

The Employers' ADA Handbook: Performance, Conduct, and Safety

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 trainings on navigating Title I of the Americans with Disabilities Act, known as the ADA. This learner’s guide for “Performance, Conduct, and Safety” is the third in a five-part series and provides a general overview of the responsibilities covered employers have and includes best practices.

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

Performance

Key Definitions

- **Qualification standards** include training, licenses, certificates, physical abilities, mental abilities, health requirements, safety requirements, and attributes, such as the ability to work under pressure.
- **Essential functions** are the critical job duties that must be completed to meet the job’s expectations. Removal of an essential function would “fundamentally change a job.”
- A **reasonable accommodation** is a change in how work is done or with the work environment that enables an applicant or employee with a disability to access the hiring process, perform the job, and/or enjoy the privileges of employment.
- **Job-related** means a qualification standard, test, performance measure, or selection criterion applies to a specific job, not a general class of jobs.
- **Consistent with business necessity** means a qualification standard, test, performance measure, or selection criterion applies to the essential functions of a specific job.

Title I of the Americans with Disabilities Act (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.

Performance Management

Successful performance management helps to ensure job-specific objectives are met and discrimination based on disability is prevented. Here are some best practices for managing performance effectively:

- Clearly communicate performance expectations and quality standards,
- Clearly communicate consequences for low performance,
- Measure performance and quality accurately,
- Provide reliable feedback, and
- Consistently apply expectations and standards to all employees.

Low Performance

Title I of the ADA generally does not prevent employers from establishing qualification standards, essential functions, performance expectations, quality standards, or consequences for low performance. Covered employers are required to provide reasonable accommodations for qualified employees with disabilities, when one is needed, unless doing so causes an undue hardship. Often employees with disabilities do not need reasonable accommodations to perform the job. When an employee's disability contributes to low performance, a reasonable accommodation may enable the employee to perform the job effectively.

Special Note:

An employer is not required to lower performance expectations or quality standards or remove an essential function as a form of reasonable accommodation.

When evaluating an employee's work performance, employers should evaluate all employees using the same criteria, including employees with disabilities. However, when an employee with a disability is performing the essential functions of the job in an alternative way using a reasonable accommodation, the employee should be evaluated accordingly. Here is an example from the EEOC guidance:

- "One of Rhoda's essential functions is providing training. Because she is deaf and, as a result, has difficulty speaking, Rhoda uses a sign language interpreter to voice for her. Generally, Rhoda's supervisor evaluates his employees on the use of their voices - whether they speak with a monotone or use their voices to show interest and enthusiasm. Rhoda's presentation cannot be measured in this way. However, there are alternative ways to measure how she conveys her message, including body language, facial expression, and the words she uses."

Low performance should generally be addressed with employees with disabilities in the same way it is addressed with all employees with low performance 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 attributes this to the low performance, clearly communicate the performance expectations and ask the employee in what way the disability is affecting job performance. If the employee does not ask for a reasonable accommodation, the employer may ask what they can do to help the employee meet the performance expectations. If the employee indicates what would help or would like to explore ideas, begin the interactive process as you would any request for a reasonable accommodation. If the employee declines help, provide the employee with information of whom to contact if he or she decides to pursue options another time. When an employee with a disability responds to a low performance rating by disclosing a disability and requesting a reasonable accommodation, one must be considered, and the interactive process should begin promptly. Here are two resources which offer information on best practices for navigating the reasonable accommodation:

- Opportunities for Ohioans with Disabilities' [on-demand webinar](#) "Navigating the Reasonable Accommodation Process"

- Opportunities for Ohioans with Disabilities' [on-demand webinar](#) "The Employers' ADA Handbook – Reasonable Accommodations and Undue Hardship"

Employers have asked how to discuss low performance with an employee when the employer suspects the employee has a disability which is contributing to the low performance. In general, the employer should focus its discussion on job performance by providing a clear explanation of the performance measure that is not being met and what the performance expectation includes. A best practice is to ask the employee what you can do to help them meet the performance expectation without mentioning disability. Guidance from the EEOC states it is generally preferable that a discussion about disability be initiated by the employee, not the employer, to focus on performance and to prevent unintentionally regarding or treating the employee as an individual with a disability.

