

The Employers' Reasonable Accommodation Handbook: Neurodiversity at Work Learner's Guide

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Overview

Opportunities for Ohioans with Disabilities (OOD) supports employers in creating workplaces that are diverse and inclusive of employees with disabilities. One way OOD does this is through providing consultations and training on Title I of the Americans with Disabilities Act (ADA), worksite accessibility, reasonable accommodations, and disability inclusion.

This learner's guide is a reference companion for the webinar titled "Neurodiversity at Work" which is the fourth in the six-part series "The Employers' Reasonable Accommodation Handbook." This educational series will include an overview of various disability groups and address ways to provide effective reasonable accommodations and foster a disability inclusive culture. In this fourth session of the handbook, these topics will be summarized:

- Neurodiversity and Neurodivergence,
- Disability Inclusive Workplace Culture, and
- The Interactive Process and Reasonable Accommodations.

The information included is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Neurodiversity and Neurodivergence

Neurodiversity is the concept that there is natural variation in the human brain and no two individuals are the same. This includes variation in how individuals think, process information, learn, interact, behave, and perceive the world. Neurodivergence refers to variation in the human brain that is outside what society traditionally recognizes as the norm for brain functions. Neurotypical refers to the variation in the human brain that falls within the norm.

According to the Employer Assistance and Resource Network on Disability Inclusion (EARN), 15-20% of the population in the United States (US) is neurodivergent. Some examples of neurodivergence include autism, attention deficit hyperactivity disorder (ADHD), bipolar disorder, dyscalculia, dysgraphia, dyslexia, dyspraxia, epilepsy, intellectual disabilities, obsessive-compulsive disorder, schizophrenia, sensory processing disorders, social anxiety, and Tourette syndrome.

Employers who value the variance in how neurodivergent employees learn, perceive the environment, and process information experience improved creativity, innovative thinking, and problem solving in the workplace. Due to variation in brain function, some individuals may encounter barriers to accessing the hiring process and performing the job. These can be overcome through providing effective reasonable accommodations which will be addressed later in this learner's guide. Each person is unique however, here are common limitations that can be a part of neurodivergent conditions:

- Difficulty with social communication and interaction;
- Challenges with speech and language;
- Difficulties with learning, focus, reading, calculation, following spoken language, memory, being flexible in thinking, and self-control;
- Sensitivity or insensitivity to sensory input such as light, sound, heat, cold, pressure, and crowds;
- Difficulty with motor coordination,
- Physical behaviors such as rocking, expression of tics, blurting, and unexpected shouting; and
- Difficulty adapting to changes and transitions.

Individuals who are neurodivergent may experience some of these symptoms but rarely experience all of them. The degree to which an individual is impacted is unique. Each person's abilities, strengths, and skills are also unique.

ADA Definition of Disability

Individuals who meet the definition of disability according to the ADA and are qualified for the job are eligible to receive protection under Title I from employment discrimination based on disability. The ADA defines a person with a disability as “...a person who has a physical or mental impairment that substantially limits one or more major life activity.”

Major life activities are those daily functions that are important to most individuals and that most individuals in the general population can perform with little or no difficulty. The ADA provides two non-exhaustive lists which include examples of major life activities and major bodily functions. Here are some examples of each:

- Major life activities: learning, reading, thinking, concentrating, interacting with others, speaking, performing manual tasks, and working.
- Major bodily functions: brain, digestive, endocrine, and neurological functions.

The major life activities and major bodily functions substantially limited by neurodivergence will be unique to the individual.

The ADA does not provide an exclusive list of individual diseases, diagnoses, or conditions that qualify as a disability. However, the ADA National Network [resource](#) “The Americans with Disabilities Act Questions and Answers” includes a list of conditions which should “easily be concluded” to be a disability. Here are examples of these conditions: intellectual disability, epilepsy, autism, bipolar disorder, obsessive-compulsive disorder, and schizophrenia.

OOD Resource:

For more information on the ADA’s definition of disability, view “**The Employers’ ADA Handbook – Title I Overview**” on the employer’s page of the OOD [website](#).

Disability-Inclusive Workplace

Employers who wish to hire, retain, and advance individuals with disabilities make efforts to foster a disability-inclusive culture in the workplace. Many of these strategies are the same across disability types. This learner’s guide highlights ways to create a culture that is inclusive of individuals who are neurodivergent by addressing disclosure, generalizations, and disability etiquette.

Disclosure

Under Title I of the ADA, individuals with disabilities can request a reasonable accommodation at any point in the hiring process and during employment, including in response to a low performance rating. To receive a reasonable accommodation, an individual must disclose their disability. Disclosing is a personal choice and can be a difficult and overwhelming decision to make.

There are reasons individuals may choose not to disclose a disability. Here are some examples:

- No accommodation is needed.
- Feelings of shame and that there is something the person is not doing right.
- Fear of not fitting in appropriately.
- Fear of judgment.
- Concern of jeopardizing employment opportunities.
- Previous negative experience disclosing with an employer.

Some people who are neurodivergent report disclosing and requesting an accommodation made them feel more comfortable being themselves at work. Others have reported disclosing their disability allowed them to shift their energy from hiding their condition to applying it to their talent and skills at work.

Fostering a disability-inclusive culture in the workplace may help individuals with disabilities feel comfortable to request a reasonable accommodation if they need one. Here are strategies employers can consider:

- Have a policy or procedures for providing reasonable accommodations,
- Provide training on policies/procedures for all employees at onboarding and annually,
- Know what constitutes a request for an accommodation and make it easy for an individual to request one,
- Post reasonable accommodation statements in key areas in the built and digital work environments,
- Use plain language in training communications and statements,
- Include images of individuals with disabilities in marketing materials and on websites,
- Ensure employee newsletters include topics related to disability,
- Train supervisors to recognize a request for an accommodation and to direct the employee to human resources,
- Be familiar with effective reasonable accommodations and resources for identifying solutions,
- Ask all employees what tools and support they need to work efficiently,
- Consider a variety of needs when creating office and workstation spaces,
- Offer a variety of types of social opportunities and allow employees to select which ones they prefer,
- Provide advance notice of changes and share the reason for the change,
- Educate all employees and managers on neurodiversity and dispel misconceptions,
- Provide disability etiquette and awareness training for all employees, and
- Respect privacy and follow protocols for confidentiality.

