

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Employees with Sleep Disorders

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Preface

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

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

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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 Sleep Disorder

Several types of sleep disorders exist and have various symptoms. Insomnia, sleep apnea, narcolepsy, and restless legs syndrome are among the most common. Sleep disorders are neurological conditions that change the way you sleep. They can affect general health, safety and quality of life. Sleep deprivation can affect your ability to drive safely and increase your risk of other health problems.

Some of the signs and symptoms of sleep disorders include excessive daytime sleepiness, irregular breathing or increased movement during sleep, and difficulty falling asleep. There are many different types of sleep disorders. They're often grouped into categories that explain why they happen or how they affect you. Sleep disorders can also be grouped according to behaviors, problems with your natural sleep-wake cycles, breathing problems, difficulty sleeping or how sleepy you feel during the day.

Some common types of sleep disorders include:

- Insomnia involves difficulty falling asleep or staying asleep throughout the night.
- Sleep apnea, in which you experience abnormal patterns in breathing while you are asleep. There are several types of sleep apnea.
- Restless legs syndrome (RLS), a type of sleep movement disorder. Restless legs syndrome, also called Willis-Ekbom disease, causes an uncomfortable sensation and an urge to move the legs while you try to fall asleep.

- Narcolepsy, a condition characterized by extreme sleepiness during the day and falling asleep suddenly during the day.

There are many ways to help diagnose sleep disorders. Doctors can usually treat most sleep disorders effectively once they're correctly diagnosed. Accommodation may help individuals adjust during treatment or to new sleep patterns.

JAN's [Effective Accommodation Practices \(EAP\) Series: Executive Functioning Deficits](#) is a publication detailing accommodations for individuals with limitations related to executive functioning. These ideas may be helpful in determining accommodations.

Sleep Disorder and the Americans with Disabilities Act

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. 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. For more information about how to determine whether a person has a disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

Accommodating Employees with Sleep Disorder

People with sleep disorders may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people who are aging 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 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 been consulted regarding possible accommodations?

6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training?

Accommodation Ideas:

Limitations

Attentiveness/Concentration

- Applications (apps)
- Behavior Modification Techniques
- Cubicle Doors, Shields, and Shades
- Electronic Organizers
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Job Coaches
- Modified Break Schedule
- Noise Canceling Headsets
- Sound Absorption and Sound Proof Panels
- Telework, Work from Home, Working Remotely
- Timers and Watches
- Worksite Redesign / Modified Workspace
- Written Instructions

Decreased Stamina/Fatigue

- Anti-fatigue Matting
- Ergonomic Assessments
- Ergonomic Equipment
- Job Restructuring
- Periodic Rest Breaks
- Stand-lean Stools
- Task Rotation

- Telework, Work from Home, Working Remotely
- Wearable Anti-fatigue Matting
- Worksite Redesign / Modified Workspace

Effect of/Receive Medical Treatment

- Flexible Schedule
- Telework, Work from Home, Working Remotely

Executive Functioning Deficits

- Apps for Concentration
- Checklists
- Color Coded System
- Cubicle Doors, Shields, and Shades
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Form Generating Software
- Job Coaches
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Noise Canceling Headsets
- Recorded Directives, Messages, Materials
- Sound Absorption and Sound Proof Panels
- Speech Recognition Software
- Timers and Watches
- Wall Calendars and Planners
- Written Instructions

Stress Intolerance

- Apps for Anxiety and Stress
- Behavior Modification Techniques
- Counseling/Therapy
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines

- Flexible Schedule
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Supervisory Methods
- Support Animal
- Support Person

Work-Related Functions

Policies

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Flexible Schedule
- Marginal Functions
- Modified Break Schedule
- Periodic Rest Breaks
- Policy Modification
- Reassignment
- Service Animal
- Supervisory Methods
- Support Animal
- Telework, Work from Home, Working Remotely

Situations and Solutions:

A new university employee attending out-of-town training for the first time realizes that he will be required to share a room with a co-worker.

He asks for an accommodation of his own room so that his sleep disorder and the use of a CPAP machine will remain confidential. His employer agrees. Although the employer stated that the feasibility of the accommodation may need to be evaluated each time a separate room was required, at this time there would be no financial hardship in providing this employee with the accommodation of his own room.

