

World Autism Month: Inclusion Advocate Perspectives

Welcoming Comments



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- Experienced senior executive, attorney, and educator
- Neurodiversity and disability inclusion advocate
- Former federal agency head at U.S. Department of Labor
- Member of numerous boards and committees focusing on disability inclusion
- Professorial lecturer in law (teaching disability rights law among numerous subjects)
- Parent and guardian

Welcoming Comments



Raquel Regalado

Miami-Dade County Commissioner

Director, St. Thomas University's
Ethical Leadership Institute

- Experienced public official, attorney, and educator
- Neurodiversity and disability inclusion advocate
- Former Miami-Dade County School Board Member
- Community leader
- Radio and television broadcasting
- Parent and guardian

Opening Reflections

- **National Disability Employment Awareness Month:** October
- **International Day of Persons with Disabilities:** December 3rd
- **World Autism Month/National Autism Acceptance Month:** April
- **Autism prevalence affects an estimated 2%+ of adults in U.S.**
- **Neurodivergence is even more common**



Source: CDC

Source: Rooted in Rights

The image features a central white horizontal band containing the text "Autism and Neurodiversity". The background above and below this band consists of overlapping, semi-transparent blue shapes in various shades, creating a dynamic, layered effect. The text is centered and rendered in a clean, dark grey sans-serif font.

Autism and Neurodiversity

Autism and Neurodiversity

What is Neurodiversity?

Neurodivergent individuals are those whose brain functions differ from those who are neurologically typical, or neurotypical.

“Neurodiversity is defined as, ‘the variation and difference in neurological structure and function that exist among human beings.’”

Source: EARN (Employer Assistance and Resource Network on Disability Inclusion) citing Dictionary.com

“Neurodiversity refers to the variation in neurocognitive functioning. It is an umbrella that encompasses neurocognitive differences such as autism, ADHD, dyslexia, Tourette’s syndrome, anxiety, OCD, depression, intellectual disability, and schizophrenia, as well as ‘normal’ neurocognitive functioning, or neurotypicality.”

Source: EARN citing Autistic Self Advocacy Network (ASAN)

“Autism refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication.”

Source: AutismSpeaks

Autism and Neurodiversity

**Including and
Accommodating
Autism and
Neurodivergence**



The image features a central white horizontal band containing the text "Autism and the Workplace". The background above and below this band consists of abstract, overlapping geometric shapes in various shades of blue, ranging from light cyan to dark navy, creating a dynamic, layered effect.

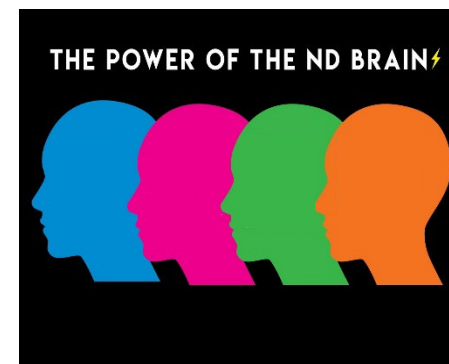
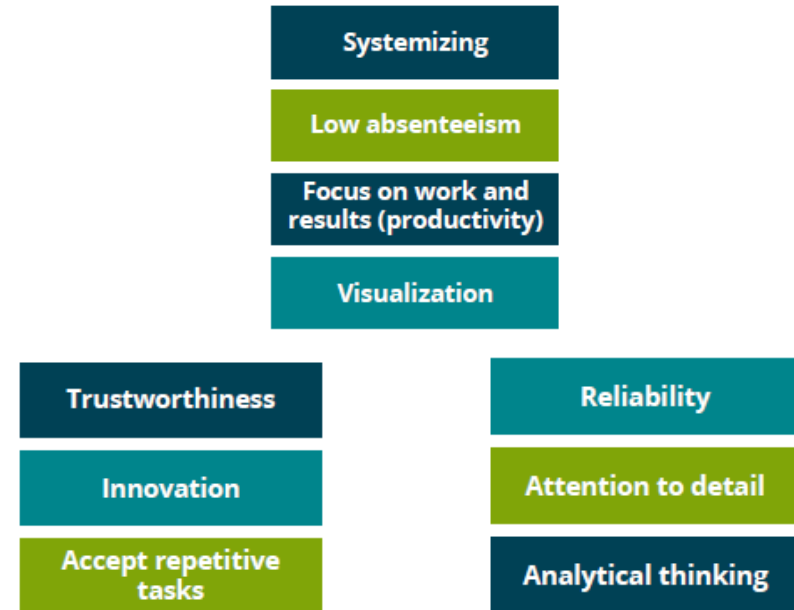
Autism and the Workplace

