Employer's Guide To Hidden Disabilities

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Introduction

The number of people in the workplace with disabilities, including hidden disabilities, has been rapidly increasing since the early 1990s. **Hidden disabilities**, for the purpose of this guide, include cognitive, chronic health, and psychological disabilities. Explanations for the recent increase of hidden disabilities in the workplace are many. First, advances in knowledge and assessment practices in the cognitive, medical, and psychological sciences have resulted in more diagnoses of hidden disabilities. In addition, due to increased awareness and acceptance of hidden disabilities, people who have struggled with cognitive tasks, chronic health problems, or psychological disorders all of their lives are being formally diagnosed with a disability. Most importantly, however, the establishment of the **American's with Disabilities Act (ADA)** in 1990, which includes laws that prevent discrimination in the workplace on the basis of a disability, has contributed markedly to the number of employees who are willing to disclose their disabilities to employers.

Due to this recent trend, it is now more important than ever for employers to be knowledgeable about all types of disabilities and their responsibilities under the law. Employers likely have current employees with hidden disabilities who simply have not yet disclosed, and need to be prepared when/if they do. Further, recruiters may encounter someone in the hiring process with a disability and will need to know how to determine which interview questions and practices are legal. Employers also need to know that they are required by law to provide **reasonable accommodations** for employees with hidden disabilities, just as they would for employees with obvious disabilities, so that these individuals may fulfill their job functions. Therefore, in order to adhere to the guidelines established by the ADA and avoid legal problems, all employers must have a working knowledge of these laws.

In addition to knowing the law, it is important to know the facts about hidden disabilities and how they impact people in the workplace. Employers often believe that people with hidden disabilities, such as learning disabilities or psychological problems, will not be able to fulfill their job responsibilities effectively. This is a grave misconception. Employees with disabilities can perform their tasks just as well as anyone when provided with reasonable accommodations. In fact, employees with hidden disabilities often work harder, or are more motivated, than non-disabled employees in an effort to compensate for their disability. Always working to overcome their limitations, people with disabilities naturally possess many desirable qualities including tenacity and perseverance. They are also instinctively creative, since they often have to think of new ways to better navigate their world, or alternate ways of accomplishing a task. People with hidden disabilities truly distinguish themselves in the workplace with their distinctive styles of thinking and unique perspectives. Many highly successful, well-respected people, including Charles Schwab, Nelson Rockefeller, Walt Disney, Tom Cruise, and possibly even Albert Einstein, have overcome their hidden disabilities and made significant contributions to the world *(ERIC, 1999).*

ADA in a Nutshell

Signed into law on July 26 1990, the Americans with Disabilities Act is legislation intended to make American society more accessible to people with disabilities. The ADA is divided into five sections, or titles: employment, public services, accommodations, telecommunications and miscellaneous. This guide will focus primarily on Title I (Employment).

Who is covered?

The ADA's protection applies primarily, but not exclusively, to disabled individuals. An individual is "disabled" if he or she meets at least one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment; or
3. He or she is regarded as having such an impairment.

Other individuals who are protected in certain circumstances include 1) those, such as parents, who have an association with an individual known to have a disability, and 2) those who are coerced or subjected to retaliation for assisting people with disabilities in asserting their rights under the ADA.

Definitions:

Physical or Mental Impairment - (1) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems; or (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially Limits - (1) Unable to perform a major life activity that the average person in the general population can perform; or (2) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

Major Life Activity - those basic activities that the average person in the general population can perform with little or no difficulty, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive and can also include tasks such as sitting, standing, lifting, and reaching.

What does it mean for me as an employer?

Title I of the ADA prevents an employer with 15 or more employees from discriminating against any individual with a disability who is qualified to perform a job. In order to be qualified for a specific job, the person must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses, and must be able to perform the essential functions of the job with or without reasonable accommodation, provided the accommodation does not cause undue hardship on the employer.

More Definitions:

Essential Functions - the fundamental job duties that are necessary to perform in order for the job to be accomplished. The term "essential functions" does not include the marginal functions of the position. *For example, for an elementary teacher, classroom teaching is an essential function, but standing outside for recess is a marginal function.*

Reasonable Accommodation - any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. This also includes modifications or adjustments that enable the employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities. *For example, if a gym or break room is available to employees, it must be accessible to all employees – including those with disabilities.*

Undue Hardship - An employer or other covered entity is not required to provide an accommodation that will impose an undue hardship on the operation of the employer's business. The term "undue hardship" means significant difficulty or expense in, or resulting from, the provision of the accommodation. The "undue hardship" provision takes into account the financial realities of the particular employer. However, the concept of undue hardship is not limited to financial difficulty. "Undue hardship" refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

Myths and Facts about the ADA

Myths	Facts
The ADA gives people with disabilities the right to a job.	People with disabilities must be qualified to perform the essential job functions. They compete for jobs and are rejected just like everyone else.
The ADA is an affirmative action statute.	The ADA is not intended to make up for past discrimination by requiring employers to fill a quota of employees with disabilities.
The ADA gives people with disabilities special privileges on the job.	Although sometimes reasonable accommodations may look like special privileges to others, people with disabilities have the same responsibilities and challenges as everyone else.

Reference: Brown, Dale S. "The Americans with Disabilities Act: Civil Rights for You.", 2000

Cognitive/Learning Disabilities

"Cognition" refers to "understanding" – the ability to comprehend what you see and hear, and to infer information from social cues and body language. People with these impairments may have trouble learning new things, making generalizations from one situation to another, and expressing themselves through spoken or written language. *(Disability Law Resource Project)*

(For the purpose of this guide the phrase “cognitive disability” does not refer to developmental disabilities or mental retardation, nor does it include cognitive impairments associated with old age. Here we are referring to the cognitive disorders that would likely present themselves in a professional employment situation.)

Below are definitions for some of the disabilities related to cognition. Remember, they are only considered disabilities under the ADA to the extent that they substantially limit one or more major life functions.

Asperger’s Syndrome – A neurobiological disorder similar to autism and characterized by serious deficits in social and communication skills. People with Asperger’s Syndrome often have obsessive, repetitive routines and preoccupations with a particular subject matter.

Attention Deficit Hyperactivity Disorder (ADHD) - A neurobiological condition characterized by developmentally inappropriate levels of attention, concentration, activity, distractibility, and impulsivity.

Sensory Integrative Dysfunction - the inability to take in information through senses (touch, movement, smell, taste, vision, and hearing), to put it together with prior information, memories, and knowledge stored in the brain, and to make a meaningful response. This impairment may co-exist, or even be the result of, other disorders such as learning disabilities, ADHD, autism, or brain injury.

Specific Learning Disability – “a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations". Learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities; mental retardation; or environmental, cultural, or economic disadvantage. *US federal code (Section 300.7(c)(10) of 34 CFR Parts 300 and 303)*

Dyslexia - a language and reading disability that causes people to have trouble understanding words, sentences, or paragraphs.