Employers may consider fostering an inclusive work environment which encourages employees to ask for what they need to perform their jobs. One best practice is to provide ongoing training for all employees on the right to reasonable accommodation for employees with disabilities. This training should include information on the employer's reasonable accommodation process and contact information for initiating a request. Also, training all employees, including supervisors on disability awareness can help to foster a work environment in which everyone feels comfortable and included. Opportunities for Ohioans with Disabilities offers disability awareness training at no-cost for employers. For more information, contact the Business Relations Specialist (BRS) in your area. For a listing of each BRS's coverage area and contact information, go to pages 15-16 of this learner's guide for an individual listing of each BRS and our graphic service map of counties in Ohio.

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. Providing a reasonable accommodation does not require employers to:

- Accept low performance,
- Withhold consequences for low performance,
- Raise a performance rating, or
- Assign a rating that does not reflect actual performance.

Documentation

During the interactive process, when a disability or the need for reasonable accommodation is not obvious the employer is permitted to obtain medical documentation to:

- Verify the disability exists,
- Determine how the disability is affecting job performance, and
- Identify how a reasonable accommodation will help.

Low Performance and Reasonable Accommodations

The following examples of reasonable accommodations and low performance are directly from the Equal Employment Opportunity Commission (EEOC) and the Job Accommodation Network (JAN).

Example One

Here is an example from the [EEOC guidance](#):

- An employee “is put on a 60-day Performance Improvement Plan (PIP). In response, the employee requests a reasonable accommodation. The supervisor postpones the start of the PIP and immediately discusses the request with the employee, enlisting the agency’s Disability Program Manager (DPM) in the interactive process. The supervisor and DPM determine that a reasonable accommodation might help address the employee’s performance problems. The supervisor arranges for the reasonable accommodation and the 60-day PIP commences.”
- “The employer did not have to cancel the PIP because reasonable accommodation never requires excusing poor performance or its consequences. However, the fact that the employee did not ask for an accommodation until being placed on a PIP does not relieve the agency of its obligation to provide reasonable accommodation if the employee has a disability and an accommodation will help improve her performance.”
- “The temporary postponement of the PIP to process the request for a reasonable accommodation ensures that, if a reasonable accommodation is needed, the employee will have an equal opportunity to improve her performance. If the employer determines that the employee is not entitled to a reasonable accommodation (e.g., the employee does not have a “disability”), the employee should be so informed and the PIP should begin.”
- “Requests for reasonable accommodation should be handled expeditiously, in particular because unnecessary delays in determining or providing an effective accommodation may violate the ADA. In this Example the supervisor recognized the need to address the request promptly so as not to unnecessarily delay the commencement of the PIP.”

Example Two

Here is an example from [JAN](#):

- “A social worker was having difficulty concentrating and prioritizing due to Attention Deficit/Hyperactivity Disorder (AD/HD). These limitations affected her ability to complete paperwork in a timely manner, which lead to a poor performance review. She requested that the employer reduce her caseload as an accommodation. While not required as accommodation, the employer was willing to reduce the employee’s caseload for two weeks to enable her to catch-up with paperwork. After the two-week period, the ordinary production standards were reinstated and the employee was accommodated with a designated hour each day for uninterrupted time to work on paperwork. During this time, she was not required to accept phone calls, respond to emails, or meet with colleagues or clients. The employee’s supervisor also assisted with prioritization by classifying cases by level of priority and creating checklists to assist her with completing paperwork.”

Example Three

Here is an example from [JAN](#):

- “A data entry clerk with low vision was having difficulty meeting production standards. The data entry work required her to access multiple applications on her monitor. It was difficult to keep track of each application and to read smaller fonts, which slowed her daily progress. She was provided screen magnification software and a second, larger sized monitor as an accommodation. This enabled her to enlarge text and application icons for ease of access, and to simultaneously view two applications at once, which increased her productivity.”

