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Tools & Techniques to Implement Effective Reasonable Accommodations

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[Job Accommodation Network](#)



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What is JAN?

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



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Who Uses JAN?

- Anyone
- Mostly:
 - Employers
 - Employees with Disabilities



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How Do You Contact JAN?

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



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Conduct & Performance Problems

Situation: A warehouse manager started missing a lot of work and when he was at work, he seemed distracted and somewhat disoriented. While being disciplined for performance problems and for being rude to a customer, he cussed at his supervisor and told her he couldn't help how he was acting because of his bipolar disorder medication.

What would you do?



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Techniques:

- Check your conduct policies
- Make sure they are job related and consistent with business necessity
- Find out whether non-compliance is disability-related
- Consider accommodations moving forward
- Deal with the discipline



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Tools:

- JAN Videos at <https://www.youtube.com/user/JANinformation>
 - Accompanying ppt for videos in subject matter expert drawer <https://askjan.org/toolkit>
- Dealing with Conduct Issues in the Workplace at <https://askjan.org/topics/condandperf.cfm>
- The ADA: Applying Performance and Conduct Standards to Employees with Disabilities at <https://www.eeoc.gov/facts/performance-conduct.html>
- DMEC FMLA/ADA Training for Supervisors and Managers at <http://dmec.org/certification-training/fmla-ada-training-for-supervisors-and-managers>



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Return to Work

Situation: A custodian was on FMLA leave and workers' compensation after a workplace injury to his back. After his FMLA ran out, he used an additional month of leave as an accommodation under the ADA, then requested to return to work part time with a light duty job while working up to full time. The employer is concerned about re-injury and how difficult it might be to accommodate the employee and is considering denying the request until the employee is restriction free.

What would you do?



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Techniques:

- Don't make assumptions
- Get the information you need to make an informed decision
- Consider having a return to work program with modified duty or a "task bank" of duties
- Consider accommodations to return an employee to his regular job



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Tools:

- JAN's Return to Work Page at <https://askjan.org/topics/return.cfm>
- JAN's Interactive Process Page at <https://askjan.org/topics/interactive.cfm>
- White Paper on Task Bank at <https://askjan.org/toolkit/upload/PresagiaTaskBankWhitepaper.pdf>
- Employer-Provided Leave and the Americans with Disabilities Act at <https://www.eeoc.gov/eeoc/publications/ada-leave.cfm>
- Accommodations for Housekeeping/Janitorial Workers with Industrial Injuries at <https://askjan.org/publications/consultants-corner/vol01iss02.cfm>



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Requests for Service Animals

Situation: An insurance agent with anxiety and panic disorder asked to be allowed to bring her emotional support animal, a small dog, to work with her.

What would you do?



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ADA: Definition of Service/Emotional Support Animal

- Public access (Titles II & III)
 - Definition
 - Specific guidelines for access
- Employment (Title I)
 - No definition
 - No specific guidelines



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Service/Emotional Support Animal and Reasonable Accommodation

- Modifying a policy
- Unless undue hardship



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Service/Emotional Support Animal and Documentation

- Health care provider documents disability
- May need to consider other sources regarding the animal



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Techniques:

- Treat a request for a service or emotional support animal the same as any accommodation request
- Remember that documentation may be different
- Consider a demonstration or trial period



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Tools:

- JAN's Service Animal Page at <https://askian.org/topics/servanim.cfm>
- Service Animals and Emotional Support Animals in the Workplace Training Module at <https://askian.org/events/Multimedia-Training-Microsite.cfm>
- Emotional Support Animals in the Workplace: A Practical Approach at <https://askian.org/publications/consultants-corner/vol12iss04.cfm>



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Ongoing Accommodations

Situation: A sales representative had to travel for work to attend meetings with customers. He requested an upgrade on flights longer than 3 hours because of a circulatory condition and the need to stretch his legs. His request was approved, but the next time a long trip came up the employer realized that the medical documentation did not indicate how long the employee would need the accommodation.

What would you do?