Dysgraphia - a disorder that causes difficulty with forming letters or writing within a defined space. People with this disorder need extra time and effort to write neatly. Despite their efforts, their handwriting may be almost illegible.

Dyscalculia - a disorder that causes people to have problems doing arithmetic and grasping mathematical concepts. While many people have problems with math, a person with dyscalculia has a much more difficult time solving basic math problems than his or her peers.

Dyspraxia - a problem with the body’s system of motion that interferes with a person’s ability to make a controlled or coordinated physical response in a given situation.

Visual Perceptual Deficit – Difficulty receiving and/or processing accurate information from the sense of sight, although there is nothing wrong with vision. May have difficulty picking out an object from a background of other objects or seeing things in correct order.

Auditory Perceptual Deficit – difficulty receiving accurate information through auditory means, even though there is no problem with hearing. The problem is in how the brain interprets what is heard. May have difficulty understanding and remembering oral instructions, differentiating between similar sounds, or hearing one sound over a background noise.

Tourette's Syndrome (TS) is an inherited, neurological disorder characterized by repeated and involuntary body movements (tics) and/or uncontrollable vocal sounds. In a minority of cases, the vocalizations can include socially inappropriate words and phrases -- called coprolalia. These outbursts are neither intentional nor purposeful. Involuntary symptoms can include eye blinking, repeated throat clearing or sniffing, arm thrusting, kicking movements, shoulder shrugging or jumping.

Acquired Brain Injury can significantly affect many physical, cognitive, and psychological skills. Physical deficit can include ambulation, balance, coordination, fine motor skills, strength, and endurance. Cognitive deficits of language and communication, information processing, memory, and perceptual skills are common. Psychological status is also often altered. Adjustment issues are frequently encountered by people with this disability.

Brain injury can occur in many ways. Traumatic brain injuries typically result from accidents in which the head strikes an object. This is the most common type of traumatic brain injury. However, other brain injuries, such as those caused by insufficient oxygen, poisoning, or infection, can cause similar deficits.

Impact of Cognitive Disabilities in the Workplace

Cognitive disabilities like the ones listed above can impact an employee's basic skills, social skills, or both. In some cases the "academic" areas such as reading, writing, and math are affected; in other cases the employee has difficulty reading social cues and interacting with people. Other problems that may exist include inability to manage time, restlessness, distractibility, poor memory, and the need for extra time to complete projects.

It is important for the employer to know that these are real disabilities – no less real than visual, hearing or mobility impairments. One of the most frustrating things for people with cognitive disabilities to deal with is the disbelief of others regarding the authenticity of their problems. Individuals with cognitive disabilities are of average or above average intelligence, yet often they are treated as "stupid". In many cases they work much harder than their peers to achieve the same results, yet they are sometimes seen as "lazy" or getting "special treatment". Accommodations such as a flexible schedule, screen-reader or quiet work environment are no different for someone with a cognitive disability than a wheelchair is for a person with a physical disability.

Chronic Health Problems

Also included under the blanket of hidden disabilities are chronic health problems (to the extent that they substantially limit one or more major life activities). Examples of such ailments are listed below.

AIDS/HIV
Allergies
Arthritis
Back Condition
Cancer
Cerebral Palsy
Chemical/Fragrance Sensitivity
Parkinson's Disease
Chronic Fatigue
Chronic Pain
Diabetes
Epilepsy
Fibromyalgia
Heart Condition
Hepatitis
Lupus
Lyme Disease
Migraines
Multiple Sclerosis
Muscular Dystrophy
Myasthenia Gravis

While this is not a complete list, it is clear that there are many health-related conditions that can be considered disabling. It should be noted, however, that not all individuals with these conditions are considered disabled. They must meet the criteria set forth in the ADA to be covered under it.

It would be impossible to describe every chronic health problem that could be a disabling condition, but this guide will address a few that are probably the least understood.

Chronic Fatigue Syndrome (CFS)

CFS is a disorder characterized by profound fatigue that is not improved by bed rest and that may be worsened by physical or mental activity. Other symptoms include headaches, recurrent sore throats, muscle and joint pains, and cognitive complaints.

The degree of severity can vary widely among patients, and will also vary over time for the same patient. Severity can vary between getting unusually fatigued following stressful events, to being totally bedridden and completely disabled. The symptoms will tend to wax and wane over time.

Possible Limitations/Issues for Employees with CFS

Difficulty Concentrating
Depression / Anxiety
Migraine Headaches
Temperature Sensitivity
Sleep Disorder
Fatigue / Weakness
Photosensitivity
Time of Day

Examples with Accommodationsfrom JAN:

A teacher with chronic fatigue syndrome had difficulty meeting the physical demands of her job and was exhausted by early afternoon. She was provided with a teacher's aid, her off-hour was moved to the afternoon, and she was excused from afternoon recess duty.

A social worker with chronic fatigue syndrome experienced headaches and photosensitivity. Accommodations included changing the lighting in her workstation from fluorescent lighting to task lighting, adding a glare guard to her computer monitor, providing window blinds, and implementing other workstation changes to enhance ergonomics.

Reference: Job Accommodation Network (http://www.jan.wvu.edu/media/cfs.html)

Fibromyalgia Syndrome (FMS)

FMS is a complex, chronic condition that causes widespread pain and severe fatigue. Deep muscular pain is the most common symptom. It can be all over the body, or in just one main region. Most people with FMS say that at least some degree of pain is always present. The pain generally is present in all four quadrants of the body for at least three months. Some factors that effect pain are level of activity, the weather, a person's sleep patterns and stress. Besides chronic pain, other symptoms include extreme fatigue, sleep disorders, mood changes, impaired memory, dizziness, severe headaches, and irritable bowel/bladder. FMS affects 2-4% of the total population and can be seen in people of all ages, but is more often diagnosed in women in their 20s and 30s.

Because FMS affects people in different ways and with varying degrees of severity, the accommodation process must be handled on a case-by-case basis. FMS may be considered disabling for some employees and not for others. Not all people with FMS will need accommodations to perform their jobs and many others may need only a few accommodations.

Possible Limitations/Issues for Employees with FMS

Difficulty Concentrating	Migraine Headaches
Depression and Anxiety	Respiratory Difficulties
Fatigue/Weakness	Skin Irritations
Fine Motor Impairment	Sleep Disorder
Gross Motor Impairment	Temperature Sensitivity

Examples with Accommodations from JAN:

A guidance counselor for a large high school experienced severe bouts of irritable bowl syndrome, depression, and fatigue as a result of FMS. He experienced difficulty in opening the heavy doors to the entrance of the school and had to make frequent trips to the bathroom. The individual's employer complained that he was spending too much of his time away from his office and therefore was not available for students. The employer moved the employee's office to a location closer to the faculty restroom, added an automatic entry system to the main doors, and allowed flexible leave time so the employee could keep appointments with his therapist.

