

A hand in a dark suit sleeve holds a magnifying glass over a white person icon. Several other grey person icons are scattered in the background. A dashed white circle highlights the magnifying glass and the person icon it is focused on. A vertical dashed white line runs down the center of the image, and a horizontal dashed white line runs across the middle.

What Works for You in the Workplace?

Disability Disclosure and the Accommodation Process

by Melonie Whetzel, MA, CBIS

MANY PEOPLE struggle with the concept of disclosing their disability in the workplace, and for many good reasons. Disclosure involves giving out personal, medical, and disability information to an employer. It can be overwhelming and fearsome. The applicant or employee wonders:

- How much information should I provide?
- When is the best time to do it?
- Will my employer keep the information confidential?
- Will they use it against me?

These are all valid questions when you're trying to determine if you need to disclose. If you need reasonable accommodations in the workplace or for the application or hiring process, disclosure is a very real and necessary step. It is the first and sometimes most difficult step in the accommodation process. So, what exactly is involved?

When disclosing personal information about a disability, it is important to provide information about the nature of your disability, the limitations involved, and how the disability affects your ability to learn and/or perform the job effectively. Under the Americans with Disabilities Act, employers have a right to know if a disability is involved when an employee asks for accommodations. Although there is no specific time frame under the ADA requesting an accommodation, you should disclose a disability and request accommodations before performance or conduct problems arise, or at least before they become too serious.

Let's look at three main reasons why someone with a disability may choose to disclose to their employer.

- **The main reason to disclose a disability is to ask for accommodations.** Accommodations (changes or modifications to the way things are customarily done) aren't just necessary for the completion of job tasks; they are often helpful during the application and interview process as well.

For example, Tori is a school psychologist interviewing for jobs. She had a difficult time when the interviews were in the late afternoon. She was scattered and not at her best later in the day. Tori felt she was able to focus and pay better attention in the morning hours. If no morning interview slots were available to her, she may have to disclose in order to request an earlier slot where she can better represent herself and her abilities.

- **A second reason to disclose a disability in the workplace is to receive benefits or privileges of employment.** The ADA requires employers to provide accommodations so that employees with disabilities can enjoy the benefits

and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. Benefits and privileges of employment include, but aren't limited to, access to employer-sponsored trainings, transportation, credit unions, cafeterias, auditoriums, and social functions.

For example, Jake is a highly distractible employee who cannot function well in large group trainings. He asks for the accommodation of being allowed to take part in the training electronically while remaining in his private office. His disability limits his capacity to attend to what goes on in the large group.

- **A third reason to disclose in the workplace is to explain an unusual circumstance.** For instance, Ty, a new and rather impulsive employee, was reprimanded after a meeting with clients where he interrupted and interjected his own personal opinions, unrelated to what was being discussed. Ty felt he needed to explain the cause of the impulsiveness before he got into further trouble.

How to disclose in the workplace

Disclosure can be quite simple. You can tell your employer that you need an adjustment or change that is related to a medical condition. You may use plain English. You do not have to mention the ADA nor use the phrase "reasonable accommodation." It can be as easy as saying to your employer, "I need to talk to you about the difficulty I encounter when trying to get to work on time due to medication I take." At the Job Accommodation Network (JAN), we recommend putting your disclosure and request for accommodations in writing so that you have documentation of what you asked for and when you did so. Under the ADA, however, there are no requirements to submit requests in writing. Many employers will have their own paperwork. You can query your employer about the paperwork and start there, you can submit a letter from your medical provider, or you can write one yourself that has your medical documentation attached.

You can disclose the information to whoever you feel most comfortable giving it to. Many employees aren't comfortable with their direct supervisors or managers having knowledge of their medical condition or diagnosis, so we would advise disclosing to the human resources (HR) department. Someone there would be designated to verify that you do have a disability under the ADA. This confidential information is then stored in a separate locked file that other employees won't have access to. The HR representative would then move forward with the accommodation

process, where your supervisor or manager may be involved in the actual nuts and bolts of the accommodations. You can find out specifically how the accommodation process works by checking your employer's handbook or internal policies. Your HR department should be able to advise you on the specifics.

Consider Rich's encounter as he disclosed and asked for accommodations. When Rich started his job, he had his own private workspace that allowed him the ability to concentrate and stay on task quite successfully. With the news that his employer would be moving all employees into a sea of cubicles in a smaller, more open floor space, Rich knew he would have issues with both visual and auditory distractions due to his ADHD. He asked his human resources department for a meeting to discuss a disability and the need for accommodations.

Rich provided a written summary of his strengths, how he had been able to be successful so far in his current location, and why he felt he would have difficulty in an open office setting due to the distractions he knows would occur in the new environment. He provided a note from his doctor documenting his ADHD, with information about his limitations in concentration, focus, and time management that would likely be exacerbated by the noisy, open space. He listed ideas for accommodations. In the meeting with HR, he discussed his concerns about the open workspace and recommended what would be effective for him. The employer decided to provide advanced notice of the details of the move and allow Rich to help choose a workspace within the open area that would be best for him before coworkers are placed. Additional ideas, such as taller cubicle walls and noise abatement products, were also discussed.

Successful workplace accommodation

Now let's look at some examples of successful ADHD accommodation.

- **Sean**, a case manager, has difficulty getting his required documentation completed. He works from a cubicle in a noisy open area that limits his ability to focus and concentrate. He knows that a private space is out of the question, but feels if he could change his office hours, he should be able to finish his work on time. Sean's supervisor agreed that the office can get hectic with everyone present. It was agreed that Sean would come in two hours early, not only before his coworkers' arrival, but also when he has the most mental acuity and ability to focus.

- **Fran** was having increasing difficulty remembering procedures for setting up the various catering presentations she was responsible for. She finally disclosed and requested written instructions for each of the presentations she was having trouble with. Her supervisor provided a complete and detailed description of the procedures for each one. However, when trying to use the instructions, Fran claimed they were too detailed and she needed

Need Assistance?

Feel free to contact the Job Accommodation Network at <https://askjan.org> for assistance in solving workplace issues. The leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues, JAN is funded by a contract with the US Department of Labor's Office of Disability Employment Policy; learn more at <https://www.dol.gov/odep/index.htm>.

more of an action plan with less description. The supervisor reworked the procedures by using a color-coded system. The main action steps were highlighted in one color while the instructions in more detail followed, but were highlighted in another color, helping Fran to differentiate between the two immediately.

- **Suzette** is a reporter who had a difficult time with distractions while working in a frantic newsroom. She disclosed and asked for the accommodation of working from home when she was on a deadline. The employer was concerned about Suzette being further away from the downtown area where most of the news occurred, but offered her a trial accommodation of working from home, contingent upon her ability to get to the scene of breaking news quickly. Suzette reported back later that the accommodation was so highly successful the employer decided to provide telework on a long-term basis.

Remember Ty, the new employee who had gotten himself in trouble? After he disclosed his ADHD and stated that he just can't help himself, his supervisor provided him with an advanced agenda of meeting topics with space for notes so Ty could gather his thoughts around what is appropriate to speak about in meetings and what is not.

As you can see from the examples, difficulties with distractions, concentration, and focus are quite common for individuals with ADHD and can profoundly affect their ability to complete the essential functions of their positions. Open communication during disclosure and the accommodation process is probably the most direct and effective tool for handling the issues that arise and getting back on track to competently and productively fulfill workplace assignments. 🗣️

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