# Accommodation Solutions for Employees with Intellectual Disabilities

## [Introduction]

Hi, I’m Melanie Whetzel, Principal Consultant and Cognitive/Neurological Team Lead for the Job Accommodation Network, better known as JAN. Without further ado, I am going to jump right into the session entitled “Accommodation Solutions for Employees with Intellectual Disabilities.”

JAN was established in 1983 as a national, free consulting service provided by the U.S. Department of Labor’s Office of Disability Employment Policy or ODEP. We provide expert, trusted, and confidential guidance on job accommodations and Title I of the Americans with Disabilities Act (ADA) and related legislation. JAN serves customers across the United States and has been doing so for 40 years. We provide free one-on-one practical guidance and technical assistance on job accommodation solutions, title I of the Americans with Disabilities Act (ADA) and related legislation, and self-employment and entrepreneurship options for people with disabilities. JAN works as your partner in the accommodation process.

### Who can benefit from JAN services?

Anyone may contact JAN for assistance. Our primary customers are private employers of all sizes and federal, state, and local government agencies, but we also assist employee representatives and service providers, as well as people with disabilities and their families.

JAN offers an extensive website at AskJAN.org. We make it easy to find the accommodation and ADA information you need.

You’ll find information for employers and individuals — pages that are designed to provide targeted information for these customers.

Our A to Z of disabilities tab includes information by disability, limitation, work-related function, topic, and accommodation.

You can also directly access ADA regulations, technical assistance, and Equal Employment Opportunity Commission (EEOC) guidance through our ADA Library.

Throughout the site, you’ll find hundreds of informative JAN resources on accommodations and ADA topics and referrals to relevant equipment, services, and organizations.

### [What is a reasonable accommodation?]

To make sure we are all on the same page as we get started, let’s talk about the definition of reasonable accommodation.

Reasonable accommodations are modifications or changes to a job application process — An example of this could be extra time for taking a pre-employment test — modifications or changes to the work environment or to the manner in which the position is customarily performed that enable a qualified individual with a disability to perform the essential functions of the position such as being provided a checklist of tasks, color-coded by priority; or modifications or changes that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities. An example here could be access to an employer-owned credit union or fitness club.

## [Disclosure]

Disclosing a disability is always a personal decision. Generally speaking, an individual does not have to disclose a disability until an accommodation is needed. That can be during the application stage if a person needs extra time for a pre-employment test, it can be during an interview when an individual would benefit from having interview questions in advance to help ease the stress that comes from being in a new situation with new people and for difficulties with thinking quickly or abstractly, or it can be at any time during employment when a change in the workplace is needed in order to better perform the job. It can be two days, two weeks, or two years into the job.

Sometimes an employee won’t know what they will need in a new position until they are actually in the job. At other times, something about the job may have changed or the disability has changed, leading the employee to disclose at that time.

Many individuals feel that they want to be honest and open and disclose up front. They feel that there are things about their disability that makes them who they are, and they want to be able to bring their authentic self to work. They also tend to feel that if the employer is not willing to work with them from the start, they won’t be willing to provide accommodations and support if they are needed later on. There is nothing dishonest or covert in not disclosing up front. It is a matter of personal preference, as long as accommodations aren’t needed.

### What is disclosure?

Disclosure is when an individual gives out specific, personal information about a disability. It is important to provide information about the nature of the disability. Under the ADA, employers can probably ask for a diagnosis as part of verifying that an individual has a disability. However, individuals can try starting out with more general information if they prefer and see if the employer accepts it.

It is also important to provide information about the limitations or how the disability affects the individual’s capacity to learn and/or perform the job effectively. Knowledge of the limitations is really more helpful to the employer than the diagnosis, as those are what helps understand the need for the accommodations. Many people can have the same diagnosis, but how that diagnosis or disability affects the employee in their particular job functions is helpful in determining accommodations.

For example, it would be more helpful for the employer to have the information that an employee has difficulty with concentration in a busy setting, has a slower processing speed, and has difficulty with interpersonal skills in large groups rather than just knowing the employee is on the autism spectrum.

It’s great to provide information about the accommodations needed in order to do the job if known, and if not, that is okay. JAN can help.

### Why disclose?

There are really three main reasons to disclose a disability in the workplace: to ask for job accommodations, to receive benefits or privileges of employment, or to explain an unusual circumstance.

Here we have an example of asking for a reasonable accommodation.

In this example, a production worker had difficulty grasping a plastic bottle to accurately apply an adhesive label. He asked for help.