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Techniques:

- Get the information you need to understand the situation
- Do not automatically ask for new information every time an ongoing accommodation is needed
- Do not ask for information you do not need



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Tools:

- Annual Requests for Medical Documentation at <https://askjan.org/articles/Annual-Requests-for-Medical-Documentation-and-Long-Term-Accommodations.cfm>
- Recertifying the Ongoing Need for Accommodation at <https://askjan.org/articles/Recertifying-the-Ongoing-Need-for-Accommodation.cfm>
- Medical Inquiry in Response to an Accommodation Request at <https://askjan.org/Forms/upload/medical.doc>
- Disability-Related Inquiries and Medical Examinations of Employees under the ADA at <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>



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Undocumented Accommodations

Situation: A supervisor disclosed to HR that she has been informally accommodating a long time employee who has multiple sclerosis, but she ran out of ideas for accommodating the employee and has basically been doing most of the employee's essential functions. The supervisor can no longer keep up with her own work so sought help from HR.

What would you do?



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Techniques:

- Have a written accommodation policy
- Educate all supervisors and managers about the policy
- Have a method for tracking informal accommodations
- Don't forget about reassignment



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Tools:

- JAN Homepage at <https://askjan.org/>
- JAN Toolkit at <https://askjan.org/toolkit>
- Free MAS App at
 - <https://itunes.apple.com/us/app/mobile-accommodation-solution/id1291959434?mt=8>
 - <https://play.google.com/store/apps/details?id=org.askjan.mobile.android&pcampaignid=MKT-Other-global-all-co-prtnr-py-PartBadge-Mar2515-1>



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Tools:

- JAN Toolkit at <https://askjan.org/toolkit>
 - Recruiters and Hiring Managers
 - Supervisors and Managers
 - Internal Reasonable Accommodation Subject Matter Experts (SME)/Consultants
 - Information Technology Team Members
 - Employees with Disabilities and Their Allies



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Tools:

- Free MAS App
 - Project with IBM – was funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)
 - Easy to use, secure, mobile case management tool
 - Best and emerging accommodation practices and forms embedded within tool;
 - Users
 - Talent management, human resources, employer relations, and/or accommodation staff
 - Employment service providers
 - Applicants and employees with disabilities



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Assistive Technology

Situation: A call center employee with a heart condition asked to take a short break every hour to get up and walk around. Employees needed to access and input information into their computers as they talked to customers, so the employee could not work while walking around. The employer measures productivity by the number of calls an employee handles so the employee was concerned about meeting production standards.

What would you do?



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Techniques:

- Brainstorm ideas with the employee
- Ask the healthcare provider for ideas
- Use outside resources
- Ask JAN!



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Tools:

- JAN Homepage at <https://askjan.org/>
- State AT Projects at <https://askjan.org/concerns/State-Assistive-Technology-Projects.cfm>
- State VR at <https://askjan.org/concerns/State-Vocational-Rehabilitation-Agencies.cfm>



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New Supervisors

Situation: A long time supervisor allowed all employees to telework once a week and approved additional telework on a case by case for employees with disabilities. When that supervisor retired, a new supervisor notified employees that no one in her department would be able to telework anymore.

What would you do?



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Techniques:

- Keep track of accommodations
- Train new supervisors
- Tell new supervisors about existing accommodations when necessary
- Do not remove existing accommodations before considering new accommodations





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Tools:

- 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>
- Work At Home/Telework as a Reasonable Accommodation at <https://www.eeoc.gov/facts/telework.html>
- Accommodation Tracking Software at <http://soar.askjan.org/solution/537>
- Sample Accommodation Program Metrics in Subject Matter Expert Drawer of Toolkit <https://askjan.org/toolkit>



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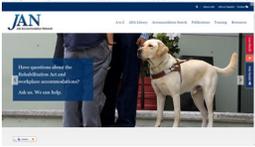


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Contact:

- (800)526-7234 (V) & (877)781-9403 (TTY)
- AskJAN.org & jan@askjan.org
- (304)216-8189 via Text
- janconsultants via Skype



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