

Supported Employment - Accommodations and Disclosure

Module 5

1.1 Title Slide



Notes:

Supported Employment – Accommodations & Disclosure
Northeast and Caribbean MHTTC at Rutgers University
2022

1.2 About


About These Modules

SUPPORTED EMPLOYMENT



These modules consist of five one hour sessions with interactive exercises and assessments.

- 1 A Missing Piece to Recovery
- 2 Principles of Supported Employment
- 3 Selecting an Occupation: Values, Interests, & Skills
- 4 Job Development Strategies: Building Relationships with Employers
- 5 Accommodations & Disclosure

Use headset for best audio experience 

Northeast and Caribbean (NHS Region 2)
MHTTC Mental Health Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Notes:

Welcome to the fifth module in a series of five on Supported Employment. We're glad you could join us as we talk about this important topic.


There are five modules in this series, each taking approximately one hour to complete. Each module contains content focusing on different areas to consider, along with resources, multimedia, reflective opportunities, and assessments.

Progressing through the modules is straightforward. There are links at the top for resources and a transcript. You can pause the audio at any time.

1.3 Objectives

Module Objectives

Click on the tiles below to view the objectives for this module.
At the completion of this module you will be able to:



The image shows four hexagonal tiles arranged in a vertical cluster. The tiles are numbered 01, 02, 03, and 04. Tile 01 is dark grey, 02 is light blue, 03 is light grey, and 04 is red. The tiles are slightly offset to the right as they descend.

Notes:

Over the course of these Supported Employment modules, you have learned that employment can contribute to the recovery process in profound ways. Unfortunately, people with mental health conditions continue to experience many barriers to employment. Two such barriers, discrimination and stigma, make it difficult for people with mental health conditions to find and maintain jobs. In this module we'll explore disclosure dilemmas faced by people with non-apparent or invisible disabilities, discuss legislation outlawing discrimination based on disability, and provide resources to support people with mental health conditions in understanding these rights.

Click on the tiles to view the objectives for this self-paced module.

At the completion of this module, you will be able to:

Describe barriers to workplace disclosure

Explore reasons to disclose or not disclose at work


Discuss legislation that prohibits discrimination on the basis of disability and allows for the use of reasonable accommodations.

Identify specialized resources to help people understand their rights and access workplace accommodations

01 Objective (Slide Layer)

Module Objectives

Click on the tiles below to view the objectives for this module.
At the completion of this module you will be able to:



01 Describe the barriers to workplace disclosure

02

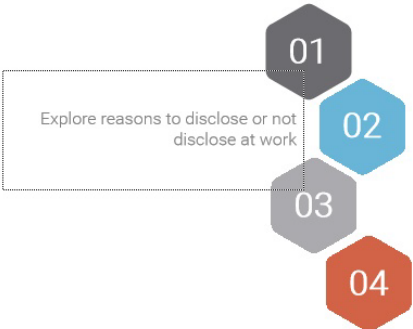
03

04

02 Objective (Slide Layer)

Module Objectives

Click on the tiles below to view the objectives for this module.
At the completion of this module you will be able to:



01 Explore reasons to disclose or not disclose at work

02

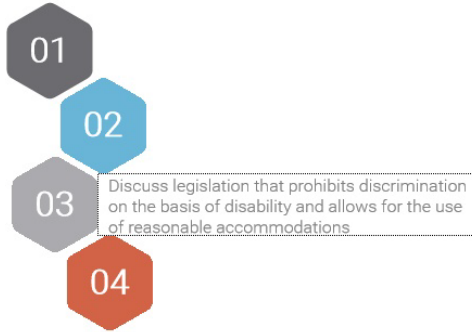
03

04

03 Objective (Slide Layer)

Module Objectives

Click on the tiles below to view the objectives for this module.
At the completion of this module you will be able to:



01

02

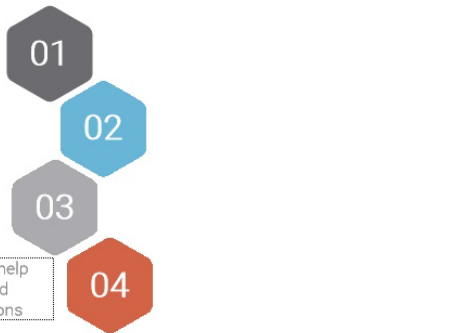
03 Discuss legislation that prohibits discrimination on the basis of disability and allows for the use of reasonable accommodations

04

04 Objective (Slide Layer)

Module Objectives

Click on the tiles below to view the objectives for this module.
At the completion of this module you will be able to:



01


02

03

04 Identify specialized resources to help people understand their rights and access workplace accommodations

1.4 Your Guide

Your Guide



Brittany Stone, MS, CRC
Lecturer
Rutgers School of Health Professions
Department of Psychiatric Rehabilitation and
Counseling Professions

*Passionate about supporting disclosure experiences
of people with non-apparent disabilities.*

- Provides Supported Education and Supported Employment instruction
- Lead trainer and consultant at the Integrated Employment Institute of Rutgers University
- Coauthor of a best practices manual for providing career services to transition age youth
- Doctoral candidate in Counselor Education and Supervision
- Research interests include career and educational outcomes and experiences of people with mental health conditions and disclosure experience of people with non-apparent disabilities

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Notes:

Brittany Stone, MS, CRC is a Lecturer in the Department of Psychiatric Rehabilitation and Counseling Professions at Rutgers University. In addition to providing Supported Education and Supported Employment course instruction, Ms. Stone provides training and technical assistance around career development services to enhance practitioner competencies and program outcomes. Additionally, she is coauthor of a best practices manual for providing career services to transition age youth. Ms. Stone holds an MS in Rehabilitation Counseling and is a Certified Rehabilitation Counselor.


She is completing her Ph.D. in Counselor Education and Supervision and continues to build knowledge of supporting students with disabilities in the pursuit of higher education. Ms. Stone's research interests include career and educational outcomes for people with mental health conditions, disclosure experiences of people with non-apparent disabilities, and use of post-secondary support services by students with mental health conditions.

1.5 Words Have Power

Throughout this course module we will be using the term **mental health condition** in lieu of "severe and persistent mental illness" or "serious mental illness".

This change in language aims to reduce stigma and the development of illness identity.

**WORDS
HAVE
POWER**



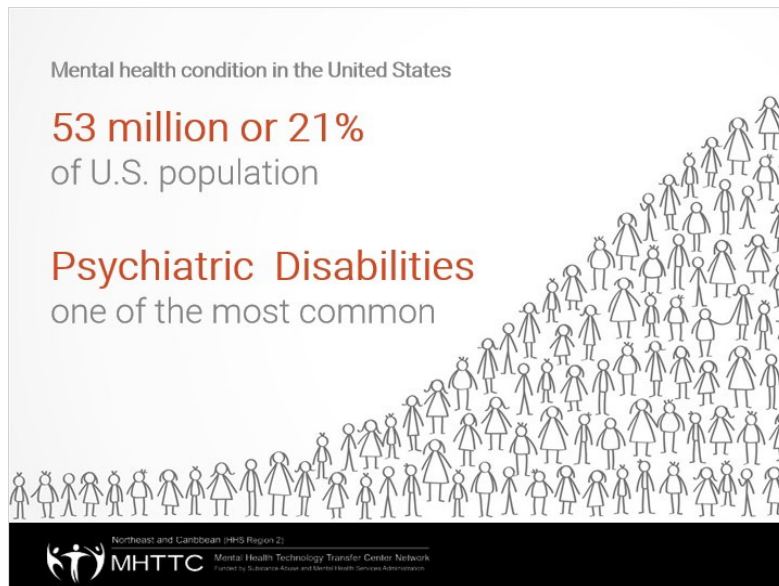
Northeast and Caribbean (NHS Region 2)
MHTTC Mental Health Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Notes:

Throughout this course module we will be using the term **mental health condition** in lieu of "severe and persistent mental illness" or "serious mental illness". This change in language aims to reduce stigma and the development of illness identity.

We encourage you to consider adapting your language in ways that reduce the development of illness identity for the people you serve.

1.6 Introduction



Notes:

Approximately 53 million people 18 and over in the U.S. reported having had a mental health condition in 2020. That's roughly 21% of the U.S. population.

The National Institute of Mental Health estimates that:

18% are diagnosed with an anxiety disorder including post-traumatic stress disorder, obsessive-compulsive disorder, panic disorder and generalized anxiety disorder

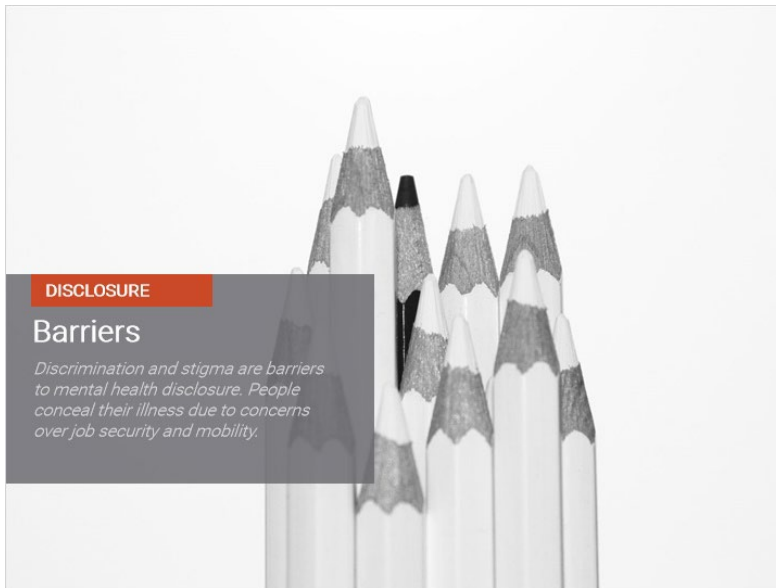
9.5% are diagnosed with depression, which is the leading cause of disability worldwide, leading to lost work productivity, sick leave, and premature retirement.