Here we have an example of receiving benefits and/or privileges of employment.

In this situation, a bus garage employee with a reading disability, compounded by high anxiety when attempting to read, missed instructions and important announcements that were sent by email. He was losing the opportunity to know what was going on due to his disability.

And here we have an example of an unusual circumstance.

In this situation, a warehouse worker in Florida had no issues at work until the air conditioning broke down and she began to have difficulty regulating her body temperature. She needed to disclose and ask for an accommodation.

### How to disclose?

The individual must let the employer know an adjustment or change at work is needed for a reason related to a medical condition.

Let me give an example here about why it is important for the employer to know a medical condition or disability is in play. Let’s say an employee says to her supervisor that she is having difficulty getting to work on time and needs a flexible schedule. The employer in this case has no idea if there is a medical condition involved, if the employee is out too late at night, up to all hours playing video games, or what. But if the employee had stated that she needs a flexible schedule in order to get to work on time because she takes medication that causes her an inability to regularly get to work on time, her employer immediately knows she is asking for an accommodation, because she linked the inability to get to work on time to her use of medication.

To request accommodation, an individual may use “plain English,” need not mention the ADA, and need not use the phrase “reasonable accommodation.”

### Who to disclose to?

Verbally or in writing, tell the employer, the supervisor, a staff member, an HR representative, or another appropriate person. According to the Equal Employment Opportunity Commission, or the (EEOC), there is no requirement to ask for an accommodation in writing. At JAN we often recommend putting a request into writing so that the employer has the more formal request, and because it gives the employee documentation of what they asked for and when. An employee can easily follow up a verbal request with a written notice.

## [Medical Documentation]

An employer can ask for documentation of a disability when the disability is not obvious or when the need for accommodation is not obvious.

When documenting a disability, the following should be included: the diagnosed impairment or the nature of the impairment and the major life activity substantially limited by the impairment.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major bodily functions are also included in the newer definition of disability, and those involve, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The EEOC also states that employers can require disability documentation to come from the appropriate medical professionals. Those can include medical doctors, psychiatrists and psychologists, nurses, physical or occupational therapists, speech therapists, vocational rehabilitation professionals, licensed mental health professionals, and educational professionals.

There are many reasons why individuals don’t disclose a disability up front. Oftentimes, there are unknown needs. Many people prefer not to because it is not required under ADA. Some individuals have had bad previous experiences when they have disclosed either too soon or feel they were not treated well because of it. And I think probably the most common reason is that individuals are generally uninformed about their ADA rights. They don’t know they can ask for accommodations when having difficulty on the job because of their disability.

“The 411 on Disability Disclosure” is a workbook for youth with disabilities. This is a resource designed for youth and adults who work with them to learn more about disability disclosure. This workbook helps people make informed decisions about whether or not to disclose their disability and to understand how that decision may impact their education, employment, and social lives. You can easily find it online at the address on the slide. Information about ODEP can be found at the website shown there on the slide as well.

## [Performance and Conduct]

Now let’s talk a little bit about performance and conduct.

Under the ADA, an employer is not required to lower a performance or conduct standard that is applied uniformly to employees with and without disabilities. However, an employer may have to provide reasonable accommodations to enable an employee with a disability to meet the standard. Ideally, employees will request reasonable accommodations before performance or conduct problems arise, or at least before they become too serious.Although the ADA does not require employees to ask for an accommodation at a specific time, the timing of a request for reasonable accommodation is important, because an employer does not have to rescind an evaluation or discipline, including a termination, warranted by poor performance or by misconduct.

Employees should not assume that an employer knows that an accommodation is needed to address an issue merely because the employer knows about the employee’s disability. Nor does an employer’s knowledge of an employee’s disability require the employer to ask if the performance or misbehavior is disability-related.

Let’s look at an example that involves performance.

Here we have an administrative assistant who was having difficulty with memory, organization, prioritization, and completing work in a timely manner.

In this solution, the assistant was accommodated with color-coded checklists, weekly meetings with his supervisor, and a Time Timer clock to help with task completion timeliness.

In this example involving conduct, an employee is written up after several verbal warnings for inappropriate conduct, placed on a thirty-day plan of improvement, and warned that, if the behavior doesn’t stop within the stated time period, she will be let go. The employee discloses her disability and asks for accommodations to assist her in responding more appropriately to co-workers.

In this solution, the employer puts the plan of improvement on hold until they receive medical documentation and can put accommodations into place but does not rescind the discipline that occurred before the disability was known. Once accommodations are put into place, the employer starts the performance improvement plan.

