# Accommodation Solutions: Respiratory Conditions, Allergies, & Fragrance Sensitivity

## [Introduction]

**TRACIE DeFREITAS:**

Hello, everyone. Thanks for joining us for this JAN Accommodation and Compliance Series webcast titled "Accommodation Solutions: "Respiratory Conditions, Allergies, and Fragrance Sensitivity." My name is Tracie DeFreitas. I'm the Director of Training and Outreach for JAN.

Our presenters today are Teresa Goddard, Lead Consultant, Assistive Technology Services and JAN sensory team lead, and Jose Gonzalez Lopez, Consultant for JAN's sensory and motor teams. Teresa and Jose, thanks for sharing your expertise with us regarding accommodation strategies for employees with respiratory conditions, allergies, and environmental sensitivities.

Before we begin, let's review the housekeeping items. If you do experience technical difficulties during the webcast, the webcast series FAQ might answer some of your questions. The link to the FAQ is included in the login email that you received today or go to the webcast series page at AskJAN.org. You may also use the question-and-answer option located at the bottom of the screen to connect with our webcast tech team.

Attendees are welcome to submit questions during the session using the Q&A option at any time. Questions will be answered, time permitting, but we suggest contacting the JAN service directly for assistance with your ADA and accommodation questions. You can go to AskJAN.org for contact information. Use the website live chat or email or call.

A link to the PowerPoint slides is included in the login email you received today. It's also posted in the chat, or you can go to this webcast event from the training page at AskJAN.org.

The closed caption option is located at the bottom of the webcast window, or you can view captions in a separate browser using the link shared in the webcast chat.

The webcast is being recorded and will be available later this month on the AskJAN.org website.

Finally, if you are seeking a CEU, the HRCI approval code will be available after you complete the webcast evaluation.

Now I will turn the training over to Teresa and Jose. Teresa, it's all yours.

## [General Reasonable Accommodation Information]

**TERESA GODDARD:**

Tracie, thanks for that introduction. I really appreciate it. Today we're going to talk to you about a number of topics related to accommodating an individual with some type of respiratory impairment or allergy or sensitivity. We kind of lumped these things together, because the accommodations tend to be something that can be applied with a similar framework.

But first, before we jump into that, I want to do a brief discussion with you about exactly what is a reasonable accommodation. The reason for that is one of the more common questions that we get here at JAN for individuals is "Can I ask for this? Is it okay that I ask for this? What exactly is a reasonable accommodation?" One of the more common questions from employers is "Is this reasonable? We're getting this request, we've not had a request like this before, can you tell me if this is reasonable?" To be honest, those are questions that are hard for us to answer, because there are so many things that could be reasonable accommodations, and also because the EEOC doesn't really define the word "reasonable" in a way that's very easy to convey to the average person, although it's pretty clear when we read it.

So first thing I want to say is a reasonable accommodation is any change in the work environment or the way things are usually done that results in an equal employment opportunity for an individual with a disability. This is from the EEOC's Technical Assistance Manual for title I of the ADA. There are lots of examples that they give — making existing facilities accessible, job restructuring, modifying a work schedule, reassignment, acquiring or modifying equipment or devices, adjusting or modifying policies, providing qualified readers or interpreters — but the truth is a person's not limited to these words when they're asking for an accommodation. And there are lots of accommodations that could be potentially reasonable but hard to apply in a particular environment.

So because it is challenging sometimes to come up with an accommodation that's going to work really well and be effective for the individual and work really well within the environment. what we've done at JAN is developed a three-step framework for talking about how to accommodate people with these types of conditions.

## [Complex Accommodation Issues]

So on the next slide I'd like to talk about some of the complex issues that make these accommodations so interesting to work on.

So with an accommodation for an individual with a respiratory impairment, for instance, there could be conflicting accommodation needs. One example of that might be that a person may need to work in a low-fragrance environment or an environment that is as fragrance-free as possible in order to avoid causing problems with their medical condition. However another employee may need to use things that have a fragrance that's unavoidable. So someone may, for instance, need to use a certain type of cream for their psoriasis that may have a fragrance, or even if it doesn't have an added fragrance the ingredients themselves may be something that another person could smell, and that could be an example of a conflicting accommodation need.

Another example would be one person may have an allergy to dogs and need to avoid them in the work environment; another person may need to bring their service dog to work. There are a few accommodations where these types of needs are so frequently in conflict compared to the way that they are frequent for cases involving respiratory impairment.