2.6% are diagnosed with bipolar disorder and 1% are diagnosed with schizophrenia.

Psychiatric disabilities are one of the most common types of disability covered under the Americans with Disabilities Act known as the ADA. About 18% of those working in the U.S. report having a mental health condition in any given month. Despite the prevalence of these conditions, stigma persists often creating barriers to access employment supports such as workplace accommodations.

Citation: (<https://www.who.int/en/news-room/fact-sheets/detail/depression>; <https://www.nimh.nih.gov/health/statistics/mental-illness>).

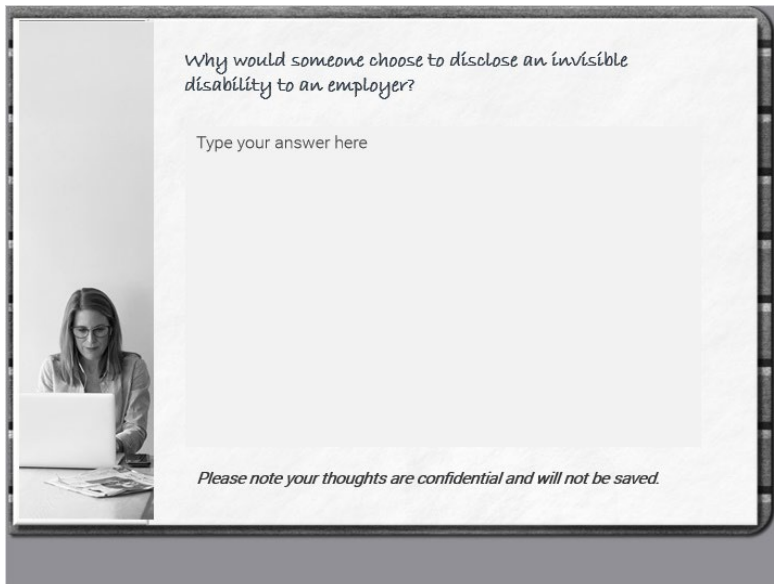
1.7 Disclosure



Notes:

Discrimination and stigma in the workplace persist as barriers to receiving support. Frequently, people with mental health conditions conceal their illness for fear of discrimination when looking for a job. Studies show that once employed, people with mental health conditions continue to cite concerns about job security and lack of job mobility. Additionally, people fear negative reactions from coworkers and are worried about being held to different standards or lowered expectations. Reflect for a moment on ways in which the stigma of mental illness may impact someone at various phases of the employment process. Record your thoughts on the following slide.

1.8 Reflection 1



Why would someone choose to disclose an invisible disability to an employer?

Type your answer here

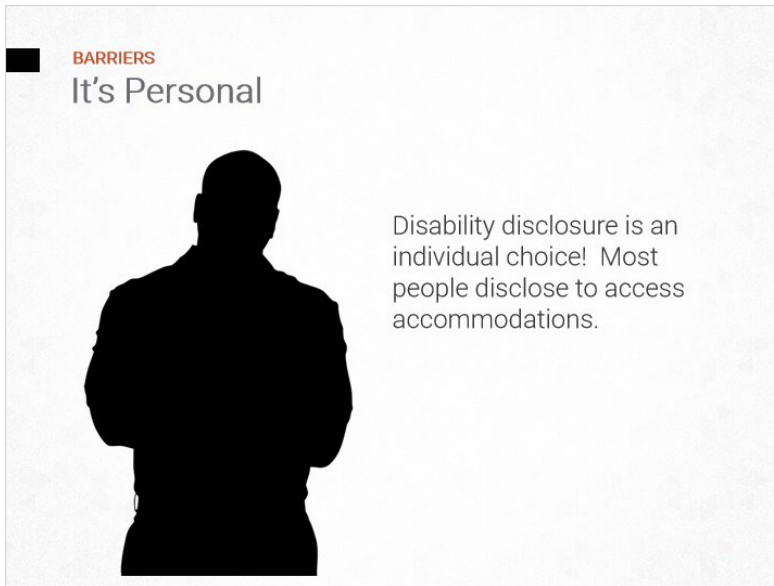
Please note your thoughts are confidential and will not be saved.

Notes:

While some people prefer not to share information about their mental health condition given very real concerns of stigma and discrimination, other people may want to or need to. Why might someone choose to disclose an invisible disability to an employer? Type your thoughts in the box provided.

Please note that your comments are confidential and will not be saved once you advance to the next slide.

1.9 It's Personal



Notes:

In the previous slide, you were asked to reflect on reasons someone with an invisible disability might choose to disclose. These reasons will vary from person to person; practitioners can assist people with this process by helping them explore issues related to need, self-efficacy, and identity to support them in making an informed, intentional choice.

One of the most common reasons for workplace disability disclosure is the need for accommodations. People may need to disclose a mental health condition because their disability impacts the work they do. This disclosure enables a person to receive protection under the ADA and their state's human rights laws. It also allows them to access accommodations needed to perform the essential functions of their job.

Some may feel that to conceal part of who they are may feel inauthentic or as if they are hiding a part of themselves. People may also want to share their mental health condition to reduce stigma and educate others.

In the next few minutes, we will talk more about workplace accommodations but first, let's meet Mary. We are going to follow her story throughout this module as she navigates through the strategies of disclosing a disability to her

employer and asking for accommodations. This real-life example will help you in understanding how complex the issues surrounding this topic can be.

1.10 Meet Mary



Notes:

Mary is a twenty-year-old that has been receiving services in a first episode psychosis program.

In working with the team's vocational specialist, Mary mentioned that she loves instruments and music of all types. Her ideal job would be at a music store. With the assistance of the vocational specialist, Mary applied for a sales job at a local music shop and cafe.

Mary and her family expressed concern that she may be discriminated against because of her mental health condition. They wondered if there were any laws in place that would apply to Mary and if she decided to disclose to her employer.

Let's explore this topic on the following slides.

1.11 Laws Protecting Employees with Disabilities



The screenshot shows a document with the following content:

- LEGAL**
- Laws Protecting Employees with Disabilities**
- The Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Click on the button below to view definition.
- [Disability Defined](#)

The document features a graphic of five black arrows of varying heights pointing upwards, with the tallest arrow in the center.

Notes:

There are 5 main federal laws that protect employees with disabilities. In this module we are going to touch on two of the most powerful. As we review them, keep Mary, our job seeker, in mind.

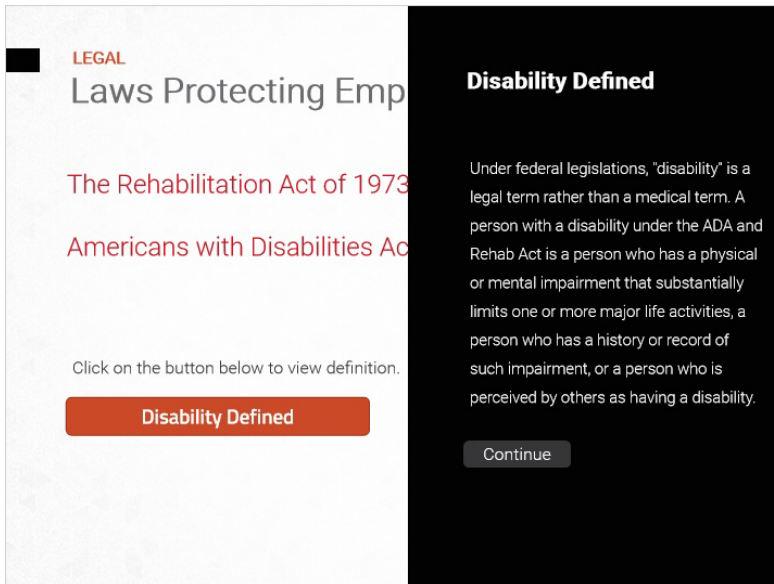
The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 are two of the most well-known and most important pieces of legislation. To be covered under these laws, one must meet the definition of having a disability.

Click on the link to view this definition and then proceed forward to take a closer look at these two important pieces of legislation.

Definition

Under federal legislations, "disability" is a legal term rather than a medical term. A person with a disability under the ADA and Rehab Act is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having a disability.

Definition (Slide Layer)



LEGAL
Laws Protecting Emp

The Rehabilitation Act of 1973
Americans with Disabilities Act

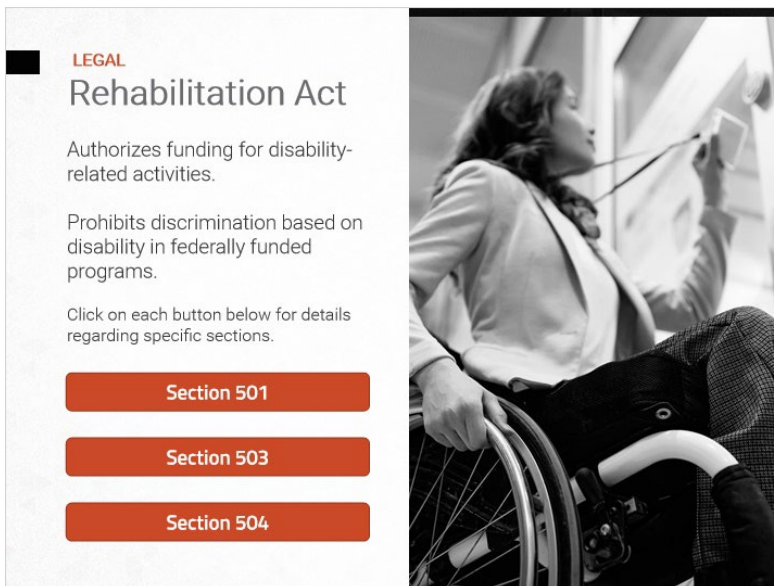
Click on the button below to view definition.

