



Accommodation and Compliance Series

Employees with Mental Health Impairments

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@jan.wvu.edu
www.jan.wvu.edu



A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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

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

The following document is not copyrighted and reproduction is encouraged. Section 105 of the Copyright Law provides that no copyright protection is available for works created by the U.S. Government. Therefore, all works created by JAN fall under this provision. While individuals may use such work with impunity, individuals may not claim copyright in the original government work, only in the original material added. Individuals may access the full text of the law from the U.S. Copyright Office <http://www.loc.gov/copyright>. Please note that specific information cited by JAN may be copyrighted from other sources. Citing secondary sources from a JAN publication may violate another organization's or individual's copyright. Permission must be obtained from these sources on a case-by-case basis. When using JAN materials, JAN asks that the materials not be reproduced for profit, that the tone and substance of the information are not altered, and that proper credit is given to JAN as the source of the information. For further information regarding this or any other document provided by JAN, please contact JAN.

Authored by Kendra M. Duckworth, M.S. Updated 09/05/08.



JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://www.jan.wvu.edu/soar>.

Information about Mental Health Impairments

How prevalent are mental health impairments?

Recent studies estimate that about 20 percent of the U.S. population is affected by mental illness during a given year. This estimate is based on surveys that defined mental illness according to the prevailing editions of the *Diagnostic and Statistical Manual of Mental Disorders* (i.e., DSM-III and DSM-III-R). The surveys estimate that during a 1-year period, 22 to 23 percent of the U.S. adult population (44 million people) has diagnosable mental disorders, according to reliable, established criteria. In general, 19 percent of the adult U.S. population has a mental disorder alone (in 1 year); 3 percent have both mental and addictive disorders; and 6 percent have addictive disorders alone. Consequently, about 28 to 30 percent of the population has either a mental or addictive disorder (Goldman, 1999).

What are mental health impairments?

Mental health impairments, also called "mental illnesses," refer collectively to all diagnosable mental disorders. 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 (Goldman, 1999).

What are some common mental health impairments?

Depression: Depressive disorders are serious illnesses that affect a person's mood, concentration, sleep, activity, appetite, social behavior, and feelings. Depressive disorders come in different forms, the most common being major depression (unipolar depression). Major depression, the leading cause of disability in the United States,



affects over nine million adults in a given year. Despite the disabling effects of depression, it is highly treatable.

Bipolar disorder: Bipolar disorder (manic depression) is a brain disorder involving episodes of mania and depression. It affects more than two million American adults. Effective treatments are available that greatly reduce the symptoms of bipolar disorder and allow people to lead normal and productive lives.

Schizophrenia: Schizophrenia is a severe and chronic brain disorder that affects approximately two million Americans today. Schizophrenia impairs a person's ability to think clearly, manage his or her emotions, make decisions, and relate to others. People with schizophrenia suffer terrifying symptoms that often leave them fearful and withdrawn. However, this illness is highly treatable, and new discoveries and treatments are continually improving the outlook for people with this disorder.

Post-Traumatic Stress Disorder (PTSD): is a condition that can occur after exposure to a terrifying event or ordeal in which grave physical harm occurred or was threatened. Traumatic events that can trigger PTSD include violent personal assaults such as rape or mugging, natural or human-caused disasters, accidents, or military combat. Many people with PTSD repeatedly re-experience the ordeal in the form of flashback episodes, memories, nightmares, or frightening thoughts, especially when they are exposed to events or objects reminiscent of the trauma. Anniversaries of the event can also trigger symptoms. People with PTSD also experience emotional numbness and sleep disturbances, depression, anxiety, and irritability or outbursts of anger. Feelings of intense guilt are also common. Most people with PTSD try to avoid any reminders or thoughts of the ordeal. PTSD is diagnosed when symptoms last more than one month.

