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**MONTHLY WEBCAST SERIES - ASK THE COGNITIVE TEAM**

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 >> BETH LOY: Hello, everyone and welcome to the Job Accommodation Network's commodity and compliance audio Web Training Series. I'm Beth Loy and I'll be the moderator for today's program called "Ask the JAN Cognitive Team". Featuring Melanie Whetzel Lead Consultant for the cognitive team and Sarah Small a consultant on the team but before we start the program I would like to go over a few housekeeping items first if you experience difficulties during the webcast please call us at 800-526-7234 for voice and hit button 5 or for TTY call 877-781-9403. Second, we plan to answer as many of your questions as we can during the presentation so please send in your questions at any time during the webcast to our email account, question@askJAN.org or you can use the question and answer pod located at the bottom of your convenient to use the pod type your question and submit it to the question queue also on the bottom of your screen you'll notice a FileShare pod you can use if you have difficulty viewing the slides or would like to download them.

 And finally, I want to remind you that at the end of the webcast, an evaluation form will automatically pop up on your screen in another window if you don't have popups blocked. We really appreciate your feedback. So if you don't happen to get the evaluation form then, you'll get it when you receive the information on where the webcast is archived so please stay logged onto fill out that evaluation form. So now let's start today's program. Who is up first today?

 >> SARAH SMALL: I am

 >> BETH LOY: All right, Sarah let's hear all about cognitive issues.

 >> SARAH SMALL: Thanks Beth so we wanted to start by giving a list of some of the common cognitive impairments that we encounter. You'll see Alzheimer's and dementia, Attention Deficit Hyperactivity Disorder or ADHD, autism, brain injuries, developmental or intellectual disabilities. Learning disabilities, mental health impairments, sleep disorders, as well as stroke.

 And to give you an idea of some of the common limitations that we find to be associated with those times of impairments, you'll see a list here. This is not an exhaustive list. But it gives you the ones we see most commonly so you'll see here there are things such as concentration, memory, organization, time management, co-worker interaction, working effectively with others, sometimes there might be some issues with attendance that come about. Or possibly some issues with reading, writing, mathematics or even spelling.

 >> BETH LOY: I think Sarah on this slide it's important to point out that sometimes someone who has cognitive limitations may not have any of these limitations.

 >> SARAH SMALL: Right. Yes

 >> BETH LOY: It may be something they have accommodated themselves and you'll never know that an individual has an impairment.

 >> SARAH SMALL: Yeah I think that can be really common with these types of impairments, especially if it's something that they have grown up with or have developed their own coping mechanisms, as well.

 >> BETH LOY: Next we have a topic that can be tough, disclosure.

 >> SARAH SMALL: Yeah, that can be a big one for people. So we wanted to give an example here of one type of situation that disclosure could potentially play a part of. You'll see in this example there was an applicant for a school psychologist position. And in the past they had had several late interviews that she felt had gone badly she felt she was scattered and really didn't feel at her best during the afternoon. In this case the applicant felt they were able to focus and pay better attention in the morning hours. She felt if she could interview in the morning that her responses to questions would be better thought out. So in this type of situation if there were no interview slots available in the morning, she may need to disclose in order to request an early time slot as an accommodation. And I really like this example, Beth, because it's something that sort of highlights the idea that in some ways you might be able to kind of do this on your own. And not necessarily even have to disclose. It could be as simple as asking the employer ahead of time would there be any morning time slots available and you might not even have to say anything else aside from that.

 But it is something that she could ask for as an accommodation if it was necessary

 >> BETH LOY: Uh-huh. That's good information for disclosure. So not only do we have issues with disclosure sometimes, we have issues with medical information.

 >> MELANIE WHETZEL: All right and here we have an example of an employee with a learning disability who excelled on the job for years until the job changed enough that he required extensive training. He asked for an accommodation and the employer required medical documentation The employee had no documentation and was at a loss of what to do.

 >> BETH LOY: So what happened in this case, Melanie?

 >> MELANIE WHETZEL: So here in this solution JAN recommended several solutions the first was to ask for temporary accommodations to assist him in training while he was exploring and trying to get the medical testing completed. He was referred to vocational rehabilitation for assistance as well as a local university.

 The employer can provide temporary accommodations as a good faith effort while the employee is obtaining the required documentation. Local universities who have doctoral programs in psychology sometimes offer training on sort of a sliding scale payment, which might work out for a lot of people because the psychological testing can be quite expensive.

 >> BETH LOY: Okay. Now, Melanie, we have a couple of questions and I want to encourage our audience today to send in questions because that's kind of how we designed the training sessions to let people ask tough questions related to cognitive accommodations. Now, Sarah, many of the cognitive disabilities that you learning disability, they are either hidden or I guess you would say non-apparent. How do these affect disclosure? We know it's different for individuals who have disabilities that are not visible

 >> SARAH SMALL: You're right, Beth. And it's something that, like you said, oftentimes these types of conditions are hidden or non-apparent. And sometimes as we sort of mentioned before, there really may not ever be a need to ask for anything. But if there is, and there is a reasonable accommodation that could be helpful at work, it does affect disclosure a little bit.

 So with a situation like this in these types of conditions, because they are not apparent, that means a couple of different things. It first means that that employee is probably going to need to initiate that conversation because it's something that unless they make it known, the employer is not going to know And even if that employee feels that the employer should pick up on something, really the employer does not want to make any assumptions. They don't want to ask. They don't want to assume that somebody is struggling because of a disability. So I think with these conditions, No. 1, that employee is sort of recognizing for themselves and initiating that conversation.

 But it also changes in the sense that with these types of conditions when a request is made, the employer will be entitled to some limited medical documentation. Any time a condition is not known or obvious, they can ask for that as a way to help establish that coverage and substantiate the need for accommodation.

