

# **HEARING LOSS ASSOCIATION OF AMERICA EMPLOYMENT TOOLKIT**

## **ACKNOWLEDGEMENT**

This edition of the Hearing Loss Association of America Employment Toolkit updates the original 2009 version which was made possible by the generous support of the New York City Chapter of the Hearing Loss Association of America.

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## **THE MISSION STATEMENT OF HEARING LOSS ASSOCIATION OF AMERICA**

The Mission of Hearing Loss Association of America (HLAA) is to open the world of communication to people with hearing loss by providing information, education, support and advocacy.

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## **ABOUT HEARING LOSS ASSOCIATION OF AMERICA**

The Hearing Loss Association of America, founded in 1979, is the nation's leading grassroots organization representing the rights of people with hearing loss. HLAA impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and local level. The national support network includes the Washington, DC area office, state organizations and local chapters. HLAA provides up-to-date information on hearing loss through an annual convention, our website [www.hearingloss.org](http://www.hearingloss.org), the bimonthly *Hearing Loss Magazine*, our online *HLAA e-News*, and the HLAA online community.

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*For the past 25 years, I've been an Office Manager/Executive Assistant. In the past 5 years I started to notice and monitor mild hearing loss and began wearing hearing aids in March 2012. During the last couple of years, the staff (and my family) in the office would tease me and say "you can't hear." During meetings I would have a hard time hearing and/or understanding what was being said. At times, it's very embarrassing, even with hearing devices...Right now, I can't think of any positives from hearing loss. I'm going to the audiologist today to see if I can get another adjustment. I'm on my 3<sup>rd</sup> hearing device. Sometimes I avoid social activities and interaction with people because I'm so embarrassed. I pray something positive will come out of it and I might be able to help others with the same problem.\**

*C.B.*

## INTRODUCTION

Looking for a job, landing a job, and keeping a job can be difficult under the best of circumstances. Whether you are a graduating student seeking employment for the first time, looking to change jobs, returning to the workplace after an absence, or you are concerned about keeping a job, you might find employment issues more challenging if you have a hearing loss.

There are ways to be successful in the workplace with a hearing loss. Landing a good job, fitting into the workplace, and successfully advocating for the kind of accommodations that will make you a productive and valued employee can all be accomplished. But you need the right tools, do your homework, find out what's right for you and for your employer, and find ways to successfully advocate for yourself.

There are many employment handbooks that will help you write a résumé, answer interview questions, find ways to fit into the workplace, even find ways to become a leader once in the workplace. We urge you to educate yourself, use as many resources as you can to find and excel in the career that's best for you. In these pages, we will focus on the issues that face employees with hearing loss, provide tools to help you overcome obstacles, and give tips to make your life a little easier in the workplace.

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*\*Note: quotes used in this Toolkit were taken from responses to HLAA's 2013 online survey of workplace experiences. More responses to that survey as well as articles written about the workplace can be found in the January/February 2014 issue of Hearing Loss Magazine and at [www.hearingloss.org/content/personal-stories](http://www.hearingloss.org/content/personal-stories).*

*On the job, hearing loss is a major challenge! People just don't understand, no matter how many times hearing loss is explained.*

*R.M.*

## COMMUNICATION 101

### The Invisible Disability

Hearing loss is often called an “invisible disability.” Your hearing loss is not immediately apparent to other people. While hearing loss might affect your ability to function in certain circumstances, it is difficult for others to recognize or acknowledge that fact. People will initially assume that you have complete understanding of what is being said. This is just as true in the workplace as it at a party, in a restaurant, at the airport, or in a store. But in the workplace the failure of others to understand that you have this disability can affect your job, your career, and your livelihood.

Accessibility for people with hearing loss means being able to hear and understand communications and audio signals in whatever form they take: face to face, both one to one and in groups; over the telephone; public address announcements; recorded sound including TV, radio, movies, Internet based information; amplified sound including public address systems; and alerting and emergency notifications.

As a person with a hearing loss in the workplace, it's your responsibility to know what works best for you and communicate that to your employer. Your employer is required to provide adjustments or modifications to enable you to perform successfully. (More information is available in the “On the Job” section of this Toolkit.)

- Pay attention to the situations where you do best and what causes the most difficulty – and why.
- Maximize your residual hearing, using an Assistive Listening System (ALS) or Assistive Listening Devices (ALDs) whenever possible.
- Consider taking speechreading classes to maximize your ability to use visual clues when communicating with others.
- Anticipate problems and seek to minimize them. Do you spend more time on the phone or in meetings? Webinars? Conference calls? What can you do to make each of these situations less stressful?

