

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Neurodiversity

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Preface

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JAN'S Accommodation and Compliance Series

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <https://AskJAN.org/soar>.

Information about Neurodiversity

What is neurodiversity?

Neurodiversity describes the natural way that people think, learn, perceive the world, interact and process information differently and in unique ways. Although this term is often used to refer to people on the autism spectrum, it also includes a wide range of people with cognitive, intellectual, developmental, and neurological conditions that shape how people think and learn. For example, neurodivergent people include:

- autistic people;
- people with attention deficit hyperactivity disorder (ADHD);
- those with post-traumatic stress disorder (PTSD) and other mental health conditions; and
- people with learning disabilities, including dyslexia.

Neurodiversity and the Americans with Disabilities Act

Is neurodiversity a disability?

The ADA does not contain a definitive list of medical conditions that constitute disabilities. Instead, the ADA defines a person with a disability as someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment. For more information about how to determine whether a person has a

disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

Accommodating Employees with Neurodiversity

What are common workplace challenges faced by neurodivergent employees?

Workplace challenges for neurodivergent employees can vary greatly from person to person. Some common challenges reported by neurodivergent employees, family members, advocates, providers of work supports and services, and employers include:

- Social skills
- Organization
- Concentration
- Sensory issues
- Time management
- Performing work effectively
- Stress management
- Interaction with coworkers
- Speaking and communicating

Questions to Consider:

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
6. Do supervisory personnel and employees need training?

Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

Ricardo is a job applicant for a position in a prison working directly with inmates. Because of social anxiety related to being on the spectrum he has trouble with in-person interviews.

Ricardo asked for an accommodation to have the interview questions sent to him in advance so he could submit the answers in writing in lieu of an in-person interview. The employer provided Ricardo an accommodation in the form of a two-person interview panel instead of a three-person panel. For security reasons, the employer could not email the interview questions in advance but did provide them to him an hour before the interview started.

Sammie is an elementary school teacher who requested to be excused from lunch duty as an accommodation because she felt overwhelmed by the cafeteria's high noise level due to autism and noise sensitivities.

The school successfully accommodated Sammie by moving her from lunch duty in the cafeteria to working in the "detention" room, where only a small number of children ate lunch in a classroom with a much lower noise volume.

An employer hired Jameson, a candidate on the spectrum, into a position in which he excels, yet he felt anxious and uneasy providing information to his team in live presentations that included a question-and-answer session.

He requested permission to video record himself making the presentation and then answer questions in a live session. Jameson's employer agreed to a trial period for this approach and then found that it worked well.

Cherise is an autistic lab employee who is highly sensitive to smells. She has used a certain scent found in shampoos and body lotions to calm herself when the smells of the workplace overwhelm her.

A newly adopted fragrance-free workplace policy created concerns for Cherise. JAN suggested an aromatherapy necklace or bracelet that would allow Cherise access to the scent when needed but would not be an irritation to others. Flavored gum and hard candy also were recommended.

Nigel is a case manager with ADHD who had difficulty completing his required documentation. He worked in a cubicle in a noisy open area that limits his ability to focus and concentrate.

With no private workspace available, he felt a change in office hours may help. Nigel's supervisor agreed that the office is hectic when staffed, so she approved his schedule change of working two hours early before his co-workers' arrival, when he has the best mental acuity and ability to focus.

Jules, a college professor with ADHD, anxiety, and difficulties involving organization and concentration, faced challenges in planning new courses he had yet to teach when the course schedule changed quickly.

However, his workplace required him to do so under tight time constraints. Jules requested that his school only assign him new courses that could be scheduled in advance to give him the time needed to prepare. When courses needed to be suddenly added, he requested that these courses come from the list of courses that he had previously taught.

Lea becomes distressed when her coworkers ask her questions that she feels pressured to answer. As a result, she often reacted to them irritably.

After a disciplinary meeting with her supervisor, Lea disclosed her disability and the difficulties she experiences due to the anxiety caused by her bipolar disorder that is exacerbated by face-to-face interactions. She asked for assistance in managing stress at work. Her employer implemented a new workplace policy to email questions in advance, which proved an effective accommodation for Lea. As a bonus, the employer gained written documentation of key workplace issues and solutions.

Tad, a customer service employee with communication difficulties associated with a non-verbal learning disability, found it problematic to engage with and provide information to customers over the phone.

He asked for a reassignment to a position that would allow him to assist customers through online chats and emails instead. Since there were no positions open that Tad was qualified for or did not involve serving customers over the phone, the employer worked with him to help reduce his stress and enable him to continue to talk with callers over the phone. They provided extended training, reorganization of materials in a way that made sense to Tad, and a mentor who could share tips, techniques, and insights.

Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <https://AskJAN.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

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The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

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The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

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