Obsessive-Compulsive Disorder: People with obsessive-compulsive disorder (OCD) suffer intensely from recurrent unwanted thoughts (obsessions) or rituals (compulsions), which they feel they cannot control. Rituals such as hand washing, counting, checking, or cleaning are often performed in 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. OCD is often a chronic, relapsing illness.

Panic Disorders: Panic disorder is characterized by unexpected and repeated episodes of intense fear accompanied by physical symptoms that may include chest pain, heart palpitations, shortness of breath, dizziness, or abdominal distress. These sensations often mimic symptoms of a heart attack or other life-threatening medical conditions. As a result, the diagnosis of panic disorder is frequently not made until extensive and costly medical procedures fail to provide a correct diagnosis or relief.

Seasonal Affective Disorder: SAD may be an effect of this seasonal light variation in humans. As seasons change, there is a shift in our "biological internal clocks" or circadian rhythm, due partly to these changes in sunlight patterns. This can cause our



biological clocks to be out of "step" with our daily schedules. The most difficult months for SAD sufferers are January and February, and younger persons and women are at higher risk. Symptoms Include: regularly occurring symptoms of depression (excessive eating and sleeping, weight gain) during the fall or winter months. Full remission from depression occurs in the spring and summer months. Symptoms have occurred in the past two years, with no non seasonal depression episodes. Seasonal episodes substantially outnumber non seasonal depression episodes (American Psychiatric Association, 1994).

Mental Health Impairments and the Americans with Disabilities Act

Are mental health impairments considered disabilities under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC, 1992). Therefore, some people with mental health impairments will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment (EEOC, 1992). For more information about how to determine whether a person has a disability under the ADA, visit <http://www.jan.wvu.edu/corner/vol02iss04.htm>.

Where can employers get additional information about mental health impairments and the ADA?

The EEOC has a publication called "Psychiatric Disabilities and the ADA," which is available online at <http://www.eeoc.gov/policy/docs/psych.html>.



Accommodating Employees with Mental Health Impairments

(Note: People with mental health impairments may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with mental health impairments will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

Questions to Consider:

1. What limitations is the employee with a mental health impairment experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with a mental health impairment been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with a mental health impairment to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding mental health impairments?

Accommodation Ideas:

Maintaining Stamina:

- Allow flexible scheduling
- Allow longer or more frequent work breaks
- Provide additional time to learn new responsibilities
- Provide self-paced workload
- Provide backup coverage for when the employee needs to take breaks
- Allow time off for counseling
- Allow use of supported employment and job coaches
- Allow employee to work from home during part of the day or week

Maintaining Concentration:

- Reduce distractions in the work area
- Provide space enclosures or a private office
- Allow for use of white noise or environmental sound machines
- Allow the employee to play soothing music using a cassette player and headset
- Increase natural lighting or provide full spectrum lighting
- Allow the employee to work from home and provide necessary equipment
- Plan for uninterrupted work time
- Allow for frequent breaks
- Divide large assignments into smaller tasks and goals
- Restructure job to include only essential functions

Difficulty Staying Organized and Meeting Deadlines:

- Make daily TO-DO lists and check items off as they are completed
- Use several calendars to mark meetings and deadlines
- Remind employee of important deadlines
- Use electronic organizers
- Divide large assignments into smaller tasks and goals

Memory Deficits:

- Allow the employee to tape record meetings
- Provide type written minutes of each meeting
- Provide written instructions
- Allow additional training time
- Provide written checklists

Working Effectively with Supervisors:

- Provide positive praise and reinforcement
- Provide written job instructions
- Develop written work agreements that include the agreed upon accommodations, clear expectations of responsibilities and the consequences of not meeting performance standards
- Allow for open communication to managers and supervisors
- Establish written long term and short term goals
- Develop strategies to deal with problems before they arise
- Develop a procedure to evaluate the effectiveness of the accommodation

Interacting with Coworkers:

