

The GAO Advocate

The Georgia Advocacy Office...securing protection and advocacy for individuals with disabilities and mental illness throughout the state...now in our 24th year

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On the Job and at Home with Mr. Frank Thompson

In Canton, Georgia, a Man is Pleased with His Career

Frank Thompson is a part of the great American workforce. And he's a man who loves his work. Fourteen years ago, he was given the chance to prove his mettle, and he's been proving it forty hours a week plus overtime, ever since. His employer is



Chart Industries (formerly called MVE) employs 220 workers, including Frank Thompson.



Mr. Thompson rides his 4-wheeler to relax at home after work.

Chart Industries, a plant which manufactures stainless steel tanks in Canton, Georgia, just off highway 515. The tanks or canisters are made in several designs and sizes and are used by well known companies. McDonald's uses one style to hold its soft drink syrup and another design for carbon dioxide. Energy and transportation companies use different types for fuel and natural gas. Greg Zaic, Vice-President in charge of manufacturing for this and two other Chart plants, has known Mr. Thompson ever since he came to Chart and has high praise for him. "He does a good job, everybody knows him and likes him.

Please see ON THE JOB, page 6

Work: The Road Less Traveled

by Elizabeth O'Berry

This edition of *The GAO Advocate* is meant to encourage people in their efforts toward equality in the workplace and in their insistence to be included in the workforce.

For most adults in our culture, "identity" or the way a person describes himself or herself is tied to occupation or profession at least as often as kinship, religion and place of origin. When we are children, especially in the urban U.S., we are asked, "What do you want to be?" meaning, "What work do you want to do when you grow up?" And as adults, when we meet someone new, we are asked, "What do you do?" We under-

Please see WORK, page 2



Elizabeth O'Berry

stand this to mean, "In what gainful employment are you engaged?" In their 1983 study of adults who didn't work, titled Time Without Work, Lee and Haft, the au-

thors, were struck that for the adults they interviewed "...to say they were not working was considered cause for shame." The status of not working and the experience of what it was like were closely guarded facts.

The arduous transformation of a segregated to an integrated world has in-

money for adult services away from segregated settings to community based employment," Charles Hopkins of the Division of MH/MR/SA reports, "Most adults with developmental disabilities who receive services in Georgia are in the traditional vocational services – work activity, adult activity, and sheltered workshops. New appropriations are going to supported or integrated employment," he points out. "Several organizations have skill and success in assisting adults with a wide range of abilities and disabilities to achieve and maintain gainful employment with high quality indicators." *

The Americans with Disabilities Act has provided much needed opportunities

... day programs," "work activity" and any other activity which doesn't provide the rewards and compensations that most adults derive from their work need to be left in the dust with other forms of forced segregation.

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cluded the ordinary realizations that children and adults with disabilities can and should be engaged in the same school and work and living and social engagements as children and adults without disabilities. In the arena of work, this means that adults will be employed if they want to work. Surely income, status, growth, and social opportunities related to work are highly recognized and highly desired pursuits for the majority of adults the world over. This means that "day programs," "work activity" and any other activity which doesn't provide the rewards and compensations that most adults derive from their work need to be left in the dust with other forms of forced segregation. Though this ideal has been accepted for 20 years at least, the statistics about work and adults with disabilities are not positive.

Janet Hill of Georgia's Department of Labor reports 70% of the adult population with disabilities is unemployed (compared to 4%, in July 2001, of the general population). While Georgia's Department of Human Resources "began in 1985 to shift

for many adults for work by disallowing discrimination based on disability and requiring that accommodations be made to enable work for employees with disabilities. Still, in spite of the enlightenment and momentum of consciousness and legislation begun in the early 80's, nationally, 44% of people with severe disabilities are in sheltered workshops, and another 37% are in segregated, non-work, day activity settings. ** •

* Considered high quality indicators are: Physical Integration; Earnings; Social Interaction; Outcome Orientation; Innovativeness; Inclusiveness; Positive Image; Individual Choice; Organizational Stability; "Rights" Orientation; and Futurism and Planning. From Outstanding Integrative Employment Agencies: Creativity, Leadership & Commitment by Byron A. Dalton, 1992.

