



## **ADA Live! EPISODE 2: BEYOND YELLOW RIBBONS: VETERANS/WOUNDED WARRIORS AND THEIR RETURN TO WORK**

**Event Date: November 6, 2013**

**Presenters: Wendy Strobel Gower, Northeast ADA Center – Cornell University**

**Host: Elaine Sutton-Mbionwu, Southeast ADA Center**

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**VOICE OVER ANNOUNCER:** BlogTalkRadio. Welcome to WADA, "ADA Live!" talk radio, brought to you by Southeast ADA Center, your leader for information, training, and guidance on the Americans with Disabilities Act. And here's your host.

**ELAINE SUTTON-MBIONWU:** Good afternoon, and welcome to WADA, "ADA Live!" On behalf of the Southeast ADA Center, Burton Blatt Institute at Syracuse University and the ADA National Network, we are excited to welcome our internet radio audience to WADA "ADA Live!" My name is Elaine Sutton-Mbionwu, Assistant Project Director and Training and Technical Assistance Director for the Southeast ADA Center, and today's host. Hello, and welcome to our "ADA Live!" listening audience in the southeast region and around the country. The Southeast ADA Center is pleased to have with us today an extremely knowledgeable and well-versed speaker on the topic "Beyond Yellow Ribbons: Veterans, Wounded Warriors and Their Return to Work." Today's guest speaker is Wendy Strobel Gower, of the Northeast ADA Center at Cornell University. Today our guest speaker will address the legal and practical issues faced by wounded warrior veterans in the context of disabilities and the employment setting. ADA audience, please know that you are welcome to call throughout the show with ADA related questions and have them answered live by today's guest speaker. The show's call-in number is 646-595-2880. Again, the call-in number is 646-595-2880. Now, I'd like to welcome Wendy Strobel Gower to the show. Good afternoon, Wendy, and thank you for spending time with our "ADA Live!" audience this afternoon. Wendy?

**WENDY STROBEL GOWER:** Elaine?

**ELAINE SUTTON-MBIONWU:** Wendy, can you hear me?

**WENDY STROBEL GOWER:** I can. I'm excited to be here.

**ELAINE SUTTON-MBIONWU:** We're going to jump right in to our first segment, as this is our show on veterans, wounded warriors, and employment related issues. Wendy, how many vets will be returning from active service?

**WENDY STROBEL GOWER:** It's hard to predict exactly how many vets will be returning from active service, but it's estimated that over the next decade, there will be about 1.6 million veterans returning from the war. Since 2001, 2.5 million service members have been deployed in Iraq and Afghanistan. And vets who have served since September 2001 are generally referred to as Gulf War Era 2 veterans. And among those Gulf War Era 2 veterans, more than a third of these were deployed more than once, and nearly 400,000 of them were deployed three or more times.

**ELAINE SUTTON-MBIONWU:** Three or more times.

**WENDY STROBEL GOWER:** Yes. It's quite a heavy load of deployment.

**ELAINE SUTTON-MBIONWU:** Okay, that is significant. Wendy, how many returning veterans would you say have disabilities?

**WENDY STROBEL GOWER:** It's difficult to get an exact number of disabilities, because people use different definitions of disabilities to determine what that threshold is. But research has shown that about a third of returning veterans will have at least one of the signature disabilities, and in this war, the signature disabilities are Post-Traumatic Stress Disorder, Traumatic Brain Injury, and depression. And these often occur together. Overall, nearly a third of the 12 million civilian veterans, ages 21 to 64 currently in the U.S. report having a disability, and among returning veterans from the Gulf War era 2, the rate of disability is even higher than that.

**ELAINE SUTTON-MBIONWU:** That's significant. These are some really startling numbers. Wendy, why is the disability rate higher among Gulf War Era 2 veterans than among veterans from previous engagements?

**WENDY STROBEL GOWER:** I think there's a few different reasons for that. I think, first of all, there's greater awareness about disabilities like Post-Traumatic Stress Disorder and Traumatic Brain Injury where people are being diagnosed with these disabilities more than they were earlier. They might have gotten them in previous engagements but they weren't ever diagnosed with these disabilities. There's also more dangerous combat conditions with improvised explosive devices, and often with the engagements in Iraq and Afghanistan it was difficult for soldiers to tell where the attacks were coming from and who the enemy was, which is also very stressful.

**ELAINE SUTTON-MBIONWU:** Right.

**WENDY STROBEL GOWER:** I mentioned before that the Gulf War Era 2 veterans had repeated deployments, which leads to increased psychological stress; and also, they were less likely to have the recommended rest periods between deployments, which of course elevates stress.

**ELAINE SUTTON-MBIONWU:** Right, that compounds the issue even greater. Okay. Wendy, how would you -- what would you say, are veterans with disabilities employed? What do those rates and percentages look like?

