

by Ari Tuckman, PsyD, MBA

**M**OST PEOPLE KNOW about accommodations at school, but many people don't know what is available for adults in the workplace. Or if they are aware that they can ask for accommodations at work, they don't know how to do it or how the rules are different at work versus at school. Fortunately, the Job Accommodation Network (JAN) has everything you need to know on the topic—from deciding whether to ask for accommodations to information on which accommodations to ask for and how. Best of all, their services are free and confidential.



CubeShields mount to cubicle walls and block distractions such as overhead fluorescent lights and air flow. Other possible accommodations are listed on the JAN website.

## Workplace Accommodations: *I Can Ask for Those?*

JAN is funded by the U.S. Department of Labor's Office of Disability Employment Policy and operated in collaboration with West Virginia University and private industry. Its purpose is to provide guidance to employees, employers, clinicians, and government agencies on workplace accommodations and disability employment issues. Its goal is to work toward practical solutions that benefit both employer and employee. According to co-director Lou Orslene, in 2011-2013 JAN served over 45,000 customers through its consulting service, supported over 3.3 million webpage requests, and provided more than 150 trainings.

### Work law vs. educational law

It's important to recognize that the laws governing accommodations in educational settings are different from those governing the workplace. Therefore, the protections available and the process of acquiring accommodations also differ. "The working world is different because the intent of Title I of the Americans with Disabilities Act is to level the playing field for individuals with disabilities," according to JAN principal consultant Beth Loy. "This means that the ADA prohibits discrimination in all employment practices, which is different than requiring schools and parents to work together so that a student in public school receives an appropriate education." An employee must be able to perform the essential functions of the job, perhaps with the assistance of reasonable accommodations.

A common misconception is that certain conditions are designated as qualifying for protection under the ADA, and therefore an indi-

vidual with one of those conditions is automatically granted accommodations. Rather, it is the individual's performance that matters. If a diagnosable condition (such as ADHD) impairs the person's ability to perform the essential job functions, then they can ask for accommodations under the ADA. However, a person can have a diagnosable condition, but if it does not significantly impair their function in this specific job, then they are not entitled to accommodations.

One does not need to qualify under the ADA in order to access JAN's services, however.

### What are reasonable accommodations?

While there are no hard and fast rules as to what constitutes "reasonable," since it depends on the circumstances of the job and employee, JAN consultants can provide guidance and potential solutions for a specific situation. A reasonable accommodation is 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 adjustments to ensure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

Many employers are hesitant to talk about accommodations because they fear they will cost too much. However, employers often report that the benefits employers receive from making workplace accommodations far outweigh the low cost. "In 2012, employers reported that providing accommodations resulted in such benefits as

PHOTO COURTESY OF CUBESHIELDS

retaining valuable employees, improving productivity and morale, reducing workers' compensation and training costs, and improving company diversity. These benefits were obtained with little investment. The employers in the study reported that a high percentage (57 percent) of accommodations cost absolutely nothing to make, while the rest typically cost only \$500," according to Lou Orslene. In addition, tax incentives and funding through other organizations can reduce the financial cost.

### Possible accommodations for ADHD

Because people with ADHD work in all sorts of jobs, it is difficult to provide accommodations that will be helpful in every setting. However, "the most common accommodations discussed in this area involve allowing extra time (additional training, longer test times) and reducing distractions (headset, white noise machine)," according to Beth Loy. "Individuals may need organizational cues such as electronic organizers, flow charts, and checklists as well. These types of job accommodations are very successful and low in cost."

## How to Contact the Job Accommodation Network

JAN is completely confidential. You can contact the experienced staff with any situation related to the workplace and job accommodations. JAN is free, confidential, and will meet you where you are in the interactive process.

A. (800) 526-7234 or (877) 781-9403 (TTY)

B. AskJAN.org and <http://askjan.org/espanol/espanol.htm>

C. Online. AskJAN.org offers more than 300 disability-specific publications, as well as the Searchable Online Accommodation Resource (SOAR) <http://askjan.org/soar.index/htm> which enables users to explore accommodation options for different disabilities and workplace settings. Questions can be submitted online and answered by email.

D. Through in-person trainings. JAN delivers training workshops at events sponsored by corporations, organizations, and federal, state, and local governments. Visit <http://askjan.org/training/overview.htm>.

Some of these accommodations can be quite creative as well. One employee who worked in a cubicle contacted JAN for ideas on how to reduce distractions from overhead fluorescent lights and air flow from above. The solution involved CubeShields, which mounted to the cubicle walls and blocked those distractions (cost: just over \$30 each). Another employee worked in a computer server room and was frequently distracted by the constantly blinking lights from all the equipment. The individual was accommodated with LightDims stickers that block most or all of the light (cost: less than \$10 per pack).

You can find a list of possible accommodations for ADHD and other condition on the JAN website. This list can give you specific ideas, as well as a sense of what is possible.

### Should I ask for accommodations?

Some employees worry about the possible repercussions for disclosing a disability and requesting accommodations. This is an individual choice and is informed by the quality of the relationship between the employee and employer. Sometimes you can ask for accommodations

without invoking ADA or disclosing anything. For example, you can ask to move to an unoccupied desk in a less noisy area by explaining that you will get more work done there. If you frame the request as being to the employer's benefit also, most will be happy to discuss it with you.

If you feel that you need to go through more official channels, Beth Loy offers some guidance. "First, disclose when you need an accommodation. In general, you should disclose your disability when you need to request a reasonable accommodation—when you know that there is a workplace barrier that is preventing you, due to a disability, from competing for a job, performing a job, or gaining equal access to a benefit of employment like an employee lunch room or employee parking. Don't wait to disclose until after you begin to experience work performance problems. It is better to disclose your disability and request accommodations before job performance suffers or conduct problems occur."

The question of whether to disclose a diagnosis of ADHD was covered in detail in the April 2009 issue of *Attention*.

### How to ask for accommodations

Unlike in educational settings, there is no single way to ask for accommodations in the workplace. In general, the applicant or employee with a disability is responsible for letting the employer know that an accommodation is needed. Though not required by the ADA, JAN suggests that employees ask for accommodations in writing. (See JAN's Ideas for Writing an Accommodation Request Letter for information on how to format such a letter.) If your employer has its own form (ask human resources), then it is probably best to use that.

You should also be aware that an employer has the right to ask for information about your disability and to request a medical examination, but it must be job-related and consistent with business necessity. 🗣️

**Ari Tuckman, PsyD, MBA** is the author of *Understand Your Brain, Get More Done: The ADHD Executive Functions Workbook (2012)*, *More Attention, Less Deficit: Success Strategies for Adults with ADHD (2009)* and *Integrative Treatment for Adult ADHD: A Practical, Easy-to-Use Guide for Clinicians (2007)*.

He is a psychologist in private practice in West Chester, Pennsylvania, specializing in the diagnosis and treatment of ADHD, as well as anxiety, depression, substance abuse, and school/work difficulties.

## Benefits to Employers

JAN helps employers capitalize on the talents and value of employees with disabilities. Its experts help private employers to:

- Hire, retain, and promote qualified employees with disabilities
- Recognize why hiring people with disabilities makes good business sense
- Learn about workplace accommodation options and practical solutions
- Protect their businesses through education on disability-related legislation
- Learn about employment practices that can ultimately save them money through reduced workers' compensation and other insurance costs
- Address issues pertaining to accessibility

