


The Rehabilitation Professional's Role in the Accommodation Process


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1

Rehab Professional's Role



Topics:

- Interactive process under the Americans with Disabilities Act (ADA).
- Practical tips for helping ensure that clients receive the accommodations they need.
- Real life accommodation examples.
- Resources for rehabilitation professionals and clients.

2

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What is JAN?

- Free
- Confidential
- Resource For:
 - Job Accommodations
 - ADA and Related Laws




3

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Who Uses JAN?

- Anyone
- Mostly:
 - Employers
 - Employees with Disabilities
 - Service Providers





4

4

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How Do You Contact JAN?

- Toll-free Phone Call
- Electronically:
 - Email, Chat, Text, Skype
 - Website at AskJAN.org





5

5

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What is the Interactive Process?

- Simply means that employers and individuals with disabilities who request accommodations work together to come up with accommodations.





6

6

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Interactive Process




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7

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Step 1

Employer: Recognizing an Accommodation Request
Rehab Professional: Helping a Client Make an Accommodation Request



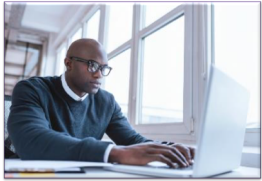
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8

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ADA Rules:

- Can use plain English.
- Don't have to put in writing.
- Don't have to use legal terms.
- Just have to say there is a problem related to a medical condition.




 9


9

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Practical Tips:

- Encourage the client to make a written request.
- Be clear about why the request is being made.
- Use legal terms.
- Don't lock into just one option.



 10


10

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Example

One of your clients recently had a job interview. He has autism and poor social skills and did not do well in the interview. He wants to schedule another interview and take his job coach with him. He comes to you for advice about whether he must tell the employer about the job coach before the job interview.

What would you advise?

 11


11

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Example

After a job offer is made, the new hire tells the employer that she will need to take half a day off each week for two months for follow up treatment for cancer. The employer is angry that the new hire didn't bring this up in the job interview and is threatening to rescind the offer. The new hire is one of your clients and comes to you for advice.

What would you advise?


 12


12

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A Word About Disclosure

- It's a personal decision, BUT...




 13

13


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Resources:

- Interactive Process at <https://askjan.org/topics/interactive.cfm>
- How to Request an Accommodation: Accommodation Form Letter at <https://askjan.org/articles/accommrequestltr.cfm>
- Disclosure at <https://askjan.org/topics/Disability-Disclosure.cfm>
- Taking a Service Animal to a Job Interview Public Access or Reasonable Accommodation? at <https://askjan.org/articles/Taking-a-Service-Animal-to-a-Job-Interview-Public-Access-or-Reasonable-Accommodation.cfm>

 14


14


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Step 2


Employer: Gathering Information

Rehab Professional: Providing Information and Helping a Client Understand ADA Rules




 15


15

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ADA Rules:

- Employers can require documentation of disability and need for accommodation.
- Exception: when obvious or already documented.
- Documentation can come from "appropriate" health care or rehab professional.




 16


16

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Practical Tips:

- Consider providing documentation with the accommodation request.
- Don't provide more information than needed.
- Try being general if the client doesn't want to disclose a specific diagnosis.
- Question an employer who asks for too much.



 17


17

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Example

A client with bipolar disorder has requested a private workspace to help with brain fog related to her medication. In response, the employer asks for medical documentation, including her diagnosis, the medication she's taking, and what other treatment she has. She comes to you for advice.

What would you advise?

 18


18

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Example

One of your clients has been on FMLA leave, which is running out. He asked for more leave as an accommodation under the ADA. In response, his employer gave him a form to have his doctor fill out. Your client says his doctor already filled out papers for FMLA and asks you if he must also have the ADA papers filled out and if so, whether you can fill them out.

What would you advise?


 19


19

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A Word About Medical Documentation:

- There are rules, BUT...




 20

20


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Resources:


- Practical Guidance for Medical Professionals: Providing Sufficient Medical Documentation in Support of a Patient's Accommodation Request at <https://askjan.org/articles/EAPS/upload/medprofessionseap.doc>
- Medical Inquiry in Response to an Accommodation Request at <https://askjan.org/articles/EAPS/upload/MedicalDocumentationinResponsetoRAEAP.doc>
- Medical Exams and Inquiries at <https://askjan.org/topics/medexinq.cfm>


 21

21


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Step 3
Employer: Exploring Accommodation Options
Rehab Professional: Offering Ideas



 22

22

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ADA Rules:

- Employer and employee are supposed to work together to come up with ideas.
- If neither has ideas, the employer is supposed to research ideas.




 23


23

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Practical Tips:

- Help the client come up with ideas to offer the employer.
- Explain how the accommodation will help the client perform the job.
- Use JAN!



