

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Employees with Personality Disorders

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@askjan.org
askjan.org



ODEP

Office of Disability
Employment Policy

A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

The Job Accommodation Network (JAN) is a service of the Office of Disability Employment Policy of the U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

The following document is not copyrighted and reproduction is encouraged. Section 105 of the Copyright Law provides that no copyright protection is available for works created by the U.S. Government. Therefore, all works created by JAN fall under this provision. While individuals may use such work with impunity, individuals may not claim copyright in the original government work, only in the original material added. Individuals may access the full text of the law from the U.S. Copyright Office <http://www.loc.gov/copyright>. Please note that specific information cited by JAN may be copyrighted from other sources. Citing secondary sources from a JAN publication may violate another organization's or individual's copyright. Permission must be obtained from these sources on a case-by-case basis. When using JAN materials, JAN asks that the materials not be reproduced for profit, that the tone and substance of the information are not altered, and that proper credit is given to JAN as the source of the information. For further information regarding this or any other document provided by JAN, please contact JAN.

1/21/15

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 <http://AskJAN.org/soar>.

Information about Personality Disorders

How prevalent are personality disorders?

A study funded by the National Institute on Mental Health (NIMH) in 2007 found that approximately 9.1 percent of American adults has at least one personality disorder (Lenzenweger, Lane, Loranger, & Kessler, 2007).

What are personality disorders?

The DSM-5 (the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), which is published by the American Psychiatric Association (APA), provides diagnostic criteria for personality disorders. According to the DSM-5, a personality disorder is:

an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment (APA, 2013).

How are personality disorders treated?

Personality disorders are primarily treated through a combination of psychotherapy and medications.

What are the different types and symptoms of personality disorders?

According to the DSM-5, there are 10 specific personality disorders. They are as follows:

- **Paranoid personality disorder** – a pattern of distrust and suspiciousness such that others' motives are interpreted as malevolent.
- **Schizoid personality disorder** – a pattern of detachment from social relationship and a restricted range of emotional expression.
- **Schizotypal personality disorder** – a pattern of acute discomfort in close relationships, cognitive or perceptual distortions, and eccentricities of behavior.
- **Antisocial personality disorder** – a pattern of disregard for, and violation of, the rights of others.
- **Borderline personality disorder** – a pattern of instability in interpersonal relationships, self-image, and affects, and marked impulsivity.
- **Histrionic personality disorder** – a pattern of excessive emotionality and attention seeking.
- **Narcissistic personality disorder** – a pattern of grandiosity, need for admiration, and lack of empathy.
- **Avoidant personality disorder** – a pattern of social inhibition, feelings of inadequacy, and hypersensitivity to negative evaluation.
- **Dependent personality disorder** – a pattern of submissive and clinging behavior related to an excessive need to be taken care of.
- **Obsessive compulsive personality disorder** – a pattern of preoccupations with orderliness, perfectionism, and control (APA, 2013).

Personality Disorders and the Americans with Disabilities Act

Are personality disorders considered disabilities under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC Regulations . . . , 2011). Therefore, some people with personality disorders will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011). For more information about how to determine whether a person has a disability under the ADA, visit <http://AskJAN.org/corner/vol05iss04.htm>.

Where can employers get additional information about personality disorders and the ADA?

Two publications that may be helpful in working through the accommodation process are: The ADA and Psychiatric Disabilities at <http://www.eeoc.gov/policy/docs/psych.html> and The ADA: Applying Performance and Conduct Standards to Employees with Disabilities at <http://www.eeoc.gov/facts/performance-conduct.html>.

Accommodating Employees with Personality Disorders

(Note: People with personality disorders may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with personality disorders will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

Questions to Consider:

1. What limitations is the employee with a personality disorder 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. Has the employee with a personality disorder been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with a personality disorder to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding personality disorders?

