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**JAN**

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 >> LISA MATHESS: Hello, everyone, and welcome to the Job Accommodation Network's accommodation and compliance audio and Web Training Series I'm Lisa Mathess and --

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 >> LISA MATHESS: And hit button 5 or for TTY call 877-781- -- that number is 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 screen to use that just type in question and submit in the question queue also at the bottom of your screen you'll see a FileShare pod if you want to download the slides finally I want to remind you at the end of the webcast is an evaluation form that will pop up in another window we really appreciate your feedback so please stay logged onto fill out the evaluation form. Now let's start today's program.

 Do you ever find yourself puzzled by the gray areas of the ADA? How can you balance competing needs while providing effective accommodation? Finding a solution that works for both the employee and the employer sometimes requires a more robust negotiation today we'll talk about some different approaches so -- that we can take or at least consider when dealing with those not so clear-cut accommodation requests.

 We may see where employees may need more than one accommodation or two employees may have competing accommodation needs and you need to sort out those dueling requests simultaneously or we may have to reevaluate accommodations that have stopped working.

 Today we're going to walk through five JAN examples where JAN consultants were brought in to provide practical guidance and work through tailored solutions to hopefully result in a successful implementation.

 So here on the slide you'll see JAN's sample Interactive Process. This is the six steps which is a sample flowchart. And practically speaking having Interactive Process in place is to streamline the process to achieve effective accommodation and having a process in place really just shows a good faith effort.

 So we want you to use this sample process as the framework for those hairy and challenging requests that we're going to go through today.

 So as employers when you're in the weeds and there are a lot of variables creating these roadblocks we want you to remember to stay on the path and use the Interactive Process as the foundation so looking at Step 1, recognize an accommodation request, following through to Step 6 of monitoring accommodation and hopefully leading to a successful accommodation.

 So looking at Example 1 we have a new hire who wants to bring their service animal and asks the employer where to take the animal out so the employer is concerned how the employee will clean up after the animal and what visitors will think so the employee is trying to be proactive trying to ask the employer before there's a problem but now the employer is nervous how it will play out they are now concerned for visitors does it look poorly for the business and bad for business as an accommodation the practical guidance you don't want to make this harder than it has to be so a typical outdoor area in most situations is going to suffice for a service animal and as long as employees are kind of in charge and have the tools they need to clean up the area, that's going to be a win-win for both parties but of course if there is an issue at that point is when an employer can engage and address the issue.

 >> TERESA GODDARD: I totally agree, Lisa, this is an area where people totally make it harder than it absolutely has to be I've traveled a lot and seen a lot of service animal relief areas some of them are just as simple as a little temporary sign in an outdoor graveled area or outdoor landscaped area. Sometimes conferences have a lot of -- that have a lot of attendees who use service animals will create these temporary spaces there are also lots of indoor options if you really have a lot of people who use an animal frequently in your area there are robust options for developing a nice outdoor zone companies will help you with a design if it's a huge issue. People being weird about a dog in the area, if they are, you can also have compliance signs get a sign that says service animal in relief area so people won't hassle the dog.

 >> LISA MATHESS: Absolutely but what if it's not that clear-cut? Now what if a landlord seems to be interfering? So we see this all the time that employers are renting these spaces, renting these buildings to conduct business. So now they have to take the landlord's opinions into consideration. Luckily for us there is formal EEOC guidance, specifically No. 46 in the reasonable accommodation undue hardship guidance that addresses landlord interference and that kind of triangle of the employee/employer/landlord but of course it's important to address the employer obligation to accommodate in these employment leases, building leases and these contracts. Kind of before an instance would arise. That's why it's good to work out these leases and contracts.

 And because sometimes there is a shared obligation to accommodate, the landlord may have an obligation for public access versus the employer to employee obligation.

 So looking at the example, the landlord is prohibiting the service animal from going around their building and now it's wintertime and the relief area is across an icy parking lot and that is now posing an issue.

 >> TERESA GODDARD: Yeah when this example came up in a JAN call I really felt a lot of concern for the service animal user because, first of all, depending on the type of service the animal is performing it might be very challenging for somebody to navigate a parking lot that large in really inclement weather. If it's a balance dog. I can see the potential for slipping. If it's a support animal for someone who is anxious about the weather, that could be a big challenge.

 >> LISA MATHESS: Right.

 >> TERESA GODDARD: And for a guide dog, the handler might not have a good way to detect say black ice. And we talk about sometimes clearing a path to the area that's acceptable and putting down salt and so forth which can help with traction. But that salt can also have an impact on the animal's paws so there's certainly a lot to unpack when considering an issue like that and I think it's -- to try to find out which battle do you want to fight do you want to try to work it out in a reasonable way or wait for the workers' comp plan to roll in there's a lot of potential for things to go wrong here.

 >> LISA MATHESS: I believe it.

 So I mentioned for the targeted solution going back to those contracts here in this specific example it was a Federal employer so we did recommend talk to GSA, the General Services Administration, get the information you need from them. So let's say the landlord is correct in prohibiting it around that area he's within his right to do that you mentioned clearing a path using salt a simple DIY could be using the back of the building kind of out of sight out of mind. The public doesn't have to be impacted whosoever so just practical solutions don't make it harder than what it has to be.

