

Disclosure and Job Accommodations

Recovery & Rehabilitation Newsletter

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Questions & Answers: Disclosure and Accommodations

- **What is disclosure?**

Disclosing your disability is stating that you have a mental health condition that is affecting your ability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment. Disclosure is very personal, and only you can decide whether and how much to tell your employer about your mental health condition. Before disclosing your disability, we suggest you educate yourself about the pros and cons of disclosure. A resource you may want to consider reviewing on the issue of disclosure is the *411 on Disability Disclosure* workbooks developed by the National Collaborative on Workforce and Disability for Youth. There is a [workbook for individuals](#) and [another workbook for families, educators, and service providers](#).

When deciding whether to disclose, we encourage you to learn as much as possible about the company. Some companies, such as those who are members of Disability:IN (formerly the US Business Leadership Network), are known for being friendly towards hiring, retaining, and advancing individuals with disabilities. Knowing whether or not a company is known to be inclusive of individuals with disabilities also assists you in making a determination of how, when, and how much to disclose.

- **What are accommodations?**

Under the [Americans with Disabilities Act \(ADA\)](#), "a reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the

essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.”

Think of accommodations as supports provided to help you to overcome workplace barriers related to your mental health condition. For example, a symptom or side effect of your medication may cause problems with memory, concentration, energy level, relating to others, managing or experiencing emotions, or organizing and managing your time.

Some examples of job accommodations include a flexible schedule, written vs. verbal instructions, provision of memory aids, and job restructuring to only include essential job functions. Not all of these accommodations will work for everyone; each situation should be taken on an individual basis. Remember, too, many people with mental health conditions may not need accommodations of any kind.

- **When do I need to disclose to an employer that I need an accommodation?**

Typically, people wait to disclose until they need an accommodation at work. An exception to this is when you need to explain an unusual circumstance. For instance, if a meeting becomes particularly stressful for you and you believe it is best to leave the meeting before it is over, you may need to meet with your supervisor or manager, explain what happened, and that leaving was necessary because of your disability.

There are two parts to disclosing and requesting an accommodation: 1) disclosing one’s disability and 2) informing the employer of the workplace challenge due to the disability or chronic health condition. In addition, if you have ideas about the accommodation that might work to overcome the challenge, then this also should be offered to the employer during the request.

For example, if because of your mental health condition you are not able to use a company’s online application form, then you may want to consider asking for an accommodation. If you can’t use the form, you will not be able to submit your application, and then you will not be in the pool of applicants to be considered for a job.

Or perhaps you can use the online application form and then are chosen for an interview. But, the employer informs you that the interview will be conducted with the entire executive team. At some companies, team interviews where multiple people ask questions are common. So perhaps because of your disability, you have a very

challenging time during team interviews. Then you may want to consider requesting a change in the team interview process as an accommodation.

One cautionary note about disclosure – unless it is not possible, you will want to disclose a disability BEFORE the challenge at work results in a situation where your conduct or performance suffers. Employers are not required to rescind any discipline that was administered before they knew that there was a disability involved. Therefore, if possible, you will want to be proactive, think through the disclosure carefully ahead of time, before you are counseled or put on a performance improvement plan.

- **Is it my responsibility to disclose and request an accommodation of my employer?**

According to the [U.S. Equal Employment Opportunity Commission](#) (EEOC), generally, it is the obligation of the person with a disability to disclose and request an accommodation. In the case of someone with a disability that prevents an individual from understanding how to request an accommodation, an advocate or family member may request the accommodation for the individual.

An exception to this general rule is when the employer is aware of a person's disability and the challenge the disability is posing at work, and believes that an individual would benefit from an accommodation. For example, an employer could ask a deaf employee who is being sent on a business trip if he or she needs a reasonable accommodation. Or, if an employer is scheduling a luncheon at a restaurant and is uncertain about what questions should be asked to ensure that the restaurant is accessible for an employee who uses a wheelchair, the employer may ask the employee first.

A good discussion of this topic can be found on the [Job Accommodation Network](#) (JAN) website.