Example Four

Here is an example from [JAN](#):

- “A customer service representative working in a call center was taking frequent restroom breaks. He was away from his workstation for more breaks than were normally permitted and this was affecting his call completion number. When counseled for low completion rate, he explained that he was taking medication that required him to use the restroom about every hour. The employer would not change the call completion standard, but in an effort to help him improve performance, the employee’s workstation was moved closer to the restroom, and he was permitted to restructure his two planned fifteen-minute breaks to be used as six five-minute intervals during his shift. This allowed him to use the restroom as-needed, without taking additional breaks.”

Example Five

Here is an example from the [EEOC guidance](#):

- “Robert is a sales associate for a pharmaceutical company. His territory covers a 3-state region, and he must travel to each state three times a year. Due to staff cutbacks, the company is increasing the number of states for each salesperson from three to five. Robert explains to his manager that due to his disability he cannot handle the extra two states and the increased traveling, and he asks that he be allowed to have responsibility only for his original three states. The company may refuse this request for accommodation because it conflicts with the new production standard. However, the company should explore with Robert whether there is any reasonable accommodation that could enable him to service five states, and if not, whether reassignment is possible.”

Supervisor Training

Research conducted by Cornell University revealed employees with disabilities “are at least 60% more likely to disclose their disability to a supervisor than to human resources.” To ensure a request for a reasonable accommodation is not unintentionally overlooked it is a best practice to provide training for all supervisors and managers. Here are important components to include in this training:

- How to recognize a request for a reasonable accommodation,
- What steps to take when a request is received,
- What confidentiality rules apply to disability disclosure and reasonable accommodations,
- How to respond to coworker questions about a coworker’s reasonable accommodation, and
- The importance of being open to the possibility of a job being performed in another way because often there is more than one way to perform a task.

In addition, consider offering disability awareness training which is designed to help employees examine personal attitudes and biases toward people with disabilities.

Training Opportunity:

OOD provides Windmills Disability Awareness Training for employers at no charge. Information about this training is available on our [website](#).

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.

Here is an example is from the [EEOC guidance](#):

- “A blind employee has frequent disputes with her supervisor. She makes personal phone calls on company time, despite being told to stop. She routinely walks away from the job to smoke a cigarette despite warnings that she can do so only on breaks. She taunts the supervisor and disobeys his instructions regarding safe use of equipment. The employee’s actions are unrelated to her disability and the employer may discipline her for insubordination.”

Examples of Conduct Rules:

- Prohibition on violence, threats, stealing, and destroying property,
- Prohibition on insubordination,
- Prohibition on sending offensive emails and accessing inappropriate websites,
- Demonstration of respect for and professional interactions with customers,
- Prohibition of inappropriate behavior with coworkers,
- Observation of safety protocols,
- Adherence to operational rules, and
- Prohibition of drinking alcohol or using illegal drugs at work.

Managing Conduct

The principles described for successful performance management may also be effective with managing conduct and preventing discrimination based on disability. Here are some best practices to consider:

- Clearly communicate conduct rules,
- Clearly communicate consequences for misconduct,
- Measure misconduct accurately,
- Provide reliable feedback on misconduct, and
- Consistently apply standards and consequences to all employees.

Misconduct and Disability

Employers are required to provide reasonable accommodations for qualified employees with disabilities, when one is needed, unless doing so causes an undue hardship. Often employees with disabilities do not

need reasonable accommodations to meet conduct standards. When an employee’s disability contributes to misconduct, a reasonable accommodation may enable the employee to meet the conduct standard effectively.

Because reasonable accommodation is “prospective”, this obligation 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.

Here is an example from the [EEOC guidance](#):

- “An employee at a clinic tampers with and incapacitates medical equipment. Even if the employee explains that she did this because of her disability, the employer may discipline her consistent with its uniform disciplinary policies because she violated a conduct standard -- a rule prohibiting intentional damage to equipment -- that is job-related for the position in question and consistent with business necessity. However, if the employer disciplines her even though it has not disciplined people without disabilities for the same misconduct, the employer would be treating her differently because of disability in violation of the ADA.”