Generalizations

Individuals who are neurodivergent have variance in their abilities, limitations, and needs just as all people do and can perform a variety of types of jobs. However, individuals with neurodivergence can be impacted negatively in the hiring process and at work when generalizations are made about their abilities. Here are examples of myths and facts about neurodivergence summarized from Big Think and Medium:

Myths versus Facts

Myth	Fact
Neurodiversity only includes autism.	The term neurodiversity was first created by an Autistic sociologist. The neurodiversity movement expanded over time to include additional neurodivergent conditions such as epilepsy, dyspraxia, and attention deficit hyperactivity disorder.
Individuals who are neurodivergent are all the same.	Neurodiversity explains that all individuals have diverse brains, whether neurotypical or neurodivergent. Each person is unique with abilities and limitations. There is a common saying that states "If you've met one person with autism, you've met one person with autism." This statement can be applied to all people and all disability types.
Neurodivergent individuals are best suited for jobs that include repetitive tasks.	There is not a specific job that is best suited for all individuals who are neurotypical or neurodivergent. Some individuals may enjoy repetitive tasks while others do not. Some individuals who are neurodivergent may be creative and innovative. It is best to

	not assume what job would be best for a person based on disability type.
Individuals who are neurodivergent can't or prefer not to form relationships.	Some neurodivergent individuals have limitations with social interactions and understanding social cues. However, genuine and fulfilling relationships are possible especially when both parties are accepting of each other and their differences.
Neurodivergent individuals have intellectual disabilities.	Some individuals who are neurodivergent may have an intellectual disability and some do not. The limitations an individual may have often involve perception, thought processes, and social limitations, not intelligence. Many neurodivergent individuals have an intelligence quotient in the typical range or higher.
Individuals who are neurodivergent are unlikely to be successful.	The world is customarily set up for neurotypical people which means neurodivergent individuals may need more support than others to be successful. However, neurodivergent individuals can achieve great success and often are more creative, detail-oriented, and focused.
Neurodivergent individuals lack communication skills.	Individuals who are neurodivergent often have limitations with communication skills and have a preferred way of communicating. Some individuals need time to process what they've heard and formulate a response while others may prefer to communicate through writing. It is best to consider the needs and preferences of the individual and remember that social skills can be taught, and accommodations can be made.
Individuals who are neurodivergent should be encouraged to be like their neurotypical peers.	Neurodivergent individuals' brains function differently than neurotypical individuals' brains. The focus should be on accepting the individual and providing accommodations that enable him or her to perform the job and benefit the workplace with their unique talent and skills.

An article on EARN's [website](#) indicates that organizations who have teams that include neurodivergent employees "are often more effective and productive than those that do not." Employers have noticed neurodivergent employees are successful applying their skills to jobs that require attention to detail, inferential reasoning, and have complex processes. This has led some employers to recruit qualified neurodivergent candidates for positions in cyber security, data analysis, and software engineering and testing. Neurodivergent employees can also excel in a variety of types of jobs including jobs focused on communications, social media use, and the design and manufacturing of new products. Organizations that have fostered inclusive and supportive workplace cultures benefit from greater trust and loyalty from employees who are neurodivergent.

Disability Etiquette

Employers who are committed to fostering a disability-inclusive culture and hiring qualified individuals with disabilities often provide disability etiquette training for all employees. This training addresses what disability is, provides general and disability-specific guidelines, and addresses proper language usage. This type of education can help all employees feel more comfortable interacting with colleagues with disabilities. Disability etiquette and awareness training geared toward the interview process can help hiring professionals to feel more comfortable and address any unintentional biases that may impact their hiring decisions.

General Guidelines

- **Show Respect** – People with disabilities are people first. Concentrate on the person and not the disability. Remember to treat people with disabilities as the independent individuals they are.
- **Be Courteous** – Respect people's personal space and any reasonable accommodations they may use.
- **Don't Assume** – Every person, and every disability, is different. Never assume what a person can or can't do. Let the person decide, and if you're unsure, just ask.
- **Ask First** – If a person appears to need assistance, make sure you ask before helping. Acknowledge and respect the person's ability to make decisions and judgments on their own, even if they decline your offer to help.

Guidelines for Interacting with People who are Neurodivergent

- Be direct with your questions.
- Communicate clearly and concisely.
- Avoid jargon and slang terms.
- Be patient and give the person time to respond.
- Remain comfortable with breaks in conversation.
- If you are asked to repeat a question, try to explain it in a different way.
- It may be helpful to write information down or use images.
- Look past the physical symptoms and behaviors and see the unique person inside.
- Ignore repetitive behaviors as you would ignore someone twirling their hair with their fingers.
- Always presume competence.
- Talk to the person, not about the person. Just because a person may have challenges with communicating, does not mean they can't understand what you're saying.
- Don't take it personally if a person responds to you bluntly or makes a frank comment. Respond in a straightforward manner that explains why the response was inappropriate and give them a specific example of a more appropriate response.