A nurse with FMS working in a county health clinic experienced a great deal of fatigue and pain at work. The nurse typically worked evening shifts but her doctor recommended a schedule change so she could regulate her sleep patterns. Accommodations suggestions included changing her shift from evening to day, restructuring the work schedule to eliminate working two consecutive twelve hour shifts, reducing the number of hours worked to part time, and taking frequent rest breaks

Reference: Job Accommodation Network (http://www.jan.wvu.edu/media/Fibro.html)

Multiple Sclerosis (MS)

MS is a chronic disease of the central nervous system. It causes destruction of myelin (a protein that forms a protective coating around nerve cells) in the central nervous system. When myelin is destroyed signals traveling through the nerve cells are interrupted or delayed, resulting in various neurological symptoms occurring at different locations throughout the body. MS is often characterized by a pattern of exacerbation and remission. Symptoms may be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision. The initial symptoms of MS are

most often difficulty walking; abnormal sensations such as numbness or "pins and needles"; and pain and loss of vision due to optic neuritis, an inflammation of the optic nerve. Less common initial symptoms may include tremor; lack of coordination; slurred speech; sudden onset of paralysis, similar to a stroke; and decline in cognitive function.

Possible Limitations/Issues for Employees with MS

Activities of Daily Living
Cognitive Impairment
Fatigue/Weakness
Fine Motor Impairment
Gross Motor Impairment
Heat Sensitivity
Speech Impairment
Vision Impairment

Examples with Accommodations from JAN:

An engineer with MS was experiencing heat sensitivity. She was provided a private office where the temperature could be lower than in the rest of the facility. She was also encouraged to communicate with coworkers by telephone or email when possible to reduce the amount of walking she had to do.

An attorney with MS was having difficulty carrying documents to meetings at various locations due to upper extremity weakness. His employer purchased a portable cart that was easy to get in and out of his car.

Reference: Job Accommodation Network (http://www.jan.wvu.edu/media/MS.html)

Lupus

Lupus is a chronic, autoimmune disease that causes inflammation of various parts of the body, especially the skin, joints, blood and kidneys. The immune system -- designed to protect the body against viruses, bacteria and other foreign materials -- produces antibodies that attack the person's own tissues and organs. The more common symptoms of lupus include joint and muscle pain, extreme fatigue, persistent low-grade fever (less than 101°F), "butterfly" rash across the bridge of the nose and cheeks, weight loss, hair loss, photosensitivity (sun or light sensitivity), pleurisy (pain in the chest on deep breathing), headache and mouth or nose ulcers.

For most people, lupus is a mild disease affecting only a few organs. For others, it may cause serious and even life-threatening problems. Sunlight, infection, injury, surgery, stress and exhaustion can trigger lupus "flares" (active states of the disease). Lupus affects 1 out of every 185 Americans. Although lupus can occur at any age -- and in either sex -- 90% of those living with lupus are female; a diagnosis is most often made during the child-bearing years, between the ages of 15 and 45. African Americans, Latinos, Asians and Native Americans are at particular risk.

Possible Limitations/Issues for Employees with Lupus

Activities of Daily Living
Cognitive Impairment
Fatigue/Weakness
Sleep Disorder
Fine Motor Impairment
Gross Motor Impairment
Migraine Headaches
Photosensitivity
Respiratory Difficulties
Seizure Activity
Skin Irritations
Stress
Temperature Sensitivity

Examples with Accommodations From JAN:

A claims representative with lupus was sensitive to fluorescent light in his office and to the radiation emitted from his computer monitor. The overhead lights were changed from fluorescent to broad spectrum by using a special filter that fit onto the existing light fixture. The individual was also accommodated with a glare guard and flicker-free monitor.

A systems analyst with lupus had migraine headaches. The individual was moved from a cubicle office to a separate workspace away from distractions and noise. She was then able to use task lighting instead of overhead fluorescent lighting and adjust the temperature control when necessary.

Reference: Job Accommodation Network (http://www.jan.wvu.edu/media/lupus.html)

Epilepsy

Epilepsy is a chronic medical condition produced by temporary changes in the electrical function of the brain, causing seizures which affect awareness, movement, or sensation.

Possible Limitations/Issues for Employees with Epilepsy

- Limitations in Cognitive/Neurological Abilities: memory, disorientation/ disorganization, time management/performing or completing tasks
- Trouble Using Office Equipment: phone, copier, fax, computer, alarm system
- Limitations in Motor Abilities: driving, balancing/climbing, fatigue
- Limitations Associated with Photosensitivity: using computer, alternative lighting
- Limitations in Sensory Abilities: Seeing/Hearing/Communicating (during seizure)

Other Limitations: attendance/absenteeism, schedule issues, exhibiting appropriate behavior, avoiding seizures on the job

Example with Accommodations from JAN:

An administrator needed an emergency alerting system as an accommodation. JAN suggested using a two-way radio. JAN suggested creating a plan of action. The approx. accommodation cost is $100.

Reference: Job Accommodation Network (http://www.jan.wvu.edu/media/Epilepsy.html)

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*Additional information on **Chronic Health Problems** and how to accommodate them can be found at the **JAN (Job Accommodation Network)** web site: **http://www.jan.wvu.edu.***

Psychological Disorders

According to *Mental Health: A Report of the Surgeon General*, mental disorders are "health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress and/or impaired functioning." About 15 percent of the U.S. adult population use some form of mental health service in any year. Having a psychological disorder does not necessarily mean a person has a disability, yet in many cases the condition is severe enough to be disabling.

The following are descriptions of some of the more prominent psychological disorders and the impact they can have in the workplace, including effects of common medications taken for the conditions. Most of the information in this section can be found on the website of the National Institute of Mental Health (www.nimh.mih.gov).

Depression / Bipolar Disorder / Seasonal Affective Disorder (SAD)

Depression is one of the most common and most serious mental health problems facing people today. This year, more than 19 million American adults (9.5% of the population) will suffer from this disorder. Major depression is manifested by a combination of symptoms that interfere with the ability to work, study, sleep, eat, and enjoy once pleasurable activities.

While the severity and number of symptoms vary from person to person, they can include the following: a persistent sad mood; loss of interest or pleasure in activities that were once enjoyed; significant change in appetite or body weight; difficulty sleeping or oversleeping; physical slowing or agitation; loss of energy; feelings of worthlessness or inappropriate guilt; difficulty thinking or concentrating; and recurrent thoughts of death or suicide.
In the workplace, symptoms of depression often may be recognized by decreased productivity, morale problems, lack of cooperation, safety risks, accidents, absenteeism, frequent statements about being tired all the time, complaints of unexplained aches and pains, and alcohol and drug abuse. Depression can affect your workers' productivity, judgment, ability to work with others, and overall job performance. The inability to concentrate fully or make decisions may lead to costly mistakes or accidents. In addition, it has been shown that depressed individuals have high rates of absenteeism and are more likely to abuse alcohol and drugs, resulting in other problems on and off the job. (NIMH, 2001)

An employee with chronic depression may need to take medication. Although some improvements may be seen in the first few weeks, antidepressant medications must be taken regularly for 3 to 4 weeks (in some cases, as many as 8 weeks) before the full therapeutic effect occurs. Side effects of medication can include dry mouth, constipation, bladder problems, blurred vision, drowsiness, headache, nausea, insomnia (trouble falling asleep or waking often during the night), and agitation (feeling jittery).