**WENDY STROBEL GOWER:** Unfortunately, Elaine, the employment rate of veterans with disabilities is significantly lower than that of veterans without disabilities. Only about a third of veterans with a disability, or about 32%, are employed, compared with over three-quarters of veterans without disabilities. And as you know, and the employment rate in the civilian population is about 71%, so we're comparing the employment rate of the civilian population of 71% to the employment rate of returning veterans with disabilities at 32%.

**ELAINE SUTTON-MBIONWU:** Wow. What about the employment rates by severity of disability? What do those numbers look like?

**WENDY STROBEL GOWER:** So everyone is aware, the military uses a rating system for service-connected disabilities, from 0 to 100%. 100% being more significantly disabled and 0% being less significantly disabled or no disability. Right now the statistics are saying that 35.1% of veterans with a service-connected disability have a disability rating of 50% or higher. So that's around 400,000 people. Veterans with a service-connected disability rate of 50% or higher have significantly lower rates of employment than those with ratings below 50% and only 25% of the 131,000 veterans with a service-connected disability rating of 70% or higher are employed.

**ELAINE SUTTON-MBIONWU:** Are employed. Wow. Wendy, those statistics are quite startling, and I'm sure that our ADA Live! listening audience has been further educated about the issues that are facing our veterans or as we typically refer to them, as wounded warriors, and I thank you so much for providing that very startling and substantive information to really educate our listening audience on these issues. "ADA Live!" listening audience, if you should have a question you would like for our guest speakers to answer, please call 646-595-2880. Now, a word from our sponsors.

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**ELAINE SUTTON-MBIONWU:** Welcome back to our "ADA Live!" listening audience, and during our commercial break, we received a question from our ADA Live! website, ADALive.org. And our first question is for Wendy from Mary Jane from Florida. Mary Jane said, my father served in the Army overseas, in the Mideast. When he returned, he started to have some breathing problems. He has since retired from the military but would like to work part time. What resources are available to him? Wendy?

**WENDY STROBEL GOWER:** So in every community, the Department of Veteran Affairs offers vocational rehabilitation services to vets with disabilities so that they can get support in getting a job or getting the training they need in order to get a job. I don't have the list with me, you know, in my brain, so I would recommend that you call the national ADA network, and ask one of their technical assistance specialists to refer you to the local resource near you. And that number is 1-800-949-4232.

**ELAINE SUTTON-MBIONWU:** Great, thank you, Wendy. We have another question from our chat area, and Wendy, the question is - I was in the Army a long time. It has been a difficult transition for me. I don't want to be labeled a person with a disability, and I don't feel as though I need anything at this time but a job. I can't seem to get past the "do you have a disability?" question at every interview. Can they ask me if I have a disability? I can do the job. But the minute they ask and I answer, I never get a call back.

**WENDY STROBEL GOWER:** So that's an excellent question. I think the short answer to that question is no, they're not supposed to ask you that question, under the ADA, at the pre-hire stage, they're not allowed to ask about disability issues. What they can ask you is, can you perform the essential functions of this job with or without a reasonable accommodation. Now, if the employer does ask you that, we never recommend that you tell them it's an illegal question or even that you answer it yes or no. What we often recommend that you do is redirect the question and say something like, well, it sounds like to me that you're concerned that I won't be able to do this job well. So let me tell you why I'm qualified for it and what my skills are that are going to make me great at this job. So you redirect them in a way that kind of circumvents the question. Of course, if they push you, you have to answer the question. But then you also have an option to file a complaint with the Equal Opportunity Employment Commission and let them know that they are asking illegal questions. Because that is not a legal question at pre-employment.

**ELAINE SUTTON-MBIONWU:** Great. Thank you, Wendy, for answering that question. I want to thank our "ADA Live!" listening audience for your questions. Now we are going to move into segment 2 of our show. During the last segment, we discussed some of the foundational, statistical information around vets and employment and disability-related issues. Wendy, are returning vets with disabilities covered by the ADA?

**WENDY STROBEL GOWER:** Always an excellent question, and the answer to that question depends on what type of disability they have. So, in order to be covered by the ADA, anyone with a disability has to meet the ADA definition of disability, which is a mental or physical impairment that substantially limits one or more major life activities. Now, we all know that the ADA Amendments Act kind of lowered the bar for who would be considered to have a disability because it clarified a lot of the issues that they were having with that definition. In most cases, people with disabilities like Post-Traumatic Stress Disorder, Traumatic Brain Injury, depression, would be covered by the ADA. There are two documents that the EEOC created that are extremely helpful in providing guidance around this issue, and I'm sure that Elaine could put the links up for you guys for those documents, but they are right on the EEOC website.

**ELAINE SUTTON-MBIONWU:** Great. And we'll make sure that those links are provided to our ADA listening audience on our website, ADAlive.org.

