

## Mental Health Disabilities in the Workplace

### Learner's Guide

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## Mental Health

### Definition of mental health from the World Health Organization:

Mental health is “a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”

### Mental health’s impact on well-being:

- Mental health’s impact on well-being includes:
  - **Thinking**, Cognition, Learning
    - Cognition refers to the mental processes used in gaining knowledge and comprehension.
    - Processes include thinking, knowing, remembering, judging and problem-solving.
    - These functions encompass language, imagination, perception, and planning.
  - **Behavior**, Communications
    - Behaviors may include habits such as sleeping patterns, interest in enjoyed activities, and productivity levels
    - Communications may include reading social cues, getting along with others, and engaging in conversation with coworkers
  - **Emotions**, Resilience, Self-esteem
    - May include identifying stressors, handling stress, and managing feelings
- Mental health’s contribution to daily functioning includes:
  - Caring for self and others
  - Relationships with others
  - Participation in work, school, and home activities
  - Adjusting to change and managing stress

### Mental Illness:

- Mental illness refers to all mental health disorders
- Mental health disorders are conditions that affect **thinking, behavior, emotion**, or a combination
- Impacts daily activities, work and relationships
- Can include distress (anxiety, sorrow, pain)
- Mental health disorder may or may not rise to the level of a mental health disability

### Prevalence of Mental Illness:

- Nearly 1 in 5 US adults experience some form
- **Most employers have at least 1 employee with a mental illness**

### Treatment:

- “The vast majority of individuals with mental illness **continue to function** in their daily lives.” – American Psychological Association
- **There is treatment for mental illness!**
  - Medications, Therapy, Self-Help
- Scientists and medical professionals continue to learn about the brain and its functions

### Invisible Disabilities:

- We often think of obvious disabilities when we hear the word “disability”
  - Mobility impairments, blindness, and others
- Many disabilities are not obvious, referred to as “invisible”
  - Dyslexia, diabetes, anxiety, arthritis, multiple sclerosis and others
  - Disability is **unknown** unless the person discloses
  - Limitations and barriers **may not be obvious**
  - Often people do not wish to disclose

### Reasons a person may wish NOT TO disclose:

- Viewed negatively
- Questioned that the condition is real
- Assumed trying to obtain special privileges

### Reasons a person may wish TO disclose:

- To receive protections under the Americans with Disabilities Act (ADA) for accommodations in school or at work
- To relieve distress associated with not disclosing
- To develop a support system

### Anxiety Disorders:

- **Most common mental health disorder**
- Excessive fear or worry plus either a physical or emotional symptom
- Six categories: generalized anxiety disorder, panic disorder, phobias, agoraphobia, social anxiety disorder, and separation anxiety disorder

### Bipolar Disorders:

- Dramatic shift in mood, energy, and thinking
  - High moods, low moods, and **periods of normal mood**
- Three categories: bipolar I disorder, bipolar II disorder, and cyclothymic disorder
- Affects 2.6% of US population

### Symptoms and Functional Limitations:

- The symptoms of a mental health disorder may not be noticeable at work
- What may be noticeable are changes in work habits, **performance**, and attendance:
  - Consistently late
  - Frequently absent
  - Decreased morale
  - Lack of cooperation
  - Poor performance
  - Missed deadlines
  - Decreased productivity
  - Increased accidents and safety problems
- Functional limitations may not be known until an **obstacle** appears:
  - Trouble focusing when seated in a **noisy area**

- Difficulty concentrating on a **large project**
- Increased fatigue due to **medication change**
- Difficulty prioritizing when handling **many tasks**
- Limitations with handling stress, such as **training** a new coworker