- Educate all employees on their right to accommodations
- Provide sensitivity training to coworkers and supervisors
- Do not mandate that employees attend work related social functions
- Encourage all employees to move non-work related conversations out of work areas

Difficulty Handling Stress and Emotions:

- Provide praise and positive reinforcement
- Refer to counseling and employee assistance programs
- Allow telephone calls during work hours to doctors and others for needed support
- Allow the presence of a support animal
- Allow the employee to take breaks as needed

Attendance Issues:

- Provide flexible leave for health problems
- Provide a self-paced work load and flexible hours
- Allow employee to work from home
- Provide part-time work schedule
- Allow employee to make up time

Handling Changes in the Workplace:

- Recognize that a change in the office environment or in supervisors may be difficult for a person with a mental health impairment
- Maintain open channels of communication between the employee and the new and old supervisor to ensure an effective transition
- Provide weekly or monthly meetings with the employee to discuss workplace issues and productions levels

Situations and Solutions:

A state rehabilitation counselor with Obsessive Compulsive Disorder had difficulty completing paper work on time because he was continually checking and rechecking it. JAN suggested making a checklist for each report and checking off items as they are completed. When he feels the urge to recheck the report he can do this quickly by using his checklist. JAN also suggested allowing him time off the telephone each day to complete paperwork and file information.

An administrative assistant in a social service agency has bipolar disorder. Her duties include typing, word processing, filing, and answering the telephone. Her limitations include difficulties with concentration and short-term memory. Her accommodation

included assistance in organizing her work and a dual headset for her telephone that allowed her to listen to music when not talking on the telephone. This accommodation minimized distractions, increased concentration, and relaxed the employee. Also, meetings were held with the supervisor once a week to discuss workplace issues. These meetings are recorded so the employee can remember issues that are discussed and can replay the information to improve her memory.

A repairperson who has severe depression needed to attend periodic work related seminars. The person had difficulty taking effective notes and paying attention in the meetings. JAN suggested that a coworker use a notebook that made a carbon copy of each page written. At the end of the session, the coworker gave the carbon copy of the notes to the repairman. Once he was able to give full attention to the meetings, he was able to retain more information.

An office manager who has been treated for stress and depression was unable to meet crucial deadlines. She had difficulty maintaining her concentration and staying focused when trying to complete assignments. She discussed her performance problems with her supervisor and accommodations were implemented that allowed her to organize her time by scheduling "off" times during the week, where she could work without interruptions. She was also provided a flexible schedule that gave her more time for counseling and exercise. The supervisor trained her coworkers on stress management and provided information about the company employee assistance program.

An Affirmative Action Officer for a university requested suggestions to accommodate a professor who was experiencing anxiety and panic attacks stemming from working at night and being in a large crowd. The JAN consultant suggested scheduling her classes for morning or afternoon, limiting the size of the class, or allowing teach classes primarily in the summer when the days are longer and there are fewer students on campus.

A JAN consultant spoke with a Director of Employee Relations for a midsize insurance company about a Claims Representative who was being treated for stress and depression. The employee was experiencing difficulty staying on task and meeting deadlines. The JAN consultant suggested restructuring the job to eliminate nonessential job functions such as making copies of files and greeting walk-in customers. He also suggested relocating her office out of the front reception area to reduce distractions. The employee was scheduled one hour of every afternoon off the telephone to complete tasks without interruption. She also met with her supervisor every Monday to set goals and discuss weekly projects.

A supervisor of a printing company requested information on how to accommodate an employee who was experiencing reduced concentration and memory loss due to mental illness. His job required operating copy machines, maintaining the paper supply, filling orders, and checking the orders for accuracy. He was having difficulty staying on task and remembering what tasks he had completed. A JAN consultant suggested laminating a copy of his daily job tasks, checking items off with an erasable marker, and using a watch with an alarm to remind him to check his other job duties.



Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@jan.wvu.edu
<http://www.jan.wvu.edu>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7635
TTY: (877)889-5627
Fax: (202)693-7888
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

Anxiety Disorders Association of America

8730 Georgia Avenue
Suite 600
Silver Spring, MD 20910
Direct: (240)485-1001
Fax: (240)485-1035
<http://www.adaa.org>

Resources for clinicians, researchers and other treatment providers in all disciplines. Resources for anxiety disorder sufferers, family members, and other interested parties. Fast facts, statistics, news releases and more for media professionals. Search for treatment providers near you.

BPDWORLD

28 Wood Street
Huddersfield,
<http://www.bpdworld.org/>

BPDWORLD has information that focuses on borderline personality disorder (BPD) The Web site has a lot of information available to all, including depression, self-harm, anxiety and much more. The site offers the best support services available on the net with forums, chat, peer support ticket system, live chat to our volunteers and a great journal system.

Center for Psychiatric Rehabilitation

Boston University
940 Commonwealth Avenue West
2nd Floor
Boston, MA 02215
Direct: (617)353-3549
Fax: (617)353-7700
<http://www.bu.edu/cpr>

Conducts research, develops educational materials, disseminates new knowledge, and provides training and program consultation in the area of psychiatric rehabilitation.

Judge David L. Bazelon Center for Mental Health Law

1101 15th St. NW
Suite 1212
Washington, DC 20005
Direct: (202)467-5730
Fax: (202)223-0409
<http://www.bazelon.org>

National, non-profit organization that engages in legal advocacy for people with mental disabilities.

Mental Health America

2000 N Beauregard Street, 6th Floor
Alexandria, VA 22311
Toll Free: (800)969-6642
Direct: (703)684-7722
TTY: (800)433-5959
Fax: (703)684-5968
infoctr@nmha.org
<http://www.nmha.org>

A charitable organization with more than 80 years of success in addressing the mental health needs of our communities, state, and nation. Founded in 1909 as the National



Committee for Mental Hygiene by a former psychiatric patient named Clifford W. Beers, NMHA has always depended on volunteers to change the way Americans think about mental health and mental illness. NMHA volunteers all over the country work to meet the mental health needs of their communities through a wide array of services.

National Institute of Mental Health

Science Writing, Press, and Dissemination Branch
6001 Executive Blvd, Room 8184, MSC 9663
Bethesda, MD 20892-9663
Toll Free: (866)615-6464
Direct: (301)443-4513
TTY: (866)415-8051
Fax: (301)443-4279
nimhinfo@nih.gov
<http://www.nimh.nih.gov>

NIMH offers a variety of publications and other educational resources to help people with mental disorders, the general public, mental health and health care practitioners, and researchers gain a better understanding of mental illnesses and the research programs of the NIMH. All publications and educational materials are written by science writers, in collaboration with NIMH scientists and outside reviewers.

National Institute on Disability and Rehabilitation Research

U.S. Department of Education
400 Maryland Avenue, S.W., Mailstop PCP-6038
Washington, DC 20202-2572
Direct: (202)245-7640
TTY: (202)245-7640
Fax: (202)245-7323
<http://www.ed.gov/about/offices/list/osers/nidrr/index.html?src=mr>

Provides support for a comprehensive program of national and international research into all aspects of the rehabilitation of people with disabilities and their successful integration into education, work, and community life.

National Mental Health Consumers' Self-Help Clearinghouse

1211 Chestnut Street
Suite 1207
Philadelphia, PA 19107
Toll Free: (800)553-4539
Direct: (215)751-1810
Fax: (215)636-6312
info@mhselfhelp.org
<http://www.mhselfhelp.org>



Founded by the Mental Health Association of Southeastern Pennsylvania, the purpose of the Clearinghouse is to encourage the development and growth of consumer self-help groups.

Obsessive Compulsive Foundation Inc.

PO Box 961029

Boston, MA 02196

Direct: (617)973-5801

<http://www.ocfoundation.org>

Educates the public and professional communities about OCD and related disorders; provides assistance to individuals with OCD and related disorders, their family and friends; and supports research into the causes and effective treatments of OCD and related disorders.



