a guidance last year explaining a position about website accessibility under Title 2 and Title 3 of the ADA. We are currently engaged in a rule making and think that will provide more clarity and more certainty about the standards that people ‑‑ well, the standards that people should think of as sort of the standards that the ADA requires. Technical standards for website accessibility. Because currently, there is a requirement about accessibility, but there's not a set of technical standards that the government has adopted.

There are private standards that are out there that many of the courts have looked at and said that is basically what exists in the world in terms of accessibility standards for websites so that's what we are going to turn to. As a remedy. But ‑‑ we will be issuing a rule under the, in fact, we have a proposed rule coming out in May. Scheduled to come out in May, for Title 2 public services. And accessibility standards for websites and apps used by public entity, state and local governments. And think that will provide some good clear standards that I think everybody has asked for.

>> Yeah. Just one last question before we have to go. We are almost at time. Does DOJ track intersectionality of the basis of suits or claims? That are filed?

>> So, I don't think we have a tracking mechanism per se. But certainly the intersectionality of race and disability has been of great interest to the department. And certainly, that is an issue that we are increasingly looking at in our enforcement work, in our disability enforcement work. There's a significant amount of work that is disability rights work, but particularly impacts communities of color and that is something that we are all paying a lot of attention to. Because it is I think, particularly important work including work related to policing issues and people interacting with the criminal justice system. Because there are clearly layers of discrimination. People with disabilities who are impacted and particularly Black and brown people with disabilities are impacted by these types of discrimination.

>> Ok, great. Well, unfortunately we need to end at this time. There are some questions we will try to get to in any event. So ‑‑ thank you very much, Jennifer. Thank you, John, and Denise, for presenting today. It's been great. We had over 130 attendees. But ‑‑ and that's a great thing to have.

So ‑‑ thank you, everybody. Have a good afternoon. Thank you, Jennifer.