- Let your employer know what kinds of accommodations and communication strategies work best for you.
- Let your co-workers know the best way to communicate with you: email, text, using an assistive listening device, captioned phone.
- Offer your employer and your co-workers regularly with a written copy of the “Communication Tips Sheet,” included in this Toolkit.
- Make sure your own workspace has the lighting and seating arrangement you need. Make sure there is even lighting and minimal background noise that allows you to communicate best – as far away as possible from the copy machine, the kitchen or other noisy places in the office.
- If using a telephone is difficult:
  - ♦ Request a volume-controlled phone
  - ♦ If increased volume is needed, request a high-gain amplified phone
  - ♦ If needed, request a captioned telephone, IP Relay, and/or mobile captioning
  - ♦ Keep abreast of new trends in cell phone use, such as wideband (HD) audio that enhances the quality of voice calls on cell phones
- For conference calls, request in advance:
  - ♦ Remote CART, and the rough transcript after the call
  - ♦ Agendas names of participants, and important materials in advance
  - ♦ That people identify themselves each time they speak
  - ♦ That everyone refrain from using their speakerphone and mute the phone when not speaking
  - ♦ That they refrain from using a mobile device whenever possible
  - ♦ If CART is not available, request someone serve as a notetaker and that meeting notes be send shortly after the completion of the call
- Request information in writing: job assignments, meeting agendas, queries for information are best if written on hard copy or emailed in advance.
- Request accommodations for meetings large or small, such as: an Assistive Listening System (FM, Infrared, Audio loop), captioning, CART (computer assisted real time transcription,) communication strategies, visual and tactile alarms, oral interpreters, Cued speech transliteration.
- If webinars are a major part of your job, request they be provided with CART.
- If a hearing dog is appropriate for you, provide your employer with the information needed to accommodate your dog on the job.

## **HOW TO COMMUNICATE WITH A PERSON WHO HAS A HEARING LOSS**

*For one to one meetings with a person who has a hearing loss:*

- Provide background information on the topic to be discussed in writing in advance.
- Background noise, music, cross-conversations, reverberation, and distance from the speaker all contribute to a difficult listening environment. Ask what can be done to make hearing easier.
- Face the person with hearing loss and make sure the lighting is even and that you are not backlit. People with hearing loss often use visual clues to help understand what is being said.
- Speak clearly at a moderate pace.
- Don't shout: shouting distorts your voice and increases the tension level.
- Try not to cover your mouth with your hand or a pencil or chew food or gum while talking.
- Rephrase, rather than repeat, misunderstood words; write down essential information.

*For group meetings that include people with hearing loss:*

- Provide agenda items, names of attendees and supporting materials in writing in advance.
- Provide seating so that the person with hearing loss has his or her back to any windows and sits as close to the main speaker as possible.
- If an Assistive Listening System is being used, ensure that participants use it effectively, that is, that no one speaks until recognized and speaks directly into the system's microphone.
- If on a teleconference, ensure that participants speak one at a time, identify themselves before speaking, and use the handset instead of a speakerphone to reduce background noise or other interference.
- If CART is provided, reserve seating for the person with hearing loss together with the CART writer. CART and remote CART should be booked well in advance as there is a high demand for these services.

*I normally let people know I have a hearing loss and ask to have the questions in written form as well as verbal. I have found myself asking people to speak up in interviews so I can better hear them.*

*K.W.C.*

*Interviews scare me but when they are one on one in a quiet room I do pretty well.*

*T.S.*

### **APPLYING FOR A JOB**

To begin with, you need to know the basics of applying for a job regardless of disability: how to write a résumé, how to request an interview, how to collect information about the company and position you're applying for, how to dress and groom yourself for the interview and how to conduct yourself during the interview. Refer to books on preparation for job interviews and use the resources provided on the HLAA website.

#### ***Only Apply For Jobs For Which You Are Qualified***

The Americans with Disabilities Act (and the Rehabilitation Act for federal government jobs and government contractor jobs) prohibit discrimination against qualified employees with disabilities. Check to be sure that your skills enable you to perform the "essential functions" of the job. The term "essential functions" does not include the marginal functions of the position. The essential functions can be ascertained from the job vacancy announcement or the position description as well as during an interview.

According to the Equal Employment Opportunity Commission (EEOC), whether a function is essential initially looks at whether employees doing the job actually perform the function. For example, an employer states that taking telephone calls from the public is an essential function. If, in fact, other employees in this position have not been required to take these calls, it is evidence that doing this task is not an essential function of the job.

If other employees doing this job are actually required to perform the function, the next step is to look at whether removing the function would fundamentally change the job. One or more of the following factors is used to make this determination.

1. Does the position exist in the first place to perform a particular function? For example, an individual is hired to be a court reporter or stenographer. The ability to transcribe

spoken words into a written format would be an essential function, since that is the only reason the position exists.

2. How many other employees are available to perform that job function? For example, if the employer has a small staff, it might be necessary for every employee to perform many different functions. In this situation, a function that might not be essential if it could be distributed to other members of a large staff could be essential where the staff size is small.
3. What degree of expertise or skill is required to perform the function? If an employee is hired for his or her expertise or ability to perform a particular function, the performance of that task would be an essential function.

In sum, whether a particular job function is essential is a factual determination that must be made on a case-by-case basis. In making this determination, all relevant evidence should be considered.

### ***Get Experience Through Volunteer Work***

If you think you lack the skills or experience for the kind of job you want, you could develop them through volunteer work. Many cities and counties provide volunteer centers to link people who are willing to work for free to places that need extra help. Not only does volunteering help enhance your skills, but it will build your résumé and show a prospective employer that you are willing to take your time to volunteer.

### ***Develop New Skills and Take Advantage of Training Opportunities***

Take advantage of opportunities to go back to school, or to take part in workshops or educational forums to increase your skills and value to your prospective employer.