** "Advocacy Training/Technical Assistance Center Update," Vol. 6, No. 7, July 2001.

Small Accommodations Can Make Big Differences

by Robert Raubach

Many people trying to retain their jobs have called the Georgia Advocacy Office for advice.

- A waitress in north Georgia had a right to take a break to use a private office to check her blood sugar in order to control her diabetes.

- An office worker in Savannah had a right to move files and furniture to make an accessible pathway as well as file drawers that were reachable from her wheelchair.

- A West Georgia printer with a hearing impairment had a right to have sign language interpretation during important training required by his employer.

were reasonable.

What are your rights in the workplace? When you seek employment, you cannot be asked about your disability on an application or at your interview, although you can be asked how you can perform the essential functions of a job with or without reasonable accommodation. Of course, some disabilities are obvious.

Just because you have a disability does not necessarily mean you cannot work. If you can do a job, you have as



Robert Raubach

As part of its responsibility toward you, an employer must provide reasonable accommodations to you upon request.

Whatever the accommodation, a person with a disability has the right to it as long as it is reasonable and helps the individual perform the job. An employer has a right to choose a different reasonable accommodation not preferred by the employee. Nevertheless, that accommodation must be effective and the employee still has a right to provide his own accommodation at his own expense.

In metropolitan Atlanta, a woman with a hearing impairment wanted to work in a warehouse. She was denied a job because the manager thought that she would be in danger. Under the ADA, an employer does not have to hire a person with a disability whose presence poses a "direct threat," a significant risk to health or safety that cannot be eliminated by reasonable accommodation. Large forklifts ran throughout the warehouse and the boss thought the woman would not be able to hear the warning signals. However, she was able to show that her presence in the warehouse did not pose a danger because the forklifts were also equipped with flashing lights she could notice. Even if the forklifts were not so equipped, the employer might be required to install the lights if this accommodation

much right to work as anyone else. A business with more than fifteen (15) employees or a government employer cannot discriminate against you because of your disability. As part of its responsibility toward you, an employer must provide reasonable accommodations to you upon request.

According to Title I of the Americans with Disabilities Act (ADA), a reasonable accommodation is a change in how work is done or it is the provision of some equipment enabling you to perform the essential tasks that are part of your job. An accommodation is reasonable when it is not overly difficult for an employer to provide. For instance, an expensive talking computer may not be reasonable for a small business but it would be reasonable for IBM to provide it to an employee who needed it to do his or her work. It may be reasonable for a claims clerk to start the workday later but not for a receptionist needed to answer phones from 9 to 5. An employer can ask for medical verification of your need for an accommodation and an employer need not provide you with a personal device such as your own wheelchair or

Please see *ACCOMMODATIONS*, page 7

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The GAO Adds Protection and Advocacy for a New Group

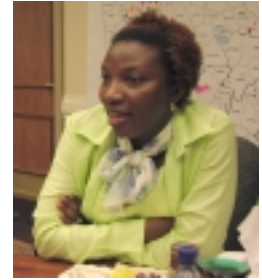
For Social Security Beneficiaries Who Want to Work

by Sophia O'Brien and Nann Anderson

Using the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), the Georgia Advocacy Office has added a new program called Protection and Advocacy for Beneficiaries of Social Security (PABSS). The sole purpose of the PABSS program is to protect Social Security beneficiaries' rights to obtain, maintain, or retain employment. The program will serve SSA beneficiaries of Supplemental Security Income (SSI) and Social Security Disabil-



Nann Anderson



Sophia O'Brien

The sole purpose of the PABSS program is to protect Social Security beneficiaries' rights to obtain, maintain, or retain employment.

