# Accommodation Solutions for Neurodivergent Workers

## [Introduction]

**TRACIE DeFREITAS:**

Hello, everyone. Thanks for joining us for this JAN Accommodation and Compliance Series webcast, "Accommodation Solutions for Neurodivergent Workers." My name is Tracie DeFreitas. I'm the Director of Training, Services, and Outreach for the Job Accommodation Network. Today I'll be your moderator. This training will be presented today by JAN Principal Consultant and Cognitive/Neurological Team Lead Melanie Whetzel. Melanie, thanks for offering this highly requested training today. We're really looking forward to learning from you.

**MELANIE WHETZEL:**

Thank you.

**TRACIE DeFREITAS:**

We'll get started with some housekeeping items.

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We offer an FAQ that might answer some of your questions. You can see the log-in email that you received for that FAQ link. So the email that you received today, you can take a look at that. You can also find it on the AskJAN.org webcast registration page.

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This presentation is being recorded and will be available on the AskJAN.org website and the JAN YouTube page as well.

And finally, at the end of the webcast we'd like to know your feedback, so please do complete the evaluation. If you're seeking a CEU approval code, it will be provided at the end of the webcast once you complete that evaluation.

So let's get started with this training today. I'm going to go ahead and turn things over to Melanie to take the lead.

**MELANIE WHETZEL:**

Thank you, Tracie.

## [What is neurodiversity?]

I'm just going to jump right in. What is neurodiversity?

"Neurodiversity" is an umbrella term, first of all. I'm going to explain more about that in a minute, but it's also a non-medical term that is used to explain unique ways that individual brains work. It's a range of differences in brain function, and it's usually regarded as a normal variation in the human population, and that includes learning, information processing, thinking, and behavior traits.

I want to just go into those a little bit more so you can see how there can be such a wide range in differences. And you know you have people in your family, friends, that you say, "I just don't know how that person thinks. They think so differently from me." Because we all do.

So first of all, I want to talk about learning. Learning is the activity or the process of gaining knowledge or skill. We get that by studying, practicing, being taught, or experiencing something. So there's a lot of room in how we learn, how we do that process of learning.

Information processing is huge. In simple terms, it's how we take in the facts and opinions that we receive during the course of daily life. So think about how much information comes at us on a daily basis and how we take in that information, how we remember it based on what interests us, whether we have something in our memory to link it to, how we're able to organize it and then retrieve it. And again, you see there's a lot of room for differences in a complicated process such as information processing.

And then thinking. So thinking or cognition is the act of knowing. It includes the ability to pay attention and concentrate, process and understand information, remember, communicate, plan and organize, reason, problem solve, and make decisions and judgments. Again, we can see how easily there's going to be a difference in thinking among different individuals.

And then there are behavior traits. I mean, think of all the behavior traits. People are sensitive. Some are reserved. Some are shy, as opposed to being assertive, impatient, gregarious. We have introverts and extroverts. There are traits such as resiliency, caution, and flexibility and those who are more rigid or logical or courageous. So there's a lot of differences in that as well.

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So although the term neurodiversity is used especially in the context of autism spectrum disorders, there are other cognitive and neurological disabilities that can be included, those are generally attention deficit/hyperactivity disorder, or ADHD; mental health conditions, and those include anxiety, depression, schizophrenia, bipolar disorder, PTSD, OCD; and then intellectual and learning disabilities as well.

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So here at JAN, we talk to -- we say we talk to whoever contacts us. Our main goal is to talk to employers and help them to understand how to hire and retain people with disabilities. But we are contacted by parents, other family members, co-workers, doctors, medical professionals who are trying to write medical documentation, vocational rehabilitation specialists. And so we feel like we really have a good overall picture of the questions that people have, the knowledge, the things that they need to know, and so we have made a list of common limitations based on what we know. Now, not everybody is going to have all of these limitations, and there will be people with other limitations as well. These are just what's most common to the people that contact us who are asking questions. Individuals themselves, sometimes advocates, job coaches as well.

So those common limitations for people with neurodiversity are social skills, organization and concentration, sensory issues -- and those can include too much -- being oversensitive, highly sensitive to light and sound and smells and touch, like clothing, seams in clothing, tags, hats, something that you might wear on your head. But then there's also people -- and we have been hearing more and more about this -- who are under-sensitive, who may be in a dangerous situation because they don't feel pain. They can be burnt or here recently was an example of a person who was injured really badly, cut really badly, and did not know it. It was pretty bloody, but he did not feel that. So those are sensory issues.

Issues of change. Now, you know, we all have difficulty with change. Not very many people like change unless it's really for the good. There's a saying that we all like change as long as everything stays the same, but for people with disabilities, it can be very difficult. There are people who are more rigid or who work more on a schedule or work better with a routine, and when that's interrupted, it can be very detrimental in the workplace.

There are issues with time management, stress management, coworker interaction. And that can go back to social skills, also social anxieties, and then speaking and communicating.