If you need help finding the right schools or need financial help to attend, consider visiting your local Vocational Rehabilitation (VR) office. By contacting your local VR office, you will tap into resources related to employment options for people with disabilities available in your state. Vocational rehabilitation, a state-supported division of services, assists individuals with disabilities who are pursuing meaningful careers. VR assists those individuals to secure gainful employment commensurate with their abilities and capabilities through local job searches and awareness of self-employment and telecommuting opportunities. To find VR resources in your state, visit <http://askjan.org/cgi-win/typequery.exe?902>

*For my last job, an oral board was required. I let the human resources know that I was hearing impaired and was concerned ~~that~~ I may 'misunderstand' some of the questions. They determined the questions ahead of time – asked the same of all interviewees, and gave me a copy of the questions – just in case. I got the job!*

*M.L.P.*

*Interviewing, I do not let the interviewer know of my challenges. In my experience, it is not a positive. I once tried revealing my challenges during an interview and I was turned down for the job at the interview.*

*M.R.*

## INTERVIEW STRATEGIES

### ***Revealing Your Hearing Loss***

How and when to inform a prospective employer about your hearing loss can be a complex issue. To begin with, an employer is not permitted to ask about your medical condition or require you to take a medical exam before making a job offer. Thus, an employer cannot ask whether you have taken a hearing test that reveals a hearing loss or whether you use assistive devices, including hearing aids.

Therefore, don't insert the issue of hearing loss in your resume or letter of inquiry. The fact is that this might discourage many prospective employers from granting you an interview at all.

Once an interview has been granted, you must determine yourself whether you should reveal your hearing loss prior to or at the interview. Some of the considerations:

- **Does the employer screen prospective employees with phone interviews?** If you have trouble hearing on the phone, and you need the assistance of IP Relay or Captioned Phone services, you might want to advise the employer so you can make the phone call to them at a designated time. You should also be prepared to advise them that any delay in response is a result of the nature of captioned phone and Relay services.
- **Do you need an accommodation at the interview?** If you need to request the employer provides an accommodation for the interview or to complete the hiring process, clearly, you must disclose your hearing loss in advance of the interview.
- **Do you own your own Assistive Listening Device?** If you depend on an Assistive Listening Device and own one, plan to bring it along with fresh batteries. This shows you take charge, problem-solving ability, and your ability to manage your own

hearing loss. It gives the prospective employer a chance to see you in action and to get to know you better.

- **How many people will be present at the interview?** While you might be able to handle a one-to-one interview without accommodation and without revealing your hearing loss, a large room with many people attending could put you at a disadvantage if you have not revealed your hearing loss.
- **Will you need accommodations on the job?** If you expect that you will need an accommodation to participate in meetings or otherwise perform the job, you should provide that information at the interview, so the employer can ask questions to understand what accommodation will be needed. It would be best not to surprise the employer later.
- **How comfortable are you with your hearing loss?** If you can inform your prospective employer about your hearing loss in a matter of fact way, it's advisable to do so right at the interview. Demonstrating a matter-of-fact, can-do and positive approach to your hearing loss will work to your advantage in the interview.

### ***At the Interview***

When you arrive at the interview, be prepared to make on the spot changes. You might need to ask people to change seats, face windows, or pull down the blinds.

Be matter of fact. Don't apologize for your hearing loss, and don't spend a long time talking about it. The interviewers want to know what you can do for them. Let them know what an asset you will be to their organization.

### ***Understanding the Interviewer***

Put yourself in the interviewer's shoes. They don't know you, don't know about hearing loss and want to be sure they hire the right person for the job, someone who fits in well with their team and who is an asset to their organization. Put them at ease. Make them comfortable with you as a person with a hearing loss and with your potential as an employee.

Watch for clues that they are uncomfortable. They probably won't know about hearing loss and might feel that they don't know what to think or how to behave. They might wonder if the presence of a worker with a hearing loss will affect the "chemistry" of the department. Is the worker with hearing loss going to be less efficient, slower, more dependent, more demanding, less capable? Can the individual really get the job done? How will the person with hearing loss communicate on a regular basis? Will accommodations cost a lot? Why should they hire you?

Convince them that they want you! Sell your:

- Skills
- Experience
- Demonstrated competence
- Self-assurance
- Personality

### ***Getting Comfortable With the Process***

Your attitude is important. Don't focus on your hearing loss. Don't bluff. If you pretend you have heard something when you have not, the interviewer will just think that you have poor communication skills or that you cannot answer the question appropriately.

Revealing your hearing loss is personal, but in some cases, it will help you:

*I was interviewed for a job in a very old noisy office with a window air conditioner. I was interviewed by five people...and I used an FM assistive listening system for the interview. I briefly explained why I was using it and after a few seconds, I think everyone forgot it was there. I was able to position the microphone in the center of the table...so we did not have to keep passing the [microphone]*

### ***Control Your Anxiety Before the Interview***

Job seeking is a stressful process for anyone, but doubly stressful for people with hearing loss. The very thought of the interview might be harrowing. Put your energy into good planning and identifying your skills. This will boost your confidence.

- List your strengths. Don't just think about them, actually make a list.
- Be ready with concrete examples of your accomplishments, both on the job, as a volunteer, and in other areas of your life.
- Keep your focus on why you are valuable to the organization.
- Practice stress-relieving activities such as relaxation, meditation, exercise, positive thinking – whatever you have found works for you.
- List your fears about the interview and how you would handle each one. "What's the worst thing that could happen?"

### ***Practice Interviews***

There are many books that offer examples of the kinds of questions that might come up in an interview. Prepare responses to those typical questions, as well as those that might be asked for the particular position you are applying for. Work with a friend or agency that allows you to practice typical interview questions.