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.”

Special Note:

The [EEOC guidance](#) states “...an employer never has to tolerate or excuse violence, threats of violence, stealing, or destruction of property. An employer may discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.”

Misconduct and Reasonable Accommodations

The following examples of reasonable accommodations and misconduct are directly from the Equal Employment Opportunity Commission (EEOC) and the Job Accommodation Network (JAN).

Example One

Here is an example from the [EEOC guidance](#):

- “Tom, a program director, has successfully controlled most symptoms of his bipolar disorder for a long period, but lately he has had a recurrence of certain symptoms. In the past couple of weeks, he has sometimes talked uncontrollably and his judgment has seemed erratic, leading him to propose projects and deadlines that are unrealistic. At a staff meeting, he becomes angry and disparaging towards a colleague who disagrees with him. Tom’s supervisor tells him after the meeting that his behavior was inappropriate. Tom agrees and reveals for the first time that he has bipolar disorder. He explains that he believes he is experiencing a recurrence of symptoms and says that he will contact his doctor immediately to discuss medical options. The next day Tom provides documentation from his doctor explaining the need to put him on

different medication, and stating that it should take no more than six to eight weeks for the medication to eliminate the symptoms. The doctor believes Tom can still continue working, but that it would be helpful for the next couple of months if Tom had more discussions with his supervisor about projects and deadlines so that he could receive feedback to ensure that his goals are realistic. Tom also requests that his supervisor provide clear instructions in writing about work assignments as well as intermediate timetables to help him keep on track. The supervisor responds that Tom must treat his colleagues with respect and agrees to provide for up to two months all of the reasonable accommodations Tom has requested because they would assist him to continue performing his job without causing an undue hardship.”

Example Two

Here is an example from the [EEOC guidance](#):

- “An employee with major depression is often late for work because of medication side-effects that make him extremely groggy in the morning. His scheduled hours are 9:00 a.m. to 5:30 p.m., but he arrives at 9:00, 9:30, 10:00, or even 10:30 on any given day. His job responsibilities involve telephone contact with the company's traveling sales representatives, who depend on him to answer urgent marketing questions and expedite special orders. The employer disciplines him for tardiness, stating that continued failure to arrive promptly during the next month will result in termination of his employment. The individual then explains that he was late because of a disability and needs to work on a later schedule. In this situation, the employer may discipline the employee because he violated a conduct standard addressing tardiness that is job-related for the position in question and consistent with business necessity. The employer, however, must consider reasonable accommodation, barring undue hardship, to enable this individual to meet this standard in the future. For example, if this individual can serve the company's sales representatives by regularly working a schedule of 10:00 a.m. to 6:30 p.m., a reasonable accommodation would be to modify his schedule so that he is not required to report for work until 10:00 a.m.”

Example Three

Here is an example from the [EEOC guidance](#):

- “A reference librarian frequently loses her temper at work, disrupting the library atmosphere by shouting at patrons and coworkers. After receiving a suspension as the second step in uniform, progressive discipline, she discloses her disability, states that it causes her behavior, and requests a leave of absence for treatment. The employer may discipline her because she violated a conduct standard – a rule prohibiting disruptive behavior towards patrons and coworkers – that is job-related for the position in question and consistent with business necessity. The employer, however, must grant her request for a leave of absence as a reasonable accommodation, barring undue hardship, to enable her to meet this conduct standard in the future.”

Example Four

This example is from [JAN](#):

- “An office worker with a sleep disorder had trouble waking up in the morning and was often tardy for work. He asked not to be disciplined for his tardiness. His employer accommodated him with a thirty minute arrival window and allowed him to extend his day to make up the time.”

Special Note:

For guidance on specific circumstances occurring in the work environment, please reference the [EEOC guidance](#) on performance and conduct which addresses situations such as attendance, dress codes, alcoholism, and illegal drug use.