Disability Defined

Under federal legislations, "disability" is a legal term rather than a medical term. A person with a disability under the ADA and Rehab Act is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having a disability.

Continue

1.12 Rehabilitation Act



LEGAL
Rehabilitation Act

Authorizes funding for disability-related activities.

Prohibits discrimination based on disability in federally funded programs.

Click on each button below for details regarding specific sections.

Section 501

Section 503

Section 504

Notes:

Let's start with the Rehabilitation Act. Not only does it authorize funding for various disability-related activities, including state vocational rehabilitation

programs, independent living programs, training and research, and the work of the National Council on Disability but it also prohibits discrimination based on disability in programs conducted by Federal agencies, those receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.

There are three sections of the Rehab Act to pay particular attention to. Click on each of the buttons to explore each section of this act.

Section 501

Section 501 prohibits federal employers from discriminating against qualified individuals with disabilities and requires them to take affirmative action to employ and advance qualified individuals with disabilities. To obtain more information or to file a complaint, employees should contact their agency's Equal Employment Opportunity Office.

Section 503

Section 503 prohibits employment discrimination based on disability and requires affirmative action in the hiring, placement, and advancement of people with disabilities by federal contractors or subcontractors who have federal contracts or subcontracts of more than \$10,000.

Section 504

Section 504 prohibits discrimination against qualified individuals with disabilities by federal agencies, or by programs or activities that receive federal financial assistance or are conducted by a federal agency.

501 (Slide Layer)

LEGAL

Rehabilitation Act

Authorizes funding for disability-related activities.

Prohibits discrimination based on disability in federally funded programs.

Click on each button below for details regarding specific sections.

[Section 501](#)

[Section 503](#)

[Section 504](#)

Section 501

Prohibits federal employers from discriminating against qualified individuals with disabilities.

Requires federal employers to take affirmative action to employ and advance qualified individuals with disabilities.

[Continue](#)

503 (Slide Layer)

LEGAL

Rehabilitation Act

Authorizes funding for disability-related activities.

Prohibits discrimination based on disability in federally funded programs.

Click on each button below for details regarding specific sections.

[Section 501](#)

[Section 503](#)

[Section 504](#)

Section 503

Prohibits employment discrimination based on disability.

Requires affirmative action in the hiring, placement and advancement of people with disabilities by federally supported contracts and businesses.

[Continue](#)

504 (Slide Layer)

LEGAL

Rehabilitation Act

Authorizes funding for disability-related activities.

Prohibits discrimination based on disability in federally funded programs.

Click on each button below for details regarding specific sections.

[Section 501](#)

[Section 503](#)

[Section 504](#)

Section 504

Prohibits discrimination against qualified individuals with disabilities by federal agencies, or by programs or activities that receive federal financial assistance or are conducted by a federal agency.


[Continue](#)

1.13 Americans with Disability Act

LEGAL

Americans with Disabilities Act

Prohibits discrimination against people with disabilities and guarantees equal opportunities in employment, transportation, public accommodations, state and local government services and telecommunications.



Click on each button below for details regarding specific sections.

[Title I](#)

[Title II](#)

[State Law](#)

Notes:

Next, we have the Americans with Disabilities Act or ADA which prohibits

discrimination against people with disabilities and guarantees equal opportunities for individuals with disabilities in employment, transportation, public accommodations, state and local government services, and telecommunications. Within the ADA, there are two main sections that relate to employment, Title I and Title II.

Title I

Title I is the most well-known within the domain of employment. It requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodations to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title II

The other section related to employment is Title II which covers state and local governments. It protects people with disabilities from discrimination in state and local government services, programs, and activities. It prohibits *all* state and local government entities, regardless of how many people they employ or whether they receive federal financial assistance, from discriminating against qualified individuals with disabilities in employment.

There was a lot of information packed into those 2 titles and on the next slide we're going to break it down a little more. But before we do that, it is also important to note that each state has their own discrimination laws and enforcement body. Please take a moment now to search for and document your state's information. You can try searching your state and ADA to find this information.

Title I (Slide Layer)

LEGAL

Americans with Disabilities Act

Prohibits discrimination against people with disabilities and guarantees equal opportunities in employment, transportation, public accommodations, state and local government services and telecommunications.

Click on each button below for details regarding specific sections.

[Title I](#)

[State and Local Government Services](#)

Title I

Qualified individuals with disabilities must have full employment-related opportunities such as with hiring, advancement, training and pay.

It restricts questions that can be asked about a disability before a job offer is made and requires reasonable accommodations.

[Continue](#)

Title II (Slide Layer)

LEGAL

Americans with Disabilities Act

Prohibits discrimination against people with disabilities and guarantees equal opportunities in employment, transportation, public accommodations, state and local government services and telecommunications.

Click on each button below for details regarding specific sections.

[Title I](#)

[State and Local Government Services](#)

Title II

Prohibits state and local governments from discriminating against those with disabilities in state and local government services, programs, activities and employment regardless of how many people they employ or if they receive federal financial assistance.

[Continue](#)

State (Slide Layer)

LEGAL

Americans with Disabilities Act

Prohibits discrimination against people with disabilities and guarantees equal opportunities in employment, transportation, public accommodations, state and local government services and telecommunications.

Click on each button below for details regarding specific sections.

[Title I](#)

[State Laws](#)

State Laws

Each state has their own discrimination laws and enforcement bodies.


You should become familiar with these laws in your locale.

[Continue](#)

1.14 Question 1

LEGAL

Mary's Legal Rights



During the hiring or interview process, is Mary "protected" under any of the following?

- Section 501
- Section 503
- American Disability Act
- It depends

Notes:

Let's apply these concepts to Mary's case. During the hiring or interview process, is she "protected" under any of the following?

- Section 501
- Section 503
- American Disability Act
- It depends (correct answer)

Feedback:**Correct:**

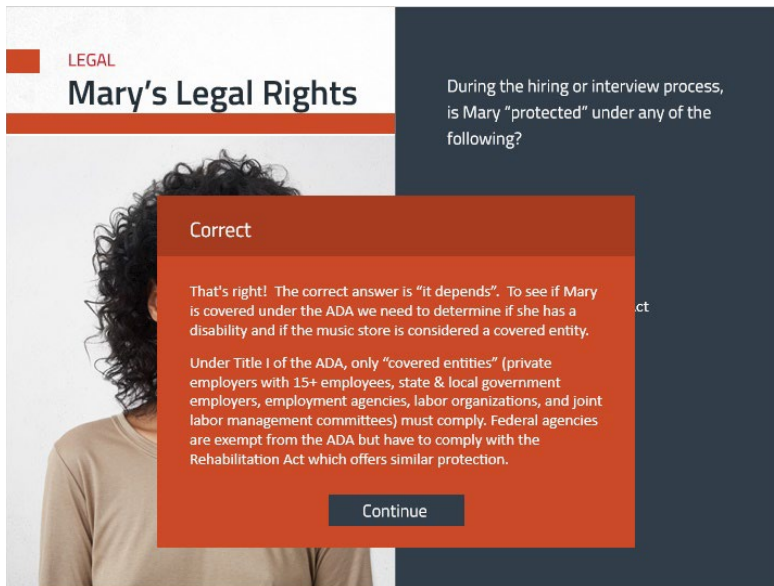
That's right! The correct answer is "it depends". To see if Mary is covered under the ADA we need to determine if she has a disability and find out if the music store is considered a covered entity.

Under Title I of the ADA, only "covered entities" must comply. This refers to private employers with 15+ employees, state & local government employers, employment agencies, labor organizations, and joint labor management committees. Federal agencies are exempt from the ADA but have to comply with the Rehabilitation Act which offers similar protection.

Incorrect:

Think again! To see if Mary is covered under any of the legal acts listed, it needs to be determined if she has a disability and if the music store and cafe is a covered entity. The correct answer is "It depends."

Correct (Slide Layer)



The slide features a dark blue background on the right and a white background on the left. The white background contains the text "LEGAL" in red, "Mary's Legal Rights" in black, and a photograph of a woman with curly hair. A dark blue question box is on the right. A red overlay box is centered on the slide.

LEGAL
Mary's Legal Rights

During the hiring or interview process, is Mary "protected" under any of the following?

