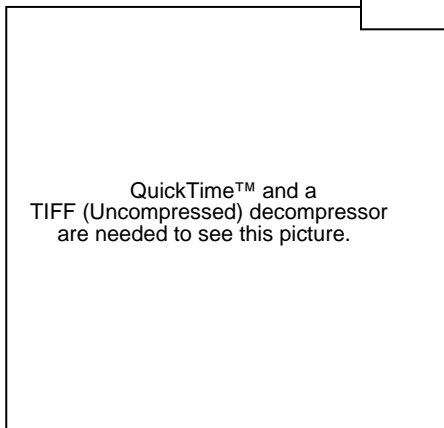
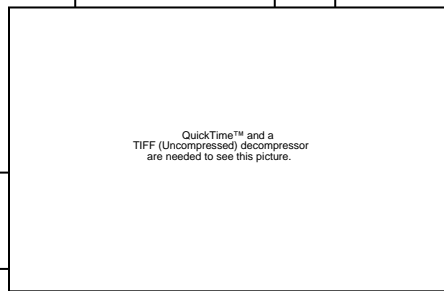
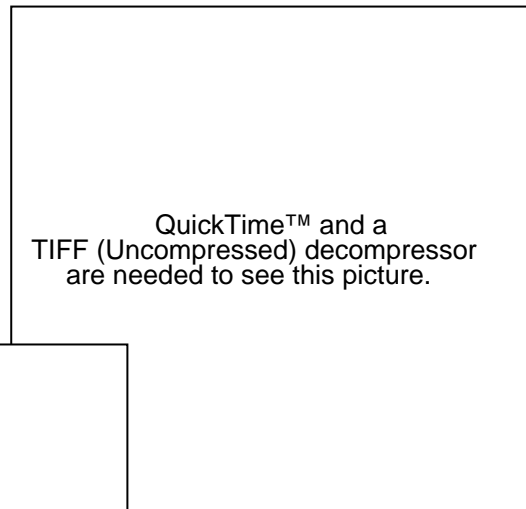
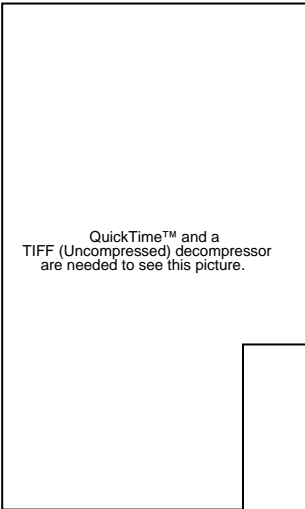


# My Disabled Employees Still Want To Work!

---



---

**Written By:  
Carolyn S. Magura**

[www.disabilitykey.com](http://www.disabilitykey.com)

Published 10/2005  
Copyright Disability Key 2005  
All Rights Reserved

### **INTRODUCTION**

Today many HR Professionals struggle when it comes to dealing with employees who become disabled while working and want to continue working in their current capacity or at some reduced level. It is never easy to understand the complex world of insurance, worker rights, government regulations, worker interactions, and reactions to people with disabilities. This e-book has been written to explore these complex issues and suggest philosophies and informational links that will help you to understand how you can retain the quality worker you had before they became disabled, and create a win-win situation for both the company and your employee.

It is extremely important for people who are becoming and who are disabled to take primary responsibility for becoming an Expert Patient; for learning how to become proficient in Chronic Disease Self-Management; and, for insisting that their health care support team practice what is called "patient-centered" healthcare.

People with disabilities are responsible for learning as much about their condition and its symptom impairment impacts on their normal daily living activities so that they can become more empowered to accomplish whatever they set out to do (i.e., apply for, and receive, reasonable accommodations within their workplace), thereby increasing the quality of their life. This will also allow you their employer to better understand what their true capabilities and limitations will be on a daily basis. **As we all know, disabled does not mean unabled.**

Nothing you are about to read in this book is a "secret"; it has been designed to turn the employee with the disability into your partner in this "reasonable accommodation" process, with the resulting outcome being beneficial for both the company and the employee with the disability.