**WENDY STROBEL GOWER:** I want to say one more thing.

**ELAINE SUTTON-MBIONWU:** Sure, Wendy.

**WENDY STROBEL GOWER:** I think the best practice for employers is to not to get stuck on determining whether or not a veteran or anyone has a disability, but instead move quickly to the interactive process to understand what the issue is for the person and what accommodations they might need in order to be successful in their job, and that helps to ensure not only that the person is going to be successful but also that you're going to get a great employee who is efficient and performing their job well. So it's a win-win situation, really.

**ELAINE SUTTON-MBIONWU:** Okay, great. Thank you, Wendy. Wendy, what did you say were some of the things that employers can do?

**WENDY STROBEL GOWER:** I think it's really important for employers to educate themselves about working with veterans and with people with disabilities. We have a resource called [www.makingworkhappen.org](http://www.makingworkhappen.org) that talks about things that employers want to know about working with veterans with disabilities, culture and climate things that are important to not only know about the veteran but also things to establish at your company. You want to make sure you have a climate of trust and openness around disability and accommodation - that people understand that there are some things you just don't ask veterans, like "Did you lose anyone over there?" That's not an appropriate question ever for someone to ask a

veteran. You want to make sure your culture supports hiring veterans with disabilities. And you also have to think about what actually happens to people if someone comes forward to disclose a disability or make an accommodation request. That is often handled at an individual manager or supervisor level, and have you trained your managers or supervisors to know how to respond to that quickly and efficiently and without judgment so that they can begin that interactive process in a way that makes them feel valued -- as a valued employee?

**ELAINE SUTTON-MBIONWU:** Great. Great. Wendy, can you speak a little bit about -- I've heard you talk about the culture, the military culture versus wounded warriors who are now entering the disability culture and the differences.

**WENDY STROBEL GOWER:** Sure. Sure. I think one of the most important things to remember is that the military is founded on the ideals of being independent, of being strong, of not needing to do anything differently. You just kind of power through. And I think the people in the military often don't realize that asking for an accommodation isn't giving you anything unfair. It's not an unfair advantage. It's not anything like that. It's just something, giving you the level playing field that you need because of your disability. So there's often a disconnect that military veterans feel like they're asking for special treatment if they ask for an accommodation, and the people with disabilities who have had disabilities for a longer period of time often realize this isn't the case, that because of the nature of discrimination and the ADA is that it's a civil rights law, people with disabilities have been given the right to get what they need to be treated fairly in the workplace. We have to remember that fair doesn't mean the same for everyone. It means that they get what they need.

**ELAINE SUTTON-MBIONWU:** Absolutely. Absolutely. Thanks for really bringing home the issue of the differences between the military culture and someone newly entering the disability culture and how that can impact a person who has really been accustomed to being very independent and strong, and the whole military culture, that really could shape a person's perspective on whether or not and how they accept their disability, so I thank you for that, that explanation.

All right. Wendy, what are some -- what are some things that veterans can do? We talked about what employers can do, but what can veterans do?

**WENDY STROBEL GOWER:** Right. The toolkit that I mentioned earlier, the Making Work Happen Toolkit, there's also a tool for veterans. The most important thing for veterans to do is think through how they want to talk about their disability or how they want to disclose it, or even if they do. We know that people don't have to disclose a disability unless they need an accommodation. So -- and you don't have to do that when you're getting interviewed or when you're first hired. If you get on the job and you think you can do it, you don't have to say anything. But, if you find that in the course of your employment you need support, such as a quiet room to do writing assignments that you have for your employer, or noise-canceling headphones because there's too much noise in your environment, you ask for those when you

find out that you need them. But, the biggest thing they need to know, they shouldn't wait until they're about to get fired or get some kind of negative performance evaluation to disclose the disability, because you can't disclose at the very last minute and expect to save your job. You really have to think about, is my performance being affected by my unwillingness to talk about my disability. So you want to weigh all those issues, and think about how and if you're going to disclose. And also, when you disclose you want to think about the supports that you might need, that you to talk to your employer about what will allow you to be successful in your job.

**ELAINE SUTTON-MBIONWU:** Wonderful advice, Wendy. Wonderful advice. "ADA Live!" listeners, if you have a question for our speaker to answer, call 646-595-2880. Now, a word from our sponsors.

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**ELAINE SUTTON-MBIONWU:** Welcome back to our "ADA Live!" listening audience, and we are at our Q&A segment from our listeners, and we do have a question for you, Wendy, and the question is, I recently heard that priority hiring is available for veterans. Could you tell me more about this program?