Accommodation Ideas:

Dealing with Emotions:

- Encourage the use of stress management techniques to deal with frustration
- Allow the presence of a support animal
- Allow telephone calls during work hours to doctors and others for needed support
- Allow flexible breaks
- Provide job restructuring to remove or modify tasks that exacerbate symptoms
- Refer to employee assistance program (EAP)

Handling Stress:

- Refer to counseling and EAP
- Allow telephone calls during work hours to doctors and others for needed support
- Allow the presence of a support animal

- Allow flexible work environment:
 - Flexible scheduling
 - Modified break schedule
 - Leave for counseling
 - Work from home/Flexi-place

Interacting with Coworkers:

- Encourage the employee to walk away from frustrating situations and confrontations
- Provide partitions or closed doors to allow for privacy
- Provide job restructuring to reduce or increase face to face interaction
- Provide additional training to encourage appropriate social interaction
- Provide disability awareness training to coworkers and supervisors

Accepting Supervision:

- Provide positive praise and reinforcement
- Provide day-to-day guidance and feedback
- Provide written job instructions via email
- Develop clear expectations of responsibilities and the consequences of not meeting performance standards
- Schedule consistent meetings with employee to set goals and review progress
- Allow for open communication
- Establish written long term and short term goals
- Develop strategies to deal with conflict
- Develop a procedure to evaluate the effectiveness of the accommodation
- Provide sensitivity training to coworkers and supervisors
- Do not mandate that employees attend work related social functions

Complying with Behavior and Conduct Rules:

Under the ADA, employers can enforce conduct standards that are job related and consistent with business necessity, but may need to consider what kinds of accommodations may be effective in enabling employees to meet those standards. Because employees with personality disorders may be more likely to have problems getting along with others and following workplace rules, employers may need to address such issues from a conduct standpoint.

For example, an employee with histrionic personality disorder may be overly physical with certain coworkers, an employee with border personality disorder may decide impulsively to leave work in the middle of the day, or an employee with schizoid personality disorder may treat coworkers or customers in a manner that seems rude or mean. In cases such as these, the employer has the right to enforce conduct

standards. The following are suggestions to consider concerning how to address the behavior and conduct of an employee with a personality disorder:

- Provide clear expectations concerning behavior and conduct
- Provide additional training to encourage appropriate behavior in social settings
- Provide quick and clear feedback when a conduct problem arises
- Provide concrete examples of what is considered appropriate and inappropriate when a problem arises

For more information concerning performance and conduct issues, please see our publication on the topic at <http://askjan.org/topics/condandperf.htm>.

Situations and Solutions:

An individual with paranoid personality disorder is working as a financial consultant for a large marketing firm. Due to his condition, he often feels like coworkers and supervisors are looking for ways to hurt or sabotage him. He has been going to therapy and is aware that at least some of his beliefs are not true. He decides to disclose his disability and requests more frequent interactions with the supervisor to insure effective communication, the ability to have a support person present for performance evaluations, and a flexible schedule to allow for continued therapy appointments. The employer agrees to provide the accommodations and the employee is able to remain in his position and continue to work effectively.

An employee with schizoid personality disorder has worked in a call center as a customer service representative for two years. Due to business necessity, the employer restructures the employee's position to include face to face interactions with customers. The employer begins receiving complaints from customers that the employee is acting in a rude and generally unfriendly manner. When the issue is brought up during a performance evaluation, the employee discloses his schizoid personality disorder, and explains that it affects his ability to show appropriate affect. He generally appears unenthused regardless of what is happening. As a result, he may appear to be acting rude or disinterested when interacting with customers in person. The employer reassigns the employee to a position where he can work on the phones exclusively again.

An employee with schizotypal personality disorder just started working as a cashier in a small department store. Within three weeks, the employer receives four comments from customers regarding the employee's behavior, that the employee had begun talking to them about strange things including aliens and various conspiracy theories. The employer meets with the employee to discuss these occurrences, at which point the employee discloses her disability. The employee provides medical documentation that states that the employee will at times have episodes where she will think and talk about things that are not grounded in reality and that while medication can help to prevent such occurrences, they will inevitably occur on an almost daily basis. Because it is an

essential function to be able to communicate effectively with customers, and the employee's eccentric behavior is not in compliance with the employer's conduct standards, the employer determines the employee is not qualified for the position. Because the employee wasn't qualified for the position from the point of hire, the employer does not have an obligation to consider reassignment, but does anyway, reassigning the employee to a position as a stock clerk, which requires much less interaction with customers.

An employee with antisocial personality disorder works as a construction worker. One day while at work, the employee tells a coworker he does not like him and that the coworker should watch his back. The coworker reports this to the supervisor who then addresses the employee about the comment. The supervisor asks what the problem is, and the employee responds only by saying he just does not like the coworker. The supervisor tells the employee that if he threatens his coworker again he will be terminated. A week later the employee threatens his coworker again. The supervisor terminates the employee. In response, the employee discloses that he has antisocial personality disorder. The employer has no obligation to rescind the termination because it occurred prior to the employee's disclosure.