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## [Neurodiversity and the ADA]

All right. So neurodiversity and the ADA. This is where I was going to talk a little bit about it being an umbrella term. Neurodiversity is not a diagnosis. At least at this time, it's not. It includes those different medical conditions and diagnoses that I mentioned earlier. And because it is an umbrella term, it's really not that descriptive. It's a nice term to help people feel unity, and it can help reduce stigma. But under the ADA, a person needs to have a diagnosis of a disability or a medical condition. And so we've been hearing a lot in the neurodiversity community, people self-diagnose, and that may be fine. They may really have autism or ADHD, but when it comes to looking at accommodations under the ADA and getting help in the workplace, they may need to have that medical documentation that they have an actual disability.

And we're going to talk here about the definition of disability real quick. And that is if a person has a physical or mental impairment which substantially limits one or more major life activities. "Substantially limited" means more than the average person. It's not a high bar to meet. Major life activities can include concentrating, thinking, speaking. It can include things like standing, sitting, eating, remembering, communicating. And so if somebody is limited in one or more of those activities, they could very well have a disability under the ADA.

A record of such an impairment. Sometimes people are diagnosed as a child or in middle school, and they have that lifelong impairment, but they've not had issues with it or they don't think about having a disability. They maybe don't have that paperwork any more. And then also regarded as having an impairment. If you are regarded as having an impairment by your employer, that's not going to allow you to have accommodations. It's just that, you know, employers shouldn't be trying to regard people as having a disability or impairment based on information that they might think they know from movies or books or something, because there is this maxim that says, "If you know one person with autism, you know one person with autism." And that is true, but at JAN we look at all people with disabilities that way. If you know one person with bipolar, you know one person with bipolar. Even though people with different disabilities -- the same disability have different limitations, there are a lot of similarities, but there are also a lot of differences. When you're looking at accommodations on the job, you want to look at each individual separately and what limitations they have.

Okay. Next slide, please.

So disability disclosure. That's one of the biggest questions that we get on our team is "How do I disclose? When do I disclose? What do I say? How do I do that?" Generally speaking, you don't have to disclose a disability under the ADA until you need an accommodation, and that can be during the hiring process if you need an accommodation for an interview or you need extra time on a pre-employment test. It could be your first day on the job. It could be later on down the road. Some people don't know what they need. If they're going in to a new job, they might not know what they need until they get on the job. One of the biggest things we hear from people who are neurodiverse is that "I want to be honest and up-front from the beginning." Now, it's not dishonest and covert if you don't disclose during the beginning, because you're not required to do that. A lot of people feel that "If I disclose, and I'm open and honest from the beginning, and the employer is not willing to help me, then they're not going to be willing to help me down the line when I need help or assistance, so this is not someplace I'd want to work."

Other people will disclose and ask for accommodations when they're needed on the job, and some people will never disclose. They've had bad experiences or maybe they don't really understand the process, and they end up being terminated, possibly for performance or conduct issues, but they just don't ever disclose. So really it's a personal choice when you disclose. We would just say you don't want to wait too long until you're having performance or conduct problems that could be an issue.

So when you're looking to disclose, it's important that you provide information about the nature of your disability. You can start out with information about being neurodiverse and see if the employer will accept that, and if not, then you may have to get more specific with more of the diagnosis or more of a medical condition. You want to have information about the limitations or how the disability affects the capacity to learn or perform the job effectively. And then you also want to have the accommodation ideas that you'll need in order to do the job.

Going to the limitations, again talking about you look at everyone on an individualized basis, because you don't want to just think, "Okay, well somebody with autism is going to need this, this, and this, and somebody with ADHD is going to need this, this, and this." We do have publications on our website that have common accommodation ideas. It's a great place to start. They're very helpful. But there may be things that somebody needs that aren't on that list or things that they're on that list that somebody doesn't need. And that's why it's so important to have the individual information. And really the limitations, the information about how that affects your ability to do the job is really more important than the diagnosis or the nature of the disability when it comes to looking at accommodations on the job, because that information can be really helpful to the employer.

So let's say it's going to be more informative for the employer to understand that Susan has difficulty with social skills when she's in a group with new people and is expected to answer questions on the fly in a group setting than just to know that she's neurodiverse or that she has autism. You may not know what accommodations you need, and that's okay. JAN can help with that; you can find information online about that. Employers can help with that too. Supervisors know the job. You know your disability and how that affects you. Some people know exactly what they need when they're going into a job. Some people don't, and they need more assistance.

Okay. Next slide, please.

All right. So, why do people disclose? The main reason to disclose is to ask for job accommodations, and we're going to have a lot of examples of those coming up.

Another reason is to receive benefits or privileges of employment. People with disabilities are entitled to the same benefits and privileges of employment that similarly situated employees without disabilities are entitled to. That can be access to a credit union or a lunchroom, or maybe it's a CPR class that you might need alternate materials for in order to be successful because you have ADHD.

And also to explain an unusual circumstance. There are times circumstances arise, and it's good to explain to the employer what's going on. One I can think of real quickly is an employee who had autism and had difficulty making eye contact. He would start out doing that, but it was too difficult, so his eyes would kind of slide down to chest area, and a lot of women found that offensive.