References

American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th ed.). Washington, DC: Author.

Equal Employment Opportunity Commission. (1992). *A technical assistance manual on the employment provisions (title I) of the Americans with Disabilities Act*.

Retrieved September 5, 2008, from <http://www.jan.wvu.edu/links/ADAtam1.html>

Goldman, H.H., Rye, P., & Sirovatka, P. (Eds.) (1999). *Mental health: A report of the surgeon general*. Retrieved September 5, 2008, from

<http://www.surgeongeneral.gov/library/mentalhealth/home.html>

This document was developed by the Job Accommodation Network, funded by a contract agreement from the U.S. Department of Labor, Office of Disability Employment Policy (DOL079RP20426). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.





Fact Sheet Series

Five Practical Tips For Providing And Maintaining Effective Job Accommodations

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@jan.wvu.edu
www.jan.wvu.edu



A service of the U.S. Department of Labor's Office of Disability Employment Policy

JAN'S ACCOMMODATION FACT SHEET SERIES

FIVE PRACTICAL TIPS FOR PROVIDING AND MAINTAINING EFFECTIVE JOB ACCOMMODATIONS

Why Provide Job Accommodations?

- **Attract Good Employees**
- **Retain Experienced Workforce**
- **Comply with the ADA**

There are many reasons for employers to provide job accommodations for all employees. In times of labor shortages, employers can attract good employees by offering accommodations such as flexible scheduling, work at home opportunities, job sharing, and ergonomic workstations. Also, providing such accommodations can help employers retain an experienced workforce by improving the overall morale of the workplace. And finally, providing job accommodations allows employers to meet their legal obligations under title I of the Americans with Disabilities Act (ADA) and similar state laws.

A recent study conducted by JAN not only confirms the benefits of providing accommodations, but also shows that providing accommodations is not costly. More than half the employers surveyed reported that there was no cost for providing an accommodation and the rest of the employers surveyed reported a typical cost of \$500. For additional information on the benefits and costs of accommodation view JAN's Workplace Accommodations: Low Cost, High Impact at <http://www.jan.wvu.edu/media/LowCostHighImpact.doc>

Although there are many benefits that result from providing job accommodations, some employers are not sure how to do so. The following information provides some helpful tips for employers who want to improve their ability to provide and maintain effective job accommodations.

Tip 1. Develop Written Policies and Procedures

Why?

- **Awareness**
- **Consistency**
- **Documentation**

Employers should consider developing written accommodation policies and procedures. Written policies and procedures can help make sure that all employees are aware of the policies and procedures, help insure consistency when processing accommodation requests, and help document employers' efforts to provide effective accommodations.

Some things to consider when developing written policies and procedures include:

- **Try to Keep Them Flexible and Simple**

If the goal is to make it easier to provide effective job accommodations, policies and procedures that are overly rigid, technical, or complicated are not very useful. Employers should try to develop flexible policies and simple procedures when possible.

- **Be Sure to Appoint a Responsible Person or Persons**

Often times employees request accommodations but no one acts on the request – it gets passed around from one person to another with no one taking responsibility. Employers should decide who will be responsible for implementing and overseeing accommodation policies and procedures. It can be one responsible person, a team, or even individual supervisors or managers – the right approach may vary from workplace to workplace, but the important thing is to make someone responsible.

- **Inform Everyone**

Policies and procedures will not be effective unless everyone knows about them. Employers should make sure to inform all employees, including supervisors, managers, and staff, about them.