Start out applying for jobs in which you are only marginally interested. Be sure to write down your reactions to those interviews immediately after the interview takes place. Try to come up with better answers for those you felt were weak and take note of the times you thought your responses were particularly strong. Build up your confidence in your ability to handle any interview situation.

### ***Summing up***

- Learn how to write a good resume and cover letter.
- Only apply for jobs you are qualified for.
- If you need experience, volunteer.
- Focus on your skills and experience, not your hearing loss.
- Plan for your interview, including how you will hear at the interview.
- Understand and account for the perspective of the interviewers.
- Be positive: face and control your fears.

*From my hearing loss, I've learned to overcome challenges, work hard for what I want, and develop my persona mantra of never ever giving up!*

*M.P.A.*

## **AN OFFER OF EMPLOYMENT IS MADE**

You had a great interview and received a job offer! However exciting that is, remember that actually starting work is not guaranteed. The hiring process might have additional steps.

Once a conditional job offer is made, but before you begin work, the employer is permitted to ask health-related questions (including whether you have hearing loss) and might require a medical examination, as long as the employer asks the same questions and requires the same examination of all entering employees for the same type of position.

The employer cannot require you to take a hearing test unless the employer prescribes a level of hearing proficiency that is necessary for all employees in the same position to perform the essential functions of the job. If a hearing test is required, you might wear hearing aids during the test unless the employer can demonstrate that using hearing aids on the job would pose a “direct threat” (a significant risk of harm to yourself or others that cannot be reduced by the use of hearing aids).

An employer might withdraw the job offer because of your hearing loss only if:

- (a) the employer can demonstrate that you are unable to perform the essential functions of the job even with a reasonable accommodation (for example, you fail the hearing test while using hearing aids), or
- (b) you would pose a direct threat to your own safety or the safety of others in performing the essential functions of the job.

Withdrawal of the job offer must be based on the results of the medical examination or your responses to health-related questions.

Also, an employer might not ask a third party (such as a service that provides information about workers' compensation claims, a state agency, or an applicant's friends, family, or former employers) any questions that it could not directly ask the applicant.

*It wasn't until I started my previous job that I learned it is better to tell people about my hearing loss than to try and hide it. When I was hiding it, I wasn't able to do my job optimally because I didn't always have the information that I needed, I would tune out at meetings, and I procrastinated when I had to make phone calls. A woman who worked in the Human Resources department was a friend of mine, and I told her about my hearing loss and how I was afraid to tell my boss, because I thought it would reflect poorly on me. That woman immediately told me to go tell my boss, because then he and I could make plans to address it. So I did just that and my boss and I brainstormed about the best ways for me to receive communication... As a result of partnering with my current employer, I have been very successful with my job, receiving two promotions in the 13 years that I have been there... On the whole, there are more positives than negatives regarding my hearing loss in the workplace. Co-workers are used to helping me now, and at the same time I am able to raise awareness to what people with hearing loss need to succeed in their jobs.*

L.G.

## ON THE JOB

Congratulations! You've landed the job you wanted! Celebrate your achievement and then plan how you can be successful on the job with your hearing loss.

Remember that your employer wants you to be a productive member of the team. It is possible that you need no adjustments or modifications to successfully perform your duties and responsibilities. However, if you do need them, your employer is required to provide you with the necessary adjustments or modifications to enable you to successfully perform your job, unless doing so would result in undue hardship (significant difficulty or cost).

Don't make your hearing loss your employer's problem. Do your homework, know your needs, and work with your employer to come up with mutually satisfactory solutions.

### Know Your Needs

- List all the job responsibilities and essential duties
- Come up with possible solutions or accommodations needed
- Meet with key people who have the authority to provide the requested accommodations

### Responsibilities and Activities that Commonly Require Accommodation

- Communicating by telephone
- Communicating at meeting or during training
- Communicating at social events

## Possible Accommodations

- **Work Area Adjustments.** Sometimes the newest employee gets the office next to the copy machine. That might work for most, but won't work for you. Be ready to explain to the boss how you want to be as productive as possible but that unlike people whose hearing is intact, the sound of the copy machine interferes with your telephone communications. If you show why this is important to your ability to function, your new boss should relocate you to another office.
- **Assistive Listening Devices (ALDs)/Assistive Listening System (ALS).** If you need your employer to purchase a system or device, you need to explain why and do the legwork. Find out what kind of systems will work, an estimate of the cost, and options for places to purchase the systems.
- **Telephones.** If the telephones on your desk are not Hearing Aid Compatible (HAC), you are entitled to have them furnished. If you need a captioned telephone service, or specifically, Internet Protocol Captioned Telephone Service (IP CTS), you will need a dedicated line, and a captioned telephone. Give your boss supporting materials to explain how they work and why you need a dedicated line in addition to the multiple phone line. Be sure to let your boss know that once the line is installed, the phone service itself is provided at no additional cost.
- **Telephones on the road.** If your company typically provides employees with a mobile or smart phone, make sure the phone you have been given is HAC and capable of either email or text messaging. If you need a neckloop, make sure there is a port for that. And test the phone before going out on the job to be sure you can hear with no interference.
- **Modification of non-essential duties.** In the past, people in your position could have taken on extra duties that were only a marginal part of the job description. For example, you might have to cover incoming phone calls when the receptionist is on vacation. The receptionist's desk is in an area where there is lots of background noise, and you have difficulty hearing the callers. Since this is a minor function of your job, your boss should switch tasks with another employee who can handle this task, while you perform a task such as picking up a client at the airport.
- **Assignments.** Written memos or notes, written summaries of discussions and emails will go a long way to ensure that you and your boss are on the same page. If your boss does not have time to write these things for you, take the time to summarize your understanding of all assignments in writing and give hard copy or email a copy to your boss to confirm your understanding of the assignment. Keep a file of those assignments and your boss' confirmation that you are on the right track.