 >> TERESA GODDARD: Yeah people who have service animals often receive specialized training in the animal's care in making sure the animal's biological needs don't impact others unnecessary as I recall. One thing I sometimes talk about if an -- unnecessarily. If an employer is saying we don't want them to use the area near the entrance because the landlord is prohibiting it well I bet the landlord didn't think to outlaw indoor relief areas those do exist.

 >> LISA MATHESS: Yes I think we talk about that on the next slide.

 >> TERESA GODDARD: We sure do so one of the things that we talked about in this particular case that we talk about and a lot of cases is the potential for creating a relief area. And products are available to create temporary indoor relief areas there are also products that can help improve traction while walking on ice I think it will be case-by-case whether those are effective but just as an example L.L.Bean is a company that carries a lot of devices that you can put onto shoes or boots to help improve your traction.

 The STABILicer is one such example but when trying to figure out if it's effective you need to consider the needs and abilities of the individual and also whether you'll have them put those on and take those off every time they need to leave the building and the impact it will have on your flooring all sorts of things like that it might be a lot more practical just to find an area near the building that meets everybody's needs.

 But if you do have either a temporary or long-term need for an indoor area, there are a couple of companies that specialize in this kind of thing. One is Doggielawn and for about $50 per shipment you can get an indoor relief area that has grass and is disposable and replaceable. Fresh Patch is another such example but there are really a lot of options in this area.

 >> LISA MATHESS: There are a lot of options and they are inexpensive I went just a quick Google Search for the traction cleats were between 10 and 30 bucks. So just a very cheap thing to consider even if it's just for a trial period. Look at return policies if they don't work out send them back and you're not out anything.

 >> TERESA GODDARD: And telework might make the most sense depending on the weather in your area.

 >> LISA MATHESS: Absolutely.

 >> TERESA GODDARD: Outside the job. You know there's even a place that will help you design an outdoor relief area to designate as a service animal area that's K9Grass we talked about indoor areas but a designated outdoor zone designed for that purpose might also be helpful in some cases.

 >> LISA MATHESS: Right and I think this is important just referencing back to the Interactive Process, Step 3, exploring those options. It might not be as clear-cut when you first get the request in but thinking outside the box and getting creative with your solutions.

 >> TERESA GODDARD: Practical approach the way we roll.

 >> LISA MATHESS: Okay. So looking at Sample No. 2.

 >> TERESA GODDARD: In this example we're talking about a new hire who uses hearing aids and upon hire, they gave the employer a big long list of telephone access equipment. Stuff that their audiologist had actually recommended to them based on their hearing needs and the type of hearing aid that they were using.

 And they also happened to mention that in the past they had found a private office helpful. I love it when an employee comes in with a list.

 >> LISA MATHESS: Right I always encourage employers to ask individuals, what are your ideas? Because people with disabilities, they might not bring up their ideas unless they are prompted by the employer so ask them, what have you used in the past? Did you have this problem in your past workplace? What technology did you utilize there.

 >> TERESA GODDARD: Especially if someone has had a condition for a long time. Been in the workforce for a long time they are likely to know what solutions have worked for them and which they feel are not even worth trying.

 >> LISA MATHESS: Right just open up that communication.

 >> TERESA GODDARD: Right so in a scenario like this, new employee needs telephone access, a lot of times employers will try to just fit them with some voice canceling headphones or an amplified phone thinking oh it's a one-size-fits-all. It's not, when it comes to hearing aids, there is no one-size-fits-all solution. It's really good if a person has access to an audiologist and can get that input.

 Now, having said that, sometimes you can't get everything on the list. But in this particular case the employer did arrange for that employee to have a telephone captioning service, provided a caption compatible phone, a neckloop since they did have hearing aids that were telecoil enabled and this was actually going to be a higher level new hire, someone pretty high in an administrative capacity so the private office was not an issue. Often it is.

 If it is, there are options, though. You can install types of noise abatement materials in an area to help control that background noise but gosh if you have the option for a private office it's hard to beat especially if someone has some type of technological issue and they need to go to using a speaker phone for a few days a private office makes that possible.

 So pictured we have a captioned phone this is something that a person can use to access the relay service to receive captioning on their phone calls. Just an example.

 There are captioning services that are offering Cisco compatible services now so you might be able to use an existing phone in your workplace.

 Oh, and now we come to the what ifs. I'm always telling people not to go down the what if rabbit hole but some things come up.

 >> LISA MATHESS: Employers love hitting us with hypothetical situations.

 >> TERESA GODDARD: Yeah and then sometimes they come to life.

 So we did have a case, a new hire with Bluetooth-enabled hearing aids was going to start working in a secure facility that prohibited lots of types of wireless devices and in fact had a prohibition against Bluetooth-enabled products within the work space itself.

 The employer looked at the devices recommended by the audiologist for use in all kinds of things, face-to-face meetings, I think it was a Roger Pen microphone. And telephone access. Stuff that the audiologist recommended couldn't be used because of the Bluetooth prohibition. There was even a concern about allowing the hearing aids themselves.