**WENDY STROBEL GOWER:** Sure. So recently, the Office of Federal Contract Compliance passed a new Vietnam Era Veterans Readjustment Assistance Act, called VEVRAA, and it requires federal government contractors and subcontractors to take affirmative action to employ and advance some categories of vets. These are vets with a service-connected disability rating of 30% or higher, recently separated vets, and the categories are confusing, so I highly recommend that you go to [ADATA.org](http://ADATA.org) and download the fact sheet that we have posted there on this issue. They are also required to advertise jobs with the state employment service delivery systems, they are formerly called the One-Stop systems. So vets who are looking for jobs can go into those One-Stops, look at the jobs and figure out which

ones that have the government contractors or subcontractors. They may have -- excuse me -- veterans priority hiring. [Pauses for coughing.] I'm sorry, Elaine. I have a terrible cold.

**ELAINE SUTTON-MBIONWU:** That's okay. Take your time.

**WENDY STROBEL GOWER:** So that's really the best way, I think, for vets to connect with contractors, to find out if they have job openings.

**ELAINE SUTTON-MBIONWU:** Okay. Great. Give you a few minutes here, Wendy.

**WENDY STROBEL GOWER:** I'm sorry.

**ELAINE SUTTON-MBIONWU:** And don't forget, "ADA Live!" listeners, that she did give a reference for information the on federal contractors and priority hiring and you can get more information on the FAQ fact sheet at ADATA.org. Again, that is ADATA.org. Wendy, my next question for you is, can you give us a little bit of a primer on what is the difference between a veteran with a disability and a person, just a regular individual with a disability? Is there a difference?

**WENDY STROBEL GOWER:** Well, I mean, if you hire a veteran, you know that these are people who have strong leadership skills and leadership potential. Serving in the military is a strong predictor of someone's ability to respond to supervision and training, and also everyone who's in the military gets military training. And 80% of those military jobs have a clear civilian equivalent, so that those skills will be immediately transferable to jobs that are available, and, you know, on the home soil, as you might say. So I think that those are all great benefits of hiring veterans in general. But veterans with disabilities are no different. They have the same potential and skill set other veterans have.

**ELAINE SUTTON-MBIONWU:** Okay. All right, great. I also know that there is a lot of information available to veterans, but it is difficult to understand. Are there services that would help veterans be able to understand what resources and programs are available to them?

**WENDY STROBEL GOWER:** There are a lot of resources in the community. I think that Independent Living Centers are in every community. They're great resources. As I mentioned, the vocational rehabilitation services through the Department of Veterans Affairs is a great resource for vets. Also, the Making Work Happen Toolkit that I mentioned has a lot of resources and links and groups that can support veterans in their own communities. Veterans sometimes are hesitant to align themselves with disability groups in local communities. Sometimes they are hesitant to use things like independent living services, because they don't see those as services for wounded warriors. They see those as services for people with disabilities. So I think that there is some hesitancy to use the resources in local communities for people with disabilities, but they can provide a great deal of support in learning how to

address your disability and finding out the accommodations that you need, so they can be really useful.

**ELAINE SUTTON-MBIONWU:** Wendy, what advice would you give to the wounded warrior community, and even the disability community, in terms of collaborating more and doing more cross collaboration to make sure that individuals returning from service, active service duty, have available - made available to them all the resources?

**WENDY STROBEL GOWER:** You know, I think that everyone has a lot of goodwill towards returning veterans and a lot of interest in serving them. I think that returning veterans should not be afraid to utilize the resources in their community that are available to them, and that includes the disability resources. [Coughing] Excuse me. I'm so sorry.

So a lot of Independent Living Centers are looking into hiring returning veterans because they recognize the value of being able to talk to someone who has been through similar situations, but there's a lot of support groups out there for returning veterans, that you can talk to a mentor who has also come back from a war zone and has experienced some of the same things that you've experienced, and as I mentioned, that Making Work Happen tutorial lists a lot of those resources for you.

**ELAINE SUTTON-MBIONWU:** Okay, great. Wendy, it has been a tremendous pleasure to have you as our guest speaker today. You have come with a wealth of knowledge and information for our "ADA Live!" listening audience, and we thank you for joining us today.

**WENDY STROBEL GOWER:** You're welcome. Sorry about the cold.

**ELAINE SUTTON-MBIONWU:** That's okay. At this time, I would like to thank our guest speaker, Wendy Strobel Gower, of the Northeast ADA Center at Syracuse University. I'm sorry, at Cornell University, for joining us today – and to our ADA Live listening audience. The Southeast ADA Center is extremely grateful for your support and participation in the WADA ADA Live show. "ADA Live!" listening audience, if you would like to continue this discussion, please join the Southeast ADA Center in our online discussion at ADALive.org. The online discussion will be open from 1:30 pm Eastern Standard Time to 2:30 pm Eastern Standard Time. Don't forget to tell a friend about "ADA Live!" Like us on Facebook, tweet about ADA Live, or share an update with your LinkedIn colleagues. Join us next month when we discuss accessible meetings and events. See you next month on "WADA Live!"

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(End of session at 1:30 p.m.)

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