- **How do I disclose and request an accommodation? Verbally? In writing?**

You may disclose and request an accommodation verbally or in writing using what EEOC calls "plain language." For instance, you can say something as simple as, *"I'm taking medications for a health condition that is making me late for work. Could I come in at a*

later time or have a more flexible schedule?" However, if you do disclose and request accommodations verbally, we suggest you follow up the verbal request with a written request, even though this not required by the ADA. If you have the request in writing, it is much easier to follow up on the accommodation, and it provides you with documentation if questioned about when or from whom you requested an accommodation.

JAN has tools you can use to document your accommodation request. Perhaps you work for a company that does not have an accommodation form, then JAN has a [form](#) that you can use. JAN also has a free, mobile application called, the Mobile Accommodation Solution app. The app enables you to request an accommodation as well as track your request with an [Apple](#) phone or an [Android](#) phone. The app enables you to complete an interactive request form, and then submit it to your employer.

When disclosing, the context and the environment are really important, too; so it is important to plan it, schedule it, and ask for a private room. Disclosing isn't something that you want to talk about in the hallway while you're in between projects or in between meetings. Disclosing is very personal, very private, and you really want the full attention of the supervisor. Set up the meeting with your supervisor. Perhaps a human resources representative needs to be involved because they're more educated about what needs to happen, and they're listening for requests for accommodations. Then just state your disclosure in a simple format, for example, *"I'm really having a problem doing this. This is the impairment or chronic condition I have. I'm thinking these things might help me. What do you think?"* It's important to humanize your disclosure as much as possible and to make it as positive as possible. Be prepared with options to suggest because you're part of the negotiation. In order to disclose and ask for accommodations more effectively, we want to normalize mental health conversations as much as possible in the workplace. It's as simple as, *"This is what I'm experiencing, and this is what I think I'm going to need."*

It also is important to think about your impairment, your disability, or your health condition, and the challenge that it is presenting at work. Often times, employers are not familiar with specific disabilities, so they don't know the implications in the workplace. So you, as the person with the disability, need to build a bridge to help the employer understand the connection between your disability and the challenge at work.

Explain that you are a person with a disability, and this is the challenge or the limitation that you're facing because of this disability at this moment at work. Explain that this is what you have to do at work, and this is what is creating a challenge for you. Think about different ideas about how you can overcome these challenges, and then propose a few accommodations.

You also need to be prepared to share medical information because employers can request medical documentation that substantiates the need for that accommodation and shows that you do have an ADA disability. You may want to have that letter with information from your doctor ready when you ask for that accommodation.

- **Who should I disclose to?**

As an applicant or an employee, we encourage you to seek out company policies and procedures, as these tell you who to disclose to and what you can expect during the accommodation process. Knowing of and understanding their disclosure process ensures that you disclose and request accommodation appropriately and that your request is seen by the person who has the authority to act upon it.

[The Employment and Disability Institute at Cornell University](#) states that most people disclose to their immediate supervisor. However, company policy may require you to request an accommodation from a representative in Human Resources or in Employee Relations. Some of the more inclusive companies these days have a Diversity and Inclusion Department that manages requests for accommodation. Therefore, if you want to be successfully accommodated, we again strongly suggest you find out what the accommodation policies and procedures are and then be sure to follow them.

Another reason you may want to go to Human Resources or Employee Relations to request an accommodation is that you may not want your supervisors or managers to know details of your medical condition. This is understandable. A supervisor or manager may need to be involved in the accommodation process, but not need to know the medical information.

- **How do I know if a company will respond positively to my disclosure?**

There are a number of things to look for in a company:

–First of all, go to the [Disability:IN](#) website, and look for corporations engaged with the group.

–Go to [Diversity, Inc.](#), a magazine. In their search engine, type in “10 top companies for disability.” The search should result in a list of 10 companies that are most inclusive of people with disabilities.

–In the Federal government sector, there is a [Schedule A Hiring Authority](#), which is an affirmative action tool for people with disabilities wanting to work for the Federal government.