- **Meetings.** Request the agenda in advance and meeting summaries or notes after the event. Explain to your boss that this will not only help you keep up to speed, but if made available to all employees, could help other employees as well.
- **CART (Communication Access Realtime Translation).** CART provides virtually instant translation of the spoken word to text. A CART writer transcribes every word that is spoken and displays it on a laptop, which can then be projected onto a screen or viewed on a large screen television. A transcript of the meeting can be saved to a disk or flash drive if needed. CART is particularly helpful in large meetings where an Assistive Listening System might not work well. CART services might be new to your boss. Explain that not only will you benefit, but if the transcript is requested, it can be used to keep a record of the meeting for future reference and/or the minutes of the meeting. If there is a concern about privacy, explain that like a court reporter, the CART writer's code of ethics demands confidentiality.
- **Emergency notification systems.** Strobe lights on fire alarms, vibrating pagers, low and multiple frequency alarms, or other emergency assistive technology should be in place soon after you take the job. In an emergency, you do not want to be left behind. If your boss suggests a "buddy system," let her know that the buddy system is a great back-up, but cannot be relied upon as the sole source of emergency notification for the worker with hearing loss: the responsible co-worker could be traveling or out sick at the time of the emergency. You need a system that is as reliable as the auditory system is for those workers who can hear it, and that provides the alarm at virtually the same time as your hearing co-workers.
- **Training programs.** To keep up with changes in your field, you might need to take classes that give you cutting-edge information. Most workplaces encourage employees to take such classes, so do take advantage of time off if it's offered. Be sure to request accommodations for classes well in advance.
- **In-service training.** Request accommodations as needed for all in-service training, again well in advance so that there is time to ensure the requested accommodations are in place in time for the training.
- **Reassignment to a vacant position.** If you find your job is not a good fit because of your hearing loss, even with accommodations, ask for reassignment. If, for example, you work as a salesperson in a busy store and develop Ménière's disease which causes ringing in your ears for periods of time, you could find it difficult to hear customers and co-workers over background noise during busy times. Your employer should reassign you to a vacant position in an office for which you are qualified.



## **A Word About Tax Incentives**

Federal tax credits and deductions to help offset the cost of accommodations might be available to your employer. Some states also offer tax incentives.

See the IRS web page: **Tax Benefits for *Businesses Who Have Employees with Disabilities***  
<http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Tax-Benefits-for-Businesses-Who-Have-Employees-with-Disabilities> (Page Last Reviewed or Updated: November 21, 2013).

### SAMPLE TRACKING SHEET OF JOB RESPONSIBILITIES, CHALLENGES AND SOLUTIONS

To help you determine how to best approach your new job, create a list of job responsibilities and solutions or accommodations needed. A sample tracking sheet is below. Use this to build your own tracking sheet of job responsibilities, challenges and solutions.

<b>Job Duties</b>	<b>Methods</b>	<b>Solutions</b>	<b>Costs</b>
Contacting Clients	Telephone	HAC phone	None – in place
Contacting Clients	Email	Internet Access	None – in place
Contacting clients	Teleconference with up to 50 people	Remote CART	Cost of CART service per teleconference
Contacting clients on the road	HAC cell phone with data service	Smartphone with data service	Personal Smartphone already in place; company to pick up the cost of the data service
Meetings with co-workers	Face to face in conference room – 10 people	Assistive listening system; request for written meeting agenda emailed in advance, written summary of action items immediately after the meeting	Cost of wide area listening system with multiple microphones; no cost to agenda and meeting summary as they are already provided
Meetings with boss	Face to face in office – one to one	Assistive listening device; request for email follow up re: assigned tasks	None – personal device owned by employee; employee will take charge of meeting summary
Meetings with entire staff	Face to face in meeting hall – 100 people	CART	Cost of CART services
Workstation	Next to copy room	Request move to another open office	Cost of relocating
Workstation	Emergency alerting	Request visual emergency alert	Cost of purchase and installation

*At times, I have felt discriminated against because of my hearing loss, especially when my formal requests for accommodations was ignored by my employer and it took my seeking the counsel and advocacy from the Massachusetts Commission for the Deaf and Hard of Hearing to move things in the right direction. Sometimes I feel as though my colleagues believe I am not as capable of fulfilling my job responsibilities due to my hearing loss and I believe this is due to a lack of education and false beliefs about people with disabilities.*

A.C.

## DEALING WITH ADVERSE SITUATIONS

Hopefully, you will find your job rewarding, be treated by your supervisors and co-workers with respect, and advance in your career. You should be aware that, discrimination in the workplace against people with disabilities, including people with hearing loss, still persists. Discrimination might take the form of unequal pay, denial of opportunities to advance your career (such as training or special assignments), denial of promotions, harassment, or even termination of employment. Taking such actions because of your hearing loss is prohibited by law.