So the employer talked to him, and he disclosed that he had autism and he had difficulty making eye contact, sustaining eye contact. So the employer's like, "Okay, let's work on this. What do we need to do?" And so they got somebody to work with him to help him learn to approximate eye contact by looking at somebody's nose or around their ears, that kind of area so it more approximated eye contact and was more appropriate.

Okay. Next slide, please.

Okay. So we're going to talk about accommodations for hiring, and then we have a section where we're going to take some questions, and then we're going to have a section on accommodations for succeeding in advancing. So in this section, these are the things we're going to talk about here, and I have examples. Fewer interviewers, demonstration of skills, questions provided in advance, instruction sheets or a card, job coach or parent as support, informational interview, and optimal time for interviews.

All right. Next slide, please.

So fewer interviewers. You know, all of us can be nervous in an interview situation. I'll just tell you, I had an interview session where I was in a weird-shaped room, and there were six people and me. It was very intimidating to me. It was the first time I'd ever really kind of felt like that. So a lot of times, if somebody has social anxiety or social skills deficits, it might really be difficult to have a lot of people sitting across the table looking at you when you're trying to think on your feet and answer questions. And it can cause people to freeze up. And so fewer interviewers can be a really nice accommodation.

And the purpose for these accommodations during hiring is you really want the individual to feel comfortable. You want to be able to talk back and forth and get as much information from them as possible so that you know what their experience is, what their skills are, so you can make a good decision about whether they're qualified for the job.

So in this example we have a job applicant for a position in a prison working directly with inmates, and he asked to have the interview questions sent to him so he could submit the answers in writing in lieu of participating in an interview with multiple people.

Well, because the applicant would be working directly with inmates in a counseling position, the employer required the applicant to be interviewed in person so they could assess the skills. to see if he had the adequate skills he needed. But they did provide the accommodations of a two-person interview panel instead of a three-person panel and then provided the questions ahead of time, an hour ahead of time. Due to security reasons, they said they couldn't mail the questions out. But they provided them to the applicant who came in an hour early.

All right. Next slide, please.

So a demonstration of skills. You know, sometimes interview questions are abstract, and do they really relate to the job? A lot of people feel like, "If I could just demonstrate my skills, it would be a lot more helpful. I struggle to answer some of those types of questions, and I feel it really doesn't give the employer the best information about my abilities."

So in this situation we have Syd, who was interviewing for the job of a camera operator and was asked a lot of abstract questions during the interview that he considered irrelevant to the skill level and qualifications for the job. He asked if he could instead show the interviewer, the employer, his skills at using the camera.

Well, he reported that the interviewer was a bit taken aback at first but agreed that the demonstration of camera skills made a lot more sense than some of those questions did. So they put the interview on hold for a few minutes while they determined if they would be able to make that demonstration happen at the time during this interview. And they were able to do that. And Syd was able to show his skills.

And so, thinking ahead, it might be a good idea to ask if a demonstration of skills, when that's appropriate, would be possible before going to the interview. Saying, "Hey, I think this would be a really good -- in addition to the questions or instead of some of those questions, could I show my skills?" And that would help the employer to be prepared for that and maybe not put them in an awkward position. And for employers, if they can make that happen, quickly, even with a little notice, they'll get a much better idea of the skill level of the applicant.

All right. Next slide, please.

So here we're going to talk about providing questions in advance. And a lot of people with disabilities who are neurodiverse may have trouble thinking on their feet, especially if they're in a situation that is exacerbating their anxiety, and so having questions in advance could be very helpful to them.

Here is Hailey applying for a job and finds herself having difficulty when the interview questions require abstract thinking of scenarios she can recall from past employment experiences. She reached out to JAN, and we discussed different some different ideas of accommodations that she could request.

For example, a list of interview questions ahead of time and then also asking for some extended time during the interview in order to process the information. She just needed to think about those things. Even if she had questions in advance, she probably would need to think about those when asked in that type of situation. And JAN also suggested taking time to practice basic interviewing questions and techniques. You can find a lot of basic sample interview questions online, and the more you can practice those -- Not so that you have a set answer, but the more you practice the more comfortable you'd be with those questions that come up.

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So here we have an instruction sheet or a note card. Some people will take their resume with them to help them remember. So this job applicant, Sylvia, is a programmer, and she talked about she tends to tell too much information about herself and her love for computer languages.

She had called JAN after she had had an interview, and she said when they said, "Tell us about yourself," she said, "I went on about my love of this and that language," and she said, "I could see the interviewer's eyes just kind of glassing over, and I knew I'd said too much. And it was too late to pull all that back in, so I learned from that. I don't need to do that, but how can I kind of limit myself?"

So we talked about how she could write a brief biography about herself that included limited information about her education, her experience with programming, that she carries with her to refer to during interviews so then she doesn't get too wordy or off track. She did mention, "What if an employer says something about that?" And I said, "Well, you can just say, 'Hey, it's just a little card to help me with 'information that I feel's really pertinent. 'I want to be prepared to provide you with the best information that I can.'" That's that example.

All right. Let's go to the next slide, please.

So here we have job coach or parent as support. Job coach or a parent as a support can be very helpful to individuals. Again, they're in a new situation.