Another issue is that employers don't always have an easy way to change the air quality in the workplace. Sometimes it might be difficult to do so because of the size or nature of the work environment or because of some of the things naturally happening in that environment. So an example might be a school system. An employer may certainly be able to do things like have a very up-to-date HVAC system. However, they may have a limited ability to impact what people bring in to that setting, and there may also be times when they cannot open doors or windows for security reasons in order to get better airflow.

Many workplaces face the issue of having limited availability of private workspaces. We saw this beginning to emerge when employers went to more open-office environments, and post-pandemic some employers are reducing their real estate footprint, if you will, so their buildings and workspaces may be smaller than they were previously, providing even fewer private offices than may have been available previously. In some cases, too, a person might wish to do telework, but it can be difficult to imagine how that might happen, because there are some job tasks that have always been done on-site and that the employer does not see being possible to do from off-site, and there can be security and productivity concerns as well.

As with the air quality issue mentioned above, sometimes there might be limited ability to restrict foods and fragrances introduced to the workplace by clients, customers etc. Coworkers may not understand policies, and you may get some pushback if you're trying to apply a policy as an accommodation. Issues related to air quality and fragrances are also unfortunately an area where we see harassment of the individual with a disability. Not necessarily on the part of management, but sometimes from coworkers who just really don't understand the need to restrict something or who may have difficulty believing the person with an allergy. So an employer may have to be prepared to address those harassment issues if they arise.

And finally there can be safety concerns. People with respiratory impairments or allergies can have medical issues in the workplace that range from mild to extremely serious, so it may make sense to plan ahead for medical emergencies that could occur in the workplace. So next Jose is going to tell us a little bit about the three-part framework for addressing these types of accommodation issues. Take it away, Jose.

## [Accommodation Framework]

**JOSE GONZALEZ LOPEZ:**

Thank you, Teresa. So for the three-pronged framework, we're looking at the general three things that could be done to work with fragrance, allergies, and other respiratory impairments.

The first one that we would look at is to see if the allergen or irritant can be removed. So that can involve removing air fresheners if someone does have a fragrance allergy. People may have reactions to specific cleaning products, so changing those for ones that are fragrance-free or less harsh is another option. Soap in the bathroom can cause other types of reactions as well. Mold as well, so if someone has a sensitivity to mold in the air, and they start having reactions in the workplace, then that's a problem that has to be addressed.

And when it comes to food allergies, we have to consider what types of allergens could be in the food. So we want to look at caterers that can provide options that don't include those allergens as well as to try and limit the amount of cross-contamination possible.

Next slide.

Then you'd want — The next one would be to remove the person from being in contact with the allergen or irritant. That could be moving them to another workstation that's farther away from a bathroom if it's issues with the cleaning products that are used. If someone has some outdoor tasks that they typically would do and are possibly marginal and the person has a pollen allergy, seeing if you could restructure that and switch those tasks with indoor ones that someone else might do could be an option.

Considering telework either on a full- or part-time basis could be another option since the person would have more control over their environment. And a trial period could be used at the start of the accommodation to see if it is something that's feasible. And if someone has allergies to dust and the workplace is being renovated, telework for that amount of time or leave could be other options, though if telework is possible, that should be considered prior to leave, since leave could be less effective in that situation if they're able to perform their duties remotely.

And as a last resort, reassignment to a vacant position where they wouldn't be in contact with the allergen is also an option.

Next slide.

So the next one is reducing exposure to the allergens. So if the allergen can't be removed and the person can't be removed, we have to work with what's there and trying to reduce exposure as much as possible. So that can go with modifying a work schedule. If the allergen or sensitivity is related to cleaning products, working around the times that the areas are cleaned is a way to do it. Allowing the employee to have breaks or schedule their breaks in such a way so that they can step away from the workplace just to be out of the allergen exposure and just be able to get some fresh air. Looking at air purification systems to just trap those irritants and remove them from the air. And if that's an option, you'd have to consider the type of air purifier and filter that is being used, because they are not all going to trap the same types of allergens.

Communication methods is another option. If they need to communicate with someone in the area of the workplace that contains the allergen, instead of having to go to them directly, would an email or a phone call be sufficient for that? Then you would also have — Then another consideration could be either a fragrance policy or a food ban when it comes to those triggers, and that's something that we get into a little bit later. But those have their own challenges when it comes to fragrance-free policies and banning certain food items.

Next slide, please.

And this goes to removing the person. Since sometimes it isn't as feasible to have someone not be there, sometimes just removing the person from the area as needed is another way of working with it. So if the exposure is just for a short period of time and the person can be away from work or doing work somewhere else, just removing them for that short period of time would be another way to handle the situation. And next Teresa will be explaining some additional accommodations that are a bit more specific to allergies.