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 in the [EEOC guidance](#) 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.” A significant risk is considered a high risk, not just a slightly increased risk or a speculative or remote risk.

The direct threat standard must apply to all applicants and employees in a specific job class. If a qualification standard screens out or excludes an individual with a disability, the standard must be job-related and consistent with business necessity and reasonable accommodation must be considered.

Determining Direct Threat

When determining direct threat, an employer should assess the risk by using the criteria provided by the ADA and avoid the pitfalls of considering opinions, stereotypes or relying on “blanket” exclusion standards.

Assess Risk

Determination of direct threat must include an individualized assessment using the criteria provided by the ADA. The [EEOC’s Technical Assistance Manual for Title I](#) 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

The first step in this assessment is to show the potential harm is substantial and significantly likely to occur. Next, the specific risk must be identified and the disability’s impact on the risk must be explained. The assessment must be based on the current risk, not on the assumption of a potential risk occurring in the future. A determination of direct threat must include available medical information and objective evidence that is considered within the context of the employee and their specific job. When this assessment determines a direct threat exists, the employer must consider whether a reasonable accommodation exists to eliminate the risk or reduce the risk to an acceptable level.

Here is an example from the [EEOC's Technical Assistance Manual for Title I which considers the nature and severity of the potential harm](#):

- “A person with epilepsy, who has lost consciousness during seizures within the past year, might seriously endanger her own life and the lives of others if employed as a bus driver. But this person would not pose a severe threat of harm if employed in a clerical job.”

Employer Pitfalls

The determination of direct threat must be determined through “an individualized assessment of objective and specific evidence about a particular individual’s present ability to perform essential functions” and must not be based on generalized opinions, myths, stereotypes, assumptions, or unfounded fears about a disability. In addition, employers should take caution in applying “blanket” exclusion standards which exclude an entire classification of individuals with a particular disability. Applying this type of standard prevents an individualized assessment from occurring. These standards should be carefully reviewed because in most cases they will not meet the requirements of the ADA .

Here is an example about direct threat and making an assumption from the [EEOC's Technical Assistance Manual for Title I](#):

- “An employer cannot assume that a person with cerebral palsy who has restricted manual dexterity cannot work in a laboratory because s/he will pose a risk of breaking vessels with dangerous contents. The abilities or limitations of a particular individual with cerebral palsy must be evaluated.”

Here is an example about direct threat and making a generalization from the [EEOC guidance](#):

- “You cannot automatically prohibit someone with epilepsy from working around machinery. Some forms of epilepsy are more severe than others or are not well-controlled. On the other hand, some people with epilepsy know when a seizure will occur in time to move away from potentially hazardous situations. Sometimes seizures occur only at night, making the possibility of a seizure on the job remote.”

Direct Threat and Reasonable Accommodations

When direct threat exists, the employer must consider whether a reasonable accommodation exists which can eliminate or reduce the risk to an acceptable level.

Here is an example from the [Job Accommodation Network \(JAN\)](#):

- “A deaf bus mechanic was denied employment because the transit authority feared that he had a high probability of being injured by buses moving in and out of the garage. It was not clear that there was, in fact, a "high probability" of harm in this case, but the mechanic suggested an effective accommodation that enabled him to perform his job with little or no risk. He worked in a corner of the garage, facing outward, so that he could see moving buses. A co-worker was designated to alert him with a tap on the shoulder if any dangerous situation should arise.”

Medication and Direct Threat

Employers have inquired about whether an employee poses a direct threat solely based on taking medication with side effects that may decrease concentration and/or coordination. The answer is no.

Direct threat is determined on a case-by-case basis using the criteria for assessing the risk as indicated earlier in this section. Here is an example from the [EEOC guidance](#):

- “An individual receives an offer for a job in which she will operate an electric saw, conditioned on a post-offer medical examination. In response to questions at this medical examination, the individual discloses her ..._disability and states that she takes a medication to control it. This medication is known to sometimes affect coordination and concentration. The company doctor determines that the individual experiences negligible side effects from the medication because she takes a relatively low dosage. She also had an excellent safety record at a previous job, where she operated similar machinery while taking the same medication. This individual does not pose a direct threat.”