This example talks about Matthew. He's a candidate for a new job. He asked that his dad be allowed to support him in the interview. Not as a mouthpiece, but to help him feel more comfortable in an unfamiliar situation and location, so that he can respond in ways that better communicate his knowledge and experience. There's a lot of anxiety that goes right along with autism and other conditions that can be considered neurodiverse. And so, people being in an interview situation with an unfamiliar person and an unfamiliar location can exacerbate that anxiety, and having somebody with them just as moral support could be very helpful to them in providing that information to the employer. And this is just one example of the type of situations that we get.

And the employer responded no to the candidate, because they don't allow outsiders to take part. Sometimes employers will say, "We don't allow outsiders in any kind of meeting, disciplinary meeting, performance review meeting. We don't allow outsiders in." I'm always asking, "Why?" You know, "Why do you not do it?" If it's helpful to the employee, let's look at that. Let's consider doing that, because you want to do what's best for the employee to get the best out of a disciplinary situation or an evaluation or an interview.

So this employer called JAN and asked for practical guidance on why they might want to allow a support person or a job coach to attend an interview, and we talked about that. How helpful it could be to the employee, and they can set guidelines for what the job coach or parent's going to do. They're not going to be speaking. They're not going to be answering the questions. And after talking to the employer, talking through the situation, they said, "You know, we think we're going to call back and talk to this applicant and see if he would like to schedule an interview where he could bring his father in." And so it can be a really helpful accommodation. It may not work for everyone, but if it's something that is needed, it could be really helpful to help a person better communicate.

All right. Next slide, please.

Here we have an informational interview. Not all employers will schedule informational interviews, but I think they should be open to the practice if it's requested, as it's not only useful to the employee or the candidate but also for the employer.

So, in this example, in order to help him analyze the work environment, Joshua asked for an informational interview by phone to help him determine if the job might be a good fit before he went any further in the process. He wanted to find out what the environment was like. Is it a big open space? Because I don't do well in that kind of a space. What are the job duties? How many people are going to be involved? Am I going to be working on a team? Those kind of questions.

And I'm going to say this again. I think I've said it over and over, but any accommodation that can help ease stress and allow candidates to be more at ease and present themselves more thoroughly is going to be a really good step in the interview process and should be welcomed by the employer, but if it's not something that they've ever tried, hey, let's go with this. Let's try it and see how this might work. Another point is that it's also a great first step to help the candidate gain confidence and establish rapport before an in-person meet is required. And too, if the candidate decides it's not a good job fit, this is not something they're interested in, then the employer's only lost time in the phone call. They haven't lost time in a whole interview. So that could be a plus.

All right. Next slide, please.

Optimal time for an interview. You may not really think that this is even something to think about, but there are people who are better equipped mentally at certain times of the day, and they might really need an appointment for an interview.

In this example I'll show you exactly why. Here's a school psychologist, who is interviewing for a new position, prefers an early-morning appointment where he can best represent himself as he has more energy and concentration at that time of the day. If given the choice of several appointment times, he may not have to disclose his disability at this early stage and request an early time slot. So if people are given a wide range of appointment times, then they can select what time is best for them. This candidate happens to be early in the morning. Some people it's later in the day, and so if given an early appointment, that might not be best for them, and they think, "Wow, I'm not at my best, my brain's not working at its optimal level early in the morning, I really need a later appointment." And another thing to think about, too, is that there are many people with disabilities who depend on public transportation and may have difficulty getting to an interview site at a single specified time. And so it's always good if there's a range of times that somebody can come in when it's convenient for them.

All right. Next slide, please.

## [Questions #1]

Okay. Questions?

**TRACIE DeFREITAS:**

We do have a few questions to get into here. Let me see here. This one, to start off, is sort of a two-part question. As the employer, what should we do if the employee asks for an accommodation during the interview? Okay? So that's part one. And part two, can we or should we ask for medical documentation like we would in other situations?

**MELANIE WHETZEL:**

Okay. All right. That's a really good question. A lot of times it will come up at the interview. People don't know ahead of time, maybe until they get there, that they're going to need an accommodation. They don't know what's involved in the interview. They never thought about it until they get in there. So if possible, you can provide an accommodation to someone at that time, we would say go for that. Because again, you want to be as cooperative as possible. You want to make the best faith effort to accommodate and get the best from that candidate so you can see if they're really qualified for that job or not.

You know, according to the EEOC, you can require medical documentation before you accommodate someone but in a situation like this, would it be possible to just forgo that medical documentation? Talk to the person. Say, "Okay. What is the accommodation you need? Let's talk about that. And why do you need that?" If it's possible to provide that during that interview, that's a great idea. Then you don't have to reschedule and have the person come back, which may be difficult. If it's something that's -- You could require medical documentation if you really wanted to be sure that somebody has a disability. There are employers who will say to us, you know, "If it's a quick and easy accommodation and it doesn't cost much, we just do that without medical documentation across the board, because we want to have -- we want to do what's best for our employees and job candidates. If it's something more involved and more expensive, then we're going to request medical documentation." But I think if you can work that out during the interview process without having medical documentation, that would be a good step.