The most important lesson for you, the HR professional/employer, is understanding that if an employee comes to you and asks for "reasonable accommodations" without having done the

homework necessary to equip themselves as a partner with you in this process, your chances for a successful outcome is severely decreased. Your employee must have a personal plan on how they are going to handle their disability and understand that they are responsible for its (the plan's) development. DisabilityKey has developed an e-book designed to help employees understand their responsibilities and step-by-step instructions on how to complete it. The following section has been copied directly from the employee e-book, "I'm Disabled Not Unabled!" and describes, in general terms, the steps necessary for the individual to accomplish in developing their individual plan.

### ***DISABILITY AND WORKING - GENERAL***

*First, it is better to complete all of this work early, before the symptoms of your chronic illness keep you from performing the essential functions of your job.*

*The general steps that you will need to follow in continuing to work while disabled, when your disability symptoms impair you from performing the "essential functions" of your job, are as follows.*

- ***DO NOT TELL YOUR SUPERVISOR AND/OR HR ABOUT YOUR ILLNESS/IMPAIRMENT UNTIL YOU HAVE DONE YOUR HOMEWORK and have a plan to offer them.***
- *Identify your symptoms; complete your symptom impairment matrix; document what you can and can't do; document your peak "energy" times in the day; verify your information with your doctor; get your Doctor to complete an accurate PCE (Physical Capacity Evaluation) form on you.*
- *Refer to JAN (Job Analysis Network) for information about your disease; print out your disease and your example*

## ***My Disabled Employees Still Want to Work!***

---

*workplace modifications based on your disease.*

- *Obtain a copy of your job description.*
- *If your job description does not contain the physical and mental expectations of the job's essential functions, get HR to rewrite the job descriptions to include them; or, we can do it for you for a \$25.00 consulting fee.*
- *NOW is the time to discuss your situation with your Supervisor and HR. THIS is the time to ask your Supervisor and HR about other jobs that could be options for you to perform.*
- *Between you and your Doctor, decide what you can do, and what you cannot do; and, what you can do with modifications. Again, use the PCE form. Also, compare what you can do with the job descriptions that you receive from HR. Be sure to compare what you can do to the JAN examples.*
- *With your Doctor's input, decide how long you will be able to work. Decide whether to accept another job and continue working, or whether to trigger LTD and continue working.*

### **SMALL VS LARGE EMPLOYERS AND ADA**

Well knowing that companies need help understanding and complying with the ADA rules and regulations, the Federal Government has done a fantastic job providing you guidance. Copied below, are the introductory comments from the U. S. Equal Employment Opportunity Commission (EEOC), the regulatory and compliance Agency for this federal law.

“**Small businesses** are an ever-increasing source of jobs, many of which can be filled by individuals with disabilities who are able and want to work. The approximately 25 million small businesses in the nation represent 99.7 percent of all employers, employ more than 50 percent of the private work force, and generate more than half of the nation's gross domestic product. Small businesses also

provide 67 percent of all first jobs. Unfortunately, the unemployment rate of individuals with disabilities remains high. By some estimates, more than 70% of individuals with severe disabilities are not working, even though many of them are willing and able to do so. President Bush's New Freedom Initiative seeks to partner with small businesses to increase the percentage of individuals with disabilities in the workplace.

While the Americans with Disabilities Act (ADA) applies to all businesses with 15 or more employees, this handbook is intended primarily for businesses with 15 to 100 employees and smaller businesses expecting to expand to have at least 15 employees in the near future. It will provide you with an easy-to-read, overview of the basic employment provisions of the ADA as they relate to employees and job applicants.”

For more information please visit <http://www.eeoc.gov/ada/adahandbook.html>.

To better assist you, here's the Table of Contents for this valuable Small Company ADA Handbook.