 24


24

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Example

An employee has fragrance sensitivity and works in an open office. She asked for a private office, but the employer said they were all taken by managers. Her job requires her to be in the office. She has been missing a lot of work due to flare ups from exposure to fragrances. She comes to you for help.

What would you advise?

 25


25

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Example

The doctor of an employee with a back condition provided a note saying the employee needs light duty. His employer said there weren't any light duty jobs and placed him on leave. He comes to you for help because he really needs to return to work.

What would you advise?


 26


26

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A Word About Offering Ideas:

- Offer concrete ideas, BUT...




 27

27


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Resources:

- JAN at <https://askjan.org>
- JAN's A to Z pages at <https://askjan.org/a-to-z.cfm> (by disability, limitation, work function, topic, and accommodation)
- Assistive Technology Projects at <https://askjan.org/concerns/State-Assistive-Technology-Projects.cfm>


 28


28

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Step 4

Employer: Choosing an Accommodation
Rehab Professional: Encouraging a Client to be Flexible




 29


29

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ADA Rules:

- An employer gets to choose among effective options.
- If an employee turns down a valid accommodation offer, that's the end.





 30

30

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Practical Tips:

- Help the client understand the employer's right to choose.
- Encourage the client to try out an accommodation.
- Or, help the client explain why a certain accommodation won't work.
- Help explain why the client's preferred accommodation is best.

31


31

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Example


An employee with ADD and social anxiety has requested to telework full time because of workplace distractions and the stress of being around people. Her employer says they will give her a private office instead. The employee comes to you for help because she wants to telework.

What would you advise?



32


32

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Example


An employee with diabetes recently acquired a service animal to help detect low blood sugar in addition to using a glucose monitor. His employer denies his request to use the service animal at work, but offers to give him a private area to check his glucose. He comes to you for help.

What would you advise?




33


33

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A Word About Power Struggles:

- The client has rights, BUT...




 34

34

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Resources:

- Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA at <https://www.eeoc.gov/policy/docs/accommodation.html>
- Temporary or Trial Accommodations at <https://askjan.org/topics/Temporary-Accommodations.cfm>

 35

35

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Step 5

Employer: Implementing the Accommodation
Rehab Professional: Offering to Help Implement




 36


36

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ADA Rules:

- Employers must make sure an accommodation is effective.
- ADA confidentiality: tell only those supervisors/managers who need to know.




 37


37

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Practical Tips:

- Offer to help.
- Offer training when appropriate.
- Help the client educate the workplace if needed.
- Follow up with the client.



 38


38

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Example

You helped one of your clients who uses a wheelchair find a job and helped him make an accommodation request for an evacuation device in the event of an emergency. The employer purchased the device and placed it in a closet near the stairs. The client mentions this to you at a follow up meeting you have with him.

What would you advise?

 39


39

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Example

One of your clients works with your state AT project to find appropriate speech recognition software as an accommodation for his carpal tunnel syndrome. He mentioned the software to his new employer, but the employer has concerns about compatibility with its computer system and training time.

What would you advise?


 40


40

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A Word About Confidentiality:

- There are rules the employer must follow, BUT...




 41

41

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Resources:

- Confidentiality of Medical Information under the ADA at <https://askjan.org/publications/consultants-corner/vol11iss01.cfm>
- A Guide for Coworker Interaction with Service Animals in the Workplace at <https://askjan.org/publications/consultants-corner/Service-Animal-Etiquette.cfm>

 42

42

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Step 6

Employer: Monitoring the Accommodation
Rehab Professional: Monitoring the Accommodation




 43


43

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ADA Rules:

- Employers must maintain accommodations as needed.
- Employers are allowed to change an accommodation when necessary.
- Employers cannot automatically ask for periodic updates of medical documentation.




 44


44

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Practical Tips:

- Encourage your client to let you or the employer know if a problem arises.
- Make sure the client knows that the employer can make changes.
- Help the client respond if the employer asks for new medical documentation.



 45


45

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Example

In a meeting with a client who has MS, she tells you that she is looking for a different job because she has a new supervisor at work who isn't honoring the long time accommodations she has had, which is stressing her and causing flare ups.

What would you advise?


 46


46

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A Word About Changes in the Workplace:

- Change happens, BUT...




 47

47


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Resources:


- Monitoring Reasonable Accommodations at https://askjan.org/articles/EAPS/upload/employment_monitoringEAP.doc
- Out with the Old, In with the New...Supervisor at <https://askjan.org/articles/Out-with-the-Old-and-In-with-the-New-Supervisor.cfm>
- Recertifying the Ongoing Need for Accommodation at <https://askjan.org/articles/Recertifying-the-Ongoing-Need-for-Accommodation.cfm>

 48

48

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 49

49

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Contact:

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- (304)216-8189 via Text
- janconsultants via Skype



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50