Bipolar Disorder, or what was commonly known as manic-depression, involves cyclical periods of severe depression with periods of extremely elevated or irritable mood known as mania. It affects approximately 2.3 million adult Americans—about 1.2 percent of the population. Cycles, or episodes, of depression, mania, or "mixed" manic and depressive symptoms typically recur and may become more frequent, often disrupting work, school, family, and social life.

When in the depressed cycle, an individual can have any or all of the symptoms of a depressive disorder. When in the manic cycle, the individual may be overactive, overtalkative, and have a great deal of energy. Mania often affects thinking, judgment, and social behavior in ways that cause serious problems and embarrassment. Left untreated, mania may worsen to a psychotic state. Psychotic symptoms associated with bipolar typically reflect the extreme mood state at the time. (NIMH, 2001)

A variety of medications are used to treat bipolar disorder, but even with optimal medication treatment, many people with the illness have some residual symptoms. Depending on the medication, side effects may include weight gain, nausea, tremor, reduced sexual drive or performance, anxiety, hair loss, movement problems, or dry mouth.

Seasonal Affective Disorder involves symptoms of depression that occur during the fall and winter seasons when the days are shorter and there is less exposure to natural sunlight. When the spring and summer seasons begin and there is greater exposure to longer hours of daylight, the symptoms of depression disappear.

According to the National Institute for Mental Health, approximately 10 percent of Americans currently suffer from Seasonal Affective Disorder (also known as SAD) and related disorders. SAD sufferers have the following symptoms that occur during the fall/winter months and diminish in the spring: depression, increased appetite, weight gain, inability to concentrate, depressed energy and interest, and excessive sleeping.

Anxiety Disorders

Anxiety disorders, as a group, are the most common mental illness in America. More than 19 million American adults are affected by these debilitating illnesses each year. Unlike the relatively mild, brief anxiety caused by a stressful event such as a business presentation or a first date, anxiety disorders are chronic, relentless, and can grow progressively worse if not treated.

There are a number of different types of anxiety disorders:

Panic Disorder involves repeated episodes of intense fear that strike often and without warning. Physical symptoms include chest pain, heart palpitations, shortness of breath, dizziness, abdominal distress, feelings of unreality, and fear of dying. The individual cannot predict when an attack will occur, and many develop intense anxiety between episodes, worrying when and where the next one will strike.

Obsessive-compulsive disorder (OCD) involves repeated, unwanted thoughts or compulsive behaviors that seem impossible to stop or control. Rituals such as handwashing, counting, checking, or cleaning are often performed with the hope of preventing obsessive thoughts or making them go away. Performing these rituals, however, provides only temporary relief, and not performing them markedly increases anxiety. Left untreated, obsessions and the need to perform rituals can take over a person's life.

Post-traumatic stress disorder (PTSD) is a debilitating condition that can develop following a terrifying event. Often, people with PTSD have persistent frightening thoughts and memories of their ordeal and feel emotionally numb, especially with people they were once close to.

Some people with PTSD repeatedly relive the trauma in the form of nightmares and disturbing recollections during the day. They may also experience other sleep problems, feel detached or numb, or be easily startled. They may lose interest in things they used to enjoy and have trouble feeling affectionate. They may feel irritable, more aggressive than before, or even violent.

Phobias include both Social Phobia and Specific Phobia. People with social phobia have an overwhelming and disabling fear of scrutiny, embarrassment, or humiliation in social situations, which leads to avoidance of many potentially pleasurable and meaningful activities. People with specific phobia experience extreme, disabling, and irrational fear of something that poses little or no actual danger; the fear leads to avoidance of objects or situations and can cause people to limit their lives unnecessarily.

Generalized Anxiety Disorder involves constant, exaggerated, worrisome thoughts and tension about everyday routine life events and activities, lasting at least six months. The individual is almost always anticipating the worst even though there is little reason to expect it. The disorder is often accompanied by physical symptoms, such as fatigue, trembling, muscle tension, headache, or nausea.

Both antidepressants and antianxiety medications are used to treat anxiety disorders. Drowsiness and loss of coordination are most common side effects, along with fatigue and mental slowing or confusion.

Schizophrenia

Schizophrenia is a chronic, severe, and disabling brain disease that affects about 1 percent of the population. People with schizophrenia often suffer terrifying symptoms such as hearing internal voices not heard by others, or believing that other people are reading their minds, controlling their thoughts, or plotting to harm them. These symptoms may leave them fearful and withdrawn. Their speech and behavior can be so disorganized that they may be incomprehensible or frightening to others. Medications and other treatments for schizophrenia, when used regularly and as prescribed, can help reduce and control the distressing symptoms of the illness, but most people with schizophrenia continue to suffer some symptoms throughout their lives. It has been estimated that no more than one in five individuals recovers completely. (NIMH, 1999)

Personality Disorders

Those with a personality disorder possess several distinct psychological features including disturbances in self-image; inability to have successful interpersonal relationships; inappropriate range of emotion, ways of perceiving themselves, others, and the world; and difficulty possessing proper impulse control. These disturbances come together to create a pervasive pattern of behavior and inner experience that is quite different from the norms of the individual's culture and that often tend to be expressed in behaviors that appear more dramatic than what society considers usual. Therefore, those with a personality disorder often experience conflicts with other people and vice-versa. There are ten different types of personality disorders that exist, which all have various emphases.

Antisocial	Avoidant	Borderline
Dependent	Histrionic	Narcissistic
Obsessive–Compulsive	Paranoid	Schizoid
Schizotypal		

For more information on each of these Personality Disorders, as well as other mental health topics, visit Mental Health Net online at www.mentalhelp.net.

How to recognize signs of mental illness in the workplace*

While a single symptom or isolated event is rarely a sign of mental illness, a symptom that occurs frequently, lasts for several weeks, or becomes a general pattern of an individual's behavior may indicate the onset of a more serious mental health problem that requires treatment. Some of the most significant indications of a possible mental illness include:

- marked personality change over time
- confused thinking; strange or grandiose ideas
- prolonged severe feelings of depression or apathy
- feelings of extreme highs or lows
- heightened anxieties, fears, anger or suspicion; blaming others
- social withdrawal, diminished friendliness, increased self-centeredness
- denial of obvious problems and a strong resistance to offers of help
- dramatic, persistent changes in eating or sleeping habits
- substance abuse
- thinking or talking about suicide

In reality, these symptoms are not always readily apparent. Employers and supervisors may be able to notice significant changes in their employees' work habits, behaviors, performance, and attendance, such as:

- consistent late arrivals or frequent absences
- low morale
- lack of cooperation or a general inability to work with colleagues
- decreased productivity
- increased accidents or safety problems
- frequent complaints of fatigue or unexplained pains
- problems concentrating, making decisions, or remembering things
- making excuses for missed deadlines or poor work
- decreased interest or involvement in one's work

People who experience problems such as those listed above may simply be having a bad day or week, or may be working through a difficult time in their lives. A pattern that continues for a long period may, however, indicate an underlying mental health problem.