**TRACIE DeFREITAS:**

Some really good advice, there, Melanie. I think too it gets us beyond that sort of compliance. We're really just focused on "Can we provide these accommodations so that this person can have a successful hiring process?"

Here is another one. Can you explain how giving out interview questions ahead of time would not give the candidate an unfair advantage? I feel like we get this question a lot.

**MELANIE WHETZEL:**

We do. We do. A couple things. I'm going to say if the questions are directly related to the job and it's a business need for somebody to be able to answer quickly on their feet and that's related to the job, then you wouldn't have to do that. Because you would want to assess that person quickly -- How quickly can they answer a question if that's going to be their job. If that's not part of their job, is it really going to make a difference? A lot of those questions that the interviewers ask are abstract in nature. And if they're asking questions about somebody's experience and their past, "What's a good example of something that you did in the past?" Is it really going to make a difference whether they've had time to think about that or not?

I don't think it's an unfair advantage when you're talking about individuals who have a disability who may not be able to think on their feet, who may be in a situation where thinking on their feet is more difficult because of the disability and the anxiety around the situation. So again, I don't think that that gives a candidate an unfair advantage.

If there are certain questions that you really feel would give somebody an unfair advantage, you wouldn't have to provide all of them. You can provide some of them. You could determine, "Well, we're not going to give them three weeks to work on the questions, but we're going to give them two days or an hour ahead of time so at least they have a little bit of time to think about it," and you can look at it that way.

**TRACIE DeFREITAS:**

Okay. Very good. I'm going to throw one more out here, and then we'll go back -- we'll jump back into the content, because this is around the interview questions. So this question is about how would an employer determine if an applicant is making a bona fide request for the interview questions in advance of the interview? How do we know this is someone who has a disability who really is genuinely asking for those questions versus someone who maybe is just trying to get ahead a little bit?

**MELANIE WHETZEL:**

Well, I would say you can ask them. "Why is it that you're requesting these questions ahead of time? Why would you need those?" You know, "Is it difficult for you to come in here and answer them -- you know -- during the interview process?" And kind of go that route and see what they say. They may not want to say they have a disability, you know, because people just don't want to do that in the beginning, because they're afraid they will be discriminated against. But if they don't disclose anything and you have no idea why they're asking for that that's related to any kind of medical condition or something, you can make that decision, "Well, we're not really going to do that since we don't really know." But I think, again, it goes back to that case-by-case basis. After having that conversation with the person, can you tell by the way they communicate or anything that it really would be helpful for them to have that information ahead of time.

**TRACIE DeFREITAS:**

All right. That's great. We do have an Employer's Practical Guide to the Accommodation Process During Hiring. That might be helpful to anyone who's interested in more information around those topics too. All right, Melanie. I'm going to turn it back to you.

**MELANIE WHETZEL:**

Okay. All right. Next slide, please.

## [Succeeding and Advancement]

Now we're going to talk here about succeeding and advancement accommodations. Mentoring, support animals, working remotely, job restructuring, modifying policies, modified schedules, reassignment, Employee Assistance Programs or EAP, ensuring continuous feedback from the manager, and ensuring the opportunities to participate in training.

All right. Next slide, please.

So here I talked a little before about job coach/support person. Add mentor to it right now. You know, this type of support can be very helpful in learning about the workplace culture. There are a lot of hidden rules. I'm trying to think of another word. Hidden curriculum or something, they sometimes say. It's often difficult for employees who are neurodiverse to understand and maneuver through some of those things, and so having a mentor, a support person, could be very helpful to somebody, especially in the beginning of the job.

In this example, Milly had a successful history of working in retail but was returning to work after being out for many years due to her disability. She requested a job coach as she found her social skills were lacking, not only due to her disability but also because she'd been at home for so long. And so her employer saw no problem in providing a job coach, and once Milly had successfully acclimated to the job, the employer provided a mentor who would then be available to guide and answer her questions, much like the job coach had done. And Milly was thrilled when a much younger woman who excelled at her job welcomed the chance to mentor her.

I just want to say for a minute here, a colleague and I were at a conference where they were big on mentoring and job coaches. And there was a man who had his own business who got up and talked about how they had mentoring every day in their workplace. He said, "We don't do formal training. People just rise up to it." And what he said always stuck with me, because he said, "If you're just working and you're not mentoring somebody, you're just working. You're missing out on so much. There's always somebody that can be mentored, because people who have been there longer, who are older, who are more experienced, have so much to add to someone else's career." And I just -- I think it's a really good practice.

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So here we have support animal. We get a lot of questions about service animals, support animals. "Do we have to allow a support animal in the workplace?" And at JAN, we say you want to consider just like you would any other accommodation. Go through the process and see if it's possible.

In this example, Jules requested to bring her new support animal to the office to help with the stress associated with her recent promotion to a new division with more advanced job duties, procedures, and new coworkers. And you can imagine what that's like. You go to a whole new place; you meet new people. It can be very stressful. And for somebody with a disability, it could be more so. And having that support animal with them might be really helpful to assist her in performing at a higher level.