Resources:

For employers who want to develop written accommodation policies and procedures, the Equal Employment Opportunity Commission (EEOC), the federal agency that enforces the ADA, provides some useful publications, including:

- Establishing Procedures to Facilitate the Provision of Reasonable Accommodation at http://www.eeoc.gov/policy/docs/accommodation_procedures.html
- EEOC's Internal Accommodation Procedures at http://www.eeoc.gov/policy/docs/accommodation_procedures_eeoc.html
- Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures at http://www.eeoc.gov/federal/implementing_accommodation.html

Additional information can be obtained from JAN's Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act (ADA) at <http://www.jan.wvu.edu/Erguide/index.htm>

Tip 2. Train All Managers and Supervisors How to Recognize and Respond to an Accommodation Request

Why?

- **ADA Compliance**
- **Effective Use of New Policies and Procedures**

No matter who will actually be responsible for processing accommodation requests, all managers and supervisors need to know how to recognize a request, especially from an employee who might be protected by the ADA. One of the main reasons employees file complaints under the ADA is that the employer did not respond to an accommodation request. The problem is often that a supervisor or manager did not recognize the request. Employers also need to let managers and supervisors know what to do once a request is received to make sure the request is processed.

In addition to complying with the ADA, employers who want to benefit from providing accommodations for all employees and who go to all the trouble of developing policies and procedures, will want to make sure the policies and procedures are used effectively. Training everyone how to recognize and respond to a request will help accomplish this.

How?

So, how can supervisors or managers be trained to recognize and respond to accommodation requests? When requesting an accommodation, employees only need to use plain English and do not have to mention the ADA or use legal terminology such as the phrase "reasonable accommodation." In general, all an employee needs to say is that she needs "an adjustment or change at work for a reason related to a medical condition." So, any time an employee indicates that a medical condition is causing a problem, a supervisor or manager should treat it as an accommodation request until a definite determination is made. If there is any doubt about whether a request was made, managers and supervisors should consult with the person or persons responsible for accommodations.

In addition to recognizing a request for accommodation, employers should make sure that all managers and supervisors know the policies and procedures for how accommodation requests will be processed. If the employer appointed a responsible person, that person should be notified immediately. If managers and supervisors are responsible for processing accommodation requests, they should be trained how.

Employers should also remember that if some accommodations are available to all employees as a matter of policy, employees with disabilities should not have to jump through unnecessary hoops to get those accommodations, even if needed because of a disability.

Whatever policies and procedures are in place, employers should always respond quickly to an accommodation request and keep employees informed about the status of their requests.

Tip 3. Have a Process for Determining Effective Accommodations

Where to Begin?

- **Employee**
- **Employee's Medical Provider**
- **Other Resources**

Employers may have difficulty figuring out how to determine effective accommodation options for employees with disabilities. One of the best places to start the process is with the employee who requested the accommodation. Often the employee knows what is needed and can suggest effective options.

If the employee does not know what accommodation is needed or if the employer wants to explore other options, another good resource is the employee's medical provider. With the employee's permission, the medical provider may be able to provide useful information about the employee's limitations and effective accommodation options.

If neither the employee nor the employee's medical provider can suggest effective accommodations, employers can contact outside resources such as JAN or use the sample process that begins on page seven of this document.

Tip 4. Monitor and Update Accommodations

Do Not Forget To:

- **Monitor the Effectiveness of the Accommodation**
- **Update Periodically if Needed**
- **Keep the Lines of Communication Open**
- **Document Efforts**

Once you have successfully determined and implemented an accommodation, some accommodations may need to be monitored and periodically updated. For example, if the accommodation involved equipment, the equipment may need periodic maintenance. If the accommodation involved software that interfaces with an existing system, the software may need to be updated as the overall system is updated. If the accommodation involved a new method of doing things, the method may need to be modified as the workplace changes.

One of the best ways to monitor accommodations is to keep the lines of communication open with employees. Communication is important throughout the accommodation process, including the monitoring stage. Employees need to know that they can revisit an accommodation if needed before performance problems result.

Finally, employers may want to document their accommodation efforts. Documentation can be useful for new supervisors or managers or in case a dispute arises between the employer and an employee. Keep in mind that all documentation that contains medical information must be maintained in a confidential manner.