 >> LISA MATHESS: These wireless policies have really taken off, wouldn't you say.

 >> TERESA GODDARD: Oh, my yes.

 >> LISA MATHESS: And it's not just Federal sector anymore. I'm seeing it even in private industry that new employers have this true concrete security policy that they are citing and yeah, it's just I guess with technology and data these days.

 >> TERESA GODDARD: Yeah, about five years ago I could usually talk people around these things. But they have really tightened up their policies and there are good reasons for it.

 >> LISA MATHESS: Absolutely.

 >> TERESA GODDARD: Absolutely we need to keep our data secure and all of that. But when people go to buy their personal hearing aids, they are usually not thinking that this is going to come up in the workplace. You know unless it's a place they have worked for a long time or they think oh the employer will make an exception but it's not like my cell phone. But from an information data security perspective, the employer might not see a big difference.

 So one of the first lines of defense here is can you modify the policy and allow this one thing and when that works, great. But we're seeing it work less and less wouldn't you agree, Lisa.

 >> LISA MATHESS: Absolutely, yeah. Because it all goes back to can we modify that company policy for a person with a disability absent hardship but now employers are being able to document it would pose a hardship if we modified it for this hearing aid, for this personal phone, you know, whatever the case may be.

 >> TERESA GODDARD: I've even had people question whether a telecoil enabled hearing aid would be allowed in their setting even though there's such a short distance that that would actually work. But people do question it sometimes.

 That's why I think it's crucial to have I.T. involved in these types of accommodations.

 So if the policy can be modified, that's great. Let's see, can the policy be modified.

 >> LISA MATHESS: Yeah then here so we went over policy modification now the employee is saying okay if you can't modify the policy, what about telework, trying to engage in that Interactive Process, explore alternative options, employer denies it because of the nature of the work, top secret.

 >> TERESA GODDARD: Right.

 >> LISA MATHESS: Can't leave property.

 >> TERESA GODDARD: Same reason we can't use the Bluetooth right.

 >> LISA MATHESS: Exactly. So that makes sense. You went over the open cube setting could pose challenges specifically for an employee who is hard of hearing who is using different technologies, speaker phones, things like that.

 >> TERESA GODDARD: So this is based on a second very similar example I probably get these three times a week but this employee had to be in an open cubical setting but in a secured setting where the hearing aids weren't allowed that's very, very challenging. And if you do try to use something like an amplified phone and see if a person can take their hearing aids out and use that, everybody can hear that amplified phone. And the secret information, not so secret.

 >> LISA MATHESS: Right.

 >> TERESA GODDARD: So in that particular case the employer wound up working with the audiologist and a hearing aid company just to determine whether there was a hearing aid accessory that would meet their security needs. So at the time that we put these slides together we hadn't heard back yet for sure what they decided. But I think it's good to take the step. I think it's really good to take the step and try to determine for sure whether there is any way to fit this into your policy and your security needs.

 And then you can document that you've taken that step as you move on to look for other effective accommodations.

 You know, like I say, some employers might be okay with using say the telecoil setting and a neckloop. Some employers have actually moved people into different jobs for things like that maybe they might move into a position where they can use their Bluetooth enabled hearing aid because it's outside the security zone.

 >> LISA MATHESS: Right, absolutely.

 >> TERESA GODDARD: I've seen cases where new hires maybe they pivoted and wound up hiring them into a comparable position but in a different part of the facility.

 But the crucial thing is that they also asked the employee for their ideas on what else might be available to help. And some employees ask for a lot of things. We've had cases where employees ask for sign language classes. Where the employee asked for a hearing dog. That's a real thing.

 There was actually a small business that contacted us, very small, not ADA, very small business. And they actually provided a hearing dog in training on how to work with a hearing dog the guy was in a sector worked outdoors couldn't hear traffic. They called us because the person was obviously taking the dog home at night. You know it was their service dog. And one of their family members developed an allergy to it and they called us to figure out what can we do now? Do we have to do this under ADA I'm like this is so far beyond ADA I don't know what to tell you.

 >> LISA MATHESS: Yeah but there are a premiere employer showing that good faith effort.

 >> TERESA GODDARD: Great job taking the practical approach and we worked through some kenneling options and things like that but you never know what you're going to get on the Sensory Team for sure. Take a case-by-case approach is my suggestion I like to take the employee's suggestions as brainstorming session don't just reject anything just out of hand. Listen to them.

 Okay. And we talked again about private offices. If a private office isn't available, noise abatement materials, soundproofing panels, relocating the work space away from a high traffic area, away from noisy equipment. We had a call once from a lady who had just gotten hearing aids and she was so excited she could hear her co-workers she could hear the phone she could hear the copier all day long.

(Chuckles).

 >> TERESA GODDARD: But that's an easy fix if you have the space you can move the person away from that.

 And we have talked a little bit about neckloops. Again, sometimes using an alternate technology for telephone access might make the most sense.