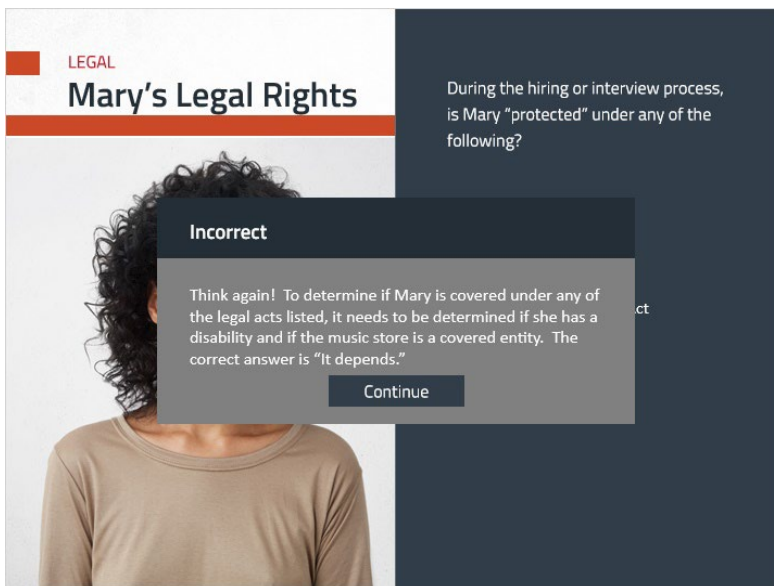
Correct

That's right! The correct answer is "it depends". To see if Mary is covered under the ADA we need to determine if she has a disability and if the music store is considered a covered entity.

Under Title I of the ADA, only "covered entities" (private employers with 15+ employees, state & local government employers, employment agencies, labor organizations, and joint labor management committees) must comply. Federal agencies are exempt from the ADA but have to comply with the Rehabilitation Act which offers similar protection.

Continue

Incorrect (Slide Layer)



The slide features a dark blue background on the right and a white background on the left. The white background contains the text "LEGAL" in red, "Mary's Legal Rights" in black, and a photograph of a woman with curly hair. A dark blue question box is on the right. A grey overlay box is centered on the slide.

LEGAL
Mary's Legal Rights

During the hiring or interview process, is Mary "protected" under any of the following?

Incorrect

Think again! To determine if Mary is covered under any of the legal acts listed, it needs to be determined if she has a disability and if the music store is a covered entity. The correct answer is "It depends."

Continue

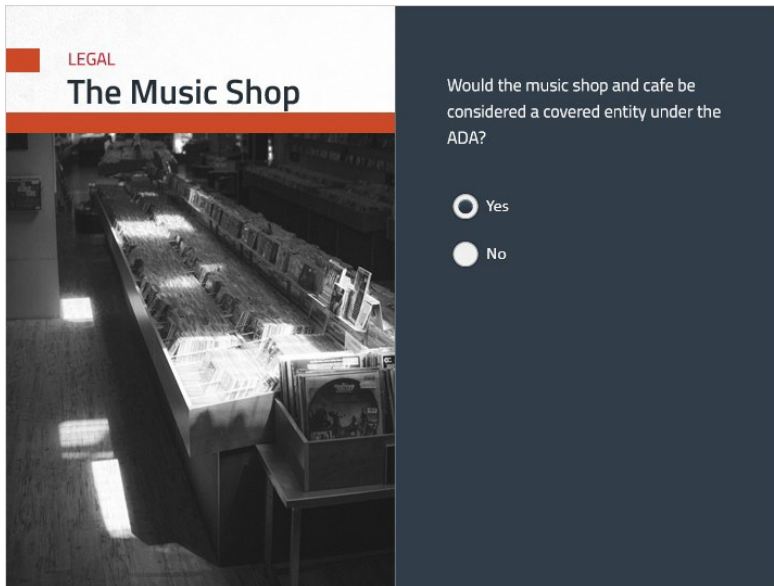
1.15 The Music and Cafe Store



Notes:

To see if the music store and cafe are a covered entity, we need more information about the business. The music store and cafe are privately owned with 18 employees including two managers, kitchen staff, servers, sales associates, stock people, and a full-time marketing/social media person. Do you think they are covered under the ADA? Record your opinion on the next slide.

1.16 Question 2 Music Shop



The screenshot shows a legal question interface. On the left, there is a header with the word "LEGAL" in red and "The Music Shop" in white. Below the header is a photograph of a music store interior with long shelves of vinyl records. On the right, a dark blue panel contains the question: "Would the music shop and cafe be considered a covered entity under the ADA?". Below the question are two radio button options: "Yes" and "No". The "Yes" option is selected, indicated by a white dot inside the radio button.

Would the music shop and cafe be considered a covered entity under the ADA?

- Yes (correct answer)
- No

Feedback:

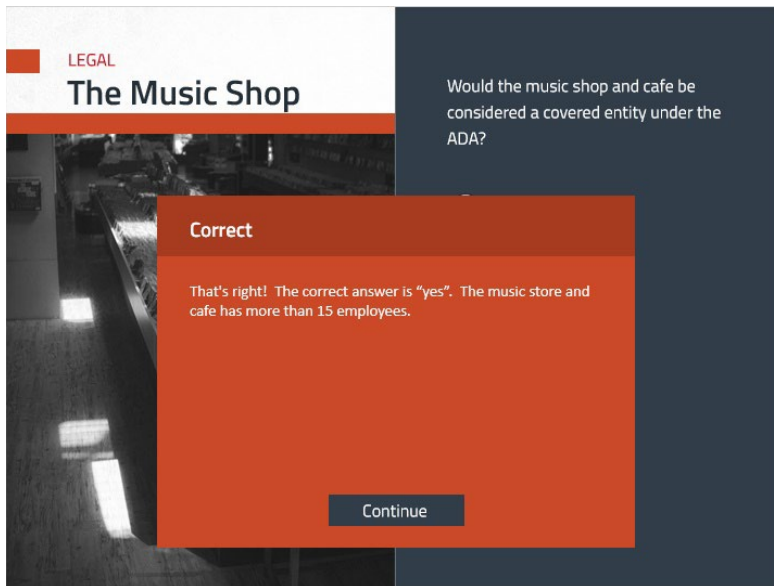
Correct

That's right! The correct answer is "yes". The music store and cafe has more than 15 employees.

Incorrect:

Your answer is incorrect. The music store and cafe has more than 15 employees, so they are a covered entity under the ADA. The correct answer is "yes".

Correct (Slide Layer)



LEGAL

The Music Shop

Would the music shop and cafe be considered a covered entity under the ADA?

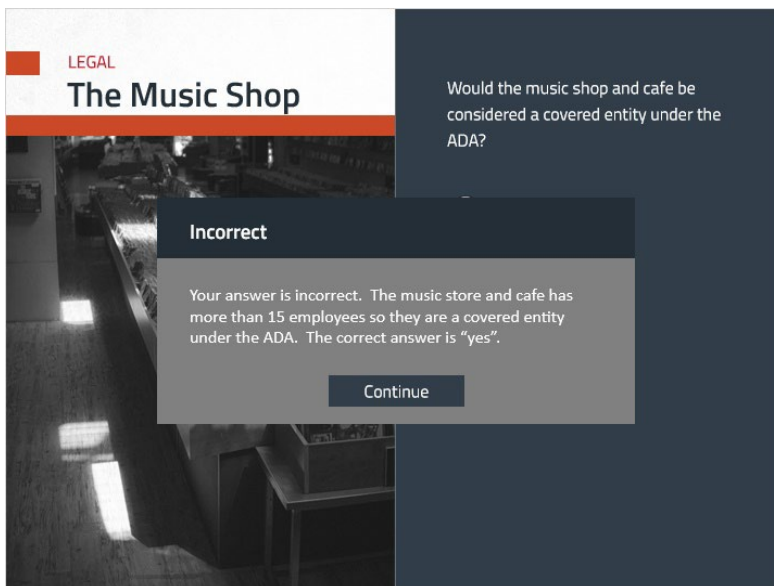
Correct

That's right! The correct answer is "yes". The music store and cafe has more than 15 employees.

Continue

The slide features a dark blue background on the right and a white header on the left. The header contains the word "LEGAL" in red and the title "The Music Shop" in black. Below the header is a photograph of a music store interior. A dark blue question box is on the right, and a red feedback box is centered over the photo. The feedback box has a white "Correct" header and a "Continue" button at the bottom.

Incorrect (Slide Layer)



LEGAL

The Music Shop

Would the music shop and cafe be considered a covered entity under the ADA?

Incorrect

Your answer is incorrect. The music store and cafe has more than 15 employees so they are a covered entity under the ADA. The correct answer is "yes".

Continue

The slide features a dark blue background on the right and a white header on the left. The header contains the word "LEGAL" in red and the title "The Music Shop" in black. Below the header is a photograph of a music store interior. A dark blue question box is on the right, and a grey feedback box is centered over the photo. The feedback box has a white "Incorrect" header and a "Continue" button at the bottom.

1.17 About Mary

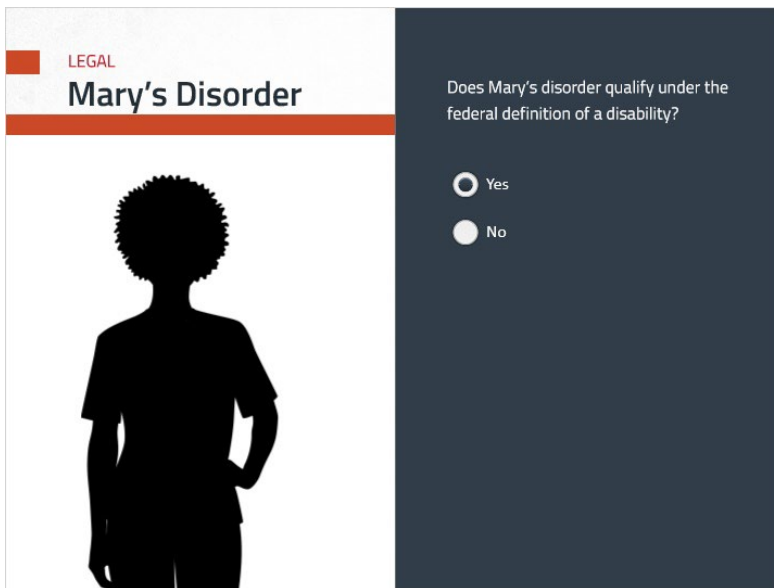


Notes:

Now, let's focus on Mary. Do you think she has a disability that is covered under the ADA?