#### Table of Contents

- Introduction
- What Is the ADA?
- Who Is Protected by the ADA?
- What Does the ADA Require an Employer to Do?
- Hiring Do's and Don'ts - Pre-Job Offer
- Hiring Do's & Don'ts - Post-Job Offer
- Getting Medical Information From Employees
- Confidentiality
- Reasonable Accommodation and Undue Hardship
- Procedures for Providing Reasonable Accommodation
- Types of Reasonable Accommodations
- Safety Concerns
- Drug & Alcohol Use
- What to Do if a Charge Is Filed Against Your Business
- APPENDIX A - Federal Tax Incentives to Encourage the Employment of People with Disabilities and to Promote the Accessibility of Public Accommodations
- APPENDIX B - Information on Reasonable Accommodations

## My Disabled Employees Still Want to Work!

- APPENDIX C - Finding Qualified Workers with Disabilities”

What is particularly useful about this Handbook are the “practice tips”, the “what we have learned” facts, and the “examples” provided that give clarity and definition to the law. For example: one of the key points in the law available only to Small Employers is the “Undue Hardship” clause. As a Human Resources Consultant, many of the legal cases I was called in to “unwind” came from Small Employers who inappropriately used this clause to deny a person with disabilities a reasonable accommodation. Or, they used it correctly yet forgot the important step of communicating options and reasons to the employee, and including the employee in the process.

Copied below is the section from the Handbook covering “Undue Hardship”.

### “What is undue hardship?”

Undue hardship means that **providing the reasonable accommodation would result in significant difficulty or expense, based on your resources and the operation of your business.** (*Bold here not part of the original quotation; added for emphasis only.*)

**Practice tip:** If providing a particular accommodation would result in undue hardship, consider whether another accommodation exists that would not.

**What we've learned** - most accommodations are not expensive:

- One-fifth cost nothing.
- More than half of them only cost between \$1 and \$500.
- The median cost is approximately \$240.
- Technological advances continue to reduce the cost of many accommodations.
- Some employees provide their own accommodations in the form of assistive devices or equipment.

**Practice tip:** To offset the cost of accommodations, you may be able to take

advantage of tax credits, such as the Small Business Tax Credit (see Appendix A) and other sources, such as vocational rehabilitation funding.

Regardless of cost, you do not need to provide an accommodation that would pose significant difficulty in terms of the operation of your business.

**Example:** A store clerk with a disability asks to work part-time as a reasonable accommodation, which would leave part of one shift staffed by one clerk instead of two. This arrangement poses an undue hardship if it causes untimely customer service.

**Example:** An employee with a disability asks to change her scheduled arrival time from 9:00 a.m. to 10:00 a.m. to attend physical therapy appointments and to stay an hour later. If this accommodation would not affect her ability to complete work in a timely manner or disrupt service to clients or the performance of other workers, it does not pose an undue hardship.”

AND, when you need additional guidance, here is the link to the general “Employer Resources” website for all Employer ADA information:<http://www.disabilityinfo.gov/digov-public/public/DisplayPage.do?parentFolderId=5066>.

The 24<sup>th</sup> or 25<sup>th</sup> item (depending on when you visit the site) contains additional information about Reasonable Accommodation and Undue Hardship. Here is that link:  
<http://www.eeoc.gov/policy/docs/accommodation.html><sup>3</sup>.

I have taken the liberty of copying the following Q & A about Implementing the ADA so that you will have it at your fingertips for guidance as you assist your employees with disabilities remain productive.

<sup>2</sup> DisabilityInfo.gov; The *New Freedom Initiative's* Online Resource for Americans with Disabilities.

<sup>3</sup> Provided by the EEOC; Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disability Act.

**IMPLEMENTING THE ADA (Small, Medium and Large Companies)**

**REQUESTING REASONABLE ACCOMMODATION<sup>4</sup>**

**1. How must an individual request a reasonable accommodation?**

When an individual decides to request accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition. To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation." (*Note: we are recommending that the employee come to you with their "plan" to facilitate the process.*)

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting

reasonable accommodation. He does not link his need for the new chair with a medical condition.

While an individual with a disability may request a change due to a medical condition, this request does not necessarily mean that the employer is required to provide the change. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer. In some instances, before addressing the merits of the accommodation request, the employer needs to determine if the individual's medical condition meets the ADA definition of "disability," a prerequisite for the individual to be entitled to a reasonable accommodation.

