

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Employees Who Use Wheelchairs

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

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

Information about Wheelchair Users

How many people use wheelchairs?

There are an estimated 1.4 million wheelchair users in the United States (Kraus, 1996). People use wheelchairs for a variety of reasons, the most common reason being paralysis from spinal cord injuries. Current estimates indicate there are between 183,000 and 230,000 persons alive today in the United States with spinal cord injuries. The mean age of injury is 38 (Spinal Cord Injury Information Network, 2008). Other reasons people use wheelchairs include: fatigue from multiple sclerosis, muscle weakness from muscular dystrophy, lower limb spasticity from cerebral palsy, and missing limbs due to amputation.

What types of wheelchairs are available?

There are a variety of wheelchairs on the market, including manual, motorized, stand-up, elevating, reclining, sports, beach, and stair-climbing. Individuals, working with medical professionals, choose a wheelchair to meet their specific needs, depending on their limitations and activities.

Wheelchairs Users and the Americans with Disabilities Act

Do people who use wheelchairs have 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 who use wheelchairs 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>.

To what extent do employers have to modify existing work-sites to make them accessible for employees who use wheelchairs?

Under Title I of the ADA, employers are not required to make existing facilities accessible until a particular applicant or employee with a disability needs an accommodation, and then the modifications should meet that individual's work needs. Employers do not have to make changes to provide access in places or facilities that will not be used by that individual for employment related activities or benefits (EEOC, 1992).

Do employers have to pay for personal attendant care in the workplace?

According to informal guidance from the Equal Employment Opportunity Commission (EEOC), employers are not responsible for the cost of personal attendant care for employees with disabilities because employers are not responsible for personal needs or services in the workplace. However, when an employee travels for work and incurs personal attendant care expenses beyond his/her usual expenses when not traveling for work, there is a good argument that the employer must pay the added costs.

Do employers have to provide wheelchairs for employees who need them?

Wheelchairs are usually considered personal need items and therefore employers are generally not responsible for providing them. However, where personal need items are specifically designed or required to meet job-related rather than personal needs, employers must consider providing them (EEOC, 1992). For example, if an employee with multiple sclerosis is able to walk the distances required to carry out her day to day activities, but gets fatigued if required to walk great distances, her employer might be responsible for providing a mobility aid (such as a wheelchair or scooter) if her job requires her to walk great distances.

Accommodating Employees Who Use Wheelchairs

(Note: People who use wheelchairs 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 who use wheelchairs 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 who uses a wheelchair 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 who uses a wheelchair been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee who uses a wheelchair to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding employees who use wheelchairs?

Accommodation Ideas:

Activities of Daily Living:

People who use wheelchairs may need assistance with personal care while at work. Although an employer is not responsible for providing the personal care, an employer may be responsible for certain accommodations to enable an employee who uses a wheelchair to meet his/her personal care needs. The following are examples of some of these personal care needs and possible accommodations:

- Allow the person to have a personal attendant at work to assist with toileting, grooming, and eating
- Allow the person to take periodic rest breaks for repositioning, toileting, or grooming needs
- Provide flexible scheduling and allow use of sick leave for medical care
- Allow the person to bring a service animal into the workplace

Workstation Access:

People who use wheelchairs may encounter a variety of obstacles at their workstations depending on their limitations. The following are examples of these obstacles and possible accommodations:

- Height adjustable desk or table for a person who cannot work comfortably at an existing desk
- Accessible filing system for a person who cannot reach upper and lower file drawers in a vertical file cabinet
- Office supplies and frequently used materials on most accessible shelves or drawers for a person who cannot reach upper and lower shelves and drawers
- Page turners and book holders for a person who cannot manipulate paper
- Writing aids for a person who cannot grip a writing tool
- Accessible office machines, such as copiers and faxes, so a person using a wheelchair can access them from a seated position
- Voice activated speaker phone, large button phone, automatic dialing system, voice mail system, and/or headset, depending on the person's limitations and preferences
- Alternative access for computers such as speech recognition, Morse code entry, trackballs, key guards, alternative keyboards, and/or mouth sticks, depending on the person's limitations and preferences