**TERESA GODDARD:**

Thanks, Jose. I really appreciate that. So just to pick up on something you mentioned about removing the person for a short period, we do see sometimes people needing notification of pesticide application, because they may be sensitive to the pesticides, and it might be useful for them to either work from home or be allowed flexible leave if telework isn't feasible on those days, or they might be able to restructure their job to be away for that day, perhaps working at another site. So I think it's very important that you mentioned that removing a person from the area where the allergen or asthma trigger or other irritant is located doesn't have to be long-term or every day. Sometimes it can be more intermittent. I really appreciate you mentioning that.

I want to talk next about some specific ideas for helping to mitigate the impact of someone's allergy on them when they are in the work environment. One thing that can be very helpful — and, if I can share something personal, I have this in place for myself — is a plan of action. A plan of action is basically just a means of planning ahead in case there should be some type of disability-related emergency at work.

You could have a plan of action for many different conditions. For example there could be a plan of action for an individual with a seizure disorder in case they should have a seizure while working. You could have a plan of action for a person with a heart condition in case they should have a cardiac emergency while in the workplace. But it works really well in my opinion in cases of allergies or also asthma attacks when a person may suddenly have a reaction to something within the work environment. A plan of action is just what it sounds like: a plan of what we're going to do if this happens.

Ideally it should be voluntary and developed with an employee's cooperation so that, first of all, we're not doing something that the employee does not want to accept and also because the employee is in a really strong position to tell us how to know if they are having an allergic reaction or an asthma attack, what that looks like. They're able to tell us, if they choose, things like where they store their rescue medications and whether they need help to retrieve those if they're having an emergency. They may even want to share details like, if there's more than one hospital near your workplace, they may want to be able to say which hospital they would prefer to go to if EMS is called and that question is asked. Information about who to contact like the emergency contact information could also be included in this form just to have everything all in one place.

Now of course this is disability-related information, so we need to make sure that you're following medical confidentiality rules and not keeping this in the regular file cabinet with an employee's nonmedical records. This should be kept in a separate locked filing cabinet or the digital equivalent. And if you want to develop a plan of action or just see what that is all about, if you would go to the JAN website in the A-Z section and look under "By Topic," you'll see a link for sample forms. You can find all of JAN's sample forms there, including the sample plan of action.

Another accommodation that might be needed if someone does have an allergic reaction or asthma attack at work is some time off to seek treatment or to recover from that. People may also need to use flexible leave or have a modified schedule so that they can see their medical providers to help them manage this condition appropriately.

Particularly for a person with an allergy, there may be a need to store food in a place that is safe where it won't be contaminated with foods that they are allergic to, and people may also have injectable medications that they use in case of emergency. It's very important that those are where they are expected to be and they not be tampered with in any way. Many individuals do in fact keep a second set of the rescue medications stored at work. I know when I was in the physical workplace frequently I did that. But it's important that those don't get moved around. We have seen cases here at JAN where someone's medications were moved or even disposed of without the person's permission or knowledge, and that could be a real problem when it's emergency time and you need those things.

Some accommodations that can also help to manage symptoms and side effects include things like modified schedules. People may experience fatigue as a result of a medication side effect, people may also benefit from coming into the workplace a little bit earlier than everyone else to get to their safe space, or they may benefit from coming in a little bit later after everyone has already gone through the stairwells and the elevators so that they can come in at a time that is less busy. This is particularly something that could be helpful for an individual with fragrance sensitivity or whose airways are a bit reactive due to asthma or another respiratory condition.

If a person does experience fatigue, good ergonomics can be extremely helpful in helping to manage that fatigue throughout the day.

Other things that can be helpful are things like having the person's primary workspace be near the closest accessible entrance and also, if possible, providing parking near the closest available accessible entrance. People may also experience things like pain or difficulty concentrating when they're having certain types of reactions or as a result of a medication side effect. So the types of accommodations that we use for conditions that cause difficulty concentrating, like for instance ADHD, could be applied here even though it's a totally different type of disability. Likewise ergonomics can be used to help manage people's pain throughout the day even though this isn't a musculoskeletal condition, it's something else. So keep your mind broad when you're thinking about accommodations to help manage a condition, because you may be able to pull ideas from the accommodation frameworks for other conditions.

So next I would like to talk a little bit more about planning a live event. What are some things that we should consider with regard to access to food and beverages? So when you're planning an event and you may have some people with some dietary restrictions, it's very important to consider offering alternatives so that people don't feel the need to necessarily bring in their own food. If they want to do that voluntarily that's fine, but part of being an inclusive and welcoming environment includes making sure that there's an option that is workable for everyone that's on offer.