** Source: Zuckerman, D., Debenham, K. & Moore, K. (1993) The ADA and People with Mental Illness: A Resource Manual for Employers. Available from the National Mental Health Association, 1021 Prince Street, Alexandria, VA 22314-2971*

Important Notes

"Disorder" vs. "Disability"

Remember, "disorder" is not synonymous with "disability". A person may indeed have a disorder, but may not necessarily be disabled under the ADA. A disorder is only considered a disability if it "substantially limits" one or more "major life activities", including performing manual tasks, speaking, learning, working, thinking, concentrating, and interacting with others. Employees are considered "substantially limited" in the workplace only if they are unable to perform many jobs, not just one position.

"Hidden" vs. "Visible"

It is also important to recognize the distinction between hidden disabilities and visible disabilities. Hidden disabilities cannot be directly inferred from observation. Most often people with hidden disabilities have to disclose in order for others to acknowledge and accommodate their disabilities. Visible disabilities, on the other hand, are obvious to others and do not necessarily require disclosure for acknowledgment or accommodation. For instance, physical/mobility impairments constitute visible disabilities, as do most visual and hearing impairments (although there are cases where a person has partial vision or hearing and this may be "hidden"). Regardless of the terminology used, the bottom line is: don't assume a person does not have a disability just because it isn't noticeable.

HR Policy

Since some disorders are considered disabling conditions under the ADA and others are not, employers should have policies established that clearly describe what documentation will be required to determine if accommodations are appropriate. Employee handbooks should contain information that not only informs employees of the organization's EEO policy, but also addresses the employee's rights under the ADA.

The employee handbook may contain a simple statement such as this:
"It is [Employer]'s policy that we will not discriminate against qualified individuals with disabilities with regard to any aspect of their employment. [Employer] recognizes that some individuals with disabilities may require accommodations at work. If you are currently disabled or become disabled during your employment, you are invited to contact [management or designated contact employee] to discuss reasonable accommodations that may enable you to perform the essential functions of your job." (http://www.probonopartnership.org/PBPGuide/frame.htm)

It is advisable for the Human Resources Department to have an internal written policy that outlines specifically what documentation is required to support requests for accommodation. This documentation may vary depending on the type of disability, but will typically include a medical examination and doctor's report. If the employer is requiring documentation, it must also have someone who is qualified to review and analyze the information.

The ADA requires that employers post a notice in an accessible format to applicants, employers and members of labor organizations, describing the provisions of the Act. Even so, it's a good idea to incorporate the information into the training for all employees.

Training Managers/Supervisors

While many HR professionals have a base of knowledge concerning disabilities and the ADA, most managers/supervisors do not. Since it is likely that these individuals will be the ones to whom the employee will disclose her/his disability, it is very important for the managers/supervisors to have an understanding of the employee's rights and their responsibilities. All managers/supervisors should be required to participate in regular training regarding how to accommodate employees with disabilities. They can also be encouraged to promote an environment that respects differences and appreciates the unique skills that individuals bring to the workplace.

Universal Design (UD)

"Universal design is the design of products & environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

"The intent of the universal design concept is to simplify life for everyone by making products, communications, and the built environment more usable by more people at little or no extra cost. The universal design concept targets all people of all ages, sizes, and abilities." *(Center for Universal Design)*

The concept of UD can be applied to all aspects of the workplace, not just the physical realm, and can make life easier for all employees, not just those with disabilities.

The seven principles* for universal design are:

1. **Equitable Use**. The design is useful and marketable to people with diverse abilities. *For example, a Web site that is designed so that it is accessible to everyone, including people who are blind, employs this principle.*
2. **Flexibility in Use**. The design accommodates a wide range of individual preferences and abilities. *An example is a museum that allows a visitor to choose to read or listen to the description of the contents of a display case.*
3. **Simple and Intuitive Use**. Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level. *Science lab equipment with control buttons that are clear and intuitive is a good example of an application of this principle.*
4. **Perceptible Information**. The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities. *An example of this principle being employed is when television programming projected in noisy public areas like academic conference exhibits include captions*.
5. **Tolerance for Error**. The design minimizes hazards and the adverse consequences of accidental or unintended actions. *An example of a product applying this principle is an educational software program that provides guidance when the user makes an inappropriate selection.*
6. **Low Physical Effort**. The design can be used efficiently and comfortably, and with a minimum of fatigue. *Doors that are easy to open by people with a wide variety of physical characteristics demonstrate the application of this principle*.
7. **Size and Space for Approach and Use.** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of the user's body size, posture, or mobility. *A flexible science lab work area designed for use by students with a wide variety of physical characteristics and abilities is an example of employing this principle.*

* These principles can be used to assess or design a product, service or an environment. For a full explanation of these principles, visit the Center for Universal Design web site at http://www.design.ncsu.edu/cud/.

The Hiring Process

It is important to understand that the ADA is not an Affirmative Action statute; therefore, it is not intended to make up for past discrimination. Rather, the ADA simply serves to level the playing field for people with disabilities. Employers are not required to hire someone just because she/he has a disability, and they are not required to fill any quotas. In fact, employers don't even have to consider anyone for a position unless they can fulfill the "essential job functions" with or without accommodations. Essential job functions are defined by the ADA as core responsibilities, or those activities that are intrinsic to the job. Employers, therefore, should consider a person with a disability just as they would a person without a disability - will this person be able to do the job for which she/he is applying?

Application Process

Employers need to take caution during the candidate screening process to avoid any illegal practices with respect to the ADA. For instance, an application process that is especially difficult for people with disabilities is considered unfair and illegal, unless an accommodation is provided that allows the individual to complete the process. It is legal and appropriate for an employer to tell applicants what the hiring process involves (for example, an interview, timed written test, or job demonstration), and ask applicants whether they will need a reasonable accommodation for this process. This question must be asked of <u>all</u> candidates. If the need for accommodation is not obvious, an employer may ask an applicant for documentation about his/her disability. The employer is entitled to know that the applicant has a covered disability for which she/he needs an accommodation.

Pre-employment Exams

Employers must provide reasonable accommodations for people with disabilities to complete pre-employment exams. Such pre-employment exams must relate to an essential job function, and must actually measure skill, rather than a disability. If the question or examination screens out an individual because of a disability, the employer must demonstrate that the reason for the rejection is "job-related and consistent with business necessity" *(EEOC).*

Because job candidates have to disclose a hidden disability prior to getting a job in order to receive accommodations on pre-employment exams, those who choose not to disclose and take the exam without accommodations may do poorly. Employers should therefore carefully consider the implications of using pre-employment exams and ensure that they actually relate to the essential job functions.

Interviewing

The ADA strictly limits the circumstances under which employers may ask questions about disability or require medical examinations of employees. Such questions and exams are only permitted where you have a reasonable belief, <u>based on objective evidence</u>, that a particular employee will be unable to perform essential job functions or will pose a direct threat because of a medical condition.