Work-site Access:

People who use wheelchairs may encounter obstacles before reaching their workstations. The following are examples of these obstacles and possible accommodations:

- Flexible scheduling so a person who cannot drive can access public transportation
- Accessible parking for a person who does drive
- Accessible route of travel from the parking lot into the building
- Accessible restrooms, lunchroom, break room, etc.
- Accessible route of travel to the person's workstation
- Work from home if the person cannot get to the work-site

Travel for Work:

People who use wheelchairs may encounter obstacles before reaching their work-site. The following are examples of possible accommodations:

- Accessible transportation
- Accessible lodging

- Accessible meeting/training site
- Medical supplies/wheelchair repair at travel destination
- Personal attendant care at travel destination

Wheelchair Etiquette:

1. When addressing a person who uses a wheelchair, do not lean on the wheelchair unless you have permission to do so. A wheelchair is part of an individual's personal space.
2. Do not assume a person using a wheelchair needs assistance. Always ask before providing assistance. If your offer of assistance is accepted, ask for instructions and follow the instructions given.
3. When talking to a person who uses a wheelchair, look at and speak directly to that person, rather than through a companion.
4. Relax and speak naturally. Do not be embarrassed if you happen to use accepted common expressions such as "got to be running along" that seem to relate to the person's disability.
5. When talking with a person in a wheelchair for more than a few minutes, use a chair, whenever possible. This can facilitate conversation.
6. When giving directions to a person in a wheelchair, consider distance, weather conditions, and physical obstacles such as stairs, curbs, and steep hills.
7. Use proper terminology when referring to a person who uses a wheelchair. Terms such as "wheelchair bound" or "confined to a wheelchair" are inappropriate. Using a wheelchair does not mean confinement.
8. Do not assume that all people who use wheelchairs have the same limitations. People use wheelchairs for a variety of reasons and have different limitations and abilities.
9. If a person who uses a wheelchair has a service animal, do not pet or try to play with it. A service animal is working and should not be interrupted.
10. When greeting a person who uses a wheelchair, it is appropriate to offer to shake hands with that person even if he/she has upper extremity limitations.

Wheelchair Ergonomics:

Ergonomics is an applied science concerned with designing and arranging things people use so that the people and things interact most efficiently and safely (About.com, 2005). Essentially, ergonomics is the relationship between the worker and the job with a

focus on designing a system to meet certain productivity goals without injury. Without an effective relationship, a worker can become injured or incur a permanent disability from work-related stressors. With insurance cost sky rocking and the cost of litigation soaring, many employers are voluntarily implementing ergonomic programs. Even without federal ergonomic standards, the Occupational Safety and Health Administration (OSHA) has issued citations for ergonomic hazards in the workplace using its General Duty Clause, which is Section 5(a)1 of the Occupational Safety and Health Act (1970). Section 5(a)1 states that “a place of employment must be free from recognized hazards that are causing or are likely to cause death or serious physical harm to [] employees” (OSHA, n.d.a). Though OSHA has been citing employers for ergonomic hazards and has published ergonomic guidelines for meatpacking plants, poultry processing, retail grocery stores, and nursing homes, curbing the number of cumulative trauma disorders in the workplace remains an increasing concern for employers (OSHA, n.d.b).

Although OSHA has proposed a national ergonomics standard, there are currently no specific federal requirements regarding ergonomics for office workers. However, there has been some effort to address the problem of ergonomic hazards in the workplace. For example, the American National Standards Institute (ANSI) has sought to control work-related cumulative trauma disorders by developing voluntary guidelines. In addition, some states are implementing state regulations. For example, California and Washington have adopted ergonomic standards, and even though not currently mandated in most states, ergonomics can benefit employers by enhancing workplace safety, decreasing workers’ compensation costs, and increasing productivity (OSHA, n.d.c). The benefits of implementing an ergonomic program apply to all office workers, but can be particularly important in order to prevent secondary injuries when accommodating employees with disabilities. Because the ADA mandates employers to accommodate employees with disabilities, ergonomics can be a useful tool to help employers implement effective accommodations and therefore comply with the ADA (EEOC, 1992).