Also just to get outside of the realm of allergies for just a moment, when we're planning an event we also want to remember that our seating area should be arranged in such a way that everyone can get around it, including those with mobility aids and those with service animals.

When we are preparing food as much as possible we want to avoid cross-contamination, both in preparation and in serving. So oftentimes your food might be prepared off-site, either by your coworkers if it's some kind of potluck or by the catering company if you are having the event catered. Hopefully the catering company is following good practices, but if your folks that are preparing for a workplace buffet can do things like be mindful of the allergens and also include a list of ingredients, maybe even take pictures of the packages that — of the ingredients that they're using, that might be really helpful to the person with a food allergy. So in other words if I am not sure about something but I see a list of the ingredients, and I could even ask my friend, "Hey, did you keep the package for this jam that you put in here? Did you keep a picture? Can I look at it?" That would help me know if it's safe for me. And for serving you want to keep separate serving utensils for each dish. And there might be times when you want to have a separate table for certain types of ingredients like for instance dairy, to make it very clear that these are the things that contain this ingredient. These over here are ones we've looked at and we think don't have it. And of course some people are still social distancing, so when you're doing your seating arrangements you may want to keep that in mind, how can people still feel included in our event and participate without being so close to each other? That's just a few things that we wanted you to keep in mind if you're planning a live event, as many of us are this time of year.

For a little bit more in-depth information on accommodating allergies specifically, I'd like to invite you to look at the JAN website. On the next slide we have a screenshot of a new resource that is on the JAN website called "About Allergies." This is a page that we just put up this year, and it has detailed information on the three-pronged framework and also links to all of JAN's articles that are related to allergies. If you want to go a bit deeper on your own, this is a great place to start.

And on the next slide we also want to talk a little bit today about long COVID and respiratory impairments. As there's more research being done on long COVID, it is apparent that many people with long COVID develop difficulty with breathing or with shortness of breath, and it can last for a fairly long period after the initial infection. People are also reporting fatigue, which is also a pretty common symptom of things like asthma, and they may have a cough for a long time, and some people have actually developed other respiratory impairments like taking on an asthma diagnosis after recovering from COVID when they did not have one before. I just wanted to plant the seed to that if an individual does have a history of COVID and they're experiencing breathing difficulty, shortness of breath, fatigue, cough, or any other type of respiratory issue, there's a chance it could be related, and I just wouldn't be surprised. Next slide, please.

**JOSE GONZALEZ LOPEZ:**

Thank you for that, Teresa. Next I'd like to tackle an issue that comes more specifically with multiple chemical sensitivity and fragrance sensitivities. This could happen with any condition, but we see it mostly here. When going through this process with these conditions, there can be misunderstandings during the process that can cause some issues when trying to find accommodations. So starting with just the individual, they might have difficulty trying to explain what's going on. Mostly because a lot of people with these sensitivities do have migraines and brain fog when they are exposed to the allergen or trigger, and it gets more complicated when they're not sure what's triggering it in the workplace. They might be aware of some of the chemicals that might trigger their symptoms, but they don't know where that's in the workplace, or they could be exposed to something new that they haven't reacted to before. And in general they can just not feel good physically. And because it can be very difficult to communicate that, they don't really feel — they feel like they're not being understood by either their coworkers or their employer that is trying to make the accommodations, and they might feel picked on and targeted like Teresa mentioned earlier. There can be issues related to bullying in the workplace for people with these sensitivities.

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And when their coworkers — the coworkers might not really understand the condition and what's going on and why are these changes happening? Depending on the type of person, say it's someone that might use a lot of fragrances or have air fresheners up in their own office, they might feel insulted because of just changes that might arise from having a new policy being instituted, and now they can't have those products that they used to have.

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And the employer, it can get very frustrating, since you can't always get very clear information when it comes to this situation. sometimes there is a lot of trial and error to figure out what's the best approach to the situation, and that can become very frustrating, because it can take a lot of time. And at times it feels like there really is no solution, because when it comes to fragrances, they can't exactly control everything that every one of their employees is either wearing or what they're washing their laundry with and all of those things, and that leads to an end result that Teresa is going to talk to us about.

**TERESA GODDARD:**

Thanks, Jose. Yeah, so situations involving fragrance too often have an emotional component. Not everybody understands, and sometimes even when everybody is trying really hard, a person may still have a reaction, which can be just something that takes time to process. So what can you do to overcome these issues?