**2. May someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?**

Yes, a family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. Of course, the individual with a disability may refuse to accept an accommodation that is not needed.

Example A: An employee's spouse phones the employee's supervisor on Monday morning to inform her that the employee had a medical emergency due to multiple sclerosis, needed to be hospitalized, and thus requires time off. This discussion constitutes a request for reasonable accommodation.

Example B: An employee has been out of work for six months with a workers' compensation injury. The employee's doctor sends the employer a letter, stating that the employee is released to return to work, but with certain work restrictions. (Alternatively, the letter may state that the employee is released to return to a light duty position.) The letter constitutes a request for reasonable accommodation.

---

4

**3. Do requests for reasonable accommodation need to be in writing?**

No. Requests for reasonable accommodation do not need to be in writing. Individuals may request accommodations in conversation or may use any other mode of communication. An employer may choose to write a memorandum or letter confirming the individual's request. Alternatively, an employer may ask the individual to fill out a form or submit the request in written form, but the employer cannot ignore the initial request. An employer also may request reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation. (See Question 6).

**4. When should an individual with a disability request a reasonable accommodation?**

An individual with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. The ADA does not preclude an employee with a disability from requesting a reasonable accommodation because s/he did not ask for one when applying for a job or after receiving a job offer. Rather, an individual with a disability should request a reasonable accommodation when s/he knows that there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment. As a practical matter, it may be in an employee's interest to request a reasonable accommodation before performance suffers or conduct problems occur.

**5. What must an employer do after receiving a request for reasonable accommodation?**

The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable

accommodation. The employer may ask the individual relevant questions that will enable it to make an informed decision about the request. This includes asking what type of reasonable accommodation is needed.

The exact nature of the dialogue will vary. In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion. In other situations, the employer may need to ask questions concerning the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, s/he does need to describe the problems posed by the workplace barrier. Additionally, suggestions from the individual with a disability may assist the employer in determining the type of reasonable accommodation to provide. Where the individual or the employer are not familiar with possible accommodations, there are extensive public and private resources to help the employer identify reasonable accommodations once the specific limitations and workplace barriers have been ascertained.<sup>(26)</sup>

**6. May an employer ask an individual for documentation when the individual requests reasonable accommodation?**

Yes. When the disability and/or the need for accommodation is not obvious, the employer may ask the individual for reasonable documentation about his/her disability and functional limitations.<sup>(27)</sup> The employer is entitled to know that the individual has a covered disability for which s/he needs a reasonable accommodation.

Reasonable documentation means that the employer may require only the documentation that is needed to establish that a person has an ADA disability, and that the disability necessitates a reasonable accommodation. Thus, an employer, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to

## ***My Disabled Employees Still Want to Work!***

---

determining the existence of a disability and the necessity for an accommodation. This means that in most situations an employer cannot request a person's complete medical records because they are likely to contain information unrelated to the disability at issue and the need for accommodation. If an individual has more than one disability, an employer can request information pertaining only to the disability that requires a reasonable accommodation.

An employer may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation, employers should specify what types of information they are seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. The individual can be asked to sign a limited release allowing the employer to submit a list of specific questions to the health care or vocational professional.<sup>(28)</sup>

As an alternative to requesting documentation, an employer may simply discuss with the person the nature of his/her disability and functional limitations. It would be useful for the employer to make clear to the individual why it is requesting information, i.e., to verify the existence of an ADA disability and the need for a reasonable accommodation.

**Example A:** An employee says to an employer, "I'm having trouble reaching tools because of my shoulder injury." The employer may ask the employee for documentation describing the impairment; the nature, severity, and duration of the

impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the activity or activities (i.e., the employer is seeking information as to whether the employee has an ADA disability).