One form of discrimination, harassment, can turn into a hostile work environment, which people with disabilities have experienced. Harassment can include, for example, offensive remarks about your hearing loss. However, simple teasing, a few offhand comments, or isolated incidents that are not serious probably do not amount to harassment. But if such conduct becomes so frequent or pervasive that that it permeates the work environment and interferes with your ability to do your job, it is illegal harassment. In some cases, these situations lead to adverse actions, such as a demotion or termination of employment. The harasser can be your supervisor, a supervisor in another area, a co-worker, or even someone who is not an employee of the employer, such as a client or customer.

If you believe that you have been discriminated against because of your hearing loss, you should contact an experienced employee rights attorney, or you are welcome to contact the HLAA for advice and assistance. We will evaluate your situation and might recommend that you obtain the services of an attorney. We might be able to help you find an attorney. To protect your rights, it is best to consult with an attorney or contact HLAA promptly. You generally have 180 days after the discriminatory conduct occurs to file a charge of discrimination on the basis of disability with the Equal Employment Opportunity Commission (EEOC).

If you have been discriminated against, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You might be entitled to hiring, promotion, reinstatement, back pay, or reasonable accommodation, including reassignment. You might also be entitled to attorneys fees.

## HEARING AIDS, HEALTH BENEFITS AND INSURANCE COVERAGE

When it comes time to purchase a hearing aid, employees often find the employer's health insurance package does not include coverage for hearing aids. The reason might simply be because it was never considered. According to a recent study, Dr. Frank Lin at Johns Hopkins Medicine, approximately 48 million people in the U.S. (20 percent of the population) have hearing loss. Chances are, there are many in the workplace who would benefit from the inclusion of hearing aids in the health insurance package.

[www.hearingloss.org/content/basic-facts-about-hearing-loss](http://www.hearingloss.org/content/basic-facts-about-hearing-loss)

and

[www.hopkinsmedicine.org/news/media/releases/one\\_in\\_five\\_americans\\_has\\_hearing\\_loss](http://www.hopkinsmedicine.org/news/media/releases/one_in_five_americans_has_hearing_loss)

If you want your employer's health insurance plan to provide coverage for hearing aids, you are the one who needs to make that happen. Here's some advice on how to go about it:

- Begin by identifying the office responsible for managing and making decisions about health care benefits.
- Meet with the appropriate individuals and explain why you or someone in your family needs hearing aids. Be sure to discuss how hearing aids enhance your ability to function at work.
- For a child, note that hearing aids allow fuller participation in the classroom and enhanced language development.
- If you already have hearing aids, discuss how much they cost.
- Also note that the hearing aid fitting and follow-up must include services from a qualified hearing care provider.
- Review the information in the "Fact Sheet: Hearing Aids, Health Benefits and Insurance Coverage" before going and leave a copy with the benefits personnel.

The "Fact Sheet: Hearing Aids, Health Benefits and Insurance Coverage" included in this Toolkit, provides salient information about hearing loss, hearing aids and health care coverage for hearing aids to help you make a case for health care coverage of hearing aids to your employer. Feel free to download this document and leave it with your employer to bolster the case you make for hearing aid coverage. Also, find information by visiting [www.hearingloss.org](http://www.hearingloss.org) and clicking on "Advocacy" and then clicking on "Hearing Health Care."

Be sure to look at the situation from your employer's perspective. The first question on your employer's mind will be: how much will this cost? If your company is going through a time of belt tightening, they might be resistant to making a change. To reduce their resistance, point to the "Fact Sheet," which includes information about various existing programs that provide at least partial coverage for hearing aids. Clearly, the benefits outweigh the costs.

## FACT SHEET: HEARING AIDS, HEALTH BENEFITS AND INSURANCE COVERAGE

1. Hearing aids are a critical first step in treating hearing loss. Being properly fitted with hearing aids can make a major difference in an individual's ability to understand speech. Consequently, hearing aids can make a major impact on quality of life.
2. More than 80 percent of all hearing loss is sensorineural. This type of hearing loss is generally not amenable to medical or surgical treatment. Fortunately, it can be helped most of the time by being fitted with hearing aids.
3. Hearing aids are effective. The new circuitry designs of today can effectively compensate for hearing loss experienced by people of all ages with a wide variety of hearing loss, from mild to profound.
4. Hearing loss is a health issue, and not necessarily a natural process of aging as perceived by some people. If not treated, it can impact on the general and psychological health of the individual through higher stress and anxiety levels resulting in more medical visits and hospital stays. Studies show that people with hearing loss are at risk of experiencing depression, anxiety, stress and chemical dependency which can impact their performance at work and their lifestyles at home.
5. Hearing loss affects a large percentage of the population. According to the National Center for Health Statistics, 48 million adults in the United States have trouble hearing.
6. There is a stigma attached to hearing loss which, for some people who are hard of hearing, might result in an attempt to hide or deny their hearing loss. This is particularly true of employees who fear being seen as less competent if they admit to hearing loss in the workplace. Many people do not want to "make an issue" of their hearing loss, and, therefore, do not request insurance coverage of hearing aids.
7. Hearing aids are a major uncovered health care expense. The average cost of a hearing aid in 1997 was \$971. By 2013, the average cost of one digital hearing aid ~~can~~ ranged from \$1,500 to \$4,000, depending upon the type and quality. Since most people have hearing loss in both ears, the expense is considerable for the individual.
8. Children need hearing aids to maximize their residual hearing to enable them to learn language and to participate fully in the education process. Children need new hearing aids regularly during their growth years. Therefore, this is a logical area in which to "spread the risk" by providing insurance coverage so that more employees and family members can afford needed hearing aids.
9. Some insurance policies cover hearing aids. This has had a negligible effect on premiums to date. However, even when the insurance exists, the coverage is generally less than adequate. Most plans cover a hearing evaluation test. But those plans that cover hearing aids typically provide just \$500 to \$1,000 toward the cost once every two to five years.