 Interestingly, with the security issues, we're also seeing an interest in employers in very secure settings wanting to use shadow interpreters and even in-house CART providers. Because they just don't trust the technology that you would use to access an interpreter over video. Or that you might use to access a CART provider sometimes they want to be providing those services in the space so that they have more control. It's almost like our culture hasn't caught up to the technology and now we're going back to some old school stuff.

 >> LISA MATHESS: Looking at Example No. 3 we now have an employee in a correctional facility they were using prefilled insulin for diabetes and I do want to make the note that prefilled insulin pens are different than the typical syringes we think of so now we have a new warden who showed up and wants to change how things are done, put some new policies in place which we know that's fine with new supervisors but you do want to be mindful of accommodations and people with disabilities. So this new warden now says all syringes must stay in your car while you're working onsite but unfortunately medication can't get too cold, can't get too hot it must be stored in a temperature controlled environment to be effective.

 >> TERESA GODDARD: Extra true for insulin.

 >> LISA MATHESS: So now we're looking at a typical approach is to see whether it would be possible to store the pen in a location that's acceptable by the employer while also meeting the needs of the employee. For example medication could be stored in a locker within the facility but on the outside of the security checkpoint. We see this in school settings where now teachers will store their medications with the school nurse that's there for the student. But it's creating that secure facility while still meeting company policy.

 And there are storage containers that do exist. But you know as with anything, those are kind of hard to regulate temperatures and keeping those out in 90 degree sun or in a blizzard that could still affect the temperature of the medication which is problematic.

 >> TERESA GODDARD: I think this call actually came in from Arizona if I remember correctly so yeah I don't think it's a great idea to store insulin in a car in that space.

 >> LISA MATHESS: That -- I'm sure it got clearly over 100 degrees in Arizona.

 >> TERESA GODDARD: There's so many issues with insulin storage. We had a case earlier this year where someone's insulin was actually thrown away from the company fridge. They had some type of policy they were going to clean the fridge on the same day of every month, move your stuff everyone and he had been leaving his insulin in the fridge someone said it was okay and then suddenly someone threw it out.

 >> LISA MATHESS: That is wild.

 >> TERESA GODDARD: Yeah don't do that.

(Chuckles).

 >> LISA MATHESS: So we got a locker that's onsite. But what if it's far away from the individual's workstation? For medical needs oftentimes these employees need quick access to their supplies. Perhaps during medical emergencies they can't walk long distances to get to that locker. They perhaps need other supplies such as monitors, test strips, lancets, there could be a variety of reasons that this locker is an ineffective accommodation. Lots of issues could cause it to be ineffective.

 And other medical conditions -- this could be applied to other medical conditions such as food allergies, asthma attacks, migraines.

 So thinking how you would apply this policy in these secure facilities to other conditions could be helpful.

 >> TERESA GODDARD: Absolutely. You know, what we're seeing especially in the land of diabetes is that people are using more and more advanced equipment to monitor and manage their condition. And sometimes employers might not be familiar with the new equipment, might not know what it is until the employee says something.

 For example, if you have never seen like a glucose monitor you might not know what you're looking at and you might be surprised to see it on a person and someone might not think that oh I should request an accommodation to be able to use this in my workplace.

 But employers do have concerns that they do with all Bluetooth devices there might be a security policy issue, it might be quite a rigid policy.

 Sometimes when it comes to blood sugar monitoring, you might have some bodily fluids and things you need to dispose of so there could be an infection control protocol that an employee needs to be aware of if they are testing at work.

 Sometimes an employee might be using something like a continuous glucose monitor but they don't have a lot of effective alternatives that they could use instead to monitor their condition and we get employers sometimes who really want to get into the employee's medical business and say well don't use that just test every 30 minutes and without any idea not being the person's treating medical provider whether that's going to work for them.

 >> LISA MATHESS: Yeah and one thing I wanted to add is not only talking about wearables but sometimes it's just utilizing apps on devices.

 >> TERESA GODDARD: Oh, yes.

 >> LISA MATHESS: And so looking at your policy and is it problematic because this person is trying to utilize an app on their personal device. So as an accommodation, could we permit them to use a company-owned device and access that app? And would that kind of overcome that policy that you're citing and work for both parties.

 >> TERESA GODDARD: Absolutely. And sometimes the medical device company might have a non-app option for accessing that. So for instance some of the continuous glucose monitoring companies provide another option instead of the app. And it's aimed at customers who might not have a SmartPhone. But could it be useful in this type of setting? Sure, maybe.

 >> LISA MATHESS: Right. So get creative with these requests and kind of whenever you're engaging.

 >> TERESA GODDARD: Yeah. So there can be a lot of options. One of my favorites is the plan of action. I don't know, do you do a lot of plan of actions related accommodations on the Motor Team.

 >> LISA MATHESS: Oh, I'm always citing the plan of action. JAN does have a sample one on the Website. But really you want to talk about a plan of action before the need arises. Because that's when it's most beneficial for all parties.

 So really documenting who is going to do what in case of emergency and what next steps are. And really tailoring it to the employee. It's not going to be a one-size-fits-all for plan of action by any means.

 >> TERESA GODDARD: Yeah and I think it needs to be reviewed.

 >> LISA MATHESS: Periodically absolutely.

 >> TERESA GODDARD: Yeah.