Using Appropriate Language

Language can evolve over time to take on a negative connotation that is hurtful and excludes individuals with disabilities. Educating all employees on proper ways to communicate can contribute to fostering an inclusive culture. Here are some tips for inclusive communications:

- Instead of referring to a person as “handicapped,” say “person with a disability.”
- Instead of referring to a person as “normal” or “able-bodied,” say “person without a disability.”
- Instead of referring to environmental features as “handicapped,” say “accessible,” such as accessible parking or entrances.
- Some individuals with disabilities prefer people first language, such as saying “person with autism.” However, in some disability communities, individuals prefer identity first language, such as saying “an autistic person.” The best practice is to ask the person how they prefer to be addressed. When in doubt, use people-first language.
- Avoid using negative words and phrases, such as retarded, dumb, victim, or afflicted.

A best practice is to think of how you would want someone to talk to you and always remember to be respectful.

OOD Resource:

For information on Disability Etiquette and Disability Awareness training, view OOD's on-demand webinar "**Disability Etiquette Training**" on the employer's page of the OOD [website](#).

For information on OOD's no-cost Disability Etiquette and Disability Awareness training for employers, view OOD's "**Disability Education Resources**" on the employer's page of the OOD [website](#).

Interactive Process and Accommodations

Title I of the ADA requires covered employers to provide reasonable accommodations to qualified applicants and employees with disabilities, unless doing so causes an undue hardship. A reasonable accommodation is a change in the hiring process or workplace that removes a barrier and enables an individual with a disability to access equal employment opportunities and participate in work-related activities. Covered employers are required to provide reasonable accommodations in three categories of employment which enable qualified applicants and employees to access the hiring process, perform the job's essential functions, and enjoy the privileges of employment.

Not all individuals who are neurodivergent need a reasonable accommodation at work. When an accommodation is needed, it is unique to the individual, the job, and the work environment. Most accommodations an individual needs come with little to no cost.

Request for Reasonable Accommodation

Providing a reasonable accommodation generally begins with a request from an applicant or employee with a disability. An individual with a disability may request an accommodation at any point in the hiring process or during employment. Here are criteria from the Equal Employment Opportunity Commission (EEOC) of what constitutes a request for a reasonable accommodation:

- Must indicate a request for a change at work related to a medical condition or disability,
- May be communicated in the individual's preferred form of communication, and
- May include plain language that is not required to reference the ADA or use the term "reasonable accommodation."

A request can also come from the individual's family, friend, medical provider, or other representative.

There are times the employer may ask an employee whether a reasonable accommodation is needed even if the employee has not requested one. Guidance from the EEOC indicates employers may ask an individual with a disability if they need an accommodation when all these conditions are met:

- The employer knows the employee has a disability and
- The employer reasonably believes the employee may need a reasonable accommodation at work.

Interactive Process

Upon receiving a request, a covered employer is expected to act quickly and begin the interactive process to identify the need for the accommodation and an effective solution. This training is focused on aspects of the interactive process unique to facilitating the process with a neurodivergent individual.

Documentation

When a disability and/or the need for a reasonable accommodation are not obvious, an employer is permitted to obtain reasonable documentation to verify a disability exists and/or identify the need for the reasonable accommodation.

Neurodivergent conditions are often not obvious.

Some employers choose to create a documentation form that applicants and employees can use to obtain the necessary information from a doctor, psychologist, rehabilitation counselor, occupational or physical therapist, independent living specialist, or other professional with knowledge of the person's functional limitations. An example of a medical inquiry form is available for employers to review on the Job Accommodation Network (JAN) [website](#). This example from JAN may help employers to customize a form that suits their workplace.

Identifying an Effective Reasonable Accommodation

Once the disability has been verified and the need for the reasonable accommodation has been identified, the employer and the individual begin the collaborative interactive process to determine an effective solution.

The interactive process begins with understanding how the disability-related limitation is impacted at work, what barriers are present, and what essential functions of the job are affected. Some activities an individual who is neurodivergent may experience limitations with include thinking, processing information, learning, interacting with others, and perceiving the world. Here are examples of ways this might impact work:

- Difficulty with social communication and interaction;
- Challenges with speech and language;
- Challenges with learning related to difficulties with focus, reading, calculation, following spoken language, memory, being flexible in thinking, and self-control;
- Sensitivity or insensitivity to sensory input such as light, sound, heat, cold, pressure, and crowds;
- Difficulty with motor coordination,
- Physical behaviors such as rocking, expression of tics, blurting, and unexpected shouting; and
- Difficulty adapting to changes and transitions.

Next the employer and the individual explore ideas for effective reasonable accommodations. The best place to start with identifying an effective solution is by asking the employee who made the request – he or she is likely to know what solution will work best. An employer is also permitted to consult the individual's supervisor to discuss essential functions of the job and the work environment to help with identifying an effective solution. An effective reasonable accommodation is always identified on a case-by-case basis as each individual, job, and employer is unique.

It can be helpful for employers to be aware of common types of accommodations available. The EEOC organizes reasonable accommodations into these types:

- Making the work environment accessible,
- Restructuring a job,
- Permitting a flexible schedule,
- Altering or providing equipment or services,
- Altering supervisory methods,
- Modifying policies, and
- Providing reassignment.

Not all modifications and items are considered a form of reasonable accommodation. For example, employers are not required to:

- Eliminate a job's essential functions,
- Lower quality or production standards, or
- Provide personal use items or services.

Covered employers are not required to provide accommodations that cause a direct threat to health or safety or that cause an undue hardship. An undue hardship is an accommodation that is too costly or difficult to implement.

Determining undue hardship requires a case-by-case assessment.