Food Handling and Direct Threat

Employers have inquired about direct threat and food handling jobs. The ADA includes a requirement for the direct threat standard which applies to applicants and employees with contagious or infectious diseases which may be transmitted through food handling. This requirement is described in the [EEOC’s Technical Assistance Manual for Title I](#) which states:

- The U.S. Department of Health and Human Services (HHS) prepares a list of contagious diseases transmitted through food handling and includes the methods of transmission. This list is updated annually.
- When an individual with a disease included on this list applies for or performs a job which includes food handling, the employer is required to consider whether a reasonable accommodation exists which will eliminate the risk of transmission. If an effective accommodation is identified, it must be provided unless doing so causes an undue hardship.
- When an effective reasonable accommodation does not exist:
 - The employer is not required to hire the applicant; however
 - The employer is required to consider reassignment to a vacant position as a form of reasonable accommodation for the employee.

ADA and Other Laws

Employers have inquired about the ADA and complying with Federal, State, and local health and safety laws and standards.

According to the [EEOC’s Technical Assistance Manual for Title I](#), the ADA does not override other Federal Laws pertaining to health and safety. However, an employer is still obligated under Title I to consider reasonable accommodation to enable individuals with disabilities to adhere to these health and safety standards if these accommodations do not violate the standards of these laws.

- For example, “if DOT regulations require that a truck have 3 grab bars in specified places, and an otherwise qualified individual with a disability could perform essential job functions with the assistance of 2 additional grab bars, it would be a reasonable accommodation to add these bars, unless this would be an undue hardship.”

According to the [EEOC’s Technical Assistance Manual for Title I](#), the ADA does not override state or local laws pertaining to health and safety except where these laws conflict with the ADA. If a state or local law excludes an individual with a disability from a specific job or profession based on health and safety

standards, the employer must assess the risk using the direct threat standard in Title I and consider whether a reasonable accommodation exists to reduce the risk to an acceptable level.

- For example, “A state law that required a school bus driver to have a high level of hearing in both ears without use of a hearing aid was found by a court to violate Section 504 of the Rehabilitation Act, and would violate the ADA. The court found that the driver could perform his job with a hearing aid without a risk to safety.”

Confidentiality

Employers can expect all employees to be able to meet qualification standards, perform the essential functions of the job, follow conduct rules, and not pose a direct threat. In each of these situations, qualified employees with disabilities have a right to reasonable accommodations, when needed, barring undue hardship. When an employer receives a request for a reasonable accommodation the interactive process should begin promptly. This process is a collaboration between the employee with a disability and the employer to identify an effective solution. All personal and medical information obtained through the request for a reasonable accommodation and during the interactive process must be kept confidential. 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.

Here are some examples of when medical information may be shared with designated parties:

- Necessary information may be shared with employees responsible for facilitating reasonable accommodations 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.

OOD Services for Employers

Opportunities for Ohioans with Disabilities (OOD) is the state of Ohio agency that empowers Ohioans with disabilities through employment, disability determinations, and independence. OOD continues to expand its offerings to employers by providing candidate sourcing referrals, virtual hiring events, educational resources, and worksite accessibility consultations. For more information on OOD and these no-cost services, please visit our [website](#).

OOD’s Division of Employer and Innovation Services (EIS) has a team of Business Relations Specialists (BRSs) who work to build employer partnerships to support job placement and retention of individuals with disabilities throughout Ohio. For a listing of each BRS’s coverage area and contact information, go to pages 15-16 of this learner’s guide for an individual listing of each BRS and our graphic service map of counties in Ohio.