Before determining what accommodations might be effective, an employer must know the essential job functions. Though not required by the ADA, a job analysis can aid in determining the essential functions and is an important precursor to an ergonomic analysis.

The following information provides tips for assessing the individual’s workstation. For more detailed information on how to perform an ergonomic analysis with a special emphasis on accommodating officer workers who use wheelchairs, contact JAN. In particular, the more detailed information outlines the steps to completing a job analysis; proper ergonomic spacing, flooring, doors, and storage areas; and administrative controls.

General Guidelines for Completing an Ergonomic Analysis

The following information gives examples of general questions to ask when designing workstations for individuals who use wheelchairs in an office setting. When implementing ergonomics for an individual who uses a mobility aid, the wheelchair and its user must be considered one unit. The type of mobility aid, whether an electric or a manual wheelchair, may change what is “ergonomic.” When dealing with accommodation issues in the workplace, special attention should be given to the location and set-up of assistive technology to ensure good ergonomics.

Worker:

- What psychosocial factors (social aspects) are influencing the worker?
- What types of personal protective equipment are used?
- What are the worker’s anthropometric data?

Workstation:

- What are the dimensions of the workstation?
- Is the keyboard placed low enough so that the operator’s posture feels comfortable?
- Does the work surface allow the user the ability to adjust work surface heights and angles?
- What equipment is fixed/moveable and where is it located in relation to the worker?
- What are the general environmental factors? Document noise levels, flooring material, lighting, and air quality.
- Does the job include repeated and sustained exertions?
- What is the pace setting?
- Does the job entail forceful exertions, such as gravity, friction, and reaction forces?
- What is the duration and frequency of awkward postures such as flexion, extension, and deviation?
- Has glare been diffused with panel diffusers and glare screens?
- Has the air quality of the workstation been checked for comfortable temperature variation and adequate circulation?

Situations and Solutions:

A medical transcriptionist was injured and became paraplegic. Her employer modified the transcription machine with hand control (instead of foot control) so the transcriptionist could continue working.

An employee who was paraplegic was working for a small employer who could not afford to purchase new office furniture. The employer accommodated the employee by placing blocks under the legs of an existing desk.

A prep cook with paraplegia was hired to work in a large kitchen with standup workstations. The employer purchased a standup wheelchair so the cook could work at a standing height.

A person who used a wheelchair was hired to work as a marketing analyst. Her workstation was on the second floor of an inaccessible building. The employer installed an automatic door opener, an elevator to the second floor, and remodeled a restroom and workstation.

A university chemistry teacher used a wheelchair. The existing chemistry lab was designed to accommodate students at a standing height and the college could not remodel the entire lab so opted for an elevating wheelchair instead.

A CAD/CAM drafting specialist became quadriplegic and had limited use of his upper extremities. The employer purchased speech-activated software for CAD.

An artist became quadriplegic and had to use a mouth stick paintbrush. He could not adjust his work surface, so he had a battery powered, adjustable easel custom designed.

An accounting technician with post-polio syndrome started using a wheelchair, but was concerned about emergency evacuation in the event of a fire. As a result, the employer developed an emergency evacuation plan for all employees.