First we're going to share with you some basic accommodation ideas that we'll go through quickly, and then we're going to go over some accommodation examples. I know that's everybody's favorite part of the show, so we'll try to get there quickly for you.

May we have the next slide, please?

One of the best things any employer can do is do their best to maintain good air quality at all times. That can include things like consulting with an HVAC professional. It could mean making sure that you are changing filters and things like that on a regular basis. It could be evaluating whether you need some air purifiers and if the ones that you have or are considering are the right size for the space or not. If you're not sure about that, by the way, we do have a link available that we can send you that has examples of vendors that carry air purifiers that are rated for very large spaces. So that's something we can offer you if the need comes up.

Discontinuing the use of fragranced products as much as possible can also be helpful. So if you have a break room where you provide dish soap to everyone to be able to clean their dishes, if you could provide a fragrance-free option that might be really helpful. That is something that's helpful to me, I can tell you. When there is citrus-scented dish soap in the office kitchen, that's a big problem for me, and when I first came to JAN I was nervous to bring that up, but I am so glad that I did, because I was helped immediately, because we're in a very supportive work environment. And that's what I would hope for everyone with an allergy: that they have a very supportive, welcoming, inclusive environment.

Same thing goes for your cleaning products. If you have things that you routinely clean with — carpet shampoos, wipes for the restroom, anything that you might have in the workplace — if there's fragrance-free option, that's super helpful to people with a fragrance issue. Providing scent-free meeting rooms and restrooms could be helpful. If you can't make your whole facility fragrance-free, at least maybe you can make these common areas as scent-free as possible. and if you can't designate all restrooms as fragrance-free, maybe you can designate one.

Modifying a workstation location so it's away from something that is fragranced or from a person who maybe is wearing something that's triggering a reaction, but we don't know what it is. Separating those two employees could be very helpful. We talked a little bit earlier about how modifying somebody's schedule can be helpful, because they can avoid fragrances when they were strongest at the beginning of the day or get to their safe space.

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We have a couple more of these before we get straight into the examples. Allowing someone to take fresh-air breaks can help them if they do happen to have an exposure at work. Indoor air purification systems that are designed for the irritant in question is also something that you could consider. So what do I mean by that? Air purifiers come in all different types. So if a person is sensitive to pollen, let's say, then you would want one that is good at removing pollen. But something that works really well on pollen might not work that well on something like cologne or smoke. So basically read your labels and consult your vendors when you're making these choices.

Jose talked earlier about modifying communication methods. Maybe not everything has to be face-to-face in person. I think that's a very useful strategy.

Modifying or creating fragrance free-work policies. People get very stressed out sometimes at the idea of implementing a fragrance-free policy, but just remember even if you're not sure that you can make an area totally fragrance-free, you can still work on a policy that gets you as close as possible within the limits of your environment. So maybe you could have a fragrance-free policy, for instance, that you ask employees to voluntarily follow and that you give training on so that there's good buy-in. But maybe you can't control what people might wear who come into the building from outside, and maybe we just need to find another way to work around that part of the problem. So if you can't be perfect, don't worry. Be as good as you can. I think that's good advice for fragrance accommodations and for life.

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One thing that is helpful, I do feel, is fragrance-free or chemical-free zones and entrances in classrooms and conference rooms and a safe path of travel to get to things like restrooms, break rooms, and of course someone's immediate office area.

Next I believe Jose is going to give us our first example. Jose, please take it away.

## [Examples]

**JOSE GONZALEZ LOPEZ:**

The first example we have is related to an airborne food allergy. So an employee contacted us with concerns that their employer was not following the accommodations that they had already requested and, in this situation, were already in place for several years. And this employer even had gone to the lengths of installing some walls into part of the building to help redirect airflow because this employee has an allergy to coffee. And the issue came up because, now that the pandemic has ended, another department started their biweekly — so every two weeks — coffee networking event that took place near the elevators. So this employee reached out to us, because they really couldn't figure out what to do, and the employer wasn't able to provide the same accommodations, because this is a completely different department. They don't have much control over where they are, so they weren't really able to move the location where this networking event was being held at.

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So some of the ideas that I discussed with them — because it's a particular case that I had — is looking to see if a mask or respirator is an option, even if it is just so they can get past this area until they can get to their office where there would be — all the other accommodations would be able to be provided, looking at air purifiers that might be able to be put in place to help reduce the amount of the allergen in the air. and seeing if there was any other way that ventilation could be redirected to limit the spread of the scent of coffee really.