 >> BETH LOY: Sarah that kind of leads us into the second question that we have. And that question is related to documenting a learning disability. Melanie, can you tell us how is this different than for medical conditions?

 >> MELANIE WHETZEL: Sure, certain medical conditions change and limitations may fluctuate over time. So current or relatively recent documentation is recommended when evaluating whether an employee has a disability and what accommodations might be effective. And that would be a medical doctor, primary care physician, medical specialist that would do that type of medical documentation.

 But because a learning disability and intellectual disabilities are lifelong and mostly static no updated documentation should be needed. If the individual was tested or reevaluated at or above the age of 18. Most -- if kids are evaluated, identified in school, they will be tested when -- their senior year of high school or when they are 18 so that they have that current documentation to go forward for college or training or employment. And so that updated documentation is not needed.

 Some employers will say, well, we need it updated. We need you to have that testing done every three years. And that is not needed. At all.

 >> BETH LOY: And I think this is an excellent point because I was just in -- I was giving a presentation last week in Orlando. One of the audience members kept insisting if a new supervisor comes on board, that supervisor can ask for recertification of a disability.

 >> MELANIE WHETZEL: No that's really not necessary at all.

 >> BETH LOY: No.

 >> MELANIE WHETZEL: There should be records that the supervisor could look at to see or that HR could assure them that, yes, we have this information. Your responsibility here is to look at the accommodations and how that needs to play out.

 >> BETH LOY: Now you can ask for updated medical information in some situations.

 >> MELANIE WHETZEL: Oh, sure.

 >> BETH LOY: But this is usually -- these situations are not usually applicable with individuals with learning disabilities.

 >> MELANIE WHETZEL: Right. And the person will have an educational psychological report. We call them ed psych reports for short. And it's a big long document with lots of testing information. And that's really not needed. The employer is not going to know what to do with all of that information. But there will be a page or two of like summary and conclusions and recommendations at the end. That would be very helpful.

 >> BETH LOY: Okay. Well, let's kind of shift. Let's see. Wait a minute. We have a couple of questions here. I'm getting very excited.

(Chuckles).

 >> BETH LOY: Okay. Who is a qualified medical professional to identify a cognitive impairment?

 >> MELANIE WHETZEL: Most likely it's going to be an educational psychologist, a neuropsychologist that does that type of testing. You can certainly start with your primary care physician and say, this is the problem. This is what's been going on. Or I was diagnosed in grade school. I no longer have that information. And then they can refer you on to the proper people that would do that.

 We recommend, again, like going to vocational rehabilitation, a local university, or you can also talk to your local school district They have people that -- doctors that -- ed psych people that work for them that sometimes have practices of their own that would be happy to do that, as well

 >> BETH LOY: It could be someone who specializes in neurology.

 >> MELANIE WHETZEL: Yes.

 >> BETH LOY: It could be a psychologist.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: It could be a psychiatrist. It could be a general physician.

 >> MELANIE WHETZEL: Well, the general physician could certainly be the starting point. Let's say someone is starting to have signs of dementia, that would certainly be a good starting point but then they would refer you on to the proper people they felt would be able to better evaluate you.

 >> BETH LOY: Okay. Good question.

 So next let's talk about modifying policies as an accommodation.

 >> MELANIE WHETZEL: Okay. Excuse me. And here our example is a college professor who had incurred a traumatic brain gerund needed to do office work in the mornings when she was most alert and best able to concentrate.

 >> BETH LOY: What happened in this situation.

 >> MELANIE WHETZEL: So she was accommodated by scheduling departmental meetings and classes she taught after 11 a.m. so that she could have uninterrupted morning hours to get her planning, studying and administrative duties done.

 >> BETH LOY: Okay. They just switched her day around.

 >> MELANIE WHETZEL: Just switched her day around, exactly.

 >> BETH LOY: All right. So now we have accommodations related to completing specific job tasks.

 >> SARAH SMALL: Right. Sometimes individuals could have difficulty completing specific job tasks. Especially depending on what types of limitations they might be experiencing. And in this case, it was a janitorial worker. And he was having difficulty remembering and completing all of the job tasks and assignments he had to do in a day's work. And that was starting to cause him to receive poor performance ratings.

 >> BETH LOY: Okay. How was this resolved, Sarah?

 >> SARAH SMALL: Well, in this case, he actually had a job coach. So with the help of the job coach, the employer trained the employee to use an app that helped to demonstrate step-by-step directions for him. And it also happened to allow him to have a visual. So there are so many apps out there now. And this one for him worked best because it could actually give him that visual of pictures and the step-by-step direction to help him stay on track and refer to, as needed.

 >> BETH LOY: And most of these apps are very reasonable price-wise.

 >> SARAH SMALL: I would say so. There are so many out there that are free or very minimal cost. Sometimes they start out free and then if you want to upgrade or do a different version, there might be a cost associated with it. But really, I always tell people when I talk to them, you know, really see what all is out there. And look at the features. Don't just look at necessarily the first thing that pops up. Make sure you're looking and seeing what you feel might be a best fit for you.

 And if there's a type of app category you think could be helpful to you, why not try the free version first just as a way to ensure it's going to be effective before you invest further.

 >> BETH LOY: And we have a list.

 >> SARAH SMALL: We do on our Web site. We have some learning disabilities of different types of apps. Especially if you serve by limitation on the Web site. If you were to go to something such as memory, concentration, you'll be able to find a link to look at a variety of different types of apps.

 >> BETH LOY: Okay. Now onto communication.