The employer may ask a wide range of questions designed to determine an applicant's qualifications for a job, but may not directly ask about the existence, nature or severity of a disability during an interview, unless previously disclosed by the candidate. They can, however, inquire about the applicant's ability to perform specific job functions that may be related to a disability, including reliability, anxiousness, reading and learning.

A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Illegal Questions - examples	Legal Alternatives
Do you have a disability?	Are you able to perform the essential functions of this job? (The interviewer must have already thoroughly described the job.)
Have you ever been hospitalized? If so, for what condition?	Can you demonstrate how you would perform the following job-related functions?"
Have you ever been treated for a mental condition?	(Pre-employment questions about illness may not be asked because they may reveal the existence of a disability. However, an employer may provide information on its attendance requirements and ask if an applicant will be able to meet these requirements.)
Have you had a major illness in the last 5 years?	
How many days were you absent from work because of illness last year?	
Are you currently taking any medications?	

Post Job Offer

After the job offer has been made, the employer may ask disability-related questions and conduct medical examinations as long as you do this for everybody in the same job category. The employer may withdraw the offer if it is discovered that the applicant cannot perform the essential functions of the job, or that the individual would pose a direct threat to the health or safety of self or others; however, consider whether any reasonable accommodation(s) would enable the individual to perform the job's essential functions and/or would reduce any safety risk the individual might pose.

In addition, if the individual is screened out for safety reasons, the employer must demonstrate that the individual poses a "direct threat." This means that the individual poses a significant risk of substantial harm to him/herself or others, and that the risk cannot be reduced below the direct threat level through reasonable accommodation.

Confidentiality

With limited exceptions, employers must keep confidential any medical information they learn about an applicant or employee. Information is considered confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional.

Accommodations

Clearly, people with disabilities can be at a substantial disadvantage in the workplace. **Reasonable accommodations**, or modifications to one or more aspects of the job, serve to "level the playing field" and allow people with hidden disabilities to fulfill their job responsibilities just as anyone else. Employers are required by the Americans with Disabilities Act (ADA) to provide such reasonable accommodations for those employees who disclose their disabilities. However, in order to be protected under these laws, employees must not only disclose, they must have a disability that "substantially limits" one or more "major life activities." Thus, not everyone with a hidden disability is covered under the ADA; those who have only minor limitations and can be self-accommodating are not covered. In addition, independent contractors and people who work for an organization with less than fifteen people are not protected by the ADA.

While not all disorders are severe enough to be covered under the ADA, it may be in the employer's best interest to make the requested accommodation regardless of the "legalities" involved. Not only will the accommodation make for a more productive employee, some accommodations can be beneficial for ALL employees. *For example, providing flexible work schedules or the ability to work from home at certain times.*

Employers are not required to provide any accommodations that would cause "undue hardship" to the organization. Thus, if an accommodation is expensive, difficult to implement, or disruptive, employers have the right to refuse to provide the accommodation. The ADA states that the size of the company and available resources will be considered when determining if an employer can rightfully refuse to accommodate an employee with a disability. Keep in mind, though, that there may be more than one solution to the problem.

Job accommodations for people with disabilities often cost less than employers expect. In fact, the majority of accommodations made in the workplace cost less than $500. (Refer to table.) Employers have also reported an average return of $28.69 in benefits for every dollar spent on accommodations *(DO-IT, 2002)*. In addition, the government has implemented tax incentive programs that offer credits and deductions to employers who provide accommodations to employees with disabilities *(DOL, 2003).* Yet, about one-quarter of the ADA Title I complaints filed with the Equal Employment Opportunity Commission (EEOC) allege failure to provide reasonable accommodation. The average cost to defend employee-related lawsuits such as ADA violations is estimated at $30,000 (NHC Insurance Services, Inc., 1998). Given these figures, it certainly makes sense for employers to do all they can to provide the necessary accommodations.

Cost of Accommodation	Percentage
$0	20%
$1-$500	51%
$501-$1000	11%
$1001-$1500	3%
$1501-$2000	3%
$2001-$5000	8%
$5000+	4%

Source: *Finding Gold: Hiring the Best and the Brightest, DO-IT, 2002*
Data collected by the *Job Accommodation Network*

Employers are not required to determine if an employee with a hidden disability needs an accommodation or what type of accommodation is most appropriate. The employee is responsible for telling the employer how the disability affects her/his performance of job functions and for requesting an accommodation. The two can then discuss what types of modifications to the job are necessary based on the employee's needs, keeping in mind that there must be a direct connection between the accommodation and the specific disability. Employers maintain the right to review proper psychological, educational, or medical documentation of a disability prior to granting a request for accommodation. (Note: these records should be reviewed by an individual who is qualified and trained to do so.)

An additional resource employers may wish to consult is the **Job Accommodation Network (JAN)**, a toll-free service that assists businesses with questions about accommodations and the ADA (See RESOURCES on page 24 for contact information). According to the *U.S. Equal Employment Opportunity Commission (EEOC)*, there are many accommodations that enable individuals with disabilities to apply for jobs, be productive workers, and enjoy equal employment opportunities, and they can be grouped into the following categories.

1. Equipment
2. Accessible Materials
3. Changes to the Workplace
4. Job Restructuring
5. Working at Home
6. Modified Work Schedules
7. Leave
8. Policy Modifications
9. Modifying Supervisory Methods
10. Job Coaches
11. Reassignment

The JAN web site (www.jan.wvu.edu) contains ideas and examples of accommodations for a multitude of disabilities, broken down by limitations and specific job functions. The site also offers the **Searchable Online Accommodation Resource (SOAR)** - a five-step accommodation process, which includes common questions asked during the accommodation process and popular organizations that will help you research additional information.

The following is an example** of how you can use **SOAR** when determining appropriate accommodations:

Step 1 – Select the Impairment
(ex. Learning Disabilities.)

Step 2 – Select the Limitation
(ex. Individual has difficulty with time management and organization.)

Step 3 - Select the Job Function
(ex. Concentrate on work detail.)

Step 4 - Choose the Accommodation
(ex. Using sound absorption panels and other noise masking products.)

Step 5 – Contact Vendors (if necessary)
(A list of possible vendors with their contact information and web site is provided.)

** Keep in mind that not all individuals with a given disability will have the same limitations and not all accommodations listed will be appropriate for all people. Accommodations will also vary by job function.

Management/Supervision

Most people with disabilities will not require any different or additional supervision than other employees. Supervisors may in fact be completely unaware that a particular employee has a disability. It is likely that the employee will only disclose her/his disability if an accommodation is required. In this case, there are a number of considerations.

When co-workers have questions and concerns

When faced with a disclosure situation, the manager/supervisor must not only accommodate the disability, but also consider how to address possible inquiries from other employees. To the outside observer, many accommodations appear to be giving preferential treatment to a particular employee. While the supervisor may not disclose the disability to others, it is important to address these concerns in order to avoid ill-feelings among co-workers. One solution may be to develop an awareness program for employees and supervisors that educates them about hidden disabilities and addresses their feelings concerning disability and accommodation.