## [Accommodation Options]

Now let’s look at options — different types of accommodations that might be helpful to an individual with a disability.

We are going to start here with purchasing or modifying equipment or products.

The purchase of equipment or modifications to existing equipment may be effective accommodations for people with many types of disabilities.

There are numerous devices that make it possible for people to overcome existing barriers to performing functions of a job. These devices range from very simple solutions, such as an elastic band that can enable a person with cerebral palsy to hold a pencil and write, to "high-tech" electronic equipment that can be operated with eye or head movements by people unable to use their hands.

There are also many ways to modify standard equipment that can enable people with different functional limitations to perform jobs effectively and safely.

Let’s talk briefly about the products and equipment pictured here on the slide.

First, we have a task light that can be used in place of or in addition to overhead lighting.

Next, we see a watch that can be programmed to use alarms as reminders.

The next picture there is a smart pen. This pen uses specialized paper to write on and records the meeting or conversation at the same time the individual using it is taking notes.

Down in the next row we have a pocket voice recorder that can be used very easily to record verbal instructions or directions in order to listen to them multiple times if needed.

Next we have a wireless headset. That can be a neck and upper back saver when a large portion of someone’s time is spent talking on the phone. It allows the individual to use both hands, get up and move about, and also lessens the probability of getting a crick in the neck.

The last item seen there is a tablet that can be used with various apps to help on the job.

In this situation, a mail clerk had difficulty remembering to go for his second mail collection run when he was involved in other tasks.

As a solution, the mail clerk was provided with a watch that had a timer set for when he needed to start his run. The watch vibrated to alert him it was time to go.

In our next situation, an activities aide in an extended living facility had difficulty writing documentation in the daily log for the groups she assisted.

The aide was provided speech-to-text software that allowed her to dictate her notes, print them out, and then place them in the binder where the log was kept.

Let’s talk here about making the worksite accessible.

Employers are required to modify the worksite to meet the needs of an employee with a disability that needs an accommodation. Although the requirement for accessibility in employment is triggered by the needs of a particular individual, employers should consider initiating changes that will provide general accessibility. Parking may be included in making the worksite accessible.

We have examples of possible accommodations here on the slide. They do include parking, a doorway or threshold ramp to ease access to rooms, especially if the threshold is raised, and an automatic door opener that can be very helpful for those who are unable to open traditional doors.

In this example, an office worker was having difficulty with balance, coordination, and walking steadily due to a brain injury. The employer had observed her falling a couple of times on the way to the printer and restroom.

The employee was provided with handrails to and from her workspace and the common areas, she was given her own printer, and her workstation setup was changed so she had easier access to files, materials she needed to use, and equipment.

In this next situation, a food prep worker in a café had difficulty standing for her shift with only a thirty-minute lunch and a short afternoon break. Her work became sloppy in the afternoons due to her fatigue.

As a solution, the employee was provided with both an anti-fatigue mat to help her back and legs and a stand/lean stool that allowed her the ability to work in an upright position while her weight rested on the padded seat.

Job restructuring is another form of reasonable accommodation. Job restructuring may involve reallocating or redistributing the marginal functions of a job. Although an employer is not required to reallocate essential job functions, it may be an accommodation to modify the essential functions of a job by changing when or how they are done.

Here we have an employee with seizures and a member of a cleaning crew who is restricted from working on a ladder. He can perform all of the functions of his job except for the task of maintaining the overhead lighting fixtures.

The job tasks of a second crew member include cleaning a small kitchen in the employee’s lounge, which is a task the first crew member can perform. The employer switched these specific tasks performed by the two crew members.

In our next example, an employer required that all employees work overtime. An employee with Down syndrome asked to be excused from overtime because of fatigue and exacerbation of symptoms.

The employer denied the request, stating that overtime is an essential function of the job. But the process doesn’t end there. The interactive process would need to continue so that the employer could find out what other ideas might work to help with the employee’s fatigue, such as rescheduling breaks or the use of ergonomic equipment.

An employer should consider modifying a work schedule and allowing leave as reasonable accommodations. Modified work schedules may include flexibility in work hours, including arrival and departure times, lunch and break schedules, the structure of the work week, or part-time work.

Flexible leave policies should also be considered as a reasonable accommodation when employees require time off from work because of their disability. An employer is not required to provide additional paid leave as an accommodation but should consider allowing the use of accrued leave, advanced leave, or leave without pay.