 >> SARAH SMALL: All right. So here there was an employee who was having difficulty performing job functions. And she was having this difficulty even right after her manager had given her instructions. And so in this case, they called JAN to look at some different communication strategies. In this case JAN suggested strategies for communication Some of the things they talked about included speaking more slowly, using clear short sentences, and asking the employee to repeat back the information to help determine if she has understood.

 So I know in terms of these cases, regarding communication, we often see changing those methods of communication. Whether it's things like this, being clear and precise Or even changing things to be in writing, if that works best for the person.

 >> BETH LOY: We would categorize this in a change of supervisory methods.

 >> SARAH SMALL: Right that kind of tends to be the main piece that comes in with looking at those communication barriers.

 >> BETH LOY: So we have some questions coming in. Okay. What should the employer do when it knows that there's a performance issue but the employer is not sure if the employee is able to understand that and ask for accommodations? So how does the employer approach this, Sarah?

 >> SARAH SMALL: That's a good question. And it can be a tricky one. I would say first, you know, assess if they already know about the condition. And I think based on that question, it sounds like there's a possibility because they are sort of wondering if the employee is able to understand or not. And if they know that let's say the employee has an intellectual disability or cognitive impairment and they are seeing performance issues that they reasonably believe might be related to the condition then they might want to talk to the employee about their performance and ask if it could, in fact, be related Sometimes the employee maybe isn't aware -- isn't aware that they are having difficulty that's significant or isn't aware that it could be connected to the impairment.

 I would say based on some EEOC guidances we have, if the employer knows of the condition, knows the employee is having difficulty, and knows that because of the disability they may or may not be able to fully understand that, then they likely would want to have that conversation. And even possibly ask if an accommodation is needed

 >> BETH LOY: Okay. Melanie, I think we have a couple of questions for you, as well. First we have, would you discuss issues related to cognitive impairments and the exempt employee is requesting to put a cap on the amount of work they are assigned as opposed to their peers.

 >> MELANIE WHETZEL: Okay. So under the ADA an employer never has to lower a performance or a production standard. They can, they can go above and beyond the ADA. But they are not required to do that. So what they would be required to do is look at accommodations that would help that person get that work -- the higher amount of work done and that would be looking at ways to be more efficient in the job. Now, they could remove marginal functions. There may be some marginal functions that could be handed off to some co-workers. And then that would give them more time to do the essential functions of their position.

 >> BETH LOY: And sometimes people can trade functions.

 >> MELANIE WHETZEL: Yes.

 >> BETH LOY: They don't have to know why.

 >> MELANIE WHETZEL: No they don't. They can just move them around. If somebody is better at one thing then give them those tasks to do and then just kind of parcel them out to other people.

 >> BETH LOY: Okay. So if an employer calls to get help in a situation with an employee, can JAN talk to the employee, as well? Wouldn't that be helpful, too? Sarah, do you want to take this one?

 >> SARAH SMALL: Sure, yes, absolutely That could happen a couple of different ways. First the employee could call in on their own, if they had the information or if the employer shared JAN's information with them. Everything is confidential. So we wouldn't be able to say, oh, yeah, we spoke to your employer But we would be able to provide the same ADA information and talk about some different ideas with them.

 The other way that that sometimes works is sometimes we'll have people who will want to schedule a conference call. That is something we can do on occasion. But there are a couple of pieces of that. It needs to be something that both parties agree and want to call and talk to us together. And it needs to be something that both parties know that we are an outside unbiased resource. So we're not going to team up or take one side or the other. But we could be there just to help out and toss out ideas or talk through the situation altogether.

 >> MELANIE WHETZEL: Let me just add there that we get a lot of calls from employers who say that it's -- the Interactive Process has been a little maybe confrontational or not as positive as they would like because employees feel like because they have a disability they have certain rights. And it can be very helpful for them to refer an employee here because -- excuse me -- as a third party it might be a lot easier for the employee to hear the information from us and discuss that rather than hearing that from their employer.

 >> SARAH SMALL: Yeah I would agree with that. I think sometimes, too, just within those conversations, sometimes they might be able to tell us a little more detail about what they are experiencing or feel that they can maybe share more if they are afraid to go into too much detail with the employer themselves. So we can try to help think of ideas that could maybe help with that.

 >> MELANIE WHETZEL: Absolutely.

 >> BETH LOY: We actually have a transition question that came in. Melanie, do colleges have to honor IEPs?

 >> MELANIE WHETZEL: Well, I would say yes, they would really want to consider that, yes. They might say they really needed to have the reports, which is very helpful. But an IEP is a legal document. And it learning disabilities the limitations, it learning disabilities the modifications, and so what the person -- student needed in high school is going to very well be likely that they are going to need the same things at the college level. And it would be a real easy thing to just take that information from the IEP and use it.

 >> BETH LOY: Okay. Now let's move into performance issues.

 >> MELANIE WHETZEL: Okay. So here we have an example of a Project Manager who was returning to work after a brain injury. He was having difficulty with organization, prioritization, and completing work in a timely manner.

 So he was accommodated with project management software, weekly meetings with his supervisor and a Time Timer clock to help with task completion timeliness and the bonus we hear from lots of people with using the project management software is everybody is on that same page with that so everybody can see the progress that's being made and it works for everybody, not just the person that's asking for that as an accommodation.

 >> BETH LOY: Melanie what is a Time Timer clock.

 >> MELANIE WHETZEL: It's -- you can get it as an actual clock, or a watch or as an app I have actually used it in the classroom. I think it's a great thing for some people. Some people it does not work for because you actually see the elapsed time disappearing. It's a red disk. You can set it whatever time you need to within an hour. You can actually track your time and how much time you have left. Some people see that as oh my gosh I only have this much time left and it causes more anxiety and it doesn't work.