At JAN, we talk a lot about trial -- temporary or trial accommodations, and this would be a really good example of when you could try a support animal to see if it's going to be effective in the workplace. Set some parameters. "Hey, here's what we're going to do. Let's try it and see."

All right. Next slide, please.

Working remotely. This is a big thing now for everybody to work remotely. A lot of employers, it's not possible to work remotely, or they're very hesitant to allow people to work remotely because of the nature of the job. But any accommodation that can allow an employee to work from home or another remote location, even on a trial or temporary basis -- there it comes up again -- can be highly successful, even if it wasn't what was customary in certain positions or for certain levels of employees.

So in this example we have Jack, who is a reporter who had difficulty with sensory overload while working in a crowded, busy, noisy and very bright newsroom. All things that would be very difficult for someone with sensory issues. So he asked for an accommodation of working from home when he was on a deadline so that he could concentrate more. At home he could control his environment.

And the employer was really concerned about the employee's isolation from his coworkers as well as his distance from the downtown area where most of the news occurred but offered that trial accommodation contingent upon his ability to get to the scene of breaking news quickly. And the accommodation was so highly successful after a time period that the employer decided to provide telework on a long-term basis for Jack even though they didn't provide it for other people.

All right. Next slide, please.

Job restructuring. Okay. Job restructuring can allow -- First of all, an employer doesn't have to remove the essential functions. They can. They can go above and beyond the ADA, but they are not required to remove essential functions. They can look at how and when those functions are done, but they can remove marginal functions if that would give somebody more time, more energy to do the essential functions. But helping -- restructuring a job for a new employee might really help them to become proficient in areas of the essential functions where they need to.

So in this example, an employer requires that all employees work a rotating schedule, which included time at a customer service window. Becker, an employee with autism and social anxiety, asked to be excused from the window duty because of difficulty interacting with strangers.

Well the employer denied Becker's request, stating that rotating to all positions is an essential function. But the process doesn't stop there, and the employer continued in the interactive process. They wanted to find out what it was about the window that was causing difficulty for Becker. What is it? How do we help you so that you're able to work at the window?

Some ideas that they considered included having more information available to Becker in a notebook that was organized for him so he could find the answers, the resources he needed to answer customer questions, maybe color-coded so it could be easier located, when he was flustered especially. And they also thought about working with a mentor who was experienced and was at ease working at the window so Becker could learn from her. And then it was recommended that they look at can you put him at the window when it's the least busy? When there are the fewest people there? What times of the day is it less busy so he that could kind of get the hang of things and learn kind of gradually so it's not crazy with people backed up to make him maybe more anxious. At least do that until he felt more adept at the tasks involved at the window.

All right. Next slide, please.

Okay. So modifying policies. Under the ADA, employers can modify policies for someone with a disability. even if they don't do that for others.

So let's look at this example. Lea became overly stressed when asked questions by her coworkers that she felt pressured to answer. She often reacted with anger, usually slamming her fist on the desk and shouting for others to leave her alone. After being pulled into a second disciplinary meeting with her supervisor, she disclosed and asked for assistance in handling stress levels at work.

After talking about "What is going on? What's causing this? How do we help?" the employer instituted a new policy for handling inquiries. Instead of coworkers coming to her cubicle to ask her questions, they would be required to email her. She would then respond with an answer or a reply that she needed more time to find the answer. And this greatly reduced her feelings of being overwhelmed and enabled her to respond more appropriately to her coworkers.

And the bonus here was then that the employer now had the documentation of the issues, the problems. They were coming in in writing, and then they had in writing going back out what the problem -- how the problem was resolved and how long it took when that was resolved. So the employer was really pleased with that accommodation, because it not only helped Lea, it helped them.

Okay. Next slide, please.

Modifying schedules. That's one of the biggest accommodations I think we are asked about on our team. Schedule modification can be anything, really, that helps the employee that doesn't create a hardship and is doable or reasonable for the employer. It can be working four ten-hour days. It can be having a Wednesday off for rest and recuperation in the middle of the week. It can be adjusting arrival and departure times. It can be having shorter but more frequent breaks or taking all your breaks and lunch put together for a longer period so you can lie down and have a nap or, you know, take a walk. Anything that involves your schedule may be doable. It depends on the job.

In this example, we have Nigel. He's a case manager who had difficulty getting his required documentation completed. He works in a cubicle in a noisy area that limits his ability to focus and concentrate. With no private space available, he feels a change in the set office hours may help. So he talks to his supervisor, and the supervisor agreed that the office is hectic when it's fully staffed, so she approved a schedule change of working two hours early, not only before his coworkers' arrival but also when he has the most mental acuity and ability to focus.

Now for Nigel it was two hours early in the morning. It may not be that for everyone. Somebody else may want to work from 5-7 after everybody's gone, because that's when they are at their best, mentally. So that's why it's important for employers to have a full conversation with an employee and work with them to find out what's best for them.

All right. Next slide, please.

All right. Here we have a request for reassignment. And you know, reassignment's usually considered accommodation of last resort. It doesn't have to be if everybody agrees that that's the thing to do. An employer looks for an open position that the employee is qualified for. So in this example, the employee had communication issues related to her disability, and she had difficulty getting along with her supervisor, so she requested reassignment. The employer asked JAN how to determine if this would be the best solution.