Reasonable Accommodation Examples

Here are examples of reasonable accommodations by type:

- Making the work environment accessible:
 - Relocate the workstation away from an open office space with distractions for an employee with sensory processing needs.
 - Install overhead LED lighting and lighting systems that permit adjustments to brightness for employees who are sensitive to standard lighting.
 - Permit adjustments to thermostats for employees with sensitivity to temperatures, such as intense heat.
 - Provide a fragrance-free environment for employees with sensory processing needs.
- Restructuring a job:
 - Permit telework to avoid sensory sensitivities, reduce social demands, and improve concentration for work tasks.
 - Restructure essential functions to be supported with organized priorities, breaking large tasks into smaller steps, and clear guidelines for timelines.
 - Provide instructions in written, emailed, or recorded format for the employee to reference as needed.
 - Organize written communications by using bullet points instead of long paragraphs and section headers in documents.
- Permitting a flexible schedule:
 - Reduce exposure to distractions like noise by permitting an employee to work flexible hours when fewer people are in the workplace.
 - Permit a later start time to avoid traveling during peak travel times that can be difficult with an employee with sensory processing needs.
 - Provide a modified break schedule to permit the employee to manage their needs during the workday, such as taking a break to call a family member for support or to have a movement break.
- Altering or providing equipment or services:
 - Provide noise-cancelling headphones or earbuds to reduce the distraction of noise in the workplace.
 - Provide a second monitor to improve concentration on work tasks.
 - Provide assistive reading devices or services such as text to speech and screen reading software.
 - Provide speech to text software to assist with organizing thoughts into written documents.
 - Provide services and items to support viewing text on monitors such as screen filters, screen masks, tinting tools, and the ability to control font size, style, and contrast.



- Provide devices and services that support memory such as digital recorders, digital timers, reminder apps on Smart devices, and a whiteboard.
- Provide software and apps that supports literacy such as word prediction, spell checkers, and grammar.
- Provide a mentor to provide guidance with navigating social interactions on the job, performing the job, and/or available resources such as employee benefits.
- Permit the use of a job coach to provide structured training customized to the employee's needs.
- **Altering supervisory methods:**
 - Increase meeting frequency to provide feedback on work tasks.
 - Deliver instructions using plain language that is clear and concise and free of jargon and undefined technical terms.
 - Provide advanced notice of major changes at work, such as schedule changes or upcoming training sessions.
 - Provide meeting agendas in advance to enable an employee to manage stress by being prepared for the meeting.
 - Be prepared to provide information that is delivered in an audio format in a written format for employees with conditions that limit their auditory memory.
- **Modifying policies:**
 - Modify a training policy to provide materials in advance of instruction.
 - Modify a training policy to permit additional time for onboarding to new work tasks.
 - Modify a training policy to permit the use of a job coach or additional training time when learning new tasks.
 - Modify a dress code to permit an employee with a tactile sensitivity to wear an alternative uniform.

Here are examples of reasonable accommodations for the hiring process summarized from JAN and EARN:

- An applicant with autism was invited to interview for a research position he applied for at a chemical company. In the invitation he is advised that the interview will include a panel of three interviewers. The applicant has a limitation with verbal communication but can communicate effectively through handwriting and email. As a reasonable accommodation, the applicant requests to receive the questions in advance and be permitted to provide a written response during the interview.
- An applicant with a sensory processing disorder has received an invitation to interview for a position he applied for. Based on previous interviews, the applicant knows he is distracted by noisy and busy environments. Because the invitation did not describe the interview environment, he requests as a reasonable accommodation to visit the office in advance to help prepare and feel more comfortable with the setting. This visit will also help the applicant to know whether he needs additional accommodations, such as a virtual or remote interview to minimize distractions.

Here are examples of reasonable accommodations for performing the job summarized from JAN:

- An autistic professor experienced anxiety because the timing of student consultations was unpredictable. As a reasonable accommodation, the professor requested to reduce the number of days he is available for consultations but to increase the number of consultations that could be scheduled on these days. In addition, he requested as a reasonable accommodation that students schedule the consult at least one day in advance, when possible, to provide him with advance notice of these meetings.

- A retail employee with attention deficit hyperactivity disorder repeatedly forgot the procedures for cashing out the register which led to inaccurate daily sales reports. As a reasonable accommodation, the employer provided the employee with a numbered checklist that identified each step of the procedure and identified which reports needed to be run from the cash registers. This accommodation benefitted all employees who perform this task.
- A building contractor with dyscalculia experienced difficulties when creating job quotes. This led to the contractor spending additional time checking his work. As a reasonable accommodation, the employer provided the employee with a contractor's calculator to assist with calculations involving fractions, triangles, circles, and area in a more efficient and accurate manner.
- A telemarketer with dyslexia experienced limitations comprehending reading materials for training. Training involved watching a tutorial and then completing timed quizzes on the computer. As a reasonable accommodation, the employer provided the telemarketer with adjustments on the computer screen for color scheme, resolution, and font size which made the material easier to view. The employee was also permitted to review the tutorial again and was provided additional time to complete the quizzes.
- A teacher with dysgraphia has difficulty spelling words on the board in her classroom. As a reasonable accommodation, the employer provided the teacher with a laptop and a projection system that projected written information onto a screen or a wall. The laptop included word prediction software which helped the teacher to display correctly spelled information for students.
- An office worker with Tourette Syndrome experienced vocalizations that disturbed his coworkers. As a reasonable accommodation, he requested to minimize stressors in the work environment to reduce the vocalizations. After identifying the employee's needs, the employer provided the office worker with detailed instructions for work tasks, noise-cancelling earbuds, and a modified break schedule to manage his condition.
- A paralegal with an auditory processing disorder is having difficulty processing information that is exchanged at a very rapid pace during meetings with attorneys. As a reasonable accommodation, the employer permitted the paralegal to record the meetings and transcribe afterwards with the exception that the recording needed to be deleted in two business days due to confidentiality.
- A stockperson with a visual processing disorder was limited in seeing in dimly lit spaces which led to difficulty completing charts and paperwork by hand. As a reasonable accommodation, the employer provided the employee with a lighted pen that illuminated the writing surface and enabled the stockperson to accurately and efficiently complete paperwork.