 >> SARAH SMALL: Right I always tell Melanie that I don't think I could personally use it. Because it causes too much anxiety. But for someone who really needs that visual and can kind of glance and know, hey, here is where I'm at. Here is what I should be doing. It's absolutely wonderful.

 >> BETH LOY: This is like what's used on cooking shows.

 >> SARAH SMALL: Sort of some of them look like that it looks like it could be sitting on your stove top but they do also have an app version as well as a clock version I believe. It looks like they have a watch that suck utilize or utilize the app on your SmartWatch, if you.

 >> MELANIE WHETZEL: Interjecting his own personal opinions often unrelated to what was being discussed in meetings with co-workers as well as clients when a supervisor gives a second written warning he discloses he has ADHD and states he just can't help himself.

 >> BETH LOY: What's the resolution here.

 >> MELANIE WHETZEL: In this case the supervisor provided him with an advanced agenda of meeting topics with a space for notes so the employee can gather his thoughts around what's appropriate to speak at the meeting and what's not an advanced agenda can be as detailed as you need it to be. It could list the people that would be in the meeting. It could list the topics that will be discussed. This person -- it could list responsibilities of each person so he knows exactly or any person. Would know exactly what their responsibility is where they need to talk or be quiet it could even be color coded as to this is not your responsibility to say anything here but you'll be called on to say something here maybe you're not supposed to say things especially inappropriate things could be coded in red and where it's your turn to talk could be coded in green

 >> BETH LOY: Okay. That makes sense So job restructuring.

 >> SARAH SMALL: Job restructuring can also be a type of accommodation and here you'll see this is an employee named Jan who is an attorney. Must maintain a specified number of cases per year in addition to some other responsibilities she had. And here due to the worsening in her disability she's unable to complete the cases while also conducting training and writing articles for a newsletter. In this case she tells her supervisor about her disability and request she be allowed to eliminate the marginal functions of her job so that she can focus on her cases

 >> BETH LOY: What was the resolution here, Sarah?

 >> SARAH SMALL: In this case, after determining that conducting those trainings and writing the articles for the newsletter were actually marginal functions of her job meaning they weren't essential then she was able to go ahead and move forward with that and the employer found no hardship in reassigning those tasks as a reasonable accommodation.

 >> BETH LOY: Okay. So what kind of questions do we have? Well, first we have a question related to training Sarah this individual says would unlimited training be considered an accommodation.

 >> SARAH SMALL: You know additional training can certainly be an accommodation and that's something we commonly see helpful to people, depending on the situation. I don't know necessarily that it would have to be unlimited but I think there could be variations of that. Sometimes you might have additional training and be able to figure out ways that once that training is completed, the employee can move forth on their own so if they are struggling with memory or something specific, looking at what types of accommodations could maybe help them moving forward. We also see accommodations, again, depending on the situation of possibly having a job coach or a mentor or somebody who is there to kind of really look at those job functions. And help the person develop strategies and work within that. So I think while it may not have to be this person is in training forever I think it could certainly be something that additional training could be an accommodation or some variation of that and sometimes I think having training refreshers periodically could really probably be helpful for everyone.

 >> BETH LOY: So do you suggest like a training refresher for certain job functions that are essential but don't happen very often?

 >> SARAH SMALL: I would say definitely I would say depending on the job if someone does struggle with some sort of cognitive impairment, looking at the limitation maybe it's something that those repetitive tasks or things they do day in and day out aren't as troublesome as the report they have to do once a month or something like that. So I think if there are those essential tasks that aren't as common then those might be things that having some additional training or refreshers may be beneficial.

 >> BETH LOY: Maybe if there are doubts to performing that function and they have not been written down, maybe it might be helpful to have those written somewhere.

 >> SARAH SMALL: That's a big one we see putting things in writing a lot trying to figure out does this person need something in writing like that that they could refer back to as needed after that training or that janitorial example the person was able to utilize that app to help them with step-by-steps and refer to -- and I think the opposite, too, sometimes all materials might be handed over in writing and you might have somebody who learns better visually

 >> BETH LOY: Yeah.

 >> SARAH SMALL: So in those cases actually having a demonstration or walking through steps with somebody could maybe be more beneficial.

 >> BETH LOY: Because every organization has someone that likes to print manuals. Manuals and writing aren't always the best accommodations.

 >> SARAH SMALL: Right. Right.

 >> BETH LOY: Okay. Let's see. Melanie, you had an example in your section of an employer who removed job functions and obviously gave them to a co-worker. So what happens when the co-workers aren't happy and the co-workers question, question the manager?

 >> MELANIE WHETZEL: Well an employer can certainly respond to questions from employees about why the co-worker is receiving what they perceive as special or different treatment. By emphasizing that they have a policy assisting employees who encounter difficulties in the workplace, no information about any type of disability or language about accommodations can come up because the employer can't give information out to others that somebody has a disability or what that disability might be and using the word accommodation could certainly do that.

 And the employer can just explain that it respects this person's privacy just like they would respect your privacy if you came to me and had some issues. The thing is it's up to an employer to determine what causes a hardship and if given out those marginal tasks to people that are able to fit those into their job, then that's -- that would be just a management thing to say, hey, this is what we're going to do right now. Maybe it's going to be a temporary thing. We'll see how it works. And leave it at that

 >> BETH LOY: Right

 >> MELANIE WHETZEL: It's not an undue hardship if it hurts the morale or people get upset that's not a reason why not to do it that's not considered undue hardship. Undue hardship would be if it's really disruptive to the operation or a whole change to the business.

 >> BETH LOY: We actually have a question about undue hardship, Melanie.

 >> MELANIE WHETZEL: Okay.

 >> BETH LOY: Okay. First part of this question is, who pays for a job coach? So let's start there.