Although reassignment is a form of accommodation, changing a supervisor is not. There's nothing that says you can't go above and beyond the ADA and change a supervisor, and sometimes that really may be the best thing. But we talk about let's look at a supervisory method. Let's look about specifically what are those difficulties? What difficulties is she having with her supervisor and the communication? What difficulties is she having? What's she saying the difficulty is with the way the supervisor communicates with her or interacts with her? You want to have those specifics, because you don't want to reassign an employee to a new position with a new supervisor if you don't know what those issues are, because you don't want that same situation repeating itself. And so you want to make sure that you've handled the communication issues, accommodated that to see if that would work. Modify supervisory method, maybe, before you move on to a whole new situation.

All right. Next slide, please. Okay.

This is about employee assistance programs or EAP. and this is a very interesting example. JJ had difficulty handling change -- we talked about that, I think, twice -- in the workplace. So he punched his arm through a wall several times when he hadn’t been warned ahead of time that adjustments would need to be made. Very serious issue. His employer was thinking, "We probably could terminate him for this, but he's a good employee otherwise, and we'd really like to keep him."

So when they had a talk about it, JJ asked for written notification of changes at least 24 hours in advance. The employer agreed to provide advance notice of changes in writing when possible, but it's not always going to be in a 24-hour time frame. But they also talked about working with JJ to help him modify his reactions when he needed to transition quickly to a new task or a new situation. The employer strongly recommended that he be evaluated through their EAP program, which was free to him, at no cost, and possibly attend anger management sessions.

The advantages of an employee assistance program can be really beneficial to employees. They can have so many free sessions; they can refer on to services in the community -- vital support services and resources in the community.

All right. Next slide, please.

All right. Ensuring continuous feedback from the manager. That's not every minute. We hear people ask a request for "I need written instructions for every single thing I need to do." That's not going to be reasonable. But having a manager monitor accommodations, monitor progress, it can be very helpful to an employee so they don't get too far behind.

So in this example, Ty was very skilled at resolving IT problems, but he had difficulty with organization, remembering multiple tasks and information gained in meetings. As he began to take on a lead role, he knew he needed assistance. And so he talked to his supervisor about needing more support from him in order to stay on track while he is going to be promoted and take on that lead role. He's going have unfamiliar tasks, new assignments, he's going to be leading people. And he said, "I think I really thing I'm going to need more help with that."

So, the employer provided an advanced organizer that would help him obtain information from meetings in an organized way, also permitted him to record meetings so that he could go back over that information. And the purpose of the advanced organizer is if you write those things as quickly as you can or in small -- you already have things on the page. You just have to add brief notes. There's actual -- What do I want to say? It actually helps your memory to process that information when you write it rather than just hear it on the recorder. So they had both ways to help him. His supervisor agreed to send information about tasks and assignments through email and then to meet with him on Mondays and Fridays, at least initially, to make sure that he was staying on track.

Okay. Next slide, please.

This is our last example here. Ensure opportunities to participate in training. This would be opportunities to participate the way that's best for the employee. Not just, "Hey, we're throwing you into training." But if an employee needs training in a different way, needs alternate materials, whatever is going to work for them to help them get the most benefit from that training, that's what the employer really needs to consider.

And in this example, the employee requested the ability to participate in the upcoming mandatory in-person training sessions from home, as being in a large group is difficult for him and hampers his ability to pay attention and learn. The employer really had to think this over, because it's like, "Well, it's mandatory that you be in person."

And again, this is where that modified policy can come in. Can you modify that policy for somebody with a disability who's saying, "I'm not going get much from that training, because I'm not going to be able to concentrate. If I were at home or in another location where it's quiet, I can control my environment and I can concentrate, I'm really going to get a lot more from that training." It's in a controlled way that works for the employee. So it really needs to be what's effective for the employee.

Again, that's one of the reasons why it's really important to have that thorough conversation with the employee to find out what's going to happen that would be best. Not just saying, "Hey, we think this'll work. Here's what we're going to do." Employers may want to try that, and they may think that they know, and maybe they do in some cases, but they really want to check with the employer to find out -- or the employee, I'm sorry -- to find out, "What's going to work best for you in the situation, and can we make that work?"

All right. Next slide, please.

Okay. These are resources where our information was taken from. A to Z of disabilities and accommodations. "Accommodation and Compliance Series: Autism Spectrum," and then the EEOC guidance, "Applying Performance and Conduct Standards to Employees with Disabilities." And then we have our questions slide.

## [Questions #2]

**TRACIE DeFREITAS:**

We do have some questions here. Melanie, you offered so many great ideas, really real-life practical solutions that I think are going to be very helpful to our attendees today. So let's see here.

What steps should an employer take if they suspect that the reason an employee who's is having a good bit of difficulty on the job has autism, but the employee hasn't disclosed anything yet? What would you suggest?

**MELANIE WHETZEL:**

You know, we get this question a lot, or they might suspect that somebody has a mental health condition. What you want to do is just follow through with performance or conduct. Don't mention disability. Ask, "We noticed you're having difficulty with this or you're having difficulty with that. How do we help you?"