## Reasonable Accommodation

### Reasonable Accommodation Overview:

- Providing reasonable accommodations is a requirement of the Americans with Disabilities Act (ADA)
- A reasonable accommodation is a **change at work** to provide equal access:
  - To participate in the hiring process
  - To perform the essential functions of the job
  - To enjoy the benefits and privileges of employment
- Often inexpensive, simple to implement, and make good business sense:
  - Encourage quicker return-to-work after leave
  - Reduce or eliminate productivity-related costs
  - Aid in training a qualified workforce
  - Integral to recruiting talented, qualified employees
- EEOC guidance on how to address reasonable accommodation when the COVID-19 pandemic causes an exacerbation of a preexisting mental health disorder:
  - Many people may feel a significant increase in stress due to the pandemic
  - Employees with preexisting mental health disorders, such as anxiety disorder or obsessive-compulsive disorder, may have greater difficulty handling the changes to daily life associated with the pandemic
  - Reasonable accommodation is addressed the same way it is with all disabilities and employers may:
    - Ask questions to determine whether the condition is a disability
    - Discuss with the employee how the requested accommodation would remove the barrier and enable the employee to perform the job
    - Explore effective accommodation options
    - Request medical documentation, if needed
- EEOC guidance addressing when an employee was receiving a reasonable accommodation prior to the COVID-19 pandemic and then requests another accommodation or an altered accommodation:
  - The employee may be entitled to another or altered accommodation, absent undue hardship. For example:
    - A different type of accommodation may be needed in a teleworking environment than the office environment
    - The employer may ask the employee if the same or a different disability is the basis for the current request
    - The employer may ask the employee why the accommodation is needed
- Forbes published an article addressing working from home for employees with disabilities. The article is not specific to mental health disabilities. The article suggests how teleworking can improve the accessibility of work:
  - Commuting to and from work can pose challenges that are eliminated with telework
  - Telework may allow a work environment to be setup to meet an employee's needs
  - Telework may offer an employee with a disability the flexibility to work when not experiencing pain or sensory overload

- Telework may permit a flexible schedule for scheduling medical and therapy visits
- The State of Ohio Department of Mental Health and Addiction Services has created a COVID CareLine. The careline is staffed by behavioral health professionals 7 days/week from 8am-8pm to offer confidential support. After 8pm, the line is forwarded to the National Suicide Prevention helpline, allowing those calling access to someone 24-hours a day.
  - COVID CareLine toll-free number: 1-800-720-9616
  - COVID CareLine website: <https://mha.ohio.gov/Health-Professionals/About-Mental-Health-and-Addiction-Treatment/Emergency-Preparedness/Coronavirus/COVID-CareLine>

### Criteria for Request:

- Reasonable accommodation begins with an employee request
- May use “plain English”
  - Does not have to include the term reasonable accommodation or reference the Americans with Disabilities Act (ADA)
- Must indicate a change is needed at work
- Must relate the need for the change to a **medical condition**
- May be in preferred form of communication
  - Does not have to be in writing
- May request **at any point** in the hiring process and during employment
- Example:
  - Employee requests time off due to “depressed and stressed”
    - Request for a change at work (time off)
    - Indicates a medical condition (“depressed and stressed”)
      - Request may be in “plain English”
    - **This is a request for reasonable accommodation**
  - Employee asks for a few days off to rest after completing a major work project
    - Request for a change at work (time off)
    - Does not indicate a medical condition
    - **This is not a request for reasonable accommodation**

### Documentation and Invisible Disabilities:

- When the disability and/or the need for accommodation is **not obvious**, an employer may ask for reasonable documentation
- An employer may ask for enough information to verify the disability and need for the accommodation. Documentation may:
  - Describe the nature, severity, and/or duration of the impairment
  - Describe the functional activity that is limited
  - Describe how the disability impacts the ability to perform work activities
  - Substantiate the need for an accommodation
- The employer may not ask for unrelated documentation
- According to recent EEOC guidance, when an employee requests an accommodation during the COVID-10 pandemic, whether for the work or telework environment, the employer may still request information to determine the condition is a disability if it is not obvious or already known. The employer may ask questions or request medical documentation to determine the condition is a disability.