Here we have a job coach who called the Job Accommodation Network advocating for an applicant with a disability. A job offer was made, but the schedule included unpredictable days and times. The applicant relied on public transportation to commute.

A consultant at JAN suggested asking for a schedule modification, specifically one that was consistent. This accommodation enabled the new hire to use the bus system to get to work on time.

In the next example, Sally is returning to work after a somewhat-lengthy hospital stay for inpatient mental health treatment.

Sally is accommodated with a part-time schedule of working four to six hours Monday, Wednesday, and Friday, with Tuesday and Thursday off for therapy and recuperation. She plans to increase her hours, transitioning back to full time as she is able.

Now let’s understand modifying policies.

Modifying a workplace policy may be another effective accommodation. While employers are free to set policies, there are some policies that may need to be modified for an employee with a disability. Examples of policies that employers might have to consider modifying include dress codes, rules about eating at a workstation, attendance policies, and rules about animals in the workplace. The employer can modify a policy for a person with a disability that they do not change for others.

In this situation, a newly hired dog groomer at a large pet store was able to perform the essential functions of the job with no problems, but the employer’s policy only allowed a limited training time. Due to short-term memory deficits, the groomer had difficulty moving through the modules on the set schedule.

She was accommodated with extended training and a more relaxed schedule for its completion. She was provided extra time with a trainer, as well as materials to take home to study.

Our next situation involves an employee who had difficulty with time management skills. He asked to use his phone and the apps he was accustomed to in order help him stay on task.

The employer modified their “no cell phone use” policy and allowed this one employee to use the apps that would assist him in getting his work done in a timely manner.

Here we have information on providing readers, interpreters, and other services.

Providing a reader for someone with reading and print difficulties may be considered a reasonable accommodation, depending on the extent of the reading that would be required. The reader must read well enough to enable the employee to perform his or her job effectively. Oftentimes a reader is used in testing situations. The job of a reader in a testing situation is to simply read the test or materials. The reader does not define words or explain terms.

An employer may also be required to provide interpreters. If an individual with a disability is otherwise qualified to perform essential job functions, the employer's basic obligation is to provide an accommodation that will enable this person to perform the job effectively. Providing an interpreter on an "as-needed" basis may be a reasonable accommodation for a person who is deaf, if this does not impose an undue hardship.

A job coach to assist in the training of an employee can be another service an employer might need to provide to an employee as an accommodation.

Let’s see our next example.

A job applicant for a dog warden position in city government had difficulty reading and could not pass a required written test.

The employer provided a reader for the testing as an accommodation.

In this next situation, Josh’s job coach and employment specialist, Ed, had served him well during the job search, hiring, and training period. Ed also worked during this time to locate supports for Josh that could be put into place when Ed’s job was done, and he exited the workplace.

Josh’s supervisor was pleased that a mentor, an older coworker who had befriended Josh, was identified. He would be able to help Josh in the same way Ed had done on a more long-term basis.

The final accommodation option or category we’ll discuss here is reassignment.

A reassignment is generally looked at as an accommodation of last resort, meaning it should be considered only when an accommodation is not possible in an employee's present job, or when an accommodation in the employee's present job would cause an undue hardship. This accommodation may be reasonable if both the employer and the employee agree that it is appropriate.

Reassignment means that the employer looks at open positions the employee is qualified for. An employer does not have to create a position, nor do they have to bump someone else out of their position. The position should be as close as possible to the current one in terms of status and pay, but if that is not possible, the employer may consider lower positions. We have two really good examples here to illustrate reassignment.

In this first example of reassignment, a cashier encountered extreme difficulty counting back change accurately after the automatic change counter was removed from the register.

When no effective accommodation could be provided, the employee was reassigned to a deli position where he would not have to handle money.

Here we have an employee who delivered meals locally. He asked for a change in position when the kitchen where the meals were prepared was being remodeled. The temporary kitchen was located in the city where he was unable to drive.

The driver was reassigned to a painting and light construction crew that was helping with the renovations at the kitchen. Since he would only be required to drive to the center where the kitchen was located, the driver was able to continue working with no problems.

## [Conclusion]

Contact JAN for more information. You can visit our website at AskJAN.org, call at 800-526-7234 for voice or 877-781-9403 for TTY, chat online @AskJAN.org — you will see the large red employer button — email us at JAN@AskJAN.org, or find us on social media using Facebook and Twitter.

This concludes our session on Accommodation Solutions for Employees with Intellectual Disabilities. We hope you found it helpful.