Autism and the Workplace

Viewing Neurodivergence as a Strength in an Organization

Scholars identified characteristics that, in general, people on the autism spectrum demonstrate that make them desirable employees. *

*Autism @ Work Playbook: Finding talent and creating meaningful employment opportunities for people with autism. 2nd ed. Seattle, WA: ACCESS-IT, The Information School, University of Washington, 2021.



Autism and the Workplace

Neurodivergence as a strength in the workplace

- Wider range of perspectives including different ways of assessing solutions to problems
- Work environments can be stressful; focusing on neurodiversity and mental health can help with retention and ensuring legal professionals are receiving supports/accommodations they need to succeed
- Helps with ADA and Section 503 compliance: higher disability self-identification rate

Autism and the Workplace

Neurodiversity/ Autism at Work Programs

- Embrace Neurodiversity at Work and train employees on the meaning of concepts and terms such as neurodiversity, neurodivergent, and neurotypical.
- Create voluntary Neurodiversity in the Workplace programs that encourage and facilitate employment of autistic or neurodivergent applicants by providing proactive accommodations at each stage of the employment process.
- Readily provide accommodations for autistic employees consistent with guidance from the Job Accommodation Network (JAN).

Autism and The Workplace

Neurodiversity/ Autism at Work Programs

- Ensure your ADA and Section 503 Compliance Programs specifically incorporates and addresses the importance of neurodiversity.
- Ensure Section 503 Self-ID programs include neurodivergence and non-apparent disabilities.
- Create a Neurodiversity ERG and encourage participation of allies.
- Speak positively about neurodiversity and recognize how this concept can enhance inclusion and productivity.

The image features a central white horizontal band containing the text "Autism and Accessibility". The background above and below this band consists of a complex, abstract pattern of overlapping, semi-transparent blue shapes in various shades, creating a sense of depth and movement. The text is centered within the white band and is rendered in a clean, dark grey, sans-serif font.

Autism and Accessibility

Autism and Accessibility

**Did you
know?**

- Only about 4% of Diversity, Equity, and Inclusion Programs include disability as a focus
- Add the “A” for Accessibility
- Most companies do not have Chief Accessibility Officers

Autism and Accessibility

- **Chief Accessibility Officer**
- **Disability ERG**
- **Self-Identification Program**
- **Accessible Website**
- **Centralized Accommodations Systems and Budgets**
- **Remote Work and Telework**
- **Caregiver Policies**
- **Universal Design; Consideration of disability when creating policies**

The term accessibility means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them.



The image features a central white horizontal band. Above and below this band is a blue abstract background composed of overlapping, semi-transparent, wavy shapes in various shades of blue, creating a sense of depth and movement.

Autism and Law

Autism and Law - Definition of Disability

In addition to ADA requirements, federal contractors also agree to conduct affirmative action and ensure non-discrimination based on disability.

Disability is defined by the ADA and Section 503 in the same manner:

- (i) **A physical or mental impairment that substantially limits one or more major life activities of such individual;** (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment.

Definition of Disability, Continued

- OFCCP self-identification form includes many examples of disabilities, taking a broad view:
https://www.dol.gov/sites/dolgov/files/OFFCCP/regs/compliance/sec503/Self_ID_Forms/503Self-IDForm.pdf
- “Neurodivergence, for example, attention-deficit/hyperactivity disorder (ADHD), autism spectrum disorder, dyslexia, dyspraxia, other learning disabilities”
- Includes depression or anxiety, intellectual disability, psychiatric condition (ie, bipolar disorder, schizophrenia, PTSD, or major depression), also often considered under the Neurodiversity umbrella
- Neurodivergence is represented by name for the first time

Autism and Law – Section 503

Section 503

- Enforced by OFCCP
- 7% utilization goal
 - Self-identification Program
 - Must use OFCCP form:
https://www.dol.gov/sites/dolgov/files/OFCCP/regs/compliance/sec503/Self_ID_Forms/503Self-IDForm.pdf
 - Form includes a number of non-apparent disabilities, including many that would be considered included within the concept of neurodiversity in the workplace