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ity Insurance (SSDI) between the ages of 18 and 65.

Sophia O'Brien and Nann Anderson will be contacting individuals, employers, governmental agencies, employment networks, Vocational Rehabilitation programs, and other service providers/entities involved in return to work efforts of individuals. They will work statewide to:

- Refer, advise and give technical assistance to beneficiaries seeking employment services.
- Give information about legal provisions that may be needed to secure and maintain gainful employment.
- Provide information and advice about how to get work training services.
- Investigate and review any complaints of improper and inadequate service provided to beneficiaries by a service provider, employer, and other entity involved in the beneficiaries' return to work efforts.

One of the first people Sophia and Nann are assisting is Cecilia Loop. Quick wit, very smart, big heart: these are all the first words used by friends and



Cecilia Loop

community members to describe Cecilia, who lives in Dawsonville, Georgia. Cecilia is a striking woman in her thirties, the tenth of twelve children, born in Syracuse, New York. Coming from a large, loud, loving family has encouraged Cecilia to have exceptional communication skills, "from necessity," she says.

From her beginnings in New York, Cecilia moved to Indiana and completed high school, then went on to classes at Indiana University while coping with the

Please see *BENEFICIARIES*, next page

extra challenges of mobility and dexterity that cerebral palsy brings.

Cecilia has a ten-year-old son who attends school in Dawsonville. He loves to play with his friends, play on the computer and is a voracious reader. Their home is decorated to perfection, and Cecilia is in great demand for decorating assistance from friends who are lacking in the decorative arts.

In the past, Cecilia has worked as a Vista Volunteer. She has linked parents with needed resources and has been involved in fund raising activities and general office coordination. She is on a steering committee for Mentors and has served on the Dawson County and Dawsonville President's Committee for Persons with Disabilities.

Cecilia wants to get a job that pays a living wage. At the same time, she has a genuine concern about losing the certainties of SSA benefits.

The risk and fear for people with disabilities in moving from "benefits" to employment is that any job may turn out

to be temporary or end suddenly.

People fear not only the loss of income but also the attached health insurance that comes with jobs. The fact that not all jobs provide health insurance as a benefit is another disincentive to getting work.

Under the Ticket to Work and Work Incentives Improvement Act, there are several ways a person may maintain some benefits and/or insurance while working for an annual salary up to \$19,000. In some instances, earned income during the first six months of each year would not be counted against benefits. In other instances, half of the money earned over \$750/month would be secure, and the other half would have to be used for work-related expenses, such as transportation or personal assistance, a job coach or educational courses.

Sophia and Nann will work out a specific plan with each person trying to become a full or part-time worker. For Cecilia, it will be well worth the effort to be able to support herself and her son and use her considerable skills and talents. •

Getting to Know Sophia O'Brien, PABSS Coordinator

I grew up in Kingston, Jamaica. I lived with my mother, stepfather and sister in a coastal town called Portmore. We had the pleasure of going to the beach whenever we wanted and climbing the mountains along the shores, so I loved living there.

When I was young, I wanted to be a flight attendant. I think every young girl wants to do that. Then I wanted to be a dentist, but I just could not do well in high school chemistry. Now I hope one of my girls will fulfill that dream for me.

By the time I finished high school, I realized that I had a talent for helping others. Because tourism is the second largest revenue earner for Jamaica, I knew I wanted to work in the hotel industry and help people to have a good time. So in May of 1992, I migrated to Georgia to attend Georgia State University and pursue a degree in Hospitality Administration. At that time, Georgia State's Hospitality Administration program was ranked second in the country.

I finished school, but I did not return to Jamaica as planned. Instead, I fell in love, and my husband and I decided to stay in Atlanta. Today, we are expecting our third child, and we have custody of my niece. Our girls are four, three and two years old. My family keeps me so busy that when I can get to sleep, that is when I am having fun! I am good at organizing things, and I keep involved by serving on my kids' PTA board.