Confidentiality

During the interactive process, all personal and medical information obtained must be kept confidential. This includes information received through accommodation requests, discussions, disability-related inquiries, medical examinations, and documentation. The EEOC indicates medical information should be kept in separate medical files apart from general personnel files, whether stored in physical filing cabinets or in electronic databases. There are circumstances when medical information may be shared with designated parties. Here are some examples:

- Necessary information may be shared with employees responsible for facilitating reasonable accommodations including when handling safety and emergency situations,
- Information specific to the proper implementation and use of a reasonable accommodation may be shared with designated supervisors, and
- Information requested for a compliance investigation or to assess an insurance claim, such as a workers' compensation claim, may be shared with designated parties.

For the most part, supervisors and employees who implement reasonable accommodations do not need to know the employee's disability, medical condition, or related limitations to implement the accommodation. In this case, they may only know what reasonable accommodation is needed. When confidential disability-related information needs to be shared to effectively implement a reasonable accommodation, the employer should consult with the employee first and explain why this information needs to be shared.

How to Respond to Questions

Often neurodivergence is an invisible disability, but the reasonable accommodation being used may be apparent to others. For example, a coworker may notice a colleague is provided a workstation located away from noisy areas or is permitted to use speech to text software which has not been provided to all employees. This can lead to coworkers asking their supervisors and the employees who implement reasonable accommodations about the accommodations they notice in the workplace.

Because the ADA prohibits employers from disclosing an employee's disability, the supervisor and the employee implementing an accommodation are not permitted to tell the coworker the colleague has a disability or is receiving a reasonable accommodation. Instead, what the employer may consider is providing training for supervisors and employees who implement accommodations on confidentiality guidelines and how to respond to these types of questions. According to the EEOC guidance, here are examples of how the employee or supervisor may respond:

- Emphasize it is the employer's policy to assist any employee who encounters difficulty at work,
- Explain that these types of situations are personal, and it is the employer's policy to follow confidentiality guidelines, and
- Reassure the coworker that his or her privacy would be respected in a similar situation.

A best practice is to be proactive and provide ongoing training for all employees on the laws the employer is required to follow, including the right to reasonable accommodation for qualified employees with disabilities.

Performance, Conduct, and Safety

Performance

Title I of the ADA provides protection from employment discrimination for qualified individuals with disabilities. To be considered qualified under the ADA, an individual with a disability must meet the employer's qualification standards that are job-related and consistent with business necessity and be able to perform the essential functions of the job, with or without reasonable accommodation. Based on this, employers may expect all employees, including employees with disabilities to be qualified to perform the essential functions of the job.

When evaluating an employee's work performance, employers should generally evaluate all employees using the same criteria, including employees with disabilities. Low performance should generally be addressed with employees with disabilities in the same way it is addressed with all employees in the same job class. An evaluation that reveals low performance may be the first indication to an employee that their disability is contributing to work performance. An employee may choose to disclose a disability during this discussion and may or may not request a reasonable accommodation. When an employee responds to a low performance rating by disclosing a disability and requests a reasonable accommodation, one must be considered, and the interactive process should begin promptly. When an employee with a disability responds to a low performance rating by disclosing a disability and states this is contributing, the employer is permitted to apply the consequences that apply to any employee with low performance in the same job class.

Low performance of a job is often unrelated to an employee's disability. However, based on [guidance](#) from the EEOC, an employer may ask if an employee's low performance is related to their disability under this circumstance:

- The employer knows the employee has a disability,
- The employer has observed the employee's low performance or has received reliable information from someone else like a coworker, and
- The employer reasonably believes the disability is contributing to the low performance.

Here is an example of a scenario summarized from the EEOC [guidance](#):

- An office worker with epilepsy has two seizures at work during a three-month period. In both cases, the employee needed to leave work for the remainder of the day to manage her condition. She was able to return to work the next day after each occasion. To determine if the seizures will continue and whether they will impact job performance, the employer began the interactive process and requested medical documentation. The office worker provided documentation from her treating medical doctor who described the employee may experience similar seizures once every two to four months. The doctor explained there is no way to know when a seizure will occur and indicates the employee will need to take the remainder of the day off after a seizure occurs. The doctor indicates that it is not anticipated that the employee would need more than one day of leave per episode. The employee is not eligible for the Family Medical Leave Act. As a reasonable accommodation, the employer grants the office worker intermittent leave, as needed, because doing so is not an undue hardship and it permits the employee to recover from a seizure and then return to work to perform the job.

Conduct

Title I of the ADA does not generally prevent an employer from establishing conduct rules and consequences for misconduct. Employers may expect all employees, including employees with disabilities, to meet conduct standards. When an employee with a disability violates a conduct rule and the disability is not a contributing factor, the employee may be disciplined with the same consequences that would apply to any employee who violates the same conduct rule.

When an employee with a disability responds to counseling or discipline for misconduct by disclosing a disability and requesting a reasonable accommodation, the employer may apply the consequences for the misconduct and must begin the interactive process, "except where the punishment for the violation is termination." This is because reasonable accommodation is "prospective" and does not require employers to excuse past misconduct or withhold consequences for conduct violations when an employee indicates a disability contributed. The conduct rule must be "job-related and consistent with business necessity" and equally applied to all employees.

Safety

Under Title I of the ADA, employers may require, as a qualification standard, that applicants and employees not pose a direct threat in the work environment. A direct threat is defined as "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation." Based on [guidance](#) from the EEOC, an employer may ask an employee about their disability when they have a reasonable belief based on objective evidence that the employee may not be able to perform the job safely due to their disability.

When determining direct threat, an employer should assess the risk by using the criteria provided by the ADA and avoid making decisions based on myths, fears, generalizations, and/or stereotypes. This includes assessing the individual's knowledge, skills, experience, and the ability to safely perform the job. The EEOC criteria states to establish direct threat, an employer must:

- Show a significant risk of substantial harm exists,
- Identify the specific risk,
- Show the risk is current, not speculative, or remote,
- Perform an assessment based on objective evidence, and
- Determine if the risk can be eliminated or reduced through reasonable accommodation.