Mary has a diagnosis of schizoaffective disorder. It has affected her performance at school and in social relationships. The experience of psychosis has led to isolation. Mary sometimes exhibits periods of mania characterized by rapid speech, unusual behaviors, and racing thoughts. At times, Mary's thinking can be larger than life and hard to follow.

1.18 Question 3 - Disorder



The screenshot shows a quiz interface. On the left, there is a silhouette of a person with curly hair. Above the silhouette, the word 'LEGAL' is written in red, and the title 'Mary's Disorder' is in black. On the right, a dark blue panel contains the question: 'Does Mary's disorder qualify under the federal definition of a disability?'. Below the question are two radio button options: 'Yes' and 'No'. The 'Yes' option is selected, indicated by a small white circle inside the radio button.

Notes:

Does Mary's disorder qualify under the federal definition of a disability?

- Yes (correct answer)
- No

Feedback

Correct:

That's right! Mary has a diagnosed impairment that substantially limits one or more areas of functioning. Mary's condition meets the federal definition of "disability" and the business is a covered entity, Mary is protected under Title I of the ADA and cannot be discriminated against because of her condition during the interview or hiring process.

Incorrect:

Your answer is incorrect. Mary has a diagnosed impairment that substantially limits one or more area of functioning. The correct answer is "yes".

Correct (Slide Layer)

The screenshot shows a quiz slide titled "LEGAL Mary's Disorder". The question is "Does Mary's disorder qualify under the federal definition of a disability?". The "Yes" radio button is selected. A red overlay box with the title "Correct" contains the following text: "That's right! Mary has a diagnosed impairment that substantially limits one or more areas of functioning. Mary's condition meets the federal definition of disability and the business is a covered entity, Mary is protected under Title I of the ADA and cannot be discriminated against because of her condition during the interview or hiring process." A "Continue" button is at the bottom of the overlay.

LEGAL
Mary's Disorder

Does Mary's disorder qualify under the federal definition of a disability?

Yes

Correct

That's right! Mary has a diagnosed impairment that substantially limits one or more areas of functioning. Mary's condition meets the federal definition of disability and the business is a covered entity, Mary is protected under Title I of the ADA and cannot be discriminated against because of her condition during the interview or hiring process.

Continue

Incorrect (Slide Layer)

The screenshot shows the same quiz slide as above, but with a grey overlay box indicating an incorrect answer. The "Yes" radio button is still selected. The overlay box has the title "Incorrect" and contains the text: "Your answer is incorrect. Mary has a diagnosed impairment that substantially limits one or more area of functioning. The correct answer is 'yes'." A "Continue" button is at the bottom of the overlay.

LEGAL
Mary's Disorder

Does Mary's disorder qualify under the federal definition of a disability?

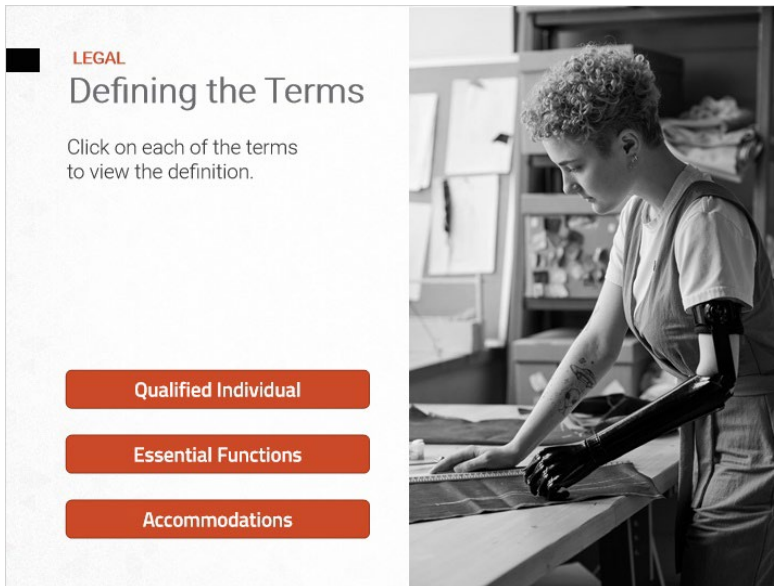
Yes

Incorrect

Your answer is incorrect. Mary has a diagnosed impairment that substantially limits one or more area of functioning. The correct answer is "yes".

Continue

1.19 Defining the Terms



LEGAL
Defining the Terms

Click on each of the terms to view the definition.

Qualified Individual

Essential Functions

Accommodations

Notes:

On the previous slides, you were introduced to the Rehab Act and the ADA. Within these laws there are some unique terms used. Let's take a minute to define them. Click on each of the terms to view the definition.

Qualified Individual

The first term, "qualified individual" refers to a person who has the skills, experience, education, and other job-related requirements to perform the essential functions of the job with or without reasonable accommodation(s).

Essential Functions

Essential functions are the fundamental job duties of the employment position. This does not include marginal functions of the position. Now, you may be wondering 'how do you know if something is essential or marginal?' Try considering these factors:

1. Does the position exist to perform this function and what is its relationship to other job tasks?
2. Who else can perform this function and how can this function be

distributed?

3. Under what conditions is this function performed and what is the level of skill or expertise needed to perform it?

Remember, the ADA is intended to enable a person with a disability to compete in the workplace based on the same performance standards or requirements that employers expect of people who do not have a disability. It does not relieve an employee from the obligation to perform the essential functions of the job. However, the ADA allows for modification to how the essential functions of a job can be performed.

Accommodations

These modifications to how job duties are performed are known as accommodations. One the next slide we will review them in more detail.

Qualified Individual (Slide Layer)

The slide is split into two panels. The left panel has a white background and contains the text 'LEGAL' in red, 'Defining the Terms' in large black font, and 'Click on each of the terms to view the definition.' Below this are three red buttons with white text: 'Qualified Individual', 'Essential Functions', and 'Accommodations'. The right panel has a black background and contains the text 'Qualified Individual' in white, followed by a definition: 'A person who has the skills, experience, education, and other job related requirements to perform the essential functions of the job with or without reasonable accommodation(s)'. At the bottom of the right panel is a grey 'Continue' button.

Essential Functions (Slide Layer)

LEGAL

Defining the Terms

Click on each of the terms to view the definition.

[Qualified Individual](#)

[Essential Functions](#)

[Accommodations](#)

Essential Functions

Fundamental job duties of the employment position. Does not include marginal functions of the position.

The employee must perform the essential functions of the job. How essential functions are performed can be modified.

[Continue](#)

Accommodations (Slide Layer)

LEGAL

Defining the Terms

Click on each of the terms to view the definition.

[Qualified Individual](#)

[Essential Functions](#)

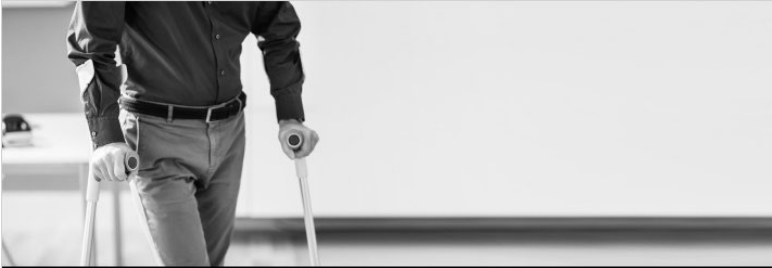
[Accommodations](#)

Accommodations

Modifications to how job duties are performed.

[Continue](#)


1.20 Reasonable Accommodations



Definition of an Accommodation
Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. Employers are required to provide "reasonable" accommodations for employees with disabilities.

Click on buttons below to see examples of reasonable and unreasonable accommodations.

[Reasonable Accommodations](#) [Unreasonable Accommodations](#)

 **MHTTC** Northeast and Caribbean (NHS Region 2)
Mental Health Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Notes:

Many of us require accommodations on a regular basis. Examples include anti-fatigue mats when you're in a job that requires standing in one place, background music to drown out a noisy co-worker or adjusting our work schedule to get to a doctor's appointment. While we generally don't think of these things as accommodations, they are in fact modifications to the typical workplace and strategies that we employ to be successful or have a more positive or comfortable experience at work.

An accommodation is defined as any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. Many accommodations are inexpensive and easy to implement. For example, modified work schedules can help a person whose medication causes morning drowsiness to work at their peak energy times.

Under the ADA, employers are required to provide what are called "reasonable" accommodations for employees with disabilities. This means that it must seem reasonable or feasible on its face. It also means it must be effective in meeting the needs of the person with the disability. Let's look at some examples of what's reasonable and what isn't. Click the buttons to view examples of each.

Reasonable Accommodations

Accommodations

Reasonable

- making facilities accessible
- job restructuring
- modified work schedules
- modifying equipment
- changing test formats or training materials
- providing qualified interpreters
- reassignment to a vacant position
- working from home

Unreasonable Accommodations

Accommodations

Unreasonable

- removing or eliminating an essential function from a job
- lowering production standards
- providing personal use items such as eyeglasses, hearing aids, or similar devices if they are also needed off the job

Note: While employers are not required to eliminate an essential function, lower a production standard, or provide personal use items, they can do so if they wish.