 >> LISA MATHESS: Some people are not going to need 9-1-1 called. They might just -- maybe just contact a friend or family member to pick them up from work. They may just need 15 minutes to reset, reorient and get back to work. It's not as serious as an employer may perceive visually. So really just talking to the employee, what do you need. Did you have an example on Dexcom.

 >> TERESA GODDARD: We did have a case and it was the first time the Dexcom came to my attention there was a new employee in a setting they had just been hired and came to work on their very first day and they were wearing their Dexcom to monitor their glucose. Why? Well, they had a very brittle version of diabetes. Their blood sugar would go up and down very quickly and they would need to be alert so they could take action quickly and stay healthy.

 But as they were coming into this big orientation training, someone noticed what they were wearing, asked what it was. Not an HR person. Not somebody who knew about diabetes. Just someone who was working the event. And they said, take it off. You can't have that here. And the person did. And they had an episode because their blood sugar went out of range. And when I heard that, I was like whose idea was this?

 It might have made a lot more sense to like step back, see if the person maybe could take leave for the rest of that day while you're figuring that out. But never would I ever tell someone to take off their medical equipment.

 >> LISA MATHESS: That's traumatizing.

 >> TERESA GODDARD: I felt like I had secondary trauma from taking that call, you know.

 >> LISA MATHESS: Absolutely.

 >> TERESA GODDARD: Certainly it makes sense to plan ahead so that whoever is in charge of enforcing your rules for new hires, your rules at training events, has a protocol and that's probably not your best protocol.

 That's my story.

(Chuckles).

 >> TERESA GODDARD: Thank you for coming.

 >> LISA MATHESS: Yeah, so circling back to other options to consider, I talked about plan of action. A simple solution, someone else retrieving the supplies. But again, that's probably going to be designated in that plan of action that your cube mate Susie will run and get your insulin from your locker if you can't get there during an emergency so really get down the details of the plan of action and if you're using a medical device, consult the manufacturer, seek input from employee and physician. So going back to gathering relevant information to make an informed accommodation decision.

 >> TERESA GODDARD: Yeah and there are lots of good reasons why you might want someone to use a secured container when they are carrying their medication or their testing equipment. We've had cases where maybe camp counselors might need to carry injectable medication and you don't want little kids to get their hands on that. But if you look around, there's usually an option. I think in that case we actually found a locking fanny pack for the camp counselor to wear I agree with you lease see there are lots of options and it's good to keep a plan of action in mind and focus on that as your guide.

 Oh now we want to talk about service animals again. We get so many service animal calls on the Sensory Team. And I've had calls a lot of times where an HR person or a co-worker, a supervisor, maybe the employee is like, well, I want to bring my service animal but there's a no pet policy. What can I do?

 And under Title I of the ADA, essentially policies related to service animals are no animal policies. And it's often possible to modify those to permit a service animal that's needed due to disability.

 So the short answer is if you have a no pet policy, a service animal is not a pet. An emotional support animal is not a pet, either. These policies have a purpose. So let's see if we can modify the policy. Is there any practical way of doing that?

 But sometimes there's a concern because someone in the work environment might already have disclosed say a dog allergy. Or an allergy to another type of animal because lots of different types of animals can be service animals under the ADA.

 And sometimes people will say, well, they have to work closely together. This person supervises the other. But there's usually a work-around. We got a case not long ago I never thought we would get where the CEO of the company was allergic to the service animal that the new hire wanted to bring into the building.

 So someone from the HR department contacted us to learn about how to modify a policy to allow a service animal. And they said, well, there's a twist. This person is somebody pretty high up in the company. Well, I've heard this before I was like well, who is it, the CEO? And she was like actually, yeah.

 So I think this person felt that they could be caught in a little bit of a power struggle between someone who was really motivated to avoid dogs for obvious reasons and someone who really probably needed to have their animal in the workplace so we talked a little bit about modifying policies.

 But we also luckily on the JAN Website have an article about how to balance the needs of someone who has an allergy with the needs of the service animal user. And I think it's important to think about the type of work that the two people are doing, the areas where they would typically work. Because it's probably not as difficult to balance the needs as you might think.

 They might not even be in the same part of the employer's campus most of the time. So one strategy that people will use is to eliminate or reduce in-person contact so let's try not to have these two people in the same room because even if the animal is not with the service animal user there could still be dander on the clothing if there is a time when they need to be in the same place at the same time well then let's not meet at the desk of the employee who uses the animal.

 Let's maybe meet in a more neutral location. Maybe a place that has been carefully cleaned. Maybe with an air purifier. There's just lots of things that we can do.

 We might even have separate paths of travel to places like the restroom and common areas like a break room or a conference room.

 Another thing that can be done is you can consider offering dander management products to the employee who wants to bring their service animal to work. There are a variety of shampoos, wipes, soaps, various things that can be used to reduce the impact of the animal's dander on someone who may be allergic.

 There are also a lot of carpet shampoos and other types of cleaning products specifically for this exact problem.

 So I always say before you push the panic button, look at your options.