Employment Stories

Individuals with mental health disabilities work in a variety of work settings performing an array of jobs. Here are several examples of employment stories that have been featured in previous editions of the OODWorks newsletter.

Jonathan

Jonathan is Autistic. After graduating high school, he attended Clark State Community College and obtained an associate degree in computer science. From there, he went to Wright State University to pursue a bachelor's degree in computer science. During his junior year of college, Jonathan began looking for an internship to be competitive in his field. He was hired by a company called DiDacTex, LLC through the Ohio Diversity and Inclusion Technology Internship program sponsored by Ohio Third Frontier. In his internship, Jonathan worked on application development for Android devices. Jonathan said "I loved every minute of my internship. The time flew by. I had to remind myself...not to work to late into the evening." After his internship, Jonathan returned to Wright State to finish his degree. The entire story is available in the OOD Works [Newsletter](#).

Viviana

Viviana has autism. She always loved pets and working in the kitchen. Therefore, she knew she wanted to do a job that allowed her to cook or work with food. She volunteered at a food pantry after high school. However, when looking for jobs, she was having difficulty articulating her strengths during interviews. She worked with a job developer to secure an interview with Erie Bone Broth in Cleveland, Ohio, for a position making dog treats. During her interview, she demonstrated her ability to perform some of the tasks of the job for which she was interviewing. Viviana was offered the job. She said, "Work is very important because it teaches me to be a responsible young adult." The entire story is available in the OOD Works [Newsletter](#).

Andrew

Andrew has Distal Trisomy 15 and attention deficit hyperactivity disorder (ADHD). He graduated from high school and Pioneer Career and Technology Center in May 2020. His support team utilized his strengths to identify job tasks that would be a good fit for his skills. Shortly after, he found a job at Burger King washing dishes and keeping the restaurant clean. "When I was offered the job at Burger King, I was excited," said Andrew. He felt as though he fit in on the Burger King team from the start. They celebrated his birthday on his second day of work. "The team at Burger King treats me so nice, and I get along with them," Andrew stated. He was able to use his first paycheck to purchase a new controller for his Xbox. Andrew was happy to be able to do this on his own. The entire story is available in the OOD Works [Newsletter](#).

Jarrett

Jarrett has Autism. He attended the Career and Technology Education Center of Licking County during his final two years of high school. There, he studied collision repair techniques. After graduating, he quickly found a job with Carvana in Licking County. He said that he was first hired to do car detailing. However, he quickly moved into the paint department. As a result of his income, he was able to upgrade his own car. Jarrett indicated that he would be highly interested in learning to do more bodywork to improve his skillset. The entire story is available in the OOD Works [Newsletter](#).

Chris

Chris has autism spectrum disorder. He graduated from Bowling Green State University with a major in actuarial science and a minor in business. After college, Chris was hired for an internship at Kroger through their neurodiversity initiative. Based on his continued success in the internship, Chris was offered a full-time position in the Research and Development Department at Kroger. There, he uses his education to help with data-driven decisions. Chris said “the people I work with are very nice, supportive and willing to provide you with the help you need so you can succeed.” The entire story is available in the OOD Works [Newsletter](#).

Brandon

Brandon is on the autism spectrum. He attends Columbus State Community College and is pursuing an associate of arts degree in business. In the summer of 2021, Brandon began looking for an internship. He was hired by JP Morgan Chase & Co. in the Consumer and Community Banking Department. Due to his success in that internship, JP Morgan Chase & Co. hired Brandon the following summer to find efficiencies and ensure programs comply with audits. Brandon’s supervisor at JP Morgan Chase & Co. stated “Brandon has been a pleasure to work with. He is extremely motivated to learn new technologies and has been enjoying learning new reporting tools this summer.” After graduating from Columbus State Community College, Brandon intends to pursue a bachelor’s degree in banking and wealth management. He said “work is important to me. I feel a personal calling to work so that I can help others in the community understand financial matters.” The entire story is available in the OOD Works [Newsletter](#).

The Employer’s Role with Neurodiversity in the Workplace

Many employers recognize the benefits of a neurodiverse workforce and are making efforts to foster a neurodiverse-friendly workplace culture. Included below are examples of resources to support employers in these efforts.

Attention Deficit Disorder Association (ADDA)

ADDA offers resources for employers working with employees with attention deficit hyperactivity disorder (ADHD) including best practices for managing employees with ADHD, providing accommodations, and redesigning jobs. These resources are available on the ADDA [website](#).

Autism Speaks

Autism Speaks provides an “Employment Toolkit for People with Autism” that can be a helpful resource for employers. The “Accommodations and Disclosure” section includes ideas for reasonable accommodations that may be effective, such as natural supports, technology, and alternative ways to communicate. This resource is available on the Autism Speaks [website](#).

Autistic Self Advocacy Network (ASAN)

ASAN offers “Accessibility Resources” that include best practices for hosting inclusive meetings, planning accessible training, and holding inclusive events related to the needs people with autism may have. These resources are available on the ASAN [website](#).

Disability:IN’s Autism @ Work Playbook

This playbook is the result of a research project which studied the autism at work programs of four leading employers: Microsoft, SAP, JPMorgan Chase, and EY. The project focused on how these employers established and sustained their programs. The result of the project is a collection of best practices employers can use to begin an autism hiring initiative. The playbook is available on the Disability:IN [website](#).

Disability:IN's Framework for Neurodiversity at Work Pilots

This framework includes a four-step process for employers to create a neurodiversity pilot in their workplace. These steps include internal planning, defining the scope and employment model, internal training, and recruiting and sourcing talent. These resources are available on the Disability:IN [website](#).