- **hi HealthInnovations** – a subsidiary of United Health Group, has begun offering hearing aids at low cost to both its plan members and the general public. The cost of its own brand hearing aids runs from \$749 to \$949.
- **Federal Employee Health Benefits (FEHB)** – provides health insurance plans to federal employees and retirees. These plans have expanded their coverage to include hearing aids for adults. For example, the Blue Cross and Blue Shield plan under this program, although inadequate to cover all expenses, pays up to \$1,250 for adult hearing aids for each ear, potentially a \$2,500 benefit, every three years.
- **Tricare** – Active and retired military personnel and their dependants.
- **Veterans Administration (VA)** – will cover the cost of hearing aids for service-related hearing loss.
- **In the States** – legislation enacted in some states has mandated health insurance coverage for of hearing aids, typically for dependent children, but in a few states all are covered. Visit [www.hearingloss.org/content/state-hearing-health-insurance-mandates](http://www.hearingloss.org/content/state-hearing-health-insurance-mandates) for a list of state insurance laws.
- **Affordable Care Act (ACA)** – Under the ACA, each state was given the opportunity to set up an “exchange” or marketplace to enable eligible people and groups to purchase health insurance. (Seventeen states and D.C. set up their own exchanges; 7 states partnered with the federal government; and 26 states defaulted to a federally operated exchange.) The insurance plans being sold in each state are required to meet individual “benchmark” requirements, consistent with the ACA. The benchmark plans for 22 states include some coverage for hearing aids and related services, out of which 18 are state-mandated benefits. Visit [www.hearingloss.org/content/affordable-care-act](http://www.hearingloss.org/content/affordable-care-act) for a state-by-state listing of insurance coverage for hearing aids under the ACA.

## **HEARING LOSS AND THE LAW IN THE WORKPLACE**

Your employer is likely to be aware of, and even familiar with, the Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of disability. But your employer will not necessarily know and understand other various laws that are in place to support you in the workplace, how they specifically apply to people with hearing loss, and what the limitations of those laws are. You must be the expert on hearing loss, and the expert on how you can reach your full potential as an employee.

### **The Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA), as amended, is a major piece of civil rights legislation that prohibits discrimination on the basis of disability. It guarantees that people with disabilities have equal opportunities in many aspects of life, including accessible public accommodations and commercial facilities, telecommunications, and, of course, our focus, the workplace. The ADA is not an affirmative action law; it does not require the establishment of hiring or promotion goals for people with disabilities. The objective of the ADA is to “level the playing field” by giving people with disabilities equal opportunity to be hired, promoted, and offered other benefits of employment.

**Title I** prohibits discrimination on the basis of disability in all aspects of employment and requires covered employers to provide reasonable accommodations for applicants and employees with disabilities. Reasonable accommodation includes, for example, restructuring jobs, making work-sites and workstations accessible, modifying schedules, providing services such as interpreters, and modifying equipment and policies. However, an employer does not have to provide a reasonable accommodation that will cause "undue hardship," which is significantly difficult or expensive. The ADA applies to private employers with 15 or more employees and to state and local government employers.

Amendments to the ADA, which were enacted in 2008, made it clear that hearing loss is a disability under the law, negating some prior court decisions denying individuals with hearing loss their statutory rights.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title I of the ADA. The EEOC is a very good resource with various documents and publications to help employees and employers understand the ADA and issues pertaining to disability discrimination in the workplace. Visit [www.eeoc.gov/laws/types/disability.cfm](http://www.eeoc.gov/laws/types/disability.cfm). One of the resources listed on this website is a question and answer document, “Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act.” Although this document was produced in

2006, and has not been updated to incorporate changes from the 2008 amendments of the ADA, it remains useful for the most part.

In addition to the ADA, many states have enacted laws that prohibit discrimination on the basis of disability. In some cases, these laws might be stronger than the ADA.

### **Rehabilitation Act**

The Rehabilitation Act of 1973 was the first major legislative effort to secure an equal playing field for individuals with disabilities. It preceded the ADA in prohibiting discrimination on the basis of disability. While the ADA applies to covered private employers, the Rehabilitation Act applies to the federal sector. This statute requires affirmative action and prohibits discrimination in employment by federal agencies (**section 501**) and government contractors and subcontractors (**section 503**). The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the ADA.

Other requirements of the Rehabilitation Act may have applications in the workplace. **Section 504** of the law prohibits discrimination on the basis of disability by employers and organizations that receive federal financial assistance. Programs receiving federal funds may not exclude from participation, deny the benefits of, or discriminate against people with disabilities. All federal government agencies, federally-funded projects, K-12 schools, postsecondary entities (state colleges, universities, and vocational training schools) are subject to this provision.

**Section 508** of the Act bars the federal government from procuring electronic and information technology (E&IT) goods and services that are not fully accessible to those with disabilities, including employees and members of the public. An accessible IT system is one that can be operated by users with disabilities. For example, a system that provides only audio output may not be accessible to people with hearing loss. Compliance with Section 508 might require special software or peripheral devices to provide a visual output as part of the system.