 >> LISA MATHESS: Right. That's from an ADA standpoint taking a step back and assessing you're really just opening up two simultaneous interactive processes. We have the CEO who is allergic with -- versus the new hire with the dog. And so really kind of just seeing what their needs are and assessing those.

 And I know it's a CEO and I know that's stressful but treat it as you would any other request. Don't get all shook from who it's requested by. Just assess it with a case-by-case basis and case-by-case determination.

 >> TERESA GODDARD: Yeah stick with the Interactive Process go through the steps document everything that you need to consider document if you need to reject something, why, just stay on the path and things will probably be okay.

 >> LISA MATHESS: Absolutely. So I know we kind of glazed over it but long of the short of it, the employer did learn about ADA requirements and modified their no animal policy and ADA requirements under Title I, I mean there's no definition of service animal for employment settings.

 >> TERESA GODDARD: That's right.

 >> LISA MATHESS: So we might be considering various --

 >> TERESA GODDARD: Well a lot of employers are under the impression that they don't have to permit say an emotional support animal because the rules for Title II and III and public access spaces those are different. But because the information that we have from the EEOC is more vague, then it's something that an employer might have to consider. Because it's not automatically restrictive the way it is under other titles. Similarly animals that might be supporting someone in the workplace don't have to be restricted to miniature horses and dogs. We've had questions about lots of types of animals. Birds. I was on the road once and somebody asked me about a hearing cat. These things come up.

 And for emotional support almost any animal might serve as an emotional support animal.

 >> LISA MATHESS: Right and I think not just scoffing that off by that request but really engaging in the Interactive Process and see -- just like you would choose any accommodation, if you can consider the service animal. And real quick I feel like we have to mention documentation issues where there isn't a true certification for service animal under Title I, there's -- of course you can get an Websites and print out documents. But really for practical guidance in the workplace it's going to be the demonstration periods and trial periods. Can that animal behave appropriately in a work environment.

 >> TERESA GODDARD: From a practical standpoint that's how you're going to know if it can work or not but employers get caught up in all types of convoluted thinking on this issue. For example, one time we had someone whose supervisor was insisting they must bring in the animal, service animal certificate, or it was not legal. And then finally the person did and another higher up in the workplace wanted to come down on the person for essentially lying. And just buying a certificate off of the Internet.

 Well, that poor person was just trying to do what everybody wanted and make everybody happy.

 >> LISA MATHESS: Right. And I mean whenever we talk about medical documentation, the doctors' notes, a lot of times physicians aren't included in the acquisition of these animals. So their notes aren't going to weigh in on the service animal aspect of it.

 So again we just recommend those trial periods, bring the dog in for a small window of time and see if it tolerates the work environment.

 >> TERESA GODDARD: Yeah it might not be a physician, it might be an OT, vision rehabilitation therapist a voc rehab counselor I think people get caught up on these notes thinking they have to come from MDs they don't always have to per the guidance.

 >> LISA MATHESS: Right and we have a whole publication on service animals on the Website here on Slide 22. I know we linked the allergies service animal publication. But we have a couple on service animals so definitely take a look and poke around because there's a lot of information about service animals and the differences between Title I and public access. But of course reach out with any questions if you want to talk through a situation.

 Okay. Moving on to the next example. Here we have an employee with a foot impairment who uses a cane for mobility. The employer wants them to utilize an evacuation chair during drills and in case of emergencies.

 The person with a disability has some reservations. Evacuation chairs are a two-man job you have the person with the disability who is physically in the evacuation chair and someone who is maneuvering that down the staircase. So this person with a disability has some reservations about their co-workers and colleagues carrying them down the staircase in this chair.

 So the employee, their preference of an accommodation is to stand in a fire proof hall.

 So looking at a typical solution, in this case the employer did call their local fire marshal which I was pleasantly surprised because they are the professionals so we'll talk to everybody all the time. But there are some people who have more expertise in fire evacuation than us. As JAN consultants. So contact the professionals. Get their information.

 A lot of times local fire stations will come out to your site and kind of develop a plan of action and evacuation plan for you. So utilize those resources.

 So they did contact the local fire marshal and the marshal did determine standing in that fire proof hall is not going to be deemed safe in case of a fire emergency.

 So of course you want to remember the ADA rules. You want to consider the employee's preference. And you do want to be mindful of dignity issues. You know if -- I wouldn't want my co-worker carrying me down. That's going -- it could be embarrassing, what if they drop me? I could get more hurt. There could be a lot of issues. But ultimately under ADA the employer does choose an effective -- among effective options.

 So the ultimate goal is everyone evacuating safely so looking at alternative ideas, of course relocating the workstation. Moving people down to the first floor. A lot of times employers work -- they want their team to stay together so we can't move someone down to the first floor but in this day and age with technology, conference calls, Skype, you know, I don't think that holds as much weight as it used to. There's a lot of technology and remote conferencing in.

 >> TERESA GODDARD: I agree.

 >> LISA MATHESS: So consider an alternative workstation.

 Alternative drills. Can the individual with a disability verbally explain how they would get out in case of emergency. They might not want to put themselves at risk for a drill. In case of an emergency they will do it so if they can just talk you through what their plan is that could be feasible. Of course you want to train co-workers on using those evacuation chairs. Perhaps using a dummy similar weight and height as the person with a disability to really mirror an emergency. We went over plan of action. Is linked on Slide 19 and then I mentioned talk to the professionals.