Disability:IN's Neurodiversity @ Work Employer Roundtable

This roundtable includes a group of employers working together to create understanding, awareness, and systems that support neurodiversity-focused hiring initiatives. Resources are available on the Disability:IN [website](#).

Employer Assistance and Resource Network on Disability Inclusion (EARN) – Including Neurodivergent Workers: Job Descriptions and Interviewing

EARN has created a collection of resources to assist employers in creating job descriptions and interview practices that are inclusive of individuals with disabilities, including neurodivergent individuals. These resources are available on the EARN [website](#).

Employer Assistance and Resource Network on Disability Inclusion (EARN) – Neurodiversity in the Workplace

EARN has created a comprehensive resource for employers on neurodiversity in the workplace. This resource provides an overview of neurodiversity and neurodivergence, describes benefits of neurodiversity in the workplace, and includes best practices for recruiting, hiring, retaining, and advancing neurodivergent employees. These resources are available on the EARN [website](#).

Made By Dyslexia – Empowering Dyslexic Thinking in every workplace

Made By Dyslexia offers a resource focusing on dyslexia and the workplace which provides a short video on the “Dyslexic Thinking” campaign along with tips for employers including strategies to recruit candidates who are dyslexic, identification of helpful technology, alternative ways to provide written communications, and awareness of workplace barriers and ways to overcome these. These resources are available on the Made By Dyslexia [website](#).

Ohio Center for Autism and Low Incidence (OCALI) Resources

OCALI offers a resource titled “Implications and Strategies for Employment Success for Individuals with ASD (autism spectrum disorder)”. This includes a video describing autism and informational sections that explore the characteristics of ASD and considerations for employment. These sections address sensory sensitivities and preferences, social and social-communication challenges, executive functioning differences, and repetitive behavior and the need for sameness. This resource is available on the OCALI [website](#).

OCALI offers an employer toolkit for “The Employee with Autism Spectrum Disorder” to increase awareness of ASD, share strategies and ideas for accommodations, and identify ways to support colleagues and supervise employees with ASD. The toolkit includes no-cost internet modules, an employment booklet, and other resources. The toolkit is available on the OCALI [website](#).

OCALI offers an “Autism Certification Center” which offers a course at no charge called “Many Faces of Autism” as an introduction to the characteristics of ASD. This course is available on the OCALI [website](#).

OCALI offers online professional learning at no cost designed for people who support, instruct, work with, or live with an individual with autism. Related to the workplace is the module “The Employee with Autism.” These educational modules are available on the OCALI [website](#).

Organization for Autism Research (OAR) – Understanding Autism: An Employer’s Guide

Through a collaboration with the District of Columbia Public Schools, OAR has created a short resource for employers that offers basic information about autism and the workplace and best practices for supervisors to successfully onboard, train, and support employees with autism. This guide is available on the OAR [website](#).

OOD’s Worksite Accessibility Services for Employers

OOD provides no-cost consultations for employer partners to support their efforts to foster disability inclusive and accessible workplaces. During a consult, OOD’s worksite accessibility specialist engages with employers to understand their unique environment and goals, and then tailors resources, best practices, and helpful examples to support employers in their efforts. Topics addressed can include information on navigating Title I of the Americans with Disabilities Act (ADA), identifying general ideas for reasonable accommodations, providing accessibility guidelines for the physical and digital environments, and sharing best practices for fostering a disability inclusive workplace. For more information on a no-cost consultation, see the OOD Resource box at the end of this section.

OOD Resource:

For more information on how OOD can support employers at no cost with their disability inclusion and accessibility goals, visit the **“Workplace Accessibility”** page of the Inclusive Employer Toolkit on the Employers’ page of OOD’s [website](#).

For information on the employer’s responsibility to provide RAs, view OOD’s on-demand webinar **“The Employers’ ADA Handbook: Reasonable Accommodations and Undue Hardship”** on the employer’s page of the OOD [website](#).

For information on best practices for providing reasonable accommodations, view OOD’s on-demand webinar **“Workplace Accommodations”** on the employer’s page of the OOD [website](#).

For information on establishing a formal interactive process, view OOD’s on-demand webinar **“Navigating the Reasonable Accommodation Process”** on the employer’s page of the OOD [website](#).

Conclusion

OOD appreciates your interest in identifying solutions and resources to support a workplace that is diverse and inclusive of employees with disabilities. Each employee, each employer, and each workplace are unique and because of this, the effective strategy to create a work environment that is accessible and inclusive will be unique. We hope the information shared in this learner’s guide and webinar is helpful in supporting your efforts.

Resources

Neurodiversity and Neurodivergence

- ADA National Network. [“The Americans with Disabilities Act Questions and Answers”](#)
- Big Think. [“What is neurodiversity?”](#)
- Cleveland Clinic. [“Neurodivergent”](#)
- Employer Assistance and Resource Network on Disability Inclusion. [“Neurodiversity in the Workplace”](#)
- Fast Company. [“5 ways to make your workplace more neuro-inclusive”](#)
- Opportunities for Ohioans with Disabilities. [“The Employers’ ADA Handbook – Title I Overview”](#)

- Specialisterne. "[Autism and Neurodiversity](#)"
- Texthelp. "[Neurodiversity in the workplace](#)"
- [Your Employment Rights as an Individual with a Disability](#)
- U.S. Department of Labor. "[Autism](#)"
- Very Well Health. "[The Neurodivergent Brain: Everything You Need to Know](#)"
- Very Well Mind. "[What Is Neurodivergence and What Does It Mean to Be Neurodivergent?](#)"