1.21 Mary - Disclosing



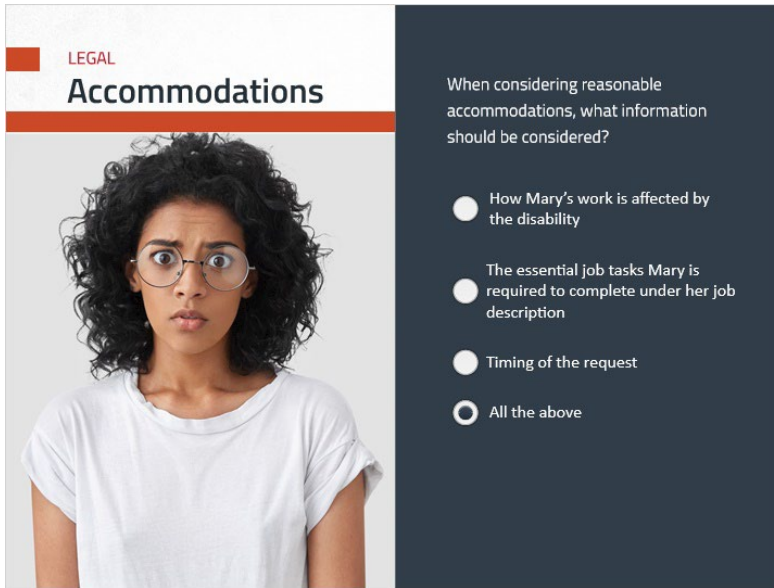
Notes:

Let's check back in with Mary. Did she get the job? You bet! At the interview, Mary focused on her love and knowledge of music; sharing how she played several instruments, used to give lessons to neighborhood kids, and was always found with her earbuds listening to new artists. She did NOT disclose for fear that it might ruin her chances of getting the position.

As time was nearing for her to start, while excited, Mary and her family started to worry that her mental health condition might make completing tasks difficult and get in the way of her being successful at work.

Next time Mary met with her vocational specialist they talked about disclosing to the music store owner and asking for accommodations. The vocational specialist provided space for Mary to discuss her concerns about disclosing her mental health condition to her employer and explained the Americans with Disabilities Act. This included information about what protections were offered to Mary, what it meant to have reasonable accommodations, and how much information would need to be shared and to whom.

1.22 Question – Disclosing



The image shows a quiz question interface. On the left, there is a header with the word "LEGAL" in red and "Accommodations" in black. Below the header is a photograph of a woman with dark curly hair and glasses, looking surprised. On the right, a dark blue panel contains the question text and four radio button options.

LEGAL
Accommodations

When considering reasonable accommodations, what information should be considered?

- How Mary's work is affected by the disability
- The essential job tasks Mary is required to complete under her job description
- Timing of the request
- All the above

Notes:

When considering reasonable accommodations, what information should be considered?

How Mary's work is affected by the disability?

The essential job tasks Mary is required to complete under her job description

Timing of the request

All of the above (correct)

Feedback:

Correct:

That's right! The correct answer is "All of the above". Accommodations should be requested when you know there is or will be a barrier related to the disability that is preventing you from performing a job or task, gaining equal access to a benefit of employment, or contending for a job. Mary was

concerned that her job performance would be affected by her condition thus wanted to seek accommodations before it became a problem. The other thing to consider, is what exactly the barriers are and what job tasks will be or are being impacted.

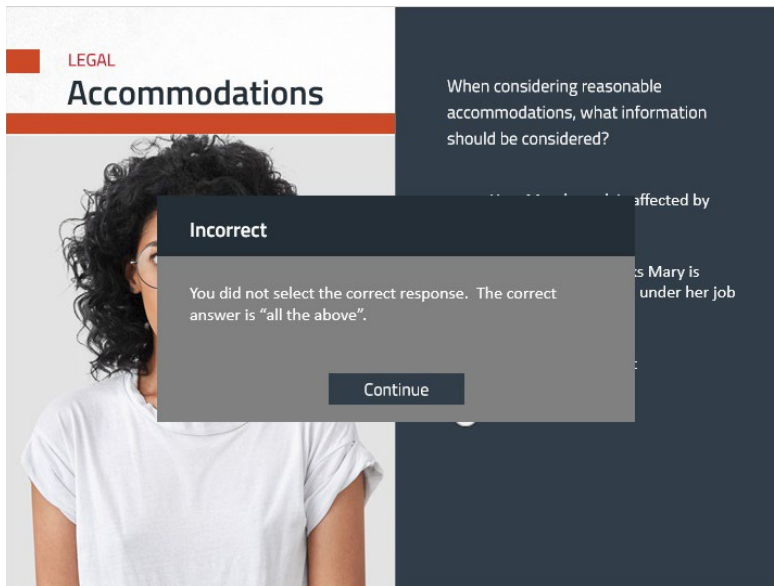
Incorrect:

You did not select the correct response. The correct answer is “all of the above”.

Correct (Slide Layer)

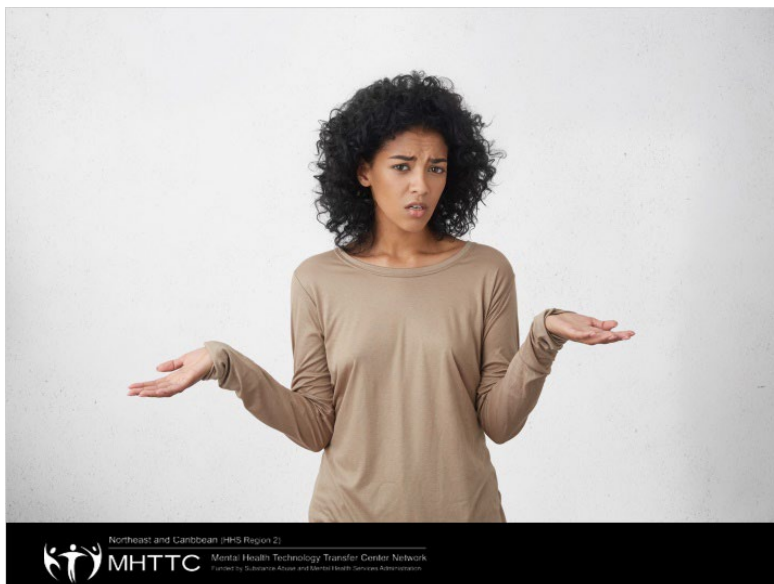
The image shows a quiz slide with a dark blue background. On the left, there is a white box with the text "LEGAL" in red and "Accommodations" in black. Below this is a photo of a woman with dark curly hair. On the right, the question text reads: "When considering reasonable accommodations, what information should be considered?". A large orange overlay box is centered on the slide, containing the text: "Correct", "That's right! The correct answer is 'All of the above'. Accommodations should be requested when you know there is or will be a barrier related to the disability that is preventing you from performing a job or task, gaining equal access to a benefit of employment, or contending for a job. Mary was concerned that her job performance would be affected by her condition and wanted to seek accommodations before it became a problem. The other thing to consider, is what exactly the barriers are and what job tasks will be or are being impacted.", and a "Continue" button at the bottom.

Incorrect (Slide Layer)



The screenshot shows a quiz slide titled "LEGAL Accommodations". The question is "When considering reasonable accommodations, what information should be considered?". A dark grey overlay box with the text "Incorrect" and "You did not select the correct response. The correct answer is 'all the above'." is centered on the screen. A "Continue" button is visible at the bottom of the overlay. The background of the slide features a woman with curly hair and a white t-shirt.

1.23 Mary - Request Refusal



Notes:

After talking with her vocational specialist and family, Mary decided that an accommodation might help her to be more successful at work. Mary thought, perhaps it would help if she had a note at the start of each shift to go along with her job tasks at the store. Can Mary's boss refuse her request? Let's


find out on the following slides.

1.24 Undue Hardship

EMPLOYMENT
Undue Hardship

Click on the red button below to review factors that determine "undue hardship".

IS IT REASONABLE?



It's A Process
Undue hardship means putting an accommodation into place that would cause significant difficulty or expense to the employer.

It focuses on the resources and circumstances of the employer in relationship to the cost or difficulty in providing the accommodation.

Accommodations should be made on a case-by-case basis. It is an interactive process between the employee and employer.

Factors to Determination Undue Hardship

Notes:

There are certain circumstances when an employer can deny accommodations to an employee with a disability. This set of circumstances is known as "undue hardship." That means that putting the accommodation into place would cause significant difficulty or expense to the employer.

Undue hardship focuses on the resources and circumstances of the employer in relationship to the cost or difficulty of providing a specific accommodation. In addition to creating a financial burden, it may also refer to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. The employer must assess the accommodation on a case-by-case basis to determine if it poses undue hardship.

While the ADA requires employers to make a good faith effort to accommodate applicants and employees with known disabilities unless it causes undue hardship, this determination isn't the end of the process. The employee and the employer should continue to engage in a collaborative, interactive process to determine other accommodation options. We will talk

more about the interactive process shortly.

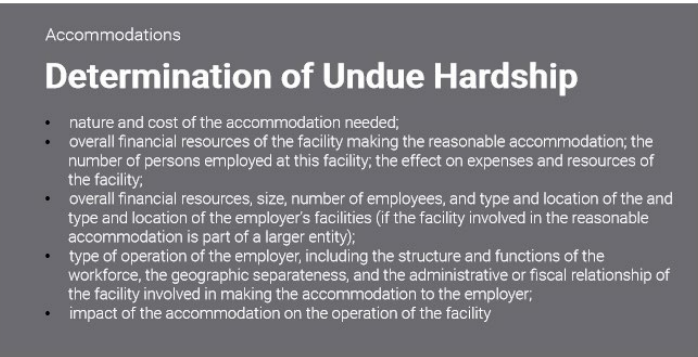
Click on the red button to review factors that determine “undue hardship”.