OOD’s Division of EIS also offers no-cost worksite accessibility consultations and training for employers. These services are provided statewide by Julie Zeigler Wood, OOD’s Worksite Accessibility Specialist. Services are tailored to the employer and include information on navigating Title I of the Americans with Disabilities Act, identifying general ideas for reasonable accommodations, and providing accessibility

guidelines for the physical and digital environments. For more information on worksite accessibility services, please contact [Julie Zeigler Wood](#):

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Conclusion

Opportunities for Ohioans with Disabilities (OOD) appreciates your interest in identifying solutions and resources to support a workplace that is diverse and inclusive of employees with disabilities. Each employee with a disability, each employer, and each workplace is 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 are helpful in supporting your efforts.

Resources

Performance

- ADA National Network. "[The Americans with Disabilities Act Questions and Answers](#)"
- Job Accommodation Network. "[Performance and Production Standards](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Job Accommodation Network. "[Toolkit: Tools for Supervisors and Managers](#)"
- Northeast ADA Center. "[The Small Business at Work Toolkit](#)"
- Opportunities for Ohioans with Disabilities. "[Disability Education Resources](#)"
- U.S. Equal Employment Opportunity Commission. "[Applying Performance and Conduct Standards to Employees with Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

Conduct

- Job Accommodation Network. "[Conduct](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Job Accommodation Network. "[What Does 'Job-Related and Consistent with Business Necessity' Mean – A Deconstructive Series for ADA Terminology](#)"
- U.S. Equal Employment Opportunity Commission. "[Applying Performance and Conduct Standards to Employees with Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on the ADA and Psychiatric Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Your Responsibilities as an Employer](#)"

Safety

- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Job Accommodation Network. "[What Does 'Direct Threat' Mean – A Deconstructive Series for ADA Terminology](#)"
- 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 the ADA and Psychiatric Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: A Primer for Small Business](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Your Responsibilities as an Employer](#)"

Confidentiality

- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: A Primer for Small Business](#)"

OOD Services for Employers

- Opportunities for Ohioans with Disabilities. "[Information for Employers](#)"

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

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 - **Career Development Specialist:** Dustin Schwab
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 - **Phone:** 216-210-7584
 - **Email:** michael.hoag@ood.ohio.gov
 - **Counties served:** Ashtabula, Cuyahoga, Geauga, Lake, Medina, Portage, and Summit
 - **Career Development Specialist:** Kris Wray
 - **Colleges/Universities served:** Cuyahoga Community College, Kent State University, and The University of Akron
- **Kelly Jordan, Business Relations Specialist in Southeast Ohio**
 - **Phone:** 614-204-4951
 - **Email:** kelly.jordan@ood.ohio.gov
 - **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**
 - **Phone:** 330-312-4051
 - **Email:** ronald.klonowski@ood.ohio.gov
 - **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
- **Jill Simpson, Business Relations Specialist in Northwest Ohio**
 - **Phone:** 419-277-4894
 - **Email:** jill.simpson@ood.ohio.gov
 - **Counties served:** Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot
 - **Career Development Specialist:** Kris Wray
 - **Colleges/Universities served:** Bowling Green State University, Lorain County Community College, and The University of Toledo

Business Relations and Career Development Specialists Map

Business Relations and Career Development Specialists:

Northeast Area

Michael Hoag - BRS
 Kris Wray - CDS
 * Cuyahoga Community College
 * Kent State University
 * The University of Akron

Northwest Area

Jill Simpson - BRS
 Kris Wray - CDS
 * Bowling Green State University
 * Lorain County Community College
 * The University of Toledo

Southeast Area

Kelly Jordan - BRS
 Dustin Schwab - CDS
 * Columbus State Community College
 * Ohio University
 * The Ohio State University

Southwest Area

Cynthia Crews - BRS
 Dustin Schwab - CDS
 * Central State University
 * Miami University
 * University of Cincinnati
 * Wilberforce University
 * Wright State University

East Central Area

Ronald Klonowski - BRS
 Kris Wray - CDS
 * Stark State College
 * Youngstown State University
 Dustin Schwab - CDS
 * Central Ohio Technical College

 Colleges/ Universities