An employer requests medical documentation from an employee to substantiate the need for an adjustable desk that she says will keep her awake.

The employee states that she was diagnosed with narcolepsy many years ago, but has no current documentation and has no desire to go through medical channels again. The employer suggests some simpler, less expensive accommodations to help, but denies the request to purchase the desk without medical documentation that confirms the disability and the need for the product.

Due to ongoing issues related to a sleep disorder, a law enforcement officer who works daytime shift asks for the accommodation of not being called out during the evenings and weekends.

Due to the nature of the area, officers are called out when needed to handle situations that require extra personnel, frequently in the evenings and on weekends. The employer determined that it was an essential function of the officer's position to be ready and available at all times. The accommodation was denied, and the employer began looking for a position for the officer where nights and weekends would not be required.

A long-term employee with a sleep disorder has begun to have difficulty completing the mandatory overtime recently instated by the employer.

The employee is fatigued, inattentive, and has trouble getting through his regular schedule at times. He discloses to his employer and asks to be exempt from the overtime. After much discussion with the employee and the consideration of medical information from his doctor, the employer agrees to exempt the employee from some of the overtime, but isn't able to take him completely off of the schedule. The employer states a business need requires all hands on deck during the busiest seasonal times.

A financial analyst with sleep apnea often fell asleep while working at her computer.

The employer provided her with a small device called a Doze Alert that fits in her ear and sounds whenever her head starts to drop forward as she falls asleep.

A veteran, who is now a delivery truck driver, had PTSD that resulted in a sleep disorder.

He was having difficulty with his nightshift schedule. His employer transferred him to a dayshift when an opening became available.

A customer service representative with hypersomnia had difficulty waking up for his morning schedule, which resulted in him being late for his shift.

The employer accommodated him by moving him to the afternoon shift.

An employee who has recently been diagnosed with hypersomnia and takes new medications continues to struggle with getting to work on time.

Her employer agrees to a temporary flexible schedule during the current “quiet” period while she adjusts to the medications her doctor feels will be effective. A more long-term solution of a shift change was brought up by the employee as a possibility if the flex schedule proves unsuccessful. They also looked at accommodations to help her remain more alert throughout the day.

A nurse with fibromyalgia working in a county health clinic experienced a great deal of fatigue and pain at work.

The nurse typically worked evening shifts, but her doctor recommended a schedule change so she could regulate her sleep patterns. Accommodation suggestions included changing her shift from evening to day, restructuring the work schedule to eliminate working two consecutive twelve hour shifts, reducing the number of hours worked to part time, and taking frequent rest breaks.

An employee at a manufacturing site had been successfully working the second shift with seasonal affective disorder (SAD).

He experienced fatigue and difficulty with concentration due to disruption of his sleep patterns and couldn't work the early shift a new manager assigned him to. The employee was accommodated with the ability to remain on his current shift. The new manager found many employees willing to switch and work the day shift.

A grocery store bagger with seasonable affective disorder (SAD) had difficulty working an early schedule due to oversleeping.

She also experienced fatigue and depression during late fall and winter months. She was accommodated with an afternoon schedule and was moved to the front of the store, which had windows that let sunlight enter her workspace.

An applicant with hyperthyroidism disclosed that she has difficulty sleeping because of her condition and may have problems making it into work punctually.

The employer agrees to allow the individual to have some flexibility in their start time and make up the time at the end of their shift to accommodate this need.

An office worker with a sleep disorder had trouble waking up in the morning and was often tardy for work.

He asked not to be disciplined for his tardiness. His employer accommodated him with a thirty minute arrival window and allowed him to extend his day to make up the time.

A bus driver recently diagnosed with sleep apnea asked for a light duty position.

The employer contacted JAN asking for other options. JAN suggested a flexible schedule, temporary reassignment to shorter bus runs, and time off for treatment.

A federal employee experience neuralgia from shingles when trying to sleep.

His physician stated that the most severe effects should pass within two months. He was granted telework with a flexible schedule to accommodate his fatigue and lack of sleep.