Factors to Determine Undue Hardship

According to the US Equal Opportunity Employment Commission, a determination of undue hardship should be based on several factors, including:

- the nature and cost of the accommodation needed;
- the overall financial resources of the facility making the reasonable accommodation; the number of persons employed at this facility; the effect on expenses and resources of the facility;
- the overall financial resources, size, number of employees, and type and location of the employer’s facilities (if the facility involved in the reasonable accommodation is part of a larger entity);
- the type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer; and
- the impact of the accommodation on the operation of the facility

Undue Hardship



Accommodations

Determination of Undue Hardship

- nature and cost of the accommodation needed;
- overall financial resources of the facility making the reasonable accommodation; the number of persons employed at this facility; the effect on expenses and resources of the facility;
- overall financial resources, size, number of employees, and type and location of the and type and location of the employer’s facilities (if the facility involved in the reasonable accommodation is part of a larger entity);
- type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer;
- impact of the accommodation on the operation of the facility

1.25 Accommodations Needed

Are Accommodations Needed?



When working with someone to determine if accommodations are right for them, consider the following questions"

1. What barriers are being experienced by the employee?
2. How do these barriers affect their job performance?
3. What specific job tasks are impacted as a result of these barriers?
4. Could these barriers be mitigated by skills teaching? Which skills are needed?
5. Could these barriers be mitigated by resource linkage? What resources are available?
6. What accommodations are available to reduce or eliminate these barriers?
7. Does the employee WANT to make a disability disclosure?

Notes:

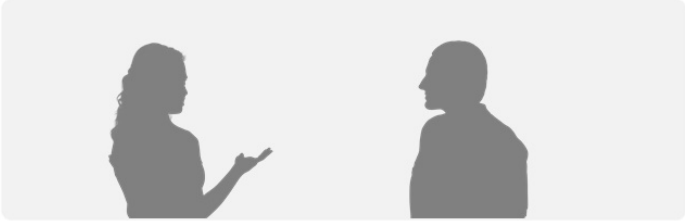
Now that we understand what reasonable workplace accommodations are, how do we know if someone needs them? The first step is to return to the definition of who is eligible for accommodations. Does the person meet the definition of a qualified individual with a disability? If the answer is yes, then work with the employee to consider the following questions:

When working with someone to determine if accommodations are right for them, consider the following questions:

1. What barriers are being experienced by the employee?
2. How do these barriers affect their job performance?
3. What specific job tasks are impacted because of these barriers?
4. Could these barriers be mitigated by skills teaching? Which skills are needed?
5. Could these barriers be mitigated by resource linkage? What resources are available?
6. What accommodations are available to reduce or eliminate these barriers? Are all possible resources being used to determine possible accommodations?
7. Does the employee WANT to make a disability disclosure?

1.26 Asking for Accommodations

Asking For Accommodations in the Workplace



There are two parts to disclosure and requesting an accommodation. This includes:

1. Informing the employer of a disability.
2. Describing the barrier the disability presents in the specific workplace.

[Example](#)

Northeast and Caribbean (HHS Region 2)
MHTTC Mental Health Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Notes:

If we know the employee wants accommodations, how exactly do they about getting them?

This brings us back to our disclosure dilemma. Upon reviewing the questions on the previous slide, if it is determined that an accommodation is the best solution, the employee will need to inform the employer of the disability and the barrier it is presenting as it relates to their job or environment.

Practitioners should provide support around this process. That might mean accompanying the person to a meeting with the employer or working behind the scenes to help the employee develop a script.

Click the button to explore an example and then let's see how things are going with Mary and her boss at the music store.

Example:

"I would like to talk with you about securing accommodations under the ADA. I have a disability that makes it challenging to focus on my reports when


there's a lot of noise and distractions. I want to maintain high quality work and I'm having trouble keeping up with that. I would like to use noise cancelling headphones when I'm at my desk and move to a cubicle farther away from the kitchen."

Example (Slide Layer)

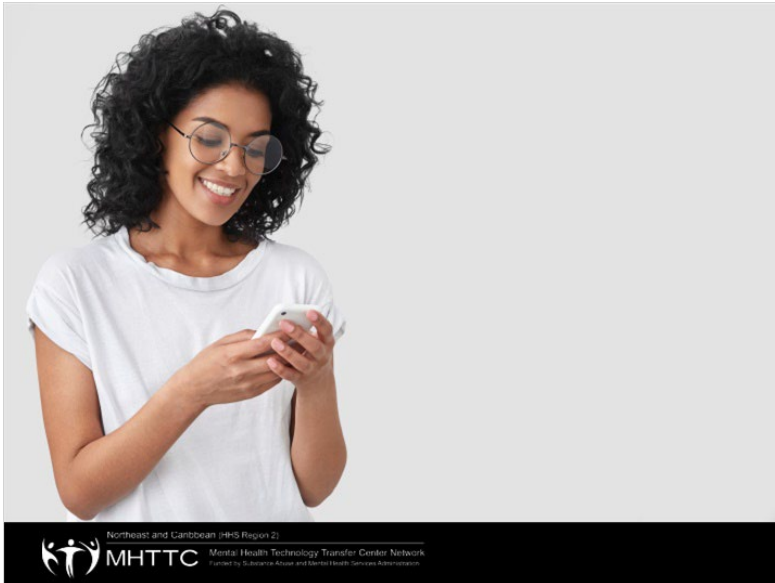
Asking For Accommodations in the Workplace

"I would like to talk with you about securing accommodations under the ADA. I have a disability that makes it challenging to focus on my reports when there's a lot of noise and distractions. I want to maintain high quality work and I'm having trouble keeping up with that. I would like to use noise cancelling headphones when I'm at my desk and move to a cubicle farther away from the kitchen."

Continue



1.27 Mary - Employer Concerns

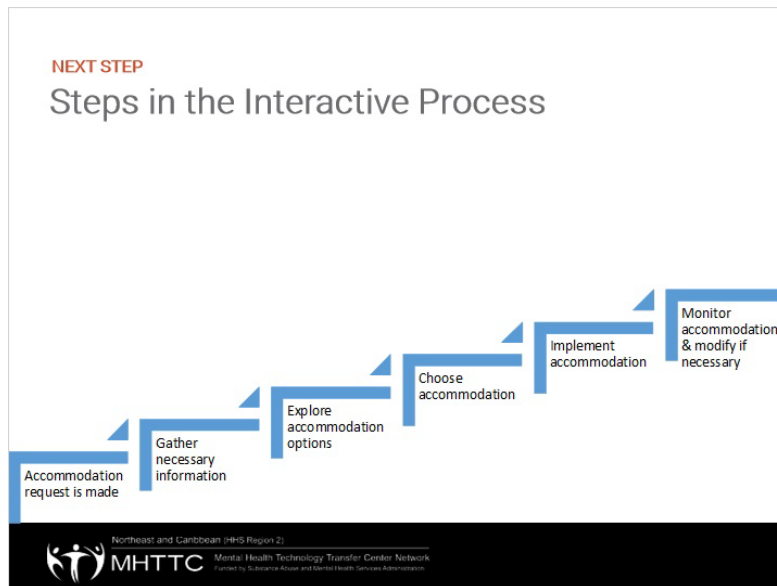


Notes:

Mary scheduled a meeting with her boss before her shift. She explained that sometimes she has difficulty remembering multi-step tasks and instructions. She asked her employer if he would be able to provide handwritten or typed note sheets at the start of each shift to go along with each of her job tasks at the store.

Mary's employer was concerned about having to create new notes each day before her shift and suggested that Mary record her job tasks as voice memos on her cell phone so she could listen back step by step, task by task as needed. She loved that idea! And they both agreed that Mary could try recording her job duties for a week and then check in.

1.28 Steps in the Interactive Process



Notes:

Notes:

In the example of Mary, you saw how she and her employer were able to come to an agreement about an accommodation. In the event the employee makes an accommodation request that isn't obvious or easily agreed upon, it is recommended employers and employees use an "interactive or collaborative process" to determine accommodations. This means that they work together in a flexible way to come up with agreed upon accommodations. Once the accommodation is put in place, the employer and employee should assess it to ensure that it is effective. For more information on the interactive process, see JANs Interactive Process linked in the Resource section of this module.

1.29 Mary - A Week Later



Notes:


When Mary and her employer met the following week, her employer expressed concern about Mary having her cell phone on her while she was working which was against store policy. They talked for a while about how to address the issue. Mary suggested she could wear earbuds so that the customers wouldn't hear her recordings, but this would still mean she'd have her phone on her and would be pulling it out to turn on the recordings.

After some discussion, Mary and her employer agreed that the phone could be placed in a drawer near the cash register on airplane mode with a pair of earbuds. This provided Mary with easy access to her recorded tasks when needed and satisfied her employer as she wouldn't be interrupted by incoming calls or alerts. Mary's employer was impressed by her initiative, and they agreed to check-in after a few more weeks to assess the new approach.

1.30 Question - In the Future

LEGAL

In the Future



For some people the accommodation process will be on-going, they may need different accommodations for different job tasks. What happens if Mary needs an additional accommodation in the future?