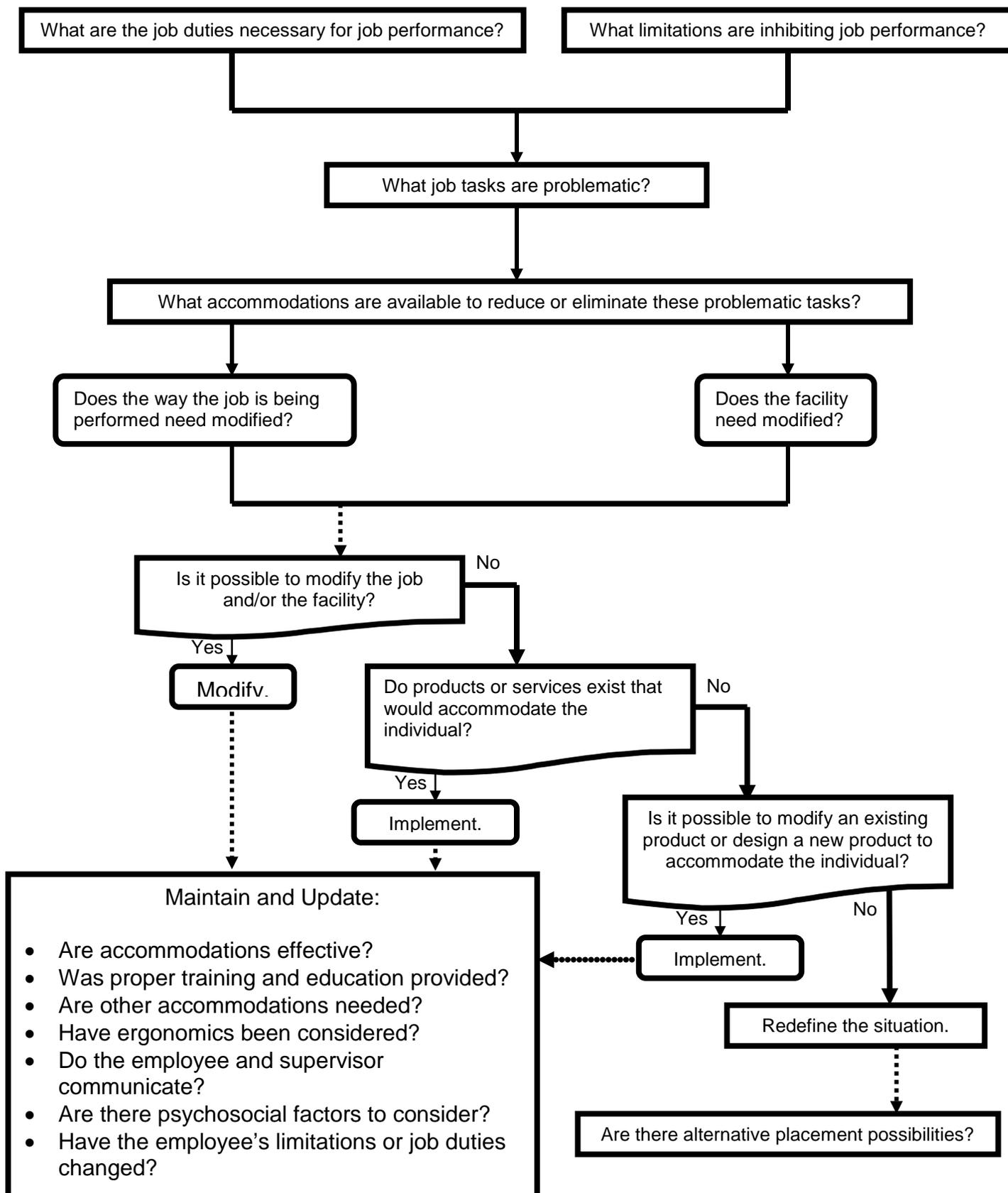
A social services supervisor with severe arthritis used a wheelchair. Her job required her to drive the agency van to several locations. The employer modified the van by adding hand controls and a lift.

A resource nurse with multiple sclerosis needed changes to her workstation and schedule. The employer made the workstation wider and added an adjustable keyboard tray. The employer also allowed periodic rest breaks and moved the employee closer to the restroom and break room to help reduce fatigue.

Products:

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource 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 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.

ACCOMMODATION PROCESS FOR OFFICE WORKERS WHO USE WHEELCHAIRS



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.

ALS Association

National Headquarters
Washington, DC 20005
Toll Free: (800)782-4747
alsinfo@alsa-national.org
<http://www.alsa.org>

The ALS Association (ALSA) is the only national non-profit voluntary health organization dedicated solely to the fight against amyotrophic lateral sclerosis (often called Lou Gehrig's disease). The mission of The ALS Association is to find a cure for and improve living with ALS.

American Stroke Association

National Center
7272 Greenville Avenue
Dallas, TX 75231
Toll Free: (888)478-7653

<http://www.strokeassociation.org>

The American Stroke Association offers a wide array of programs, products and services, from patient education materials to scientific statements.