A dispatcher with shift work sleep disorder worked rotating shifts that caused his sleep disorder to be exacerbated.

The employer changed the rotating shift schedule for all employees to shifts that were assigned by seniority.

An accountant with restless leg syndrome was often 10-15 minutes late for work every day due to amount and quality of sleep.

The employer provided this employee with a half an hour flexible start time. Depending on when the employee arrived, the time was made up either in a break or at the end of the day.

A clerical employee with insomnia had a hard time maintaining concentration on the job and his stamina was often poor because of inadequate sleep.

This employee was allowed frequent breaks to help improve his stamina.

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.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800) 526-7234
TTY: (304) 293-7186
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
odep@dol.gov
<http://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.

American Academy of Sleep Medicine

2510 North Frontage Road
Darien, IL 60561
Direct: (630) 737-9700
Fax: (630) 737-9790
inquiries@aasmnet.org
<http://www.aasmnet.org>

The American Academy of Sleep Medicine (AASM) is a professional medical association representing practitioners of sleep medicine and sleep research.

American Psychiatric Association

1000 Wilson Blvd
Suite 1825
Arlington, VA 22209-3901
Toll Free: (888) 357-7924
Direct: (703) 907-7300
apa@psych.org
<http://www.psych.org>

The American Psychiatric Association is an organization of psychiatrists working together to ensure humane care and effective treatment for all persons with mental illness, including substance use disorders. It is the voice and conscience of modern psychiatry. Its vision is a society that has available, accessible quality psychiatric diagnosis and treatment.

American Sleep Apnea Association

1717 Pennsylvania Avenue, NW Ste. 1025
Washington, DC 20006
Toll Free: (888) 293-3650
Fax: (888) 293-3650
<http://www.sleepapnea.org>

The American Sleep Apnea Association is a non-profit organization that promotes education and awareness, the ASAA A.W.A.K.E. Network of voluntary mutual support groups, research, and continuous improvement of care.

Anxiety and Depression Association of America

8701 Georgia Ave.
Suite #412
Silver Spring, MD 20910
Direct: (240) 485-1001
Fax: (240) 485-1035
<http://www.adaa.org/>

ADAA is a national nonprofit organization dedicated to the prevention, treatment, and cure of anxiety and mood disorders, OCD, and PTSD and to improving the lives of all people who suffer from them through education, practice, and research.

Centers for Disease Control and Prevention

1600 Clifton Rd
Atlanta, GA 30333
Toll Free: (800) 232-4636
<http://www.cdc.gov>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

Mayo Clinic

13400 E. Shea Blvd.
Scottsdale, AZ 85259
Direct: (480) 301-8000
<http://www.mayoclinic.org/>

The Mayo Clinic's mission to inspire hope and contribute to health and well-being by providing the best care to every patient through integrated clinical practice, education and research.

MedlinePlus

8600 Rockville Pike
Bethesda, MD 20894
custserv@nlm.nih.gov
<https://www.nlm.nih.gov/medlineplus/>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

Created by the U.S. National Library of Medicine

Narcolepsy Network

46 Union Drive, #A212
North Kingstown, RI 02852
Toll Free: (888) 292-6522
Direct: (401) 667-2523
Fax: (401) 633-6567
narnet@narcolepsynetwork.org
<http://narcolepsynetwork.org/>

Narcolepsy Network is a national, non-profit organization incorporated in 1986. Members are people who have narcolepsy (or related sleep disorders), their families and friends, and professionals involved in treatment, research, and public education regarding narcolepsy.

National Alliance on Mental Illness

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

The National Alliance on Mental Illness (NAMI) is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans

affected by mental illness. NAMI advocates for access to services, treatment, supports and research and is steadfast in its commitment to raise awareness and build a community for hope for all those in need.

National Center for Biotechnology Information

8600 Rockville Pike
Bethesda, MD 20894
pubmedcentral@ncbi.nlm.nih.gov
<http://www.ncbi.nlm.nih.gov/>

MISSION: IMS brings together an international community of health care professionals, researchers, educators, and others to improve care and transform delivery of treatment to those suffering from soft tissue pain through the promotion and exchange of globally recognized research, education, and innovation in patient care.