- Mary will not need to make a new accommodation request in writing.
- Mary must communicate her need related to a disability to her employer
- Mary's employer should consider the new accommodation request and the two should work collaboratively together as needed.
- All of the above

Notes:

For some people the accommodation process will be on-going. They may need different accommodations for different job tasks. What happens if Mary needs an additional accommodation in the future? Choose your response and then let's check back on Mary. Check all that apply.

Mary will not need to make a new accommodation request in writing

Mary must communicate her need related to a disability to her employer

Mary's employer should consider the new accommodation request and the two should work collaboratively together as needed

All of the above (correct)

Feedback:

Correct:

That's right! The answer is "All of the above". For a future accommodation request, the process should be repeated. If the accommodation is being requested for the same condition, in many cases, new documentation will

not be required. The employee needs to communicate with the employer about new or changing needs that they are experiencing as they relate to a disability. Employers should consider accommodation requests on an individual basis and engage in a collaborative process in the event the new or additional accommodations being requested create an undue hardship or are not easily agreed upon.

Incorrect:

You did not select the correct response. The correct answer is “All of the above”. For a future accommodation requests, the process should be repeated.

Incorrect (Slide Layer)

The image shows a quiz slide titled "LEGAL In the Future". The main text asks: "For some people the accommodation process will be on-going, they may need different accommodations for different job tasks. What happens if Mary needs an additional accommodation in the future?". Below the question are three radio button options: "Mary should make a new request in writing.", "Mary should discuss her need with her employer and consider the request and the undue hardship.", and "Mary and her employer should work collaboratively together as needed." The "All of the above" option is selected. A dark grey feedback box is overlaid on the slide, containing the text: "Incorrect. You did not select the correct response. The correct answer is 'All the above'. For a future accommodation request, the process should be repeated." A "Continue" button is located at the bottom of the feedback box. The slide also features a background image of a woman with curly hair and a white t-shirt.

Correct (Slide Layer)

The slide features a dark blue background on the right and a white background on the left. The word 'LEGAL' is in the top left. The main title is 'In the Future'. A woman with curly hair is visible on the left. A dark blue text box on the right contains the question: 'For some people the accommodation process will be on-going, they may need different accommodations for different job tasks. What happens if Mary needs an additional accommodation in the future?'. An orange 'Correct' overlay box is in the center, containing the text: 'That's right! The answer is "All of the above". For a future accommodation request, the process should be repeated. If the accommodation is being requested for the same condition, in many cases, new documentation will not be required. The employee needs to communicate with the employer about new or changing needs that they are experiencing as they relate to a disability. Employers should consider accommodation requests on an individual basis and engage in a collaborative process in the event that the new or additional accommodations being requested create an undue hardship or are not easily agreed upon.' A 'Continue' button is at the bottom of the overlay.

LEGAL

In the Future

For some people the accommodation process will be on-going, they may need different accommodations for different job tasks. What happens if Mary needs an additional accommodation in the future?

Correct

That's right! The answer is "All of the above". For a future accommodation request, the process should be repeated. If the accommodation is being requested for the same condition, in many cases, new documentation will not be required. The employee needs to communicate with the employer about new or changing needs that they are experiencing as they relate to a disability. Employers should consider accommodation requests on an individual basis and engage in a collaborative process in the event that the new or additional accommodations being requested create an undue hardship or are not easily agreed upon.

Continue

1.31 JAN

The screenshot shows the homepage of the Job Accommodation Network (JAN). The header includes the word 'RESOURCE' and the title 'Job Accommodations Network - JAN'. Below the title is the text 'Explore this resource by clicking on the image below.' The main content area features a large image of a woman in a wheelchair and a man in an office setting. A text box overlaid on the image asks: 'Have questions about workplace accommodations or the Americans with Disabilities Act (ADA)? Ask us. We can help.' The footer contains the logo for MHTTC (Mental Health Technology Transfer Center Network) and mentions it is funded by the U.S. Department of Labor's Office of Disability Policy.

RESOURCE

Job Accommodations Network - JAN

Explore this resource by clicking on the image below.

JAN
Job Accommodation Network

Have questions about workplace accommodations or the Americans with Disabilities Act (ADA)? Ask us. We can help.

MHTTC
Mental Health Technology Transfer Center Network
Funded by the U.S. Department of Labor's Office of Disability Policy

Notes:

In discussing the important role job accommodations can play in the success and satisfaction of people with disabilities in the workplace, the Job Accommodation Network or JAN has been mentioned in this module as a resource. Funded by the U.S. Department of Labor's Office of Disability Policy,

JAN's aim is to provide workplace productivity enhancements and reasonable accommodation solutions for free to job seekers, employees, and employers. JAN's website contains hundreds of fact sheets on specific disabilities and how to accommodate them on the job. The site also provides valuable information for employers who are seeking resources on the Americans with Disabilities Act (ADA).

The information and fact sheets can be used by employers, people with disabilities, and practitioners in a variety of ways. The fact sheets are a valuable educational tool, giving concise information on disabilities that can be used when providing education to family members. They can also be used to inform employers about a specific disability. For example, if you are job developing for someone with bipolar disorder who has chosen to disclose, the JAN fact sheets can be given to an employer to help ease concerns they may have and begin the conversation about needed accommodations.

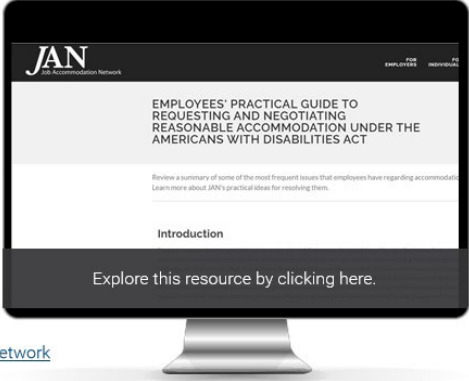
Take a few moments now to explore JAN's website. Use the A to Z Disabilities and Accommodations search to explore by work related functions, accommodations, barriers, or topics. Additionally, check out the publication library to find a resource that would be useful to keep in your toolkit.

1.32 JAN

RESOURCE

Job Accommodation Network

Explore this resource by clicking on the screen below.

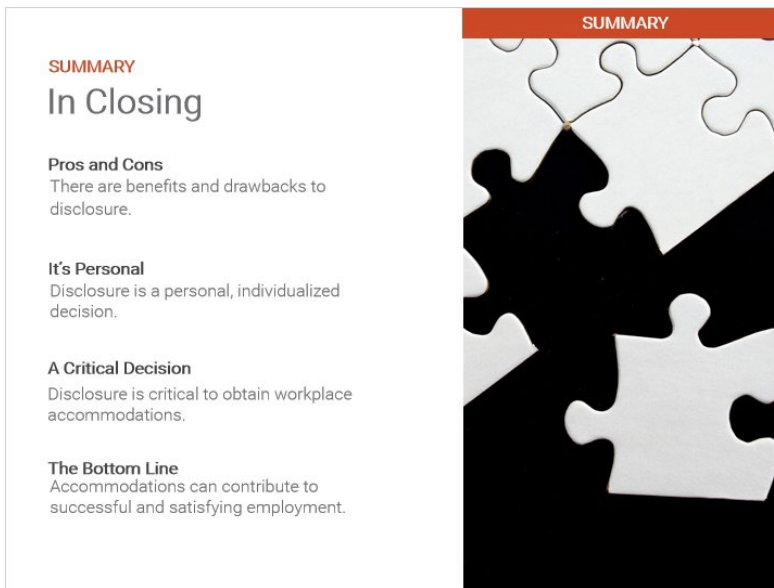


[Job Accommodation Network](#)

Notes:

Another useful tool developed by JAN is called an Employees' Practical Guide to Requesting and Negotiating Reasonable Accommodation Under the Americans with Disabilities Act. It provides education, strategies, and resources to help people with disabilities navigate the process of requesting an accommodation. That guide is linked here, click on the screen to explore it.

1.33 In Closing



SUMMARY

In Closing

Pros and Cons
There are benefits and drawbacks to disclosure.

It's Personal
Disclosure is a personal, individualized decision.

A Critical Decision
Disclosure is critical to obtain workplace accommodations.


The Bottom Line
Accommodations can contribute to successful and satisfying employment.

Notes:

There is no one size fits all solution or correct answer when it comes to whether a person should disclose a disability to an employer. Your role as a practitioner is to help people explore their preferences and needs to make an informed, intentional decision. We need to be aware of benefits and drawbacks to disclosure in the workplace. These are conversations we should be having early in the process. There are resources, such as JAN, and legislation, including the ADA and other anti-discrimination laws, to support people with disabilities including mental health conditions. For some, workplace accommodations can be a part of the toolkit for successful and satisfying employment.

1.34 Exit

Closing Thoughts



Thank you for taking *Supported Employment – Accommodations & Disclosure*, the last module in this series.

Join us again!

Citation list can be found under Resources.

Northeast and Caribbean (NHS Region 2)
MHTTC Mental Health Technology Transfer Center Network
Funded by Substance Abuse and Mental Health Services Administration

Notes:

Thank you for completing the Supported Employment course. We hope you've learned a lot about employment for people with mental health conditions. There are significant benefits to working for people with mental health conditions and yet, despite their desire to work, unemployment remains pervasive.

There are effective interventions and strategies you can use to support an individual in choosing, getting, and keeping a job (and then moving on when the time is right).

- Follow the evidence-based practice of Supported Employment.
- Implement the 8 key principles of Individual Placement and Support.
- Support the person to choose an employment direction that aligns with their personal values, interests, and skills.
- Help the person get a job by building relationships with local employers and job developing.
- Assist the person with keeping their job by assessing the benefits of disclosure and identifying the need for accommodations.

Join us again!