Christopher Reeve Paralysis Foundation

636 Morris Turnpike
Suite 3A
Short Hills, NJ 07078
Toll Free: (800)225-0292
Direct: (973)379-2690
<http://www.christopherreeve.org>

The Christopher Reeve Paralysis Foundation (CRPF) encourages and supports research to develop effective treatments and a cure for paralysis.

Independent Living Research Utilization (ILRU) Program

2323 S Shepherd, Suite 1000
Houston, TX 77019
Direct: (713)520-0232
TTY: (713)520-0232
Fax: (713)520-5785
ilru@ilru.org
<http://www.ilru.org>

A national center for information, training, research, and technical assistance in independent living. They operate the IL NETWORK with the National Council on Independent Living (NCIL), organizations, and individuals involved in independent living nationwide.

Muscular Dystrophy Association

3300 East Sunrise Drive
Tucson, AZ 85718
Toll Free: (800)572-1717
mda@mdausa.org
<http://www.mdausa.org>

MDA provides comprehensive medical services to tens of thousands of people with neuromuscular diseases at some 240 hospital-affiliated clinics across the country. The Association's worldwide research program, which funds over 400 individual scientific investigations annually, represents the largest single effort to advance knowledge of neuromuscular diseases and to find cures and treatments for them. In addition, MDA conducts far-reaching educational programs for the public and professionals.

National Center on Accessibility

Indiana University Research Park
501 North Morton St, Suite 109
Bloomington, IN 47404-3732
Direct: (812)856-4422
TTY: (812)856-4421
Fax: (812)856-4480
nca@indiana.edu
<http://www.indiana.edu/~nca>

The National Center on Accessibility specifically focuses on accessibility for parks, playgrounds, and recreational facilities. It has a 24-hour hotline for technical assistance and publishes a newsletter on outdoor accessibility issues. In conjunction with the National Park Service, the Center also conducts a training program, addressing specific accessibility issues through four different four-day courses held in locations across the country.

National Spinal Cord Injury Association

75-20 Astoria Blvd
Jackson Heights, NY 11370
Direct: (718)803-3782
<http://www.spinalcord.org>

The primary mission of the National Spinal Cord Injury Association (NSCIA) is to work to empower individuals and families with spinal cord injury issues to make informed choices and take actions to achieve their highest level of independence and personal fulfillment.

National Spinal Cord Injury Statistical Center

<http://www.uab.edu/medicine/sci/>

Supervises and directs the collection, management, and analysis of data from the Model Regional SCI Care Systems, resulting in the world's largest SCI database.

National Stroke Association

9707 E. Easter Lane
Centennial, CO 80112
Toll Free: (800)787-6537
Fax: (303)649-1328
info@stroke.org
<http://www.stroke.org>

The National Stroke Association's mission is to reduce the incidence and impact of stroke by changing the way stroke is viewed and treated. NSA is the only national organization dedicating 100 percent of its resources and efforts toward stroke through prevention, treatment, rehabilitation, research, and support for stroke survivors and their families.

Paralyzed Veterans of America

801 Eighteenth Street, NW
Washington, DC 20006-3517
Toll Free: (800)424-8200
TTY: (800)795-4327
info@pva.org
<http://www.pva.org>

The Paralyzed Veterans of America (PVA), a Congressionally chartered veterans service organization, was formed following World War II to serve veterans with spinal cord injury or disease. This site is a resource center for all such veterans and for all Americans with a spinal cord injury or disease, as well as their families and the professional communities who serve them.

Spinal Cord Injury Network International

3911 Princeton Drive
Santa Rosa, CA 95409
Toll Free: (800)548-2673
spinal@sonic.net
<http://www.spinalcordinjury.org>

ISCINI was founded in 1986 to respond to the needs experienced by individuals with spinal cord injuries and their families. Meeting those needs with information and referral services is the purpose of SCINI.

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Spinal Cord Injury Information Network (2008). *Frequently asked questions*. Retrieved September 3, 2008, from

<http://www.spinalcord.uab.edu/show.asp?durki=20183&site=1021&return=19775>

(no longer available)

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