**Example B:** A marketing employee has a severe learning disability. He attends numerous meetings to plan marketing strategies. In order to remember what is discussed at these meetings he must take detailed notes but, due to his disability, he has great difficulty writing. The employee tells his supervisor about his disability and requests a laptop computer to use in the meetings. Since neither the disability nor the need for accommodation are obvious, the supervisor may ask the employee for reasonable documentation about his impairment; the nature, severity, and duration of the impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the activity or activities. The employer also may ask why the disability necessitates use of a laptop computer (or any other type of reasonable accommodation, such as a tape recorder) to help the employee retain the information from the meetings.<sup>(29)</sup>

**Example C:** An employee's spouse phones the employee's supervisor on Monday morning to inform her that the employee had a medical emergency due to multiple sclerosis, needed to be hospitalized, and thus requires time off. The supervisor can ask the spouse to send in documentation from the employee's treating physician that confirms that the hospitalization was related to the multiple sclerosis and provides information on how long an absence may be required from work.<sup>(30)</sup>

If an individual's disability or need for reasonable accommodation is not obvious, and s/he refuses to provide the reasonable documentation requested by the employer, then s/he is not entitled to reasonable accommodation.<sup>(31)</sup> On the other hand, failure by the employer to initiate or

participate in an informal dialogue with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.<sup>(32)</sup>

**7. May an employer require an individual to go to a health care professional of the employer's (rather than the employee's) choice for purposes of documenting need for accommodation and disability?**

The ADA does not prevent an employer from requiring an individual to go to an appropriate health professional of the employer's choice if the individual provides insufficient information from his/her treating physician (or other health care professional) to substantiate that s/he has an ADA disability and needs a reasonable accommodation. However, if an individual provides insufficient documentation in response to the employer's initial request, the employer should explain why the documentation is insufficient and allow the individual an opportunity to provide the missing information in a timely manner. Documentation is insufficient if it does not specify the existence of an ADA disability and explain the need for reasonable accommodation.<sup>(33)</sup>

Any medical examination conducted by the employer's health professional must be job-related and consistent with business necessity. This means that the examination must be limited to determining the existence of an ADA disability and the functional limitations that require reasonable accommodation.<sup>(34)</sup> If an employer requires an employee to go to a health professional of the employer's choice, the employer must pay all costs associated with the visit(s).

**8. Are there situations in which an employer cannot ask for documentation in response to a request for reasonable accommodation?**

Yes. An employer cannot ask for documentation when: (1) both the disability and the need for reasonable

accommodation are obvious, or (2) the individual has already provided the employer with sufficient information to substantiate that s/he has an ADA disability and needs the reasonable accommodation requested.

Example A: An employee brings a note from her treating physician explaining that she has diabetes and that, as a result, she must test her blood sugar several times a day to ensure that her insulin level is safe in order to avoid a hyperglycemic reaction. The note explains that a hyperglycemic reaction can include extreme thirst, heavy breathing, drowsiness, and flushed skin, and eventually would result in unconsciousness. Depending on the results of the blood test, the employee might have to take insulin. The note requests that the employee be allowed three or four 10-minute breaks each day to test her blood, and if necessary, to take insulin. The doctor's note constitutes sufficient documentation that the person has an ADA disability because it describes a substantially limiting impairment and the reasonable accommodation needed as a result. The employer cannot ask for additional documentation.

Example B: One year ago, an employer learned that an employee had bipolar disorder after he requested a reasonable accommodation. The documentation provided at that time from the employee's psychiatrist indicated that this was a permanent condition which would always involve periods in which the disability would remit and then intensify. The psychiatrist's letter explained that during periods when the condition flared up, the person's manic moods or depressive episodes could be severe enough to create serious problems for the individual in caring for himself or working, and that medication controlled the frequency and severity of these episodes.

Now, one year later, the employee again requests a reasonable accommodation related to his bipolar disorder. Under these facts, the employer may ask for reasonable documentation on the need for the accommodation (if the need is not obvious),



but it cannot ask for documentation that the person has an ADA disability. The medical information provided one year ago established the existence of a long-term impairment that substantially limits a major life activity.