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So when it comes to restricting foods as an accommodation, we have to remember that it's not a failsafe. It can help as much as possible to reduce exposure, but it is not going to be 100% foolproof. So this really goes into posting signs in entrances, hallways, and areas where people will be to alert them that certain foods are restricted due to someone having a severe allergy, but just in broad terms. And the same could be done if there's going to be a known food allergen in the building. Like sometimes places will put on their doors that they are having tree nuts inside, so that those coming in are aware. And sending memos to employees letting them know of this policy and, if they've been in contact with the allergen, that they can take precautions when interacting with other people. And going with just keeping the memos going so that people are reminded of it. And as well as enforcing the policy with consequences if there is an employee that does violate the policy, just like other types of workplace policies. This can help the policy continuing. And Teresa has some other examples for us now.

**TERESA GODDARD:**

Thanks, Jose. Thanks very much.

So next I want to talk about a fragrance sensitivity situation involving a case that I handled. A park worker had fragrance sensitivity, she couldn't be around perfumes and colognes, but her coworkers were really nice and receptive, and she was accommodated through an informal fragrance policy that all of the coworkers were kind of voluntarily buying into to help keep her safe.

But then, as always seems to happen, something happened. The employer decided that they wanted to put air fresheners in every restroom in that work area, including restrooms that weren't open to the public. So this initiative involved even the employee restroom, and it was scented and caused the person to have issues. They would have upper respiratory issues when exposed to the air freshener that was in the employee restroom. So she tried to solve it on her own, because you know a lot of us like to fix things on our own and not be a bother. She bought some surgical masks. She even tried wearing two at once.

She was still having problems, so she went to someone higher up and said, "Hey, can we do something about these air purifiers?" "Sorry, we can't. This came down from on high. We have to have air fresheners in every bathroom." So what she did was contacted the company making the actual air fresheners and learned that there is a fragrance-free option available. So that's what she wound up asking for, to have the ones in her work area replaced with the fragrance-free option.

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Could we have avoided this problem? Yes, I think so. I think the employer could have checked for fragrance-free options too, and since they already knew they had an employee with this issue, it would have been smart to buy those at least for that work area. But also employees need to speak up when there's an issue, because employers don't always connect the dots in the same way that the person who's actually experiencing a fragrance issue or allergy experiences it. So there's a responsibility on the part of the employee, too. We can't expect an employer to read minds.

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So again a couple things you can do are remove the chemicals, use alternatives, educate everybody who may need to have buy-in to this fragrance program that you're implementing, and consider a voluntary ban. Because some people are just more willing to go the extra mile when they know it's to help someone out as opposed to when they're being told that "We will not do this."

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**JOSE GONZALEZ LOPEZ:**

So next we have an example of where there are two accommodations that are taking place. We have a newly hired employee that's requesting to bring their service dog into the workplace, but after starting another coworker told their employer that they have a severe allergy to animals.

So in this situation, the employer moved one employee's workstation so that they could be farther away, they provided an air purifier to the employee with the allergy to help remove the allergens from the air, and they established different routes of where the employee with the service animal would travel and the employee with the allergy would also travel so that they're also maintaining distance. They increased their cleaning schedule. They allowed the communication in different ways so that there could be as least face-to-face communication as possible.

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So this situation kind of rolled everything that we talked about together, because when you have two different individuals that have accommodations that are related to one another, you really have to balance the needs of each individual. So they both have to be considered at the same time. And these are just the bullet points of what was in there, so eliminate or reduce the in-person contact, establish different routes that the employees will take, bringing air purifiers, modifying how often the cleaning is done, and something that also could be considered is, to the employee with the service animal, there could be dander management products provided so that when they're in the office they can reduce the amount of those allergens in the air as much as possible.

 And next up Teresa has an example of a respiratory impairment for us.

**TERESA GODDARD:**

Thanks, Jose.

**TRACIE DeFREITAS:**

Teresa, just one second to let you know we have about 10 minutes left for content.

**TERESA GODDARD:**

Okay. No problem.

So I want to tell you just quickly about an educational social worker with a respiratory impairment and fragrance sensitivity. She had been teleworking during the pandemic, but when people were being called back to the regular worksite she had wanted to continue teleworking. The employer didn't go for it. They denied that request, so the employee came up with a new request, hybrid schedule of two days on site, three days at home, masks, air purifiers within the workspace, and a private office to do case documentation.

Let's talk about what happened on the next slide.