 >> TERESA GODDARD: The person's physical therapist for instance might have some great ideas on how they can get down safely without the chair for instance.

 >> LISA MATHESS: Right.

 >> TERESA GODDARD: I think conferring with medical professionals who are familiar with the employee can be so useful no matter what the situation.

 >> LISA MATHESS: Okay so that's the end of the situation portion of our presentation today but we just want you to stay focused on one accommodation request at the time and navigate through these waters. We know it can be overwhelming at times but really breaking it down, seeing what the employee needs versus the employer's intentions and business needs and really bridging that gap. You don't want to forget to do the case-by-case determinations and apply the policies in a non-discriminatory manner and apply those uniformly but always consider modifications absent undue hardship and keeping the framework of the Interactive Process in the background.

 >> TERESA GODDARD: Absolutely. As long as you are following the steps, doing your documentation, you've got a framework to go on. And you'll be able to explain why you made the decisions that you made.

 >> LISA MATHESS: Yeah document all employment decisions, paper trails are good for everybody.

 >> TERESA GODDARD: And remember exploring accommodation options is part of the Interactive Process it's okay to try to sort out what else might work.

 So we would like to take a few minutes here toward the end to tell you about some new solutions for problems you may have encountered. From have been some exciting technological developments. If you're frequent listeners you know how much Lisa and I love to talk about tech.

 So on the eReader front there's actually an exciting new product from American Thermoform. It is a multi-line digital Braille eReader. And what it's for is for someone who uses Braille and might need to access eBooks or other documents that could be turned into eBook format. On the job they can read multiple lines. So they can access that eBook more quickly and effectively.

 The Kindle Oasis has also been updated and there are some new ways to listen to materials on that in an accessible way. But it does require that you have Bluetooth to the device in order to get that audio output.

 I told you earlier we had a call about a service cat. Cat allergies are of course very common but there's a potential solution on the horizon. The HypoPet AG vaccine which is actually a shot to be given to a cat to make their dander less bothersome to persons with cat allergies. This is exciting and new.

 And Molekule, if you've been following their air purifiers they make highend very expensive air purifiers they have come out with a mini model that has a carrying strap on it it's pricey it's just under $350 but if you have been looking into those but you need something more portable or for a modest sized space that might be an option.

 A question we get all the time also is what if you need to use a cordless phone with a hearing aid. This comes up a lot in foodservice settings. Maybe everybody in the facility customarily takes calls on a cordless phone in the past we have looked at job restructuring so the person doesn't have to take the calls but Phonak came out with the DECT phone that transmits calls to hearing aids but also is a standard cordless phone so people who don't use hearing aids can also take calls on it very exciting development from Phonak.

 Lisa I think you wanted to talk about the vibrating mat.

 >> LISA MATHESS: Right. So oftentimes I was just talking to management today about what Motor Team takes call in day in and day out and that's still the sit/stand workstation so more and more of us are standing up for our work days which is great. But for looking at anti-fatigue mats they are getting fancier making some vast improvements in the old 3 by 3 black foam mat so here on the left we have -- these are both by FoamEra the left has massage heads and rollers that you can switch out and that's an $85. And then the right the picture on the right is an electric match with toe touch activation for the vibrating feature so I think that could be good for standing limitations, neuropathy, all types of issues for those of us. And even if it's not a sit/stand workstation if we're just having to stand at a production belt all day, I could see the benefits of something like this.

 >> TERESA GODDARD: Absolutely. And the price point is very friendly.

 >> LISA MATHESS: Oh for sure. Under 100 bucks for both of them.

 >> TERESA GODDARD: Oh, yeah.

 So what's new in automated captioning? If you've been listening to me for a long time, you know I talk a lot about automated captioning products, including the Interpretype. The Interpretype has been recently updated and they now use a cloud based product for their transcription. What we're hearing from the folks at Interpretype is this change was made for increased accuracy. So that you don't have to train individual voices on the Interpretype anymore. This should pick up voices without training.

 So very exciting.

 The Ava app is now offering business prices for inclusive organizations and events we've talked about people using the free option you get so much captioning on the Ava app for free, Ava is an app that will caption a conversation live but they are now offering captioning that works more similarly to what a CART transcriptionist might provide.

 And we have talked, also, about the Kindle. I think I jumped ahead of myself a little bit. The PageBot which I used to love for turning pages independently on the old Kindle keyboard it's been discontinued we can't get that anymore. Touchscreens are just coming into much more wide use. But Kindle has improved the voice view. They have inverted display options and even improved interoperability with the NVDA and Braille displays.

 So lots of exciting updates. Here is an update that I'm actually very excited about. For those STEM settings. Independence Science has updated their Talking LabQuest they now have the Talking LabQuest II what this is for is to render various types of lab experiments and tasks accessible to a person with a vision impairment.