An employee with borderline personality disorder works as a hairstylist in a beauty salon. At times, she becomes very upset and leaves work abruptly. The supervisor meets with her regarding these occurrences and the employee discloses her disability and explains that because of her work schedule, she has been unable to attend therapy and psychiatrist appointments, which has resulted in an exacerbation of her symptoms. The employer suggests providing her a consistent schedule, allowing her to keep the early part of the day open for her therapist and doctor appointments. The employer also agrees to allow the employee to take two additional unpaid breaks per shift. The accommodations result in the employee getting the treatment she needs, allowing her to continue working successfully in her position.

An employee with histrionic personality disorder works in a cubicle environment as an insurance claims processor. She is regularly talking and distracting her coworkers, at times talking about very personal issues and having crying fits. At other times the employee will be very physical with coworkers, hugging and talking about how much she loves being around them. The employee's behavior is generally disruptive, and when the supervisor confronts her about this, the employee discloses her condition. The employee provides medical documentation that states that she would benefit from working in a more private space where it is not so easy for her to talk to coworkers and listening to music on earphones while doing work off the phones. The employer is able to provide these accommodations, which prove to be effective.

An employee with narcissistic personality disorder is hired as a project manager for a software development company. The employee tells his subordinates that he will be replacing the "incompetent" president of the company within two years, so they had better respect him. One of his subordinates tells the vice president of the company, who tells the president. The president puts the employee on probation, explaining that

the next such conduct violation would result in termination. Three months later, the project manager sends out a memo to everyone on his team outlining his accomplishments and how he deserves the praise of his team members and the company. He ends the memo by signing off as the future president of the company. The memo makes its way to the president who then terminates the employee. The employee then discloses he has a personality disorder. The employer follows through with the termination as there is no obligation to excuse prior conduct violations that occur before the employer is made aware of the condition.

An employee with avoidant personality disorder works as a vocational specialist for a disability insurance company. Originally, the employee's position allowed him to work from home full time. Recently, the company decides to begin transitioning some of its teleworking employees back into the office. The employee discloses his condition and requests he be allowed to continue working from home as an accommodation. The employee provides medical documentation explaining that he experiences intense feelings of inadequacy and discomfort when around others and would not be able to perform at the same level in an office environment as he would at home. As a result, the employer allows the employee to continue working from home.

An employee with obsessive compulsive personality disorder works as an administrative assistant for a physician's office. After being hired, she discloses her condition and requests accommodations in the form of written instructions, checklists, and a private workspace. The employer agrees to the accommodations. A few weeks into the job, the employee tells her supervisor she does not like the documentation system the office is using, and will be making changes as she sees fit. The supervisor explains that will not be tolerated, that she needs to follow their protocol, but the employee follows through with making her own changes. The supervisor takes disciplinary action and tells the employee if she continues to go against the employer's protocol that she could be terminated. The employee responds by writing an e-mail to the supervisor outlining how her way of doing things is better and why the employer should make the changes she is suggesting. The employer insists it will not make the changes and the employee needs to comply. The employee continues to defy the employer's instruction and is terminated.

Products:

There are numerous products that can be used to accommodate people with personality disorders. JAN's Searchable Online Accommodation Resource (SOAR), accessible at <http://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 Website upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@AskJAN.org
<http://AskJAN.org>

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.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7365
TTY: (877)889-5627
Fax: (202)693-7888
<http://www.dol.gov/odep/>

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.

Borderline Personality Disorder Resource Center

525 East 68th Street
New York, NY 10065
Direct: (212) 746-5454
<http://www.bpdresourcecenter.org/>

The mission of the Borderline Personality Disorder Resource Center (BPDRC) is to promote BPD education and connect those affected by BPD to established resources for treatment and support.

BPDWORLD

mail@bpdworld.org
<http://www.bpdworld.org>

BPDWORLD has information that focuses on borderline personality disorder (BPD) The Website has information available to all, including depression, self-harm, anxiety, and

much more. The site offers the best support services available on the net with forums, chat, peer support ticket system, live chat to our volunteers, and a great journal system.