You want to let the employee know that they're having difficulty, first of all, because sometimes with cognitive and neurological disabilities, people aren't really sure because of the limitations that they have. Sometimes they're not really sure if they're doing all their job. They might think they are or they're not, or they might not understand the whole scope. And it may be at different times when their condition is exacerbated. So it's really good for the employer to bring that to the employee's attention so the employee knows, "Hey, I didn't realize I was having problems in these areas, and here's why. Because I have autism. I was just diagnosed, and I'm having some difficulties." If you approach it that way, it gives the employee the opportunity to disclose.

Then you can ask questions. You can get medical documentation if you feel that's necessary. And you can look at accommodations. But you can always ask, "How do we help you? What are some ways that we can help you get your performance up?" Or bring to mind if their conduct is becoming a problem, "Here's what we're seeing, and we'd like to talk to you about that." In a friendly way that puts the employee at ease so they feel free to discuss that and disclose.

**TRACIE DeFREITAS:**

Okay. Very good. There are questions here around remote work. I'm going to -- Let's see here.

So can you share your thoughts about request for remote work when the work can be done remotely, but the workplace wants a culture of working in person. I think this is a thing we're hearing a lot more about that now with people returning to the workplace.

**MELANIE WHETZEL:**

And I think that's fine for most people, but there are a lot of people with disabilities who really can flourish and work much better when they're not around people. And I think that's one of those things that employers need to look at is that modified policy. "This is what we want. But we really need to consider what's best for the employee and his productivity or her productivity." Because to me that's what it really comes down to.

If we're going to force them to come to the office, they're going to be nervous and upset being around people. They're not going to be as productive. Sometimes we even hear people have to increase medication because of their anxiety, because now they're going back to the office. And I don't think that's going to be a good thing for anybody.

So I think suggesting, "Hey, let's leave you at home. Let's allow you to work from home if the job can be done from home." Can they do Zoom? Can they make phone calls? Can they do emails, messaging, whatever to keep in touch with people? Do they really have to be in the office? And looking, I think, at that productivity. If they're going to be more comfortable and productive at home, then let's go with that.

**TRACIE DeFREITAS:**

Okay. Here's another related. What steps should an employee take if they need to work from home due to sensory sensitivities, so, for example, to clothing. that might limit their functioning working in person. but they're being denied the opportunity to work from home. Any suggestions for how to handle that?

**MELANIE WHETZEL:**

I think making sure the employer understands why you're asking for that. We get a lot of questions about that, and I think the main thing is for the employer to have a thorough understanding of why you're asking for that. Because at this point we understand most everybody that has worked from home seems to want to continue to work from home. So employers are trying to weed out who needs to, who doesn't, who just wants to, who needs to because of a disability. And that's sometimes why they're saying, "Everybody comes back. It's just easier that way." So I think making sure that they truly understand why it's going to be best for you to work from home, what those limitations are. If you haven't done that, make sure you do that.

**TRACIE DeFREITAS:**

Okay. This is a follow-up to a question that you answered earlier. So you had mentioned that, you know, we shouldn't make -- let's see here.

You said it should not be based on perceived limitations. So an employer perceiving someone's limitations. What should an employer do if an employee refuses to acknowledge the limitations and thinks it's everyone else who's to blame?

**MELANIE WHETZEL:**

Oh, that's a tough one. I think holding them strictly to their performance and conduct standards. "Here's what we're seeing. Here's what you're not doing. Here's the issue." Have documentation of that. Give examples. "Here's what we need you to do. And don't go there. We're talking about you." And I was a teacher, so I think I have some experience with students who, you know, everything was always someone else's fault. They couldn't get their homework done or whatever. Couldn't study for a test. But you have to hold that person responsible. "Here's the issue: Here's what we're seeing. Here's what you're not doing. Or here is what you are doing that we don't want you doing. Here's how we're going to work on this going forward."

I think just being really firm about that and not going to that place with the employee that it's someone else's fault or it's based on something else. If there are things that are valid, then those need to be addressed. But otherwise that employee needs to be responsible for their own productivity or conduct and make up a plan. "Here's what we're going to do, and we're going to stick with this. If you need help, let us know. If you need accommodations" -- Well, you don't want to say that if there's no disability or you don't know if a disability's involved -- "how do we help you meet this? Because you're responsible for meeting this."

## [Conclusion]

**TRACIE DeFREITAS:**

These are really good questions, and I'm sure people have many, many more, but unfortunately we don't have a whole lot of time left. So I'm going to go ahead and say thank you to Melanie for sharing all of this great information. It's incredibly useful, and we appreciate your time and your expertise with all of this. I am going to go ahead and move to wrapping up our session today.

To everyone who joined us, thank you for attending "Accommodation Solutions for Neurodivergent Workers." We hope you enjoyed it. Don't forget to register for the next JAN webcast, "Accommodation Solutions for Fine Motor Limitations," on Thursday, May 11, at 2:00 eastern. You can go to the JAN training page at AskJAN.org to register.

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