 >> MELANIE WHETZEL: Okay. Well that would depend. The employer could pay for that, yes. There could be services available to the employee. Some employees have services through VR. Community services where they -- the job coach is paid for so it is at no expense to the employer.

 >> BETH LOY: So a lot of times it is through vocational rehabilitation agencies.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: So -- okay. Say the employer is going to pay for the job coach if this is a daily long-term accommodation, this individual wants to know if this would be a hardship.

 >> MELANIE WHETZEL: Well, you would have to take your whole expenses into consideration. And look at that. And if it's determined that it is a hardship because it's long term, I think it would be good to look at what's going on that's making it long term.

 Is the employee unable to do the job after a certain amount of time? Could somebody else be a mentor or can a co-worker help step in and be a natural type of support that would continue what the job coach is doing? Maybe not that extensively but if it's something that needs to be done that extensively over such a long time it may be that the employee is really not qualified for that position.

 >> BETH LOY: Usually job coaches come in and they work very intensely with an individual And then the job coach starts to phase out.

 >> MELANIE WHETZEL: Right.

 >> BETH LOY: Of the workplace.

 >> MELANIE WHETZEL: And then they can be available, too, to come back if something about the job changes, the person gets new job duties and they have difficulty with those tasks at that time.

 >> BETH LOY: Okay. All right. A couple more questions. Sarah, what accommodations can be made for narcolepsy?

 >> SARAH SMALL: Well, I think there could be a variety, depending on what the person is dealing with and what the job is. I know on our Web site if you were to search by disability, we have some different things learning disability under sleep disorders that might be related to in this case narcolepsy. So I think any time someone is asking for types of accommodations related to a specific condition, I'll always first try to inquire more about what limitations are going on. Is this person dealing with daytime fatigue? Are they having difficulty concentrating? What specifically is it that's going on? And oftentimes that can help point you into a direction of exploring some different ideas for that work environment

 >> BETH LOY: And sleep disorders like narcolepsy affect people differently.

 >> SARAH SMALL: Absolutely. Sleep disorders -- narcolepsy, insomnia, whatever it is, you could have two people sitting next to each other with that same diagnosis but it could affect them in different ways. And they could be experiencing totally different things. And I think that's why those limitations can be key there.

 >> MELANIE WHETZEL: Yeah and it's important, too, to I think look at the job tasks and what kind of a job it is. Because somebody who is a bus driver with narcolepsy would be way different than somebody who works in an office.

 >> BETH LOY: Okay. We're getting several questions in. Which is good. And let's move on to the last section and we'll come back to more questions. Does that sound good.

 >> MELANIE WHETZEL: Okay.

 >> SARAH SMALL: Sure

 >> BETH LOY: Okay

 >> SARAH SMALL: So modified schedules and leave can also be types of common accommodations. Here you'll see a Case Manager has difficulty with completing the required documentation for the job. He works in a cubical in a noisy open area that limits his ability to focus and concentrate In this case he knew that a private space was probably out of the question but felt that if he could change his office hours, he may be better able to finish his work on time.

 Here his supervisor agreed that the office can, in fact, be hectic when everyone is in there all at once. So it was agreed upon that he would come in two hours early, not only before his co-workers arrived, but also when he felt that he had the most mental acuity and ability to focus during the day.

 >> BETH LOY: And we actually have some information related to cubical accommodations.

 >> SARAH SMALL: Yeah I believe we have a Consultants' Corner on the Web site that I think you wrote, Melanie I think it's talking about life in a cube or something like that.

 >> BETH LOY: Uh-huh.

 >> SARAH SMALL: And that talks about some of those situations where I feel like a lot of jobs these days are moving to sort of those layouts where you have a lot of cubicles or you have different desks and open space. And that oftentimes can be very difficult for someone with a cognitive impairment so anything you can do there to try to help. In this case it was just simply shifting hours so he could be there and work on his own a little bit. Other times we have seen using noise canceling headsets or doing something to try to help reduce the distractions that can come with that type of work environment.

 >> BETH LOY: And we can find that Consultants' Corner article on our Web site under publications and articles. And then if you search on cubicles --

 >> SARAH SMALL: I believe it's life in a cube problems with employees experiencing cognitive impairment so it definitely aligns to this example.

 >> BETH LOY: Okay. So the next situation is involving a job coach Melanie.

 >> MELANIE WHETZEL: This is an employee who had difficulty of making and sustaining eye contact and had the habit of sliding his eyes down to his co-workers chest area when he was conversing with them. Female co-workers felt that this was highly inappropriate

 >> BETH LOY: How do we address this Melanie.

 >> MELANIE WHETZEL: So the employee was provided a mentor that helped get him with personal and social skills. They worked on practicing the skill of looking at an alternate location near the co-workers' ear where the employee could maintain eye contact while talking to the co-worker but it approximated looking close to your ear is closer to looking at your eyes than somewhere else on the body

 >> BETH LOY: And this was successful if I remember correctly.

 >> MELANIE WHETZEL: Yes, it was very successful, yes, it was. And like I said before job coaches can come in and do a lot with employees. Sometimes just a mentor in the workplace can be as effective. Sometimes employees develop rapport with other employees that just want to step in and help. And sometimes there's not even a formal training program or anything. They are people who are just able to do that and kind of step right in. And become that -- more of a natural support than a job coach.

 >> BETH LOY: So how about getting to work on time?

 >> MELANIE WHETZEL: All right. This is a really good example. I like this example. It was an employee who was distracted with using his new phone to the point of being late for work in the mornings. He didn't have that problem until he got a new phone. We all know what that's like we see people all the time on their phones can't give up the things they do on their phones.

 So in this example, the employer helped the employee set a series of timers to pace himself in the mornings that enabled him to get to work 15 minutes early.