Center for Psychiatric Rehabilitation

Boston University
940 Commonwealth Avenue West
Boston, MA 02215
Direct: (617)353-3549
Fax: (617)353-7700
psyrehab@bu.edu
<http://cpr.bu.edu/>

The Center for Psychiatric Rehabilitation conducts research, develops educational materials, disseminates new knowledge, and provides training and program consultation in the area of psychiatric rehabilitation.

Judge David L. Bazelon Center for Mental Health Law

1101 15th St. NW
Suite 1212
Washington, DC 20005
Direct: (202)467-5730
TTY: (202)467-4232
Fax: (202)223-0409
communications@bazelon.org
<http://www.bazelon.org>

The Bazelon Center is a national, non-profit organization that engages in legal advocacy for people with mental disabilities.

Borderline Personality Disorder Resource Center

525 East 68th Street
New York, NY 10065
Direct: (212) 746-5454
<http://www.bpdresourcecenter.org/>

The mission of the Borderline Personality Disorder Resource Center (BPDRC) is to promote BPD education and connect those affected by BPD to established resources for treatment and support.

Mental Health America

2000 N Beauregard Street, 6th Floor
Alexandria, VA 22311
Toll Free: (800)969-6642
Direct: (703)684-7722
Fax: (703)684-5968
<http://www.nmha.org>

Mental Health America is a charitable organization with more than 80 years of success in addressing the mental health needs of our communities, state, and nation. Founded in 1909 as the National Committee for Mental Hygiene by a former psychiatric patient named Clifford W. Beers, NMHA has always depended on volunteers to change the way Americans think about mental health and mental illness. NMHA volunteers all over the country work to meet the mental health needs of their communities through a wide array of services.

National Alliance on Mental Illness (NAMI)

3803 N. Fairfax Dr., Ste. 100
Arlington, VA 22203
Toll Free: (800)950-6264
Direct: (703)524-7600
Fax: (703)524-9094
<http://www.nami.org>

NAMI is dedicated to improving the lives of individuals and families affected by mental illness. NAMI focuses on three cornerstones of activity that offer hope, reform, and health to the American community: Awareness, Education, and Advocacy.

National Institute of Mental Health (NIMH)

Science Writing, Press, and Dissemination Branch
6001 Executive Blvd, Room 8184, MSC 9663
Bethesda, MD 20892-9663
Toll Free: (866)615-6464
Direct: (301)443-4513
TTY: (301)443-8431
Fax: (301)443-4279
nimhinfo@nih.gov
<http://www.nimh.nih.gov>

NIMH offers a variety of publications and other educational resources to help people with mental disorders, the general public, mental health and health care practitioners, and researchers gain a better understanding of mental illnesses and the research programs of the NIMH. All publications and educational materials are written by science writers, in collaboration with NIMH scientists and outside reviewers.

National Mental Health Consumers' Self-Help Clearinghouse

1211 Chestnut Street
Suite 1100
Philadelphia, PA 19107
Toll Free: (800)553-4539
Direct: (215)751-1810
Fax: (215)636-6312

info@mhelp.org
<http://www.mhelp.org>

Founded by the Mental Health Association of Southeastern Pennsylvania, the purpose of the Clearinghouse is to encourage the development and growth of consumer self-help groups.

Substance Abuse and Mental Health Services Administration (SAMHSA)

SAMHSA

1 Choke Cherry Road

Rockville, MD 20857

Toll Free: (800)662-4357

TTY: (800)487-4889

Fax: (240)221-4292

SAMHSAInfo@samhsa.hhs.gov

<http://www.samhsa.gov>

SAMHSA's mission is to build resilience and facilitate recovery for people with or at risk for substance abuse and personality disorders. Treatment locator helps you find services by state.

References

American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders* (5th ed.). Washington, DC: Author.

EEOC Regulations To Implement the Equal Employment Provisions of the Americans With Disabilities Act, as Amended, 29 C.F.R. § 1630 (2011).

Lenzenweger M. F., Lane M. C., Loranger A.W., & Kessler R.C. (2007). DSM-IV personality disorders in the National Comorbidity Survey Replication. *Biological Psychiatry*. 15;62(6):553-64.

This document was developed by the Job Accommodation Network (JAN). Preparation of this item was funded by the Office of Disability Employment Policy, U.S. Department of Labor, Grant Number OD-23442-12-75-4-54. This document does not necessarily reflect the views or policies of the Office of Disability Employment Policy, U.S. Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.