So ultimately the employer in this case denied telework, because they felt that the educational social worker needed to be within the school environment. They did agree to permit a mask, which the employee was going to pay for, since she needed masks both within the work environment and in other settings, too. And they worked with the employee to develop a plan to buy an effective air purifier. That's actually how our page on air purifiers for large spaces came to be developed was because of this case. The employer provided an office space, but they weren't able to provide a fully private one. It was shared at some times. So this accommodation didn't work out perfectly the way the employee wanted, but the employer I think did make an attempt to get as close as possible with the understanding that they couldn't do full-time telework.

So if we could see the next slide, please.

So here is an example of a type of mask that is intended for filtering out things like pollution. This is one that some of our callers have referenced and said it worked well for them. It has a coconut-based carbon filter. Now obviously do not use this if you are allergic to coconut. Let's use common sense. But for people with other allergens who need a mask it could be helpful.

Next slide, please.

I want to talk to you about another unusual one. We talked to a nurse who had anaphylaxis when exposed to chlorine fumes, so bleach, which we all know hospitals use a lot for cleaning. And I guess because she had been exposed to it for many years during the course of her career, even low volumes of that of that cause an issue.

So they had to do a multipart accommodation for her to develop a safe path of travel, find some alternative cleaning products, and develop a plan of action for her. They took away the function of patient transport to limit the parts of the hospital that she needed to go through, gave her a parking space that let her avoid the elevator, and tried as much as possible to reduce the use of chlorine, especially in common areas and public areas.

Next slide, please.

So by working together, the employee and the hospital were able to find a way to do that. They also looked at facemasks, but the employee's doctor didn't think that that would really work to reduce that chlorine to an acceptable level, so sometimes that happens.

Next slide.

Sometimes we do get cost-benefit data on our accommodation scenarios. In this case we did not have a cost reported, and the employer still wasn't sure how this was going to work out, because they were still working on finding that safe path to the cafeteria.

So, Jose, would you like to tell us a little bit more about this next example?

**JOSE GONZALEZ LOPEZ:**

Of course. So sometimes people can develop new allergies, so in this case there was a federal employee that was working in the warehouse for 10 years, and they developed allergies to dust and mold, and they couldn't continue working there. The employee asked to reassign her warehouse duties to another employee, and she would only do the office tasks. The employer countered that you can't just remove the essential job functions of the job, and there was no one else that could take in those duties even if that was an option.

Next slide.

The solution in this situation is to reassign the employee to an alternative position that they were qualified for. And in the next slide we see that this had no monetary cost for the employer. The other position is typically vacant, and the benefit is that the accommodation was made and the employee didn't have to continue working in an area with their allergens.

I think next Teresa has our last two examples.

**TERESA GODDARD:**

Yes, I do. Thanks, Jose.

We want to talk to you about a career counselor. She had asthma and allergies, and she normally did her paperwork in her office, which was in a basement, and something about that building and the basement was causing her some breathing problems and headaches. She wasn't sure exactly what it was. Sometimes that happens. Sometimes we don't know exactly where the symptom trigger is coming from. So in this case the employee asked for an air purifier. At first the employer said no, because they thought it's a personal use item. They are like, "This is personal. It's just for you, so it's a personal use item. "We're not going to buy it." But in the end they decided to let her buy one and reimburse her for it. If you're ever not sure if something is a personal use item and you just want to talk it through, you can always call us.

Okay. I want to talk about the next slide, please. So there wasn't a cost reported for this. We don't know how much it actually cost, but according to the employee the accommodation worked fine for the office, but she was still having some problems in other places.

And I think I have our last example coming up on the next slide.

Okay here are some JAN resources, actually, on the next slide. A-Z, you can look at the section on food allergy, on fragrance allergy, long COVID. We have a page on MCS and also something in general on impairments.

And could we have the next slide, please.

We're ready for questions. Thank you, Tracie.

## [Q&A]

**TRACIE DeFREITAS:**

All right. So much great information. We do have a few minutes for questions, I would say. Not a lot of time, but just a few. I will say that with the questions that have come in, a lot of your content addressed some of those questions that people were sending in, so you really hit some great topics for everyone.

Something that wasn't covered, I think, is related to medical documentation. So one question is, "What can we do "if the employee cannot produce medical documentation confirming their allergy?"

**TERESA GODDARD:**

That's a great question, Tracie. I think employers might want to keep in mind that asking for medical documentation is something that's permitted, but if we don't have it we may be able to find a path forward anyway. When it comes to allergies I think we have to be sensitive to the fact that not all allergens are easy to test for. So an employee may be able to bring in a doctor's note explaining their needs, but they might not necessarily be able to get test results to back them up. And I'll use myself as an example. I know I'm definitely allergic to cherry trees. I sneeze and cough, and my nose runs, and my eyes water every time I'm around them. When I went to my allergist he said, "I can't test you for that. Your insurance won't cover it, because those are not native to this area. So, you know, if you want that, you're going to have to pay for it." If I needed that for work that would be a real barrier for me, so I hope employers can be sensitive to that.