 Besides keeping his job, he was then rewarded with 15 minutes of free time before work to use his phone. And that way he was still able to play with and use his phone but it didn't get him into trouble.

 >> BETH LOY: And somebody asked how -- how getting a new phone is a disability it's not a disability we're talking about cognitive impairment and how he is being distracted by something.

 >> MELANIE WHETZEL: This was a person with Down syndrome in this specific example.

 >> BETH LOY: Okay. Let's talk about our questions that we've been getting in

 Melanie, let's start with you. It isn't really the employer's role to make sure the employee gets to work on time, is it?

 >> MELANIE WHETZEL: Yes and no. And the thing is, it is up to the employee to get to work on time. But if there is a disability that poses a barrier to an employee getting to work on time then an employee really must consider accommodations that could help in that regard. And that could be changing a schedule so that they could get transportation. Say there's somebody with a sleep disorder that takes medication to sleep and they can't get up and get moving to get to work at 8:00 o'clock But they could work 9 to 5. Instead of 8 to 4. That's a possibility.

 Sometimes people don't drive. So they need to rely on public transportation. And sometimes public transportation doesn't get you where you need to be at exactly the right time.

 So a schedule modification could work in that example, too.

 Maybe a location closer to home that would help. To lessen the length of the commute. Possibly allowing the telecommute if the work can be done at home and alleviate that commute. And there are lots of issues. I talked to an employer yesterday, a huge employer. And we were just talking about all of the different things that come up with commutes. And a lot of different disabilities involved with why people have difficulty getting to work. And getting to work on time.

 >> BETH LOY: And some people will say well if somebody can't get up and get going why don't the person go to bed. What you have to understand is that a lot of times sleep cycle of individuals who have sleep disorders is related to the amount of hours that you have sunlight versus darkness. And so our days here in the east especially do get shorter during certain times of the year. And that can affect your sleep cycle.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: So it can be different.

 >> MELANIE WHETZEL: Yeah, it sure can.

 >> BETH LOY: Okay. Back to the eye contact scenario. This individual wants to know what type of medical documentation did the employee provide for the eye contact issue?

 >> MELANIE WHETZEL: The employee was on the autism spectrum. And provided information about difficulty with social skills and one of those included making eye contact.

 >> BETH LOY: Okay. Someone wants information about when you discuss mental health impairments, do you include Post Traumatic Stress Disorder? And I can answer that. The answer to that is yes.

 >> MELANIE WHETZEL: Yeah.

 >> SARAH SMALL: Yeah, absolutely

 >> MELANIE WHETZEL: It includes depression, bipolar, anxiety disorders, panic disorders.

 >> BETH LOY: Schizophrenia.

 >> MELANIE WHETZEL: Yeah.

 >> SARAH SMALL: Uh-huh.

 >> BETH LOY: Okay. Someone wants to know are you going to speak to the issue of Alzheimer's or other early onset neurological issues and yes we do get questions related to early onset Alzheimer's.

 >> MELANIE WHETZEL: We do. And we have a publication that has some ideas for the employer and the employee. It's really important to look at how progressive that is How quickly that may happen. And looking in the long term of what might be needed. There could certainly be some short-term accommodations made in the process because we get calls where the families involved, they know something is going on. But they are going through the process of getting tested and figuring out what's going on. An employer can certainly make accommodations until they get that full medical information. Go ahead

 >> BETH LOY: Go ahead

 >> MELANIE WHETZEL: I was going to say a lot of times a reassignment, even a temporary reassignment may be in order to help somebody be able to complete the task.

 >> BETH LOY: We've actually had situations where an employer will call and ask for accommodations for these situations for temporary accommodations so that the individual qualifies for retirement, maybe the individual needs to work another three months or four months.

 >> MELANIE WHETZEL: Right. And the thing is, there may be repetitive tasks that the person has in their job. This is another example of job restructuring. Maybe you never have to remove essential functions from a position but you can certainly do that.

 There may be repetitive tasks that the person has done for years that they would be able to do. But maybe not some other types of tasks. And so restructuring that job might be possible like Beth said even temporarily until you get more medical information until you better have an idea of what's really going on.

 Sometimes -- and I'm certainly not a doctor. But sometimes people have vitamin deficiencies, infections and they start acting really bizarre. And they think, oh my gosh, they have dementia came on really quick. Sometimes it's not that at all.

 >> BETH LOY: Yeah, sometimes especially with people who are older, it can be a urinary tract infection or it might be sepsis, something else.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: Yes. Okay. Next question. Sarah, any ideas on how to accommodate an employee with uncontrolled seizures? This company is allowing intermittent absences. But do you have any other ideas?

 >> SARAH SMALL: Yeah so if you haven't done so already, you might look to the medical -- you might see if they can give you any insight as far as if there are any triggers associated. Sometimes people might have triggers whether that's increased stress or something like -- if you can pinpoint if there are any triggers that are experiencing in the workplace, then you might be able to look at some other types of accommodations, as well, if that would help maybe reduce the amount of seizures that are occurring or maybe help them to be at work more often

 So looking at -- looking at some different things like that and seeing, you know, would there, in fact, be anything else that maybe could help. I know with seizures we see having a plan of action. We see looking at different things to really just try to help with that. So I think if they are in a period where things really are uncontrolled, just trying to see if maybe there would be anything else that you could work with them on while they are handling that.

 >> BETH LOY: Okay. Next question. Melanie, what type of accommodations can be available for an employee who has a mental health condition that triggers anxiety and along with the anxiety, the individual becomes very offputting, angry, aggressive and needs staging, some type of staging to transition from one task to another.