Disability Inclusive Workplace

- Big Think. "[What is neurodiversity?](#)"
- Employer Assistance and Resource Network on Disability Inclusion. "[Organizational Benefits of Neurodiversity](#)"
- Fast Company. "[5 ways to make your workplace more neuro-inclusive](#)"
- Harvard Health Publishing. "[What is neurodiversity?](#)"
- Job Accommodation Network. "[Disability Disclosure](#)"
- Medium. "[Debunking Myths About Neurodiversity in the Workplace](#)"
- Opportunities for Ohioans with Disabilities. "[Disability Education Resources](#)"
- Opportunities for Ohioans with Disabilities. "[Disability Etiquette Training](#)"
- Partnership on Employment and Accessible Technology. "[Podcast: Neurodiversity & Intersectionality: A Disclosure Challenge](#)"
- Texthelp. "[Workplace inclusion: Building the case for neurodiversity, and creating inclusive experiences for all](#)"

Interactive Process and Accommodations

- Attention Deficit Disorder Association. "[I Am an Employer](#)"
- Autism Speaks. "[Employment Toolkit for People with Autism](#)"
- Disability:IN. "[Autism @ Work Playbook](#)"
- Disability:IN. "[Framework for Neurodiversity at Work Pilots](#)"
- Disability:IN. "[Neurodiversity @ Work Employer Roundtable](#)"
- Employer Assistance and Resource Network on Disability Inclusion. "[Including Neurodivergent Workers: Job Descriptions and Interviewing](#)"
- Employer Assistance and Resource Network on Disability Inclusion. "[Including Neurodivergent Workers: Workspace, Work Schedules and Other Accommodations](#)"
- Employer Assistance and Resource Network on Disability Inclusion. "[Neurodiversity in the Workplace](#)"
- Employer Assistance and Resource Network on Disability Inclusion. "[Performance Management](#)"
- Fast Company. "[These management changes for neurodivergent employees make work more accessible for everyone](#)"
- Harvard Health Publishing. "[What is neurodiversity?](#)"
- Job Accommodation Network. "[Auditory Processing Disorder](#)"
- Job Accommodation Network. "[Autism Spectrum](#)"
- Job Accommodation Network. "[Attention Deficit/Hyperactivity Disorder \(AD/HD\)](#)"
- Job Accommodation Network. "[Confidentiality of Medical Information Under the ADA](#)"
- Job Accommodation Network. "[Learning Disability](#)"
- Job Accommodation Network. "[Sample and Partner Example Accommodation Policies, Processes, Forms, and Training](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"

- Job Accommodation Network. [“The Manager’s Dilemma: ‘An Employee is Asking About a Co-Worker’s Accommodation. As a Manager, What Do I say?’”](#)
- Job Accommodation Network. [“Tourette Syndrome”](#)
- National Library of Medicine. [“Neurodiversity at work: a biopsychosocial model and the impact on working adults”](#)
- Ohio Center for Autism and Low Incidence. [“Autism Certification Center”](#)
- Ohio Center for Autism and Low Incidence. [“Autism Internet Modules”](#)
- Ohio Center for Autism and Low Incidence. [“Implications and Strategies for Employment Success for Individuals with ASD”](#)
- Organization for Autism Research. [“Understanding Autism: An Employer’s Guide”](#)
- Partnership on Employment and Accessible Technology. [“Podcast: Neurodiversity & Intersectionality: A Disclosure Challenge”](#)
- Texthelp. [“Powerful reading and writing tools to help neurodiverse workforces to thrive”](#)
- Texthelp. [“Workplace inclusion: Building the case for neurodiversity, and creating inclusive experiences for all”](#)
- U.S. Department of Labor. [“Autism”](#)
- U.S. Department of Labor. [“Planning for Performance Management – for All Employees”](#)
- U.S. Equal Employment Opportunity Commission. [“Applying Performance and Conduct Standards to Employees with Disabilities”](#)
- U.S. Equal Employment Opportunity Commission. [“Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA”](#)
- U.S. Equal Employment Opportunity Commission. [“Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA”](#)
- U.S. Equal Employment Opportunity Commission. [“Job Applicants and the ADA”](#)

OOD's Business Relations Team – see map on final two pages

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 - **Career Development Specialist:** Dustin Schwab
 - **Colleges/Universities served:** Central State University, Miami University, University of Cincinnati, Wilberforce University, and Wright State University
- **Michael Hoag, Business Relations Specialist in Northeast Ohio**
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 - **Career Development Specialist:** Kris Wray
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 - **Counties served:** Athens, Delaware, Fairfield, Franklin, Gallia, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Perry, Pickaway, Pike, Ross, Scioto, Vinton, and Washington
 - **Career Development Specialist:** Dustin Schwab
 - **Colleges/Universities served:** Columbus State Community College, Ohio University, and The Ohio State University
- **Ron Klonowski, Business Relations Specialist in East Central Ohio**
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 - **Counties served:** Ashland, Belmont, Carroll, Columbiana, Coshocton, Crawford, Guernsey, Harrison, Holmes, Jefferson, Knox, Licking, Mahoning, Morrow, Muskingum, Noble, Richland, Stark, Trumbull, Tuscarawas, and Wayne
 - **Career Development Specialist:** Dustin Schwab, Kris Wray
 - **Colleges/Universities served:** Central Ohio Technical College, Stark State College, and Youngstown State University
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 - **Career Development Specialist:** Kris Wray
 - **Colleges/Universities served:** Bowling Green State University, Lorain County Community College, and The University of Toledo

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BUSINESS RELATIONS SERVICES MAP



Business Relations and Career Development Specialists:

- Cuyahoga Community College
- Kent State University
- The University of Akron

- Bowling Green State University
- Lorain County Community College
- The University of Toledo

- Columbus State Community College
- Ohio University
- The Ohio State University

- Central State University
- Miami University
- University of Cincinnati
- Wilberforce University
- Wright State University

- * Stark State College
- * Youngstown State University

Dustin Schwab - CDS

- * Central Ohio Technical College