Example C: An employee gives her employer a letter from her doctor, stating that the employee has asthma and needs the employer to provide her with an air filter. This letter contains insufficient information as to whether the asthma is an ADA disability because it does not provide any information as to its severity (i.e., whether it substantially limits a major life activity). Furthermore, the letter does not identify precisely what problem exists in the workplace that requires an air filter or any other reasonable accommodation. Therefore, the employer can request additional documentation.

**9. Is an employer required to provide the reasonable accommodation that the individual wants?**

The employer may choose among reasonable accommodations as long as the chosen accommodation is effective.<sup>(35)</sup> Thus, as part of the interactive process, the employer may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual with a disability.

If there are two possible reasonable accommodations, and one costs more or is more burdensome than the other, the employer may choose the less expensive or burdensome accommodation as long as it is effective (i.e., it would remove a workplace barrier, thereby providing the individual with an equal opportunity to apply for a position, to perform the essential functions of a position, or to gain equal access to a benefit or privilege of employment). Similarly, when there are two or more effective accommodations, the employer may choose the one that is easier to provide. In either situation, the employer does not have to show that it is an undue hardship to provide

the more expensive or more difficult accommodation. If more than one accommodation is effective, "the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation has the ultimate discretion to choose between effective accommodations."<sup>(36)</sup>

Example A: An employee with a severe learning disability has great difficulty reading. His supervisor sends him many detailed memoranda which he often has trouble understanding. However, he has no difficulty understanding oral communication. The employee requests that the employer install a computer with speech output and that his supervisor send all memoranda through electronic mail which the computer can then read to him. The supervisor asks whether a tape recorded message would accomplish the same objective and the employee agrees that it would. Since both accommodations are effective, the employer may choose to provide the supervisor and employee with a tape recorder so that the supervisor can record her memoranda and the employee can listen to them.

Example B: An attorney with a severe vision disability requests that her employer provide someone to read printed materials that she needs to review daily. The attorney explains that a reader enables her to review substantial amounts of written materials in an efficient manner. Believing that this reasonable accommodation would be too costly, the employer instead provides the attorney with a device that allows her to magnify print so that she can read it herself. The attorney can read print using this device, but with such great difficulty it significantly slows down her ability to review written materials. The magnifying device is ineffective as a reasonable accommodation because it does not provide the attorney with an equal opportunity to attain the same level of performance as her colleagues. Without an equal opportunity to attain the same level of performance, this attorney is denied an equal opportunity to compete for promotions. In this instance, failure to

provide the reader, absent undue hardship, would violate the ADA.

**10. How quickly must an employer respond to a request for reasonable accommodation?**

An employer should respond expeditiously to a request for reasonable accommodation. If the employer and the individual with a disability need to engage in an interactive process, this too should proceed as quickly as possible.<sup>(37)</sup> Similarly, the employer should act promptly to provide the reasonable accommodation. Unnecessary delays can result in a violation of the ADA.<sup>(38)</sup>

Example A: An employer provides parking for all employees. An employee who uses a wheelchair requests from his supervisor an accessible parking space, explaining that the spaces are so narrow that there is insufficient room for his van to extend the ramp that allows him to get in and out. The supervisor does not act on the request and does not forward it to someone with authority to respond. The employee makes a second request to the supervisor. Yet, two months after the initial request, nothing has been done. Although the supervisor never definitively denies the request, the lack of action under these circumstances amounts to a denial, and thus violates the ADA.

Example B: An employee who is blind requests adaptive equipment for her computer as a reasonable accommodation. The employer must order this equipment and is informed that it will take three months to receive delivery. No other company sells the adaptive equipment the employee needs. The employer notifies the employee of the results of its investigation and that it has ordered the equipment. Although it will take three months to receive the equipment, the employer has moved as quickly as it can to obtain it and thus there is no ADA violation resulting from the delay. The employer and employee should determine what can be done so that the employee can perform his/her job as effectively as possible while waiting for the equipment.