Sometimes offering an informal or interim accommodation and giving someone extra time might make sense. It also might make sense to remember that maybe we don't actually need test results. Another thing that doctors sometimes have trouble giving is a list of triggers, say for asthma, and I always remind employers that, when I go to my doctor, he doesn't tell me what my asthma triggers are. I described to him what's happening when I have an asthma attack, and we figure it out together from my report. So it might make sense to have sometimes a more informal discussion with that employee to better understand their needs.

Jose, do you have thoughts?

**JOSE GONZALEZ LOPEZ:**

Yes. Because something that has come up only once or twice is that sometimes the employee might not know specifically what the trigger is, or even their doctor might not know. Getting that specific might not be necessary. I've had some employers reach out — well particularly employees — because they work in a very scientific field, so their employer was asking for even concentrations of the chemical in the air that would trigger a reaction. And that's quite possibly not possible to ever find out. So that kind of information just makes it far more difficult to get what might be a very simple solution in place.

**TERESA GODDARD:**

Absolutely. You know, I think some employers would love to be handed the solution every time, but this is one of those realms of accommodation where a little trial and error is sometimes necessary. It's just the nature of it. But thanks for that question, Tracie.

**TRACIE DeFREITAS:**

Okay. Very good. Great responses. I'll throw one out if you can answer it pretty quickly.

Here's another one around can we just ask an employee to wear a mask?

**TERESA GODDARD:**

Jose, do you want to take that one, or do you want me to?

**JOSE GONZALEZ LOPEZ:**

You can take it.

**TERESA GODDARD:**

Okay. This is actually one of my favorites. If the idea comes from the employee, I think it's a lot easier to manage the idea of a mask as an accommodation. I think it's almost always better to see if there's some additional way to help or another way to help before considering the mask, like looking at the overall air quality. The reason for this is, when someone's wearing a mask now that COVID is a little bit more resolved, that's going to point out to other people that there's some type of issue, and we shouldn't be coercing an employee to reveal information about their medical condition by making them do something that's very obvious to others. If the idea comes from them, of course, that's different.

The other issue is not every mask is going to be appropriate for every allergen or every trigger, and some people with asthma may have difficulty wearing them for long periods at all, and they can interfere with workplace tasks, too, like use of the phone, so I think employers should be cautious about relying on masks as the first type of accommodation to consider. Let's look at all the other ways first if we can.

**TRACIE DeFREITAS:**

Okay, very helpful. That's great practical guidance I think everyone can use.

## [Conclusion]

With that I think we're going to have to close out the Q&A, and that's all the time we really have. So Teresa and Jose, thanks for this informative training We do appreciate your time and expertise.

Please keep in mind if you submitted a question, contact JAN. We're here, we're available to answer your questions anytime, so go to AskJAN.org for that contact information, and we'll be happy to assist you that way.

This training does complete the JAN Accommodation and Compliance Webcast Series for 2023. The JAN webcast training lineup for '24 will be released in December. We'll announce a series via email and social media before the end of the year. We're working on developing some great topics based on webcast attendee requests that were submitted throughout this year, so we thank you for your feedback.

The JAN webcast series library offers access to all the training offered this year and last. These are readily available training resources on ADA and accommodation topics. JAN also offers a video training resource library that includes role-play videos and accompanying PowerPoint presentations, so we encourage you to check out all of the training offerings that JAN has. Just go to AskJAN.org to that training page.

If you are seeking a continuing education unit for today's training, we do offer one HR credit through HRCI. In order to access that, please complete the webcast evaluation. We do appreciate your feedback. Don't close the JAN webcast window when the webcast ends. That evaluation will pop up in a new browser window at the end of the webcast, or you can scan the QR code provided here to access the evaluation page on your mobile device. Once completed just click on that view your certificate of completion.

As a reminder if you have any ADA and accommodation questions, again go to AskJAN, and we'll be glad to help, so you can find the contact information at the website.

We also encourage you to follow us on social media and YouTube and get all the information you need there.

 Finally, thank you to Alternative Communication Services for providing sign language interpreting and captioning services for this JAN webcast.

For now, that's a wrap. Enjoy the rest of your day, everyone. This concludes today's webcast.