### **Other Applicable Laws**

While Title I of the ADA and sections 501 and 503 of the Rehabilitation Act expressly prohibit discrimination in employment, other federal laws (such as sections 504 and 508 of the Rehabilitation Act), may have implications in the workplace. Such laws include the following:

#### ***Telecommunications Act***

**Section 255** and **Section 251(a)(2)** of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments

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ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services that were often inaccessible to many users with disabilities. For more information, contact the Federal Communications Commission at 888.225-5322 (V)/888.835-5322 (TTY) or online at <http://www.fcc.gov/cgb/dro>.

### ***Air Carrier Access Act***

This law is important if your job duties require air travel. The Air Carrier Access Act prohibits discrimination on the basis of disability in air travel and requires air carriers to accommodate the needs of passengers with disabilities. For passengers with hearing loss, the following accommodations are required.

- Information and reservation services must be accessible to individuals who are deaf, hard of hearing, or deaf-blind. If an airline provides telephone reservation and information service to the public it must make this service available to individuals who use a text telephone (TTY). This can occur through the airline's own TTY, through telecommunications relay services (TRS), or through other technology.
- Passengers must self-identify to airline personnel that they are deaf or hard of hearing if they wish to receive accessible information. U.S. airlines must ensure that these deaf and hard of hearing passengers have prompt access to the same information provided to other passengers. This includes accessible information on the aircraft. U.S. airlines must ensure that deaf and hard of hearing passengers have prompt access to the same information provided to other passengers.
- Airlines must display captioning at all times on all televisions and other audio-visual displays located in airports.
- Airlines must permit a service animal to accompany a passenger with a disability.

### ***Hearing Aid Compatibility Act***

The Hearing Aid Compatibility Act of 1988 (HAC Act) generally requires that the Federal Communications Commission (FCC) ensure that telephones manufactured or imported for use in the United States after August 1989, and all “essential” telephones, are hearing aid-compatible. The Act was extended to cover digital wireless phones in 2003. For more information, go to the following FCC website: [www.fcc.gov/guides/hearing-aid-compatibility-wireless-telephones](http://www.fcc.gov/guides/hearing-aid-compatibility-wireless-telephones).

For more information about relevant federal statutes, go to [www.hearingloss.org](http://www.hearingloss.org), click on “Advocacy,” and click on “Know Your Rights.”

## **FOR EMPLOYERS: INFORMATION AND RESOURCES FOR HUMAN RESOURCES DEPARTMENTS**

### **Demographics**

A study published by Johns Hopkins in November 2011 shows that 48 million people in the U.S. over the age of 12 have hearing loss in at least one ear. It is estimated that about 60 percent of people with hearing loss are in the workforce or are in educational settings. This is epidemic proportions. The chances, therefore, are very likely that most companies have employees with hearing loss. Because of possible stigma, many of these individuals are reluctant to self identify.

### **The Need for Health Insurance Coverage**

Hearing loss is not curable. The main treatment option today is hearing aids for which the cost is generally not covered under health insurance plans. Individuals have to purchase them out of pocket. For people with severe to profound hearing loss, cochlear implants that are usually covered by health insurance are increasingly popular and effective. Employers should offer health insurance coverage in its basic benefit package that covers hearing screening, audiology services, and hearing aids.

### **Non Discrimination in the Workplace on the Basis of Hearing Loss**

Title I of the Americans with Disabilities Act, as amended (see [www.ada.gov](http://www.ada.gov)), prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. Title I is enforced by the Equal Employment Opportunity Commission. Implementing regulations, as well as other guidance concerning disability discrimination, can be found at [www.eeoc.gov](http://www.eeoc.gov).

### **Company Policy**

A written policy on non-discrimination of employees with hearing loss and other disabilities should be in place and managers and anyone in a hiring position should be aware of and practice this policy. A stated policy from the highest levels of management also “makes it safe” for employees to self-disclose. Employees with hearing loss typically are hesitant to disclose their hearing loss for fear that that they might be seen as less capable and that their job might be threatened. With appropriate reasonable accommodations, as required by the ADA, qualified employees with hearing loss will be productive members of the team.

### **Impact of Hearing Loss on Employees**

Employees with hearing loss are frequently underemployed and/or retire early due to a lack of knowledge about accessibility solutions and/or an unwillingness to request them. The

psychosocial impact of difficulty in communicating impacts relationships with co-workers and supervisors unless an open, informed and inclusive policy about accessibility for employees with hearing loss is understood and practiced by employees at all levels.

### **Reasonable Accommodations**

Today we are surrounded by mainstream technology such as email, IM, PDAs, visual paging, Wiki sites – visual and text options for communicating that make for accessibility tools for employees with hearing loss. In addition there is an array of assistive technology, strategies, job restructuring that are all examples of reasonable accommodations under the ADA that provide workplace access for employees with hearing loss.

For more information about hearing assistance technology in the workplace, go to:

- [www.hearingloss.org](http://www.hearingloss.org)
- [www.assistivetech.net](http://www.assistivetech.net)
- [www.osha.gov/dts/shib/shib072205.html](http://www.osha.gov/dts/shib/shib072205.html)  
<http://askjan.org/> this website is that of the Job Accommodations Network, a service provided by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP). The site contains a database of workplace accommodations for all types of disabilities – how to do it and what it costs. It is a valuable third party resource available to employers and employees when an accessibility situation arises on-the-job that needs a solution.