An employer may not tell other employees whether an accommodation is being provided for a particular individual. A statement that an individual receives a reasonable accommodation discloses that the individual probably has a disability because only individuals with disabilities are entitled to reasonable accommodations under the ADA. In response to coworker questions, however, the employer may explain that the action taken is for legitimate business reasons or in compliance with federal law.

Adjusting supervisory methods as a form of reasonable accommodation

Supervisors play a central role in achieving effective reasonable accommodations for their employees. In some circumstances, supervisors may be able to adjust their methods as a reasonable accommodation - for example, communicating assignments, instructions, or training by the medium that is most effective for a particular individual (e.g., in writing, in conversation, or by electronic mail). Supervisors also may provide or arrange for additional training or modified training materials.

Adjusting the level of supervision or structure may enable an otherwise qualified individual with a disability to perform essential job functions. For example, an otherwise qualified individual with a disability who experiences limitations in concentration may request more detailed day-to-day guidance, feedback, or structure in order to perform his job.

Standards of Performance and Discipline

In general, managers/supervisors should expect the person with the disability to meet the same standards of performance as all employees. An employee with a disability who fails to meet performance standards or whose conduct on the job is inappropriate should receive the same treatment as an employee without a disability. In most cases, documentation of poor performance or misconduct should be collected, and the employee should be advised that there are issues of concern. As with any employee, the disabled employee's failure to address performance or conduct issues may result in letters of counseling, suspension, and even termination. The disabled employee has the same rights as the non-disabled employee to appeal these personnel actions.
If the conduct of an employee with a disability violates a rule that is job-related and consistent with business necessity, such as the salesperson who is rude to customers and disrupts the workplace,

the employer has an obligation to attempt a reasonable accommodation for that person. If no accommodation is effective and the problem still persists, then the individual with a disability is no longer “qualified” and can be terminated. In this case the employer’s usual personnel procedures would be followed.

If an employee waits until after engaging in job-related misconduct to reveal that the misconduct is due to a disability, the employee can be disciplined as long as the discipline is being applied consistently to employees with and without disabilities. If the appropriate discipline for the past misconduct was termination, then the termination stands. In that event the individual is no longer a qualified individual with a disability and the employer has no obligation to provide reasonable accommodation for that individual. Making a disability known after the fact does not excuse past misconduct. It applies only to future conduct - assuming the employee is still employed and provides appropriate documentation.

Performance Appraisals

Once any necessary accommodations are made to help the employee with a disability function on the job, no other special consideration need be made. As with a non-disabled employee, an employee with a disability must be evaluated according to the items in her/his annual performance plan or agreement. Managers/Supervisors should identify the individual’s strengths and address her/his weaknesses. As with any other employee, direct and honest feedback aimed at improving performance is always appropriate.

Promotions

When considering individuals for promotion, do not rule out employees with disabilities. People with disabilities have the same desire and skills for promotions as other employees. They may, however, be concerned about the demands of the new position and whether or not they can handle it. In such a case the employer should discuss the possible accommodations when presenting the opportunity for promotion. If any kind of examination is required for promotion, the employer needs to ensure that the exam does not rule out employees with disabilities.

Real Life Stories

As mentioned in the introduction, many very successful people have hidden disabilities. For a number of individuals, the disability goes unnoticed and unaccommodated by their employers and other people around them. During the course of their lives they have developed strategies that help them compensate, and have developed a number of positive qualities along the way.

Alumni/Students

While there are many examples of success in the media and on the web, there are also many closer to home. When asked to discuss their disabilities, how they impact the workplace, and what accommodations they required, the following responses were given by Muhlenberg alumni and students.

"At times I have to work harder to keep up with my colleagues and to grasp the full concept of what my team is working on … I have not disclosed my learning difference because I feel I am able to compensate … I work extra hours and read industry news to stay on top of trends."

2000 Muhlenberg graduate with dyslexia
and auditory processing difficulties

"I think that employees with hidden disabilities need to be upfront with key people at their workplace regarding their disability … I told my employer about my disability at the end of my first interview. I wanted Human Resources to watch me answer all of their questions without any problems so that they could see that this would not interfere with my performance on my job. I have since told several people at my company. My assistant especially, as I would never want her to think I was ignoring her!"

2000 Muhlenberg graduate with a
sensory neural hearing impairment

"Being a teacher is good because I am always on the move. It would be more difficult if I was in a cubicle or in conferences all day ... In cases when I have hard times paying attention I take a break and try to refocus … Hidden disabilities are not a problem if the person with the disabilities has strategies to deal with them … People need to realize that people with disabilities will not be a lesser employee. They have their own strategies to deal with the problem."

1999 Muhlenberg graduate with a learning disability
and attention deficit hyperactivity disorder

"I have not yet needed to disclose to an employer, but deciding to do so in the future would depend on how open I perceive my supervisor and co-workers to be and if I believe they would hold the information in confidence. I would prefer to compensate for my disability without having to disclose by letting my supervisor know how I best work … Past experiences with fellow students who didn't understand my disability, and felt I was given advantages, have left me feeling reluctant to ask for accommodations in the workplace."

Current Muhlenberg student (class of '03)
with a neurological impairment

Employers

Employers also have stories to share and are interested in discussing the issue of disabilities in the workplace. While they obviously have a legal obligation to accommodate employees with disabilities, some actually took it a step farther. One employer said*, "Accommodation is very common. The culture here is to create a nice work environment. We make accommodations all the time, and not just for employees with disabilities."* This employer also stressed the importance of training first-line supervisors in diversity issues since that is where the majority of accommodations are handled. This training includes both everyday and extreme examples with a heavy emphasis on role-playing.

Another employer stressed that open communication is the key when accommodating employees with disabilities, along with a little common sense. She remembered a client from years ago who used a wheelchair and took a position with an organization that was more than willing to meet his needs. While this employee was on vacation, the employer spent a great deal of effort, and money, to lower the drinking fountain to a level he could reach from his chair. They were very proud of themselves, and while the employee appreciated being able to reach the fountain, he also shared that had they discussed it with him first, he would have told them that all he really needed was a cup dispenser next to the fountain. The point here is that even the best intentions can produce poor results. Employers need to be having conversations with their employees regarding accommodations, and not make any assumptions.

Here are some additional stories that demonstrate how a particular employer (a financial services company) has handled different types of disabilities and requests for accommodation:

"An employee with less than one year of service (and, therefore, not eligible for time off under the Family and Medical Leave Act) was about to be put on corrective action for absenteeism. She then explained that she had a chronic medical condition that required her to receive weekly treatments on Tuesday evenings. She further explained she is sometimes disabled by the treatment and unable to come to work on the following day, Wednesday. The employee asked whether she could work a compressed workweek that would enable her to have every Wednesday off. After our Health Services Department reviewed the employee's medical certification, it was determined that she did have an ADA-protected disability. Her request to work a compressed workweek was granted. When other employees in her work area asked why she was able to work this type of schedule, they were not told that the employee needed to work this schedule because of a medical condition; they were simply told that the employee's request to work this schedule was granted and that if any other employee wanted to make a request to work an alternative work schedule, their situation would be reviewed."