Tip 5. Train New Employees

Remember To:

- **Train New Managers and Supervisors**
- **Train New Employees**

Sometimes a new manager or supervisor decides to change the way things are done. If they do not know about accommodations that are in place, they may make changes that negatively affect these accommodations. While it is okay for a new manager or supervisor to make changes, if an accommodation for an employee with a disability is affected, a new accommodation may be necessary. New managers and supervisors need to be trained on the policies and procedures for job accommodations before a problem occurs.

In addition, employers need to remember to train new staff. Training new employees helps insure that accommodation policies and procedures will continue to be effective.

A SAMPLE PROCESS FOR DETERMINING EFFECTIVE ACCOMMODATION OPTIONS

Step 1: Determine Why the Employee Needs an Accommodation

When trying to determine effective accommodation options, employers first have to determine why the employee needs an accommodation. For example, if an employee says he is having difficulty using his computer because of a medical condition and needs an accommodation, does the employer have enough information to know why an accommodation is needed? No, the employee did not say why he cannot use his computer. Is he having trouble typing because of a motor impairment? Is he having trouble seeing the screen because of a vision impairment? Or is he having trouble reading because of a learning disability? As you might guess, accommodation options can be very different for a motor impairment versus a vision impairment versus a learning disability. Before an employer can explore accommodation options, the employer must determine why the employee needs an accommodation. Usually the employee or the employee's medical provider can explain why the accommodation is needed.

Step 2: Explore Options

Once the employer determines why the accommodation is needed, the employer is ready to explore accommodation options. Again, the employee, or the employee's medical provider, is often the best starting point. However, if the employee or the employee's medical provider cannot suggest options, JAN offers several methods for exploring accommodation options, including: One-on-one consultation, JAN's Accommodation and Compliance Series publications and fact sheets, and the Searchable Online Accommodation Resource (SOAR). For more information, visit JAN's Website at <http://www.jan.wvu.edu>.

Step 3: Choose Option

Once the employer determines effective accommodation options, the employer is ready to choose the accommodation that will be implemented. At this point, the employer should discuss the options with the employee who requested the accommodation. Although the employer is free to choose among effective accommodation options, the EEOC recommends that employers consider the preference of the employee. If the goal is to provide effective accommodations, it makes sense to try to provide the accommodation that the employee prefers when possible.

Step 4: Provide Effective Training

Once an accommodation option is chosen, an often overlooked step in the process is to provide effective training if needed. In some cases, employees and their supervisors or managers must learn how to use new equipment or new methods of doing things. Without effective training, an accommodation may fail.

Things to Keep in Mind Throughout the Accommodation Process:

- Do Not Delay
- Consider Trial Period if Needed
- Know ADA Rules
- Keep the Employee Informed

There are several important things that employers should keep in mind as they go through this accommodation process. First, they should always remember to process an accommodation request quickly; unnecessary delays can result in a violation of the ADA.

Second, employers should keep in mind that they can use a trial period when they are not sure whether an accommodation will work. Many times employers cannot determine whether something will work unless they try it, but they are afraid they will get locked into an accommodation once they agree to it. A simple solution is to let the employee know that the accommodation will be implemented for a trial period and if it does not work, something else will be considered.

Third, although employers are free to do more than required under the ADA, they should know the ADA rules regarding reasonable accommodation to make sure they are doing at least what is required. The EEOC offers many practical guides for employers regarding ADA compliance on its Website at <http://www.eeoc.gov>.

Finally, it is very helpful to keep employees informed throughout the accommodation process; employees who understand what steps the employer is taking and why certain decisions are made, are more likely to be satisfied with the outcome.

Updated 12/17/08 to include the ADA, as amended by the ADA Amendments Act of 2008.

This document was developed by the Job Accommodation Network, funded by a contract agreement from the U.S. Department of Labor, Office of Disability Employment Policy (DOL079RP20426). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.