 >> MELANIE WHETZEL: Okay. Well, what we would first say with any kind of anxiety -- and we get tons of anxiety calls -- is look specifically at what's causing that anxiety. Have that conversation. Because it's different for every person. And there may be specific things triggering that anxiety that can be reduced in the workplace that can reduce all of this behavior. And that's what I would say first. Look at -- have that conversation with the person. That's probably not going to work to get medical information in that regard to find out that specific information.

 But then look at the environment. Look at the tasks. To see what can be done. And then you certainly can have a conversation about what is appropriate behavior and what isn't. You can't be doing this anymore. Let's look at what we need to do to help you reduce that.

 And then put some accommodations into place for transitioning from task to task. That could be a checklist of things to move from one area to the next

 Sometimes it could be -- depending on the position just within example -- one example comes to mind the person had two different workstations in their office a desk on one side a desk on the other side and they went back and forth to do different tasks how it was set up because they were needing to use different supplies and different things was causing the person anxiety.

 There are also apps that have features that help transition. Music could be done. A timer, that Time Timer might be used. For a person to use to transition in, okay, now my next task is coming up and have a list of what you're to do next.

 >> BETH LOY: Okay. Next question.

 The meeting scenario. The one where we suggested giving an agenda ahead of time.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: This question says, do you think it would be helpful to have an expectation discussion with the employee with ADHD since meetings cannot always be planned?

 >> MELANIE WHETZEL: Oh, absolutely. And I think that's appropriate at any time. There are certain conduct standards like we talked about performance standards that an employer doesn't have to lower performance standards. You don't have to lower conduct standards either an employee has to understand this is what's acceptable this is what isn't what's causing you to do this how do we help you that -- so that you're not able or you're not driven to make these kinds of comments or be disruptive, impulsive. And there are some little products, too. I'm thinking of, Sarah, you might help me with this. They are the little cubes that people -- a lot of people -- we saw it at a conference somebody using it pulled it out and was using it. It's a cube with different faces. And it helps with stress and anxiety. And it can help with distraction, too. Some people just need something to keep their hands busy And it may seem like that's not connected. But it is connected to their impulsiveness.

 >> SARAH SMALL: Yeah fidget cubes and it had different sides.

 >> BETH LOY: Fidget dice

 >> SARAH SMALL: Yeah it looks like it could be similar, as well, it's just shaped as a dice there.

 >> MELANIE WHETZEL: You have it in your pocket and you can use that to just calm yourself down. Nobody knows you're using it but you.

 >> SARAH SMALL: Yeah we have seen people what they refer to as like a rubbing stone, as well. Again just that same idea. Something to be sort of fiddling with in your pocket or under your desk. Oftentimes people might not even know that you're doing it. But it just helps get some of that energy out to help you to be able to maintain focus.

 >> MELANIE WHETZEL: And it could be just a set of -- a list or a checklist for somebody to have that agenda that would be general to take into any meeting that unless somebody is talking to you and looking at you in the eye, you don't answer questions. I mean that may sound kind of harsh but in the beginning until somebody really gets that idea that I just can't impulsively say whatever I'm thinking it may need to be strict like that. Until you've been asked to speak and someone is looking at you, you don't talk. And they might need to have that written down to help them remember that.

 >> BETH LOY: Okay. Next question. How do you balance providing accommodations to employees with disabilities without the appearance of favoritism to non-disabled employees?

 >> SARAH SMALL: That can be a common concern I know we get calls a lot about not wanting to set a precedent or doing something that then the other employees are going to see and I know Melanie mentioned morale earlier and really you don't want to let that fear of what if get in your way of accommodating somebody who needs the accommodation. I think it's important to remember that let's say you did shift somebody's schedule and now you have three people lining up because they also want to shift their schedule, as far as accommodations go, you can look at each case, case by case and individualized and go through that same process. So I think it's important to provide an effective accommodation if you receive a request, engage in that Interactive Process. And I think even though that fear is there of what if this happens or what if all of a sudden all of these other people are frustrated with this, I think you just really want to try to be objective and not let that fear stop you from accommodating.

 >> MELANIE WHETZEL: And let me just jump in here real quick. We have a Consultants' Corner on that issue, morale and fairness issues that address a lot of the comments that we get from employers oh we're not going to open up that can of worms so we're not going to accommodate anybody and that's not the right attitude.

 >> SARAH SMALL: Right

 >> MELANIE WHETZEL: And like Sarah said, we don't want to set a precedent. That's not the right way to look at that

 And so there is a Consultants' Corner about that. There's a Consultants' Corner that talks about LD documentation, learning disability documentation what's needed, what's required, explains that.

 We also have one on getting to work on time. And then also one on telework and commuting to work and why accommodations for getting to work may be needed. All of those topics that we have discussed

 >> BETH LOY: So Melanie to direct individuals on our training today where to get those Consultants' Corners, go on the Web site and you can -- off the homepage you find the Consultants' Corner link. Use the hamburger menu on the right-hand side and it will take you directly to the Consultants' Corner. And once you get to Consultants' Corner, you'll find the recent Consultants' Corners the popular ones as well as the archives so you can locate all of the corners that we discussed there.

 >> MELANIE WHETZEL: Yeah.

 >> SARAH SMALL: Yeah and I always tell people, too, Beth, that if you know something is there or you feel like something is there and you truly just can't find it, don't hesitate to chat in or give us a call and we can help you navigate, if needed.

 >> BETH LOY: Absolutely since we've made some major changes here in the last couple of weeks. And we rarely change our Web site. So I know it's a big change for people

 So if you're having problems, be sure to contact us. We'll try to get you straightened out. At least as straightened out as we are.

 A question about testing. How do you determine extra time to be given when you're testing an employee?

 >> MELANIE WHETZEL: I would say that generally should come from the psychological report, IEP, something like that. We get questions about unlimited time on testing and I don't know that that would ever be warranted. Usually it's time and a half or double time, depending on the severity of the disability.