My job implementing PABSS (see accompanying article) is rewarding. It has brought the humanity out in me that I did not know how to express before. Being from another country, I have always been sensitive to people's differences in color, race and culture, but my work here has helped me to develop an appreciation of people's abilities. I don't focus on differences now. That's a major lesson. •

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Tabatha Hamrick, Senior Human Resources Administrator at Chart Industries, explained the details of Mr. Thompson's work and the plant's products (one product is seen above, right).

He was employee of the month last year in his division."

Originally part of a group of adults

He says the work is hard, but "...I like the job. The people are nice." Vice-President Zaic says, "Frank has job

With health and dental insurance, retirement, vacation, sick leave and holiday time, Mr. Thompson is happy to leave the old days of Social Security benefits behind him.

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PADD Attorneys

Robert Raubach
PAIR Attorney

from the Burnt Mountain Center, Mr. Thompson received training in the Fabrications Department and quickly established himself as skilled in using some of the machinery. Today, he is at the top of his level, using a buffer, which puts the gleam on some of the intricate parts of the tanks. He is the senior member of this division and at times is called upon to train others. His salary is well over the maximum allowed by Social Security for receiving benefits, but with health and dental insurance, retirement, vacation, sick leave and holiday time, Mr. Thompson is happy to leave the old days of Social Security benefits behind him.

security."

Mike Wofford, Director of Burnt Mountain Center, commented that this job started out as supported employment, but at this time no services are needed, not even transportation. Mr. Thompson rides to and from work, about 15 minutes each way, with a co-worker.

In the evenings, Mr. Thompson often enjoys some music at home with family and friends; contemplates making additions to his impressive, beautifully displayed collection of antique car models; or heads to his 4-wheeler for some much needed rest and relaxation after a hard day on the job. •

Georgia Advocacy Office Advisory Councils

We are looking for interested and knowledgeable people to serve on our Advisory Councils. Each Council is established to advise the GAO staff and Board on policies and priorities needed to protect and advocate for the rights of individuals with disabilities or mental illness in Georgia. Councils meet three to four times a year.

If you are interested in serving on one of the following Councils, please call and let us know:

- PADD (serves individuals with developmental disabilities)
- PAIMI (serves individuals with mental illness)
- PAAT (serves individuals with assistive technology needs)
- PAIR (serves the individual rights of people with disabilities), or
- PABSS (serves individuals who are beneficiaries of Social Security). •

The Homebound Clarification Act



David Jayne, second from right, is seen here with his children, Hunter and Hannah, and Congressman Ed Markey.

The Homebound Clarification Act (HR 1490) is designed to fix a glitch in Medicare law. Persons with severe

disabilities could lose necessary services enabling them to get up in the morning or go to bed at night if they do not stay in their homes all day.

The drive for the Act is spearheaded by Georgian David Jayne, a man with Lou Gehrig's Disease (ALS), who was threatened with loss of critically needed services because he participated in activities for which he left his house and, in one instance, went out of town. His benefits were restored, but he is now confined to his home in order to continue receiving benefits.

We ask that you look at this bill and encourage you to support every effort that enables individuals to maintain freedom and independence without losing the care they need and deserve. •

ACCOMMODATIONS, continued from page 3

eyeglasses. Vocational Rehabilitation sometimes provides such devices for qualified individuals.

Once hired, you cannot be subjected to a negative consequence because you have a disability, you cause health insurance premiums to rise or you request a reasonable accommodation. If you need an accommodation that is not reasonable for your employer to provide, you have a right to provide it yourself.

If your disability worsens on the job, you might not be able to perform the essential functions of your job even with reasonable accommodation. In that case, you have a right to any job within the company for which you are qualified if

the job becomes available within a reasonable time. If your disability has a crisis or flare-up that disables you from performing your job for up to three months, you may be able to take advantage of the Family Medical Leave Act if you have been working for more than one year for an employer of more than 50 people.