**11. May an employer require an individual with a disability to accept a reasonable accommodation that s/he does not want?**

No. An employer may not require a qualified individual with a disability to accept an accommodation. If, however, an employee needs a reasonable accommodation to perform an essential function or to eliminate a direct threat, and refuses to accept an effective accommodation, s/he may not be qualified to remain in the job.<sup>(39)</sup>

**IMPLEMENTING THE REASONABLE ACCOMMODATION**

Probably the most difficult part of the ADA implementation process is ensuring that your Job Descriptions contain both their “Essential Functions”, and the physical, mental, and other requirements necessary to perform those essential functions.

To assist Employers in this process, the Federal Government has developed what is called the Job Accommodation Network. Here is the link to that website: <http://www.jan.wvu.edu/>

Here is the stated purpose of this website:

Welcome to JAN, a free consulting service designed to increase the employability of people with disabilities by:

1. providing individualized worksite accommodations solutions,
2. providing technical assistance regarding the ADA and other disability related legislation, and
3. educating callers about self-employment options.

If you look down the left-hand side of this page, you will see “link buttons” entitled “Portals”. The first portal is entitled “Private Employers”. About one-third of the way down that page you will find a heading entitled “HR Information”. About two-thirds of the way under this heading is the information entitled “Job Descriptions”. I have taken the liberty of copying that section of the link page for you below because the information is so vital to the

## ***My Disabled Employees Still Want to Work!***

---

accommodation process. Also, please note the examples used.

### **JOB DESCRIPTIONS AND THE ACCOMMODATION PROCESS**

Sometimes it can be overwhelming when trying to get a sense of the overall accommodation picture. A job description can be a constructive tool for exploring task-specific accommodation options. Often, it is beneficial to consider the specific tasks that comprise the job. This can help pinpoint what limitations are affecting an individual's job performance and what functions can be accommodated. Understanding an individual's functional limitations provides helpful clues when searching for accommodation solutions.

The following situations and accommodation solutions are based on sample job descriptions provided below:

#### **Situations and Accommodation Solutions**

**Situation 1:** An applicant is interviewing for a Computer Programmer position. Although not required to disclose, the applicant decides to tell the employer she has diabetes due to questions about a particular job requirement for which she may need an accommodation.

▼ **Job Task:** "Responsibilities occasionally may require an adjusted work schedule, overtime, and evening/weekend hours in order to meet deadlines or to access the computer to perform program tests."

▼ **Limitation:** Person needs to eat at specific time each day. May need to test blood sugar and take insulin while at work. Prospective employee is happy to work adjusted hours provided that she can take the steps necessary to regulate her diabetes.

▼ **Accommodation Solution:** Employer accommodates the employee by allowing her to adjust her lunch hour to 11-12 a.m. rather than the typical 12-1 p.m. lunch break and permits flexible break times. The employee was allowed to bring a small refrigerator to store food and medication in her office. When working evening hours, the employee could set her own dinner breaks accordingly.

**Situation 2:** The new Food Service Manager is a person who has multiple sclerosis. She uses a cane for mobility assistance.

▼ **Job Task:** "2% of time: Assists in production area during absence of primary kitchen staff."

▼ **Limitation:** Employee has difficulty standing for long periods of time.

▼ **Accommodation Solution:** The employer and employee agree to use a sit/stand work stool and an anti-fatigue mat to accommodate rare occasions when she will need to assist in the kitchen.

**Situation 3:** A Sheet Metal Worker has a speech impairment. He stutters and when nervous, the condition becomes much more prevalent.

▼ **Job Task:** "Makes recommendations to supervisor about the need for different materials, equipment, and parts."

▼ **Limitation:** Employee has difficulty with verbal communication.

▼ **Accommodation Solution:** As needed, the employee makes recommendations in writing. When discussion or clarification is necessary, employer and employee meet one-to-one in a quiet environment to eliminate noise, distraction and alleviate the employee's stress about speaking in group situations.

#### **SUMMARY**

When workers become disabled and want to continue working it can become either a difficult situation or a potential win-win for both you and the employee. I have attempted to provide you with enough information to begin the healthy dialog between employer and employee that can alleviate many of the fears and uneasiness associated with disabled individuals. For more information please visit our website at [www.disabilityey.com](http://www.disabilityey.com).