"An employee whose position was eliminated was offered another position on a trial basis. The arrangement was that either the manager or the employee could determine that the arrangement was not working within 90 days and that if either felt that the arrangement was not working, the employee would be released with severance. This is a standard guideline to encourage managers to consider employees whose positions have been eliminated for internal opportunities. During the 90-day period, the employee exhibited several inappropriate behaviors in meetings with colleagues, e.g., outbursts, expressions of frustration, shouting, etc. The manager decided to end the employee's assignment. In response to learning that he would be released, the employee revealed that he had manic depression and was consulting with his doctor about different medical treatments. His erratic behavior was a result of inappropriate medication. In light of this, we decided to extend his trial period for another 90 days."

"An employee who was hired into our Management Training Program revealed that he had a learning disability and asked whether he could have more time to take exams, a private area to study and written step-by-step instructions. These accommodations were provided for him."

"An employee who had diabetes was provided with a private self-treatment room so that he could administer his insulin. He was also provided with periodic breaks so that he could eat light snacks, whenever necessary, to keep his blood sugar balanced."

"An employee who has severe asthma is allowed to be absent more often than the attendance standards allow so that she could stay home when the weather conditions are such that she is unable to travel outside."

(Thanks to various members of COSD for these examples.)

Final Words

As you can see, whether the employee has a health problem, cognitive impairment, or psychological disorder, accommodations can be relatively easy and inexpensive. All it takes is understanding, creativity, and flexibility on the part of the employer, supervisor, and co-workers. As a result, the employee is more productive, and the employer retains a good employee. Everyone wins.

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Helpful Resources

JAN – Job Accommodation Network - *www.jan.wvu.edu*

West Virginia University, PO Box 6080 - Morgantown, WV 26506-6080
Toll Free: (800)526-7234 TTY: (800)526-7234
The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

National Business and Disability Council - *www.business-disability.com*

The NBDC assists the business community in providing full access to their places of business and employment. In addition to information about the organization and its services to businesses, this site has a resume posting service for college graduates with disabilities.

Office of Disability Employment Policy - *www.dol.gov/odep/welcome.html*

200 Constitution Avenue, NW, Room S-1303, Washington, DC 20210
TTY: (202)693-7881 Fax: (202)693-7888
Ph: (202)693-7880 E-mail: infoODEP@dol.gov
The Office of Disability Employment Policy (ODEP) is an agency within the U. S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

DisabilityInfo.gov – *www.disabilityInfo.gov*

A comprehensive online resource specifically designed to provide people with disabilities with information.

EARN (Employment Assistance Referral Network) - *www.earnworks.com*

A national toll-free telephone and electronic information referral service designed to assist employers in locating and recruiting qualified workers with disabilities.

U.S. Equal Employment Opportunity Commission (EEOC) – *www.eeoc.gov*

1801 L Street, N.W., Washington, DC 20507
Phone: (800) 669-EEOC TTY: (800) 669-6820 Fax: (513) 489-8692
Established by Title VII of the Civil Rights Act of 1964 and operating since July 2, 1965, the EEOC is the enforcing agency for several discrimination-related federal statutes, including Title I of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination against individuals with disabilities. The EEOC's 800 number routes individuals to their closest field office.

The ADA: A Primer for Small Business - *www.eeoc.gov/ada/adahandbook.html*

An overview of the basic requirements of Title I of the ADA. The Primer also includes information about tax incentives for hiring and retaining qualified individuals with disabilities and resources that will help small businesses locate and accommodate qualified people with disabilities.

National Center for Learning Disabilities - *www.ncld.org*

381 Park Ave South - Suite 1401, New York, NY 10016
Toll Free: (888) 575-7373 Fax: (212) 545-9665 Phone: (212) 545-7510
Nonprofit organization dedicated to improving the lives of those affected by learning disabilities. National information and referral, public outreach and communications, and legislative advocacy and public policy.

Learning Disabilities Association of America - *www.ldaamerica.org*

4156 Library Road, Pittsburgh, PA 15234-1349
Toll Free: (888) 300-6710 Direct: (412) 341-8077
Fax: (412) 344-0224 E-mail: ldanatl@usaor.net
Provides general information about learning disabilities, while local chapters provide referrals to physicians and treatment centers. Provides information and referral to state chapters, parent resources, and local support groups. Publishes news briefs and a professional journal.

SAMHSA's National Mental Health Information Center - *www.mentalhealth.org/*

P.O. Box 42490, Washington, DC 20015
Phone: 800-789-2647 TTY: 866-889-2647 Fax: 301-984-8796
Provides info about mental health via a toll-free number, web site and more than 200 publications. Developed for users of mental health services & their families, the general public, policy makers, providers, and the media.

Career Opportunities for Students with Disabilities – *www.cosdonline.com/*

Alan Muir - Executive Director
100 Dunford Hall, Knoxville, TN 37996-4010
Tel: 865.974.7148 Fax: 865.974.6497 amuir@cosdonline.org
COSD is consortium composed of large & small universities, national employers and US Government agencies focused on the career employment of college graduates with disabilities. COSD is funded through a grant provided by the U. S. Dept of Labor's Office of Disability Employment Policy.

DO-IT (Disabilities, Opportunities, Internetworking, and Technology) - *www.washington.edu/doit*

206-685-DOIT (3648) — voice/TTY 509-328-9331 — voice/TTY, Spokane office
206-221-4171 — FAX E-mail: doit@u.washington.edu
DO-IT works to increase the successful participation of people with disabilities in academic programs and careers. DO-IT uses adaptive technology and the Internet to maximize independence, productivity and participation. It provides instructional materials regarding the transition from high school to college and school to work.

The Center for Universal Design - *www.design.ncsu.edu:8120/cud/index.html*

College of Design - North Carolina State University - Raleigh, NC. 27695-8613
toll-free : 800.647.6777 ph. 919.515.3082
fax. 919.515.7330 E-mail: cud@ncsu.edu
A national research, information, and technical assistance center that evaluates, develops, and promotes universal design in housing, public and commercial facilities, and related products.

Disability Law Resource Project - *www.dlrp.org*

2323 S. Shepherd, #1000 - Houston, TX 77019
Specialists on the Americans with Disabilities Act (ADA) and related disability laws are available via a toll-free telephone number Monday–Friday 9:00a.m. to 5:00p.m. Central time. Call 800-949-4232 (v/tty) or 713-520-0232 (v/tty). Fax - 713-520-5785. E-mail - dlrp@ilru.org

WebABLE - *www.webable.com*

A web site for disability-related internet resources. The goal is to stimulate education, research, and development of technologies that will ensure accessibility for people with disabilities to advanced information systems and emerging technologies.