 What you see here in the picture is a probe that can be used to detect various things, let somebody know how, for instance, their chemical reaction might be progressing. Independence Science also offers a variety of related equipment including some things like printers that can produce accessible documents. Lots of exciting things from Independence Science. But the Talking LabQuest II is one I'm looking forward to seeing at my next AT conference.

 Now, this is something that Lisa put in here because she knew I could fill up any number of minutes at the end of the presentation. What we have here is an example of a type of headset that might be used for brain computer interface research. Around the country there are various places doing neuroscience research, especially on how to interact with a computer using your brain waves.

 And the idea is a person might wear some type of cap or helmet that connects electrodes to their skin at various points around their head. And these would measure brain wave activity and allow a person to do tasks such as turning things on and off or even typing essentially with their brain waves.

 So how this can be used in the workplace, you might ask, it's already being used by some individuals with, for instance, ALS who need to work from home but can do things like email, supervise a team, manage schedules, et cetera via a computer using the right technology. Who might use this type of thing? Well, the idea is that this is an option for people for whom eyegaze has become too slow, too cumbersome or just ineffective due to accuracy. They could possibly transition to using a brain computer interface to access their computer.

 There are people who are using this now. But it's not something that you can buy off the shelf. You would go through someone who is doing research in this area. Up -- but ALS and complex cerebral palsy, those are some examples of conditions that people who are researching in this area are looking for clients to do testing.

 >> LISA MATHESS: Exciting stuff on the AT front. Okay. So of course you can reach us 9 to 6 Eastern Standard Time. The number again is 1-800-526-7234 you can send us an email at JAN@askJAN.org if you have questions or the chat at askJAN.org now we do have a couple of minutes so we are going to get to some questions we received.

 This one is about a service dog in the foodservice industry, worried about health inspections. Is there any like formal guidance that you want to weigh in on Teresa.

 >> TERESA GODDARD: I'm so glad you asked. In fact there is. On the JAN Website you can find a number of EEOC guidance documents, including one that addresses accommodation needs in foodservice settings. And there are rules about in a foodservice setting where an animal may and may not go.

 So one typical way to handle something like this is the person might use their service animal to commute to and from work. Maybe even to access certain parts of the facility. But they would not typically be in the food prep area. And there are rules for when you need to wash your hands. So obviously after handling the animal, before handling food. But that's all laid out in a guidance document. Great question.

 >> LISA MATHESS: Can you provide the product information for dander control items?

 >> TERESA GODDARD: Adler pet is one brand that's pretty well known there are others but if you happen to find yourself on the JAN Website we do have information on all of those vendors of which we are aware. A lot of people start with Amazon just as an example. But the Allerpet brand is one we have had some input on with feedback.

 >> LISA MATHESS: Okay. What is the reference to the EEOC guidance on the landlord interference? This is linked on our Website or you can just Google EEOC guidance reasonable accommodation and the undue hardship under the ADA. It's No. 46. It kind of talks about making accommodations to property owned by someone else and goes into the nitty-gritty details about shared obligations and leases and contracts. And that -- landlords shouldn't be interfering with an employer's obligation to accommodate.

 And so an employer can't claim hardship just because a landlord doesn't want something right off the bat.

 >> TERESA GODDARD: Yeah it doesn't mean you can always provide the exact accommodation requested but there's protocol for making sure that you at least make an attempt to work things out, right?

 >> LISA MATHESS: Exactly.

 Do you have insight on who pays for indoor relief areas and those dander cleaning products?

 >> TERESA GODDARD: You know this is a question that we get all the time and the truth is we don't have formal guidance on this specifically because the EEOC hasn't put a lot of in writing about service animals. But as a general rule of thumb, if an employer is insisting on a particular option, I think it makes sense that the employee might be hoping they would pay for it.

 And with the dander control products, particularly, there might need to be a voluntary element there. Because these might be things that the employee is using at home when they bathe the animal and not at the work environment.

 >> LISA MATHESS: Okay. Where can employees go to find out more about accommodation ideas based on their specific need well that's on the JAN Website of course. AskJAN.org we have A to Z list by disability, by limitation, by work-related function. You can find lots of information there on accommodation ideas and vendor learning disabilities for different products that we might provide as an idea.

 And then Teresa what AT conferences do you recommend.

 >> TERESA GODDARD: Well you know how much I love ATIA which is coming up at the end of January this year.

 >> LISA MATHESS: What's that stand for.

 >> TERESA GODDARD: Assistive Technology Industry Association. Wonderful conference. Very -- very friendly and also very beginner friendly. There's a wonderful culture there for teaching people who may be new to the assistive technology world.

 Another one that I love and I know you, too, love it, Lisa is the CSUN conference in California.

 >> LISA MATHESS: Yeah those are two good ones for any interest in assistive technologies.

 >> TERESA GODDARD: There are a lot of regional events, too, and you can always reach out to your state AT project to learn about customized local training.

 >> LISA MATHESS: Yeah absolutely and that is all the time we have today so if you need additional information or want to discuss an accommodation or ADA issue, please feel free to contact us. We thank you for attending and thank you also to Alternative Communication Services for providing the net captioning.

 We hope the program was useful. 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 so please hope you take a moment to fill out the form. This concludes today's webcast.

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