 >> SARAH SMALL: And I think with testing accommodations, too, you might talk to the employee or prospective employee because it may be something that they have had testing accommodations in the past for schooling or something else. So they might be able to have some documentation or give you an idea of what has worked for them in the past in testing situations and that might give you something to at least go off of.

 >> BETH LOY: And we have information on testing on our Web site.

 >> SARAH SMALL: We do.

 >> MELANIE WHETZEL: We do. Accommodations for testing.

 >> SARAH SMALL: The easiest way I tend to find it is to utilize the A to Z list and go by topic and everything is alphabetical there to find testing accommodations.

 >> BETH LOY: Typically with time do you find it's time and a half, double time.

 >> MELANIE WHETZEL: Uh-huh.

 >> SARAH SMALL: I think those tend to be two very common examples of it

 >> MELANIE WHETZEL: Yeah and like I said, it depends on the severity of the disability. And there may be other things, too, that factor into that like if the person is really distracted and they are taking a test in a room full of people, they may not need as much extra time if they were given an opportunity to take that test by themselves where they would be able to concentrate on.

 >> BETH LOY: So Melanie this is a question, it's a follow-up to I think something that was misunderstood by what you said the individual said so you would offer an accommodation to the employee who wants what Susie has, would the employee then know it was for an accommodation. But you don't ask an employee, do you want an accommodation like Susie? You ask the employee, do you need something to perform your job? If you need something to perform your job, you can make that request to me Let me know why you need that And --

 >> SARAH SMALL: And I think -- I can't remember it verbatim. But I think there is a question in one of the EEOC guidances we have that sort of talks about situations like that where someone is asking or someone is saying, hey, I want this, you know, so-and-so has this. Why can't I have this? And I think as the employer, you really want to keep those things confidential. So I don't think you would want to just say, oh, well, Susie has an accommodation. But you could kind of take it from the tactic even though it's hard and it might be difficult to figure out how you're going to say it, you could sort of approach it from the idea that you, you know, do the best to help all of your employees. You respect all of your employee's privacy. You know, just something that you're talking with them. But you're not giving up that that person has an accommodation and then, in turn, accidentally disclosing that, oh, there's that assumption that this person must have a disability because they have an accommodation. I think you don't really want to go down that rabbit hole necessarily.

 >> BETH LOY: Or you could just say how about you leave my office if you're worried about this instead of worrying about what other employees are doing, maybe you should go back to work.

 >> SARAH SMALL: True. You can handle it that way, as well.

(Chuckles)

 >> BETH LOY: You know, sometimes as a supervisor you're not going to make everybody happy So just --

 >> MELANIE WHETZEL: Tell them it's not their bee's wax is that what you're saying.

 >> BETH LOY: You have to do what you have to do

(Chuckles).

 >> BETH LOY: Providing accommodations is one of those issues. You know, it has to be done. So we had a lot of good questions. Let me see here I'm going to see if we have more.

 Here is an interesting question. What if the organization is concerned with patient safety concerns in regards to an employee caring for someone and that employee has a cognitive impairment? This would be a direct threat issue

 >> SARAH SMALL: Right, I think in that case, you would really want to base your judgment on something objective. I think you would want to utilize the EEOC's direct threat standards You would want to have something more to go off of than just the knowledge of a cognitive impairment. Because I think you really wouldn't want to make that assumption that because there's a cognitive impairment involved that that person is going to be a safety risk.

 >> MELANIE WHETZEL: Right, exactly.

 >> SARAH SMALL: You would want to base it on if you're witnessing the employee acting differently than they normally do. Or you have something more objective and then maybe start by having a confirmation with that employee and go from there.

 >> BETH LOY: Excellent information. And we mentioned a couple of EEOC resources.

 >> MELANIE WHETZEL: Uh-huh.

 >> BETH LOY: And we do have those linked on our Web site, as well.

 >> SARAH SMALL: We do.

 >> MELANIE WHETZEL: They are on the last -- the one -- conduct and performance is linked on the last slide I believe. Isn't it? Yeah.

 >> BETH LOY: Let's move.

 >> MELANIE WHETZEL: No, Employer's Practical Guide to Reasonable Accommodation. And then we also have one we did not list there for conduct and performance issues that answers a lot of really good questions.

 >> SARAH SMALL: Yeah and I know on the Web site again give us a call if you can't find something but for the EEOC guidances Melanie and I laugh because we search for things differently on the Web site but I always go to the ADA library and it will bring it up on the -- on the right side you can click Title I for employment and then there should be a link for EEOC guidances, fact sheets, reports and advisory letters. And that's where you'll find the performance and conduct guidance It's where you'll find the reasonable accommodation undue hardship guidance.

 >> MELANIE WHETZEL: A bunch of others.

 >> SARAH SMALL: A lot of useful things in there that can really be helpful and come directly from EEOC.

 >> BETH LOY: And on that page, you'll also find the EEOC's Web site where you can go to it directly at EEOC.gov. So with that, boy -- EEOC.gov. So with that a lot of good questions today. So with that we're going to wrap up the webcast and that's all the time we have essentially if you do need information or want to discuss accommodation or ADA issue please feel free to contact us. We do appreciate you attending. And also, thank you to Alternative Communication Services for providing the net captioning. We do hope the program was useful and as mentioned earlier an evaluation form will automatically pop up on your screen in another window as soon as we're finished. We appreciate your feedback. We do read it. We look at it. We go over the reports with employees who were involved in the training so we do take it seriously and hope that you take a minute to complete the form.

 So that's all we have today. Thank you, Sarah, thank you, Melanie. And this concludes today's webcast.

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