Autism and Law – ADA

ADA

- Enforced by EEOC and US DOJ
- Non-Discrimination as to Disability (including Neurodiversity)
- Duty to Accommodate (including Neurodiversity)
 - Under both ADA and Section 503:
 - <https://www.dol.gov/agencies/ofccp/manual/fccm/1g-review-section-503-aap-and-itemized-listing-data-acceptability/1g04>
 - <https://www.eeoc.gov/publications/ada-your-responsibilities-employer>

Autism and Law - Accommodations

- Under both ADA and Section 503:
 - Reasonable Accommodations
 - Consider Alternatives where Undue Hardship
 - Section 503 Affirmative Action also requires companies to assess accommodations systems annually
- Discussing ways to effectively ensure confidentiality under the ADA while promoting self-identification under Section 503
- See <https://askjan.org/disabilities/Autism-Spectrum.cfm>

Autism and Law – Accommodations

- Important not to overgeneralize
- Certain accommodations may be more common
 - Checklist, written instructions
 - Established routine
 - Noise cancelling headphones
 - Sensory friendly atmosphere
 - Breakroom
 - Telework
- Accommodations in application, workplace, and events
- Interactive process, open-mindedness

Autism and Law – Best Practices

- Centralized accommodation systems
- Chief Accommodation Officer
- Accessible websites and workplaces
- Disability Inclusion Mission Statement
- Disability Employee Resource Groups
- Coordination with Vocational Rehabilitation Agencies
- Use of JAN and EARN resources from US DOL

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Autism and Public Policy

Autism and Public Policy

Miami-Dade County

- Occupant with Autism Program
 - “I’ve been on a mission to make Miami-Dade a safer, more inclusive place for our residents of all abilities,” said Commissioner Raquel Regalado. “I couldn’t be prouder of this partnership with our top-notch police department. We’ve spent the past three years training our police officers to handle situations involving people on the spectrum and now we’re bringing the community into that conversation. It’s a huge leap forward for local law enforcement.”

Autism and Public Policy

Miami-Dade County

- MIAir Program

Flying is something many take for granted. We hop on and off airplanes and within hours, we are able to see the world. Yet for individuals with cognitive or developmental disabilities like autism, traveling can be stressful and anxiety-including. The crowds, noise and unfamiliar surroundings can be overwhelming.

The MIA Airport Instruction and Readiness (MIAair) program allows passengers with different disabilities the opportunity to practice the travel experience in a safe and controlled environment. The program helps prepare travelers for future flights.

The program was developed in partnership with the [University of Miami-Nova Southeastern University Center for Autism and Related Disabilities \(CARD\)](#) and the [Ear Institute at UHealth – the University of Miami Health System](#).

Autism and Public Policy

City of Coral Gables

- Principles of Inclusion
- Police Autism Training and SOPs
- Autism Wallet Card Program – CGPD, Disability Independence Group, UM-NSU CARD Center
- Autism Acceptance Flag
- Play For All Recreational Program
- Chief Accessibility Officer

TAKEAWAYS

Be an Inclusion Advocate

Embrace Section 503, Disability Inclusion, and Voluntary Self-Identification Programs

Get support and buy-in from leadership

- Principles of Inclusion
- Chief Accessibility Officer

Get support and involvement by employees

- Employee Resource Group

Include the “A” in DEIA

Resources

- [Disability:IN](#)
 - [Disability:IN Roundtable](#)
 - [Disability:IN DC Metro](#)

 - [Job Accommodation Network \(JAN\)](#)
 - [JAN Autism Spectrum](#)

 - [Employer Assistance and Resource Network on Disability Inclusion \(EARN\)](#)
 - [EARN Neurodiversity in the Workplace](#)

 - [The Partnership on Employment & Accessible Technology \(PEAT\)](#)
- [ADA/Section 503 Compliance Resources](#)
 - [Office of Federal Compliance Programs \(OFCCP\)](#)

 - [Office of Disability Employment Policy \(ODEP\)](#)

 - [Research Support Services for Employment of Young Adults on the Autism Spectrum](#)

 - [Mid-Atlantic ADA Center](#)

Questions

QUESTIONS?

Thank you

Thank you for joining!

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