There is still a long way to go before all persons with disabilities who want to work are given the opportunities they deserve. Yet the Americans with Disabilities Act and a few other laws have given workers with disabilities more tools to join and stay in the workforce than ever before.

If you are discriminated against on the basis of disability, you may want to go up the line with management or with your employer's human resources department until the law is followed. If you need advice, the Georgia Advocacy Office can assist.

If you need to file a formal complaint, you can file with:

- The US Equal Employment Opportunity Commission (EEOC) at (404) 562-6800 [TTY: (404)562-6801] in Atlanta or (912) 652-4234 [TTY: (912) 652-4439] in Savannah.
- If you are a federal employee, your agency's EEO.
- If your employer is a large federal contractor, you have a choice of filing with the EEOC (see number above) or with the Office of Federal Contract Compliance at (404) 562-2424.
- If you are a State employee, the Commission on Equal Opportunity at (404) 656-1736.

You have 180 days from the date of discrimination to file a charge. Otherwise, you have no right to bring a complaint or a lawsuit. Most of the agencies mentioned make good use of mediation (where a neutral person helps both sides come to a resolution) to resolve disputes. •

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Anna Santiago
PAIR Advocate

Veronica Jarmon
PAIR Assistant

Naomi Walker
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Elizabeth O'Berry
Sophia O'Brien
Douglas Satkofsky
Ed Sheehan
Lex Sheehan

mark your calendar

GAO's Vision Statement

A Georgia where all people have value, visibility and voice; where even the most difficult and long-lasting challenges are addressed by ordinary citizens acting voluntarily on behalf of each other; and where perception of disability is replaced by the recognition of ability.

GAO's Mission Statement

To organize our resources and follow our values and legal mandates in ways which substantially increase the number of people who are voluntarily standing beside and for people in Georgia who have significant disabilities and mental illness.



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**Please help us keep
our mailing list up
to date.**

The GAO Advocate
is available in
alternative formats
upon request.

Guardianship

Friday, November
30, 2001

ICLE in Georgia
6 CLE Hours
including 1 Ethics
Hours and 1
Professionalism Hour

This one-day seminar is co-sponsored by the GAO and includes the following morning sessions:

- What Keeps People Safe and Secure?
- Guardianship
- Options for Community Living
- Listening to People with Disabilities.

In the afternoon, concurrent sessions will be held for three different groups:

- For Judges
- For Attorneys, County Guardians, Guardians Ad Litem, and Mediators
- For People with Disabilities, Families and Advocates

Merry Acres Event
Center
1504 Dawson Road
Albany, GA
8:55am-4:30pm

Contact ICLE
1•800•422•0893
www.iclega.org

PASSING Workshop

Weds., Feb. 13 -
Sat., Feb. 16, 2002

This is a rare opportunity for ten people to work together with one very experienced team leader to use normalization-based concepts to assess the way two different services affect the lives of the people they serve. Prior completion of Social Role Valorization (SRV) is a prerequisite.

Athens, GA

Contact **Jenny Manders** at the Institute on Human Development and Disability (IHDD)
706•542•2418

Advocating for Your Child's Education has been updated. This is a self-advocacy book written by Jean Estes for parents of children with disabilities. If you are a parent and would like a free copy, please call our office to request one. If you would like to request multiple copies, ask to speak with Donna Champion.

A special thank you is extended to all volunteers who helped prepare our last newsletter for mailing.

The Georgia Advocacy Office is the Protection and Advocacy System for GA and receives funding through:

- US Dept. of Health and Human Services/Administration on Developmental Disabilities (PADD);
- US Dept. of Health and Human Services/Center for Mental Health Services, Substance Abuse and Mental Health Services Administration (PAIMI);
- United States Department of Education/Rehabilitation Services (PAIR);
- Georgia Dept. of Human Resources, Georgia Division of Rehab. Services (Tools for Life)/(PAAT);
- Donations from Individuals and Corporations.

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