National Fibromyalgia & Chronic Pain Association

31 Federal Avenue
Logan, UT 84321
Toll Free: (801) 200-3627
info@fmcpcaware.org
<http://www.fmcpcaware.org/>

The National Fibromyalgia & Chronic Pain Association (NFMCPA) is a 501(c)3 not for profit organization. We support people with chronic pain illnesses and their families and friends by contributing to caring, professional, and community relationships. Through continuing education, networking with support groups and advocates, and affiliation with professional organizations, the members of the NFMCPA have a place to be informed, get involved, and recognize achievements.

National Institute of Neurological Disorders and Stroke

P.O. Box 5801
Bethesda, MD 20824
Toll Free: (800) 352-9424
Direct: (301) 496-5751
<http://www.ninds.nih.gov>

The NINDS, an agency of the U.S. Federal Government and a component of the National Institutes of Health and the U.S. Public Health Service, is a lead agency for the congressionally designated Decade of the Brain, and the leading supporter of biomedical research on disorders of the brain and nervous system.

National Institute on Aging

31 Center Drive
MSC 2292
Bethesda, MD 20892
Toll Free: (800) 222-2225
niaic@nia.nih.gov
<https://www.nia.nih.gov/>

At NIA, our mission is to discover what may contribute to a healthy old age as well as to understand and address the disease and disability sometimes associated with growing older. In pursuit of these goals, our research program covers a broad range of areas, from the study of basic cellular changes that occur with age to the examination of the biomedical, social, and behavioral aspects of age-related conditions, including Alzheimer's disease.

National Jewish Health

1400 Jackson Street
Denver, CO 80206
Toll Free: (877) 225-5654
Direct: (303) 388-4461
<http://www.nationaljewish.org/>

National Jewish Health is known worldwide for treatment of patients with respiratory, cardiac, immune and related disorders, and for groundbreaking medical research. Founded in 1899 as a nonprofit hospital, National Jewish Health remains the only facility in the world dedicated exclusively to these disorders. *U.S. News & World Report* has

ranked National Jewish Health as the number one or number two hospital in pulmonology on its Best Hospitals list ever since pulmonology was included in the rankings.

National Sleep Foundation

1010 N. Glebe Road, Suite 310
Arlington, VA 22201
Direct: (703) 243-1697
nsf@sleepfoundation.org
<https://sleepfoundation.org/>

The National Sleep Foundation is a nonprofit organization that promotes public understanding of sleep and sleep disorders and supports sleep-related education, research, and advocacy to improve public health and safety.

Reader's Digest Sleep Resources

<http://www.rd.com/sleep/>

Reader's Digest recently upgraded its Living Healthy online channel and now has a section dedicated to providing free resources for sleep disorders.

Remedy's Health Communities

<http://www.healthcommunities.com>

Remedy Health Media is America's fastest growing health information and technology company. We are a leading provider of clinical resources and wellness tools that help millions of patients and caregivers live healthier, more fulfilled lives.

Our mission is to empower patients and caregivers with the information and applications needed to efficiently navigate the healthcare landscape and as a result, to permit better health outcomes through use of our products and services.

Restless Legs Syndrome Foundation

3006 Bee Caves Road,
Suite D206
Austin, TX 78746
Direct: (512) 366-9109
info@rls.org
<http://www.willis-ekbom.org/>

The RLS Foundation provides information on RLS-diagnosis, treatment, and support from others with the condition.

The Environmental Illness Resource

162 Bramham Drive
Oakdale Court
Harrogate, North Yorkshire, England HG3 2-2UB
Toll Free: (441) 423-528055
support@ei-resource.org
<http://www.ei-resource.org/>

The Environmental Illness Resource seeks to provide those with environmental illnesses with information of the highest quality in the hope that this will lead to improved quality of life and perhaps even recovery of good health. In addition, to provide a free and open online community in which members may exchange information between themselves and support each other in their healing journeys.

Tourette Syndrome "Plus"

940 Lincoln Place
North Bellmore, NY 11701-1016
Direct: (516) 785-2653
admin@tourettesyndrome.net
<http://www.tourettesyndrome.net/>

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