If you are looking to work with a specific employer, go to that website. Look at the website visuals and other marketing information on the site. Are individuals with various disabilities included on the website or marketing information? This is one way to know whether that company is inclusive of individuals with disabilities. While you are on the website, look for an Equal Employment Opportunity (EEO) statement. Does the statement include individuals with disabilities? How prominent is the EEO statement on the site? How many clicks did it take to find it? Is there an accommodation policy featured on the website? These are some of the things that would tell you that the company is more inclusive in its thinking about people with disabilities.

Workplace Situations and Accommodation Solutions

- A secretary with post-traumatic stress disorder (PTSD), who had been carjacked several years earlier, experienced significant anxiety during commutes after dark. This caused difficulty concentrating and irritability. She was accommodated with the ability to have a support animal at work and a flexible schedule with work from home during periods of minimal sunlight.
- A graphic designer with a panic disorder experienced recurrent panic attacks when traveling during peak traffic times. He was required to drop off design orders and pick up print proofs from a print shop when necessary. He was accommodated with a schedule that gave him the opportunity to drop off and pick up materials when coming to work very early in the morning before peak traffic times.
- A baker with obsessive-compulsive disorder (OCD) repeatedly checked ingredients for recipes. The individual was accommodated with a computerized checklist for each baked good recipe on the menu. He was allowed time in the morning to arrange and check off items to be used during the day. When he felt the urge to recheck the ingredients, he could do this quickly by using his daily checklist. This checklist was placed in a handheld computer that resembled the two-way radios used by all employees.

- A grocery store bagger with seasonal affective disorder (SAD) had difficulty working an early schedule due to oversleeping. She also experienced fatigue and depression during late fall and winter months. She was accommodated with an afternoon schedule and was moved to the front of the store, which had windows that let sunlight enter her workspace.

- An accountant for a large agency had bipolar disorder. His duties included research, writing, and filing reports. He had difficulties with concentration and short-term memory during very busy periods that required long hours. He was accommodated with a more consistent caseload that did not result in extreme fluctuations in workload. He was provided a work area that was away from noise and given earbuds to listen to music. He also met briefly with his supervisor once a week to discuss workload issues.

- An electrician with severe depression needed to attend periodic licensure trainings. The person had difficulty taking effective notes and paying attention in the meetings. The individual was accommodated with notes from remote Communication Access Realtime Translation (CART) service.

- A veteran with PTSD was working for state government on a team project. The employer decided to move the team's office to the basement of a building. Once the move occurred, the veteran realized that the noises in the basement were triggering memories of explosions and causing flare ups of his PTSD. The employer did not want to move the entire team again but was able to find an office on the first floor of the same building for the veteran. The rest of the team remained in the basement, but team meetings were held upstairs.

Resources about Disclosure and Accommodations

- Boston University's Center for Psychiatric Rehabilitation

- Reasonable Accommodations, information for employers/teachers and employees/students:
<http://cpr.bu.edu/resources/reasonable-accommodations>
- Disability:IN (formerly the United States Business Leadership Network) for people who are looking for employers with strong disability inclusion programs:
<https://disabilityin.org/who-we-are/corporate-partners/>
- Diversity, Inc. (magazine): <https://www.diversityinc.com/>
- National Collaboration on Workforce and Disability for Youth, one of the Technical Assistance Centers, at the Office of Disability Policy: <http://www.ncwd-youth.info/>

The 411 on Disability Disclosure:

<http://www.ncwd-youth.info/publications/the-411-on-disability-disclosure-a-workbook-for-youth-with-disabilities/>

- Job Accommodation Network
Connect with JAN: 800.526.7234 (Voice) or 877.781.9403 (TTY)
E-mail: <https://askjan.org/JANonDemand.cfm> Website: <https://askjan.org/>
- Publications specific to mental health conditions:
<https://askjan.org/disabilities/Mental-Health-Impairments.cfm>
- Free downloadable, Mobile Accommodation Solution APP to track your accommodations, make notes on your accommodations, complete the interactive request form to submit your employers.

Apple store: <https://itunes.apple.com/us/app/mobile-accommodation-solution/id1291959434?mt=8>

Android Google store:

<https://play.google.com/store/apps/details?id=org.askjan.mobile.android>

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