### Definition of Disability under the Americans with Disabilities Act (ADA):

- "...a physical or mental impairment that **substantially limits** one or more of the **major life activities** of [an] individual". The definition also includes:
  - Having "a record of such an impairment"
  - Being "regarded as having such an impairment"
- Examples of **major life activities** that may be impacted by a mental health disability:

Learning	Thinking
Concentrating	Interacting with others
Sleeping	Working

### Identifying an Effective Reasonable Accommodation:

- The Americans with Disabilities Act (ADA) encourages employers and employees to identify reasonable accommodations through an informal collaboration between both parties known as the interactive process. During this process, the following should be identified:
  - The functional limitation
  - The affected job tasks
  - The barrier in the workplace
  - The effective accommodation
- Determined on a case-by-case basis:
  - People are unique
  - Employers are unique
  - Workplaces and jobs vary
- EEOC guidance during the COVID-19 pandemic indicates that an employer may engage in the interactive process during a pandemic and request information from an employee about why an accommodation is needed if the disability is not obvious or already known.
- EEOC guidance during the COVID-19 pandemic indicates an employer may consider providing a temporary accommodation during a pandemic when there is an urgency to provide the accommodation or the employer has limited time to discuss the request. The guidance states:
  - During a pandemic, an employer may opt to skip or shorten the interactive process and grant a temporary request.
  - As government restrictions change during the pandemic, accommodation needs may change, resulting in requests for short-term accommodations.
  - Employers may choose to temporarily alter the interactive process to include:
    - Specific end dates or a statement indicating the accommodation will end upon returning to the workplace.
    - Implementing an accommodation on a trial basis that includes an end date while waiting for medical documentation.
  - When an end date or trial period is assigned, employees may request an extension that an employer must consider. This may be needed when government restrictions are created, altered, or extended.
- EEOC guidance during the COVID-19 pandemic addresses undue hardship. The circumstances of a pandemic may be relevant to whether an accommodation poses an undue hardship. It is possible that an accommodation that would not have caused an undue hardship before the pandemic poses one during the pandemic. Accommodation requests may cause an undue hardship due to "significant difficulty" and/or "significant expense" during a pandemic:

- When an accommodation request causes a “significant difficulty” the employer and employee should determine if an alternative accommodation exists that would not cause an undue hardship. During a pandemic, it may be significantly difficult to:
  - Conduct a needs assessment
  - Acquire certain items
  - Deliver accommodation items
  - Provide employees with temporary assignments
  - Remove marginal functions
- When an accommodation request causes a “significant expense” the employer and employee should determine if an alternative accommodation exists that would not cause an undue hardship. During a pandemic, the following may contribute to an accommodation being determined significantly expensive:
  - Sudden loss of all or some of an employer's income
  - Amount of current discretionary funds available
  - The impact of current government-imposed restrictions on the ability to operate the business
- The best place to start to identify effective accommodation is with the employee making the request. He or she is familiar with the functional limitation (s) and may be aware of an effective solution. However, the employee is not required to be able to identify the solution. The employee is only expected to be able to describe the problems caused by the barrier at work.
- When the employee and the employer are both unaware of the effective accommodation, consider consulting with outside sources:
  - Medical providers – With the employee’s permission, an employer may consider asking the employee’s medical provider for recommendations for accommodations or to comment on a specific accommodation being considered.
  - [Opportunities for Ohioans with Disabilities](#) is a state agency that provides Ohioans with disabilities the services and support they need to attain and maintain employment. Vocational rehabilitation (VR) services are customized for each person through assessments and one-on-one meetings with professional VR counselors.
    - Interested Ohioans with disabilities may visit [www.oodworks.com](http://www.oodworks.com) to learn about vocational rehabilitation services, take a self-assessment, to create a profile, and apply.
  - The Job Accommodation Network (JAN) is a federally funded source of guidance on workplace accommodations and disability employment issues. Visit JAN to learn more: <https://askjan.org/>
  - The ADA National Network provides guidance and training on how to implement the Americans with Disabilities Act (ADA). The network has ten regional ADA centers. Ohio is in the Great Lakes Region.
    - The ADA National Network website: <https://adata.org/national-network>
    - The Great Lakes Region website: <http://www.adagreatlakes.org/>

### Reasonable Accommodations:

- The Equal Employment Opportunity Center (EEOC) categorizes accommodations into accessible environment, job restructure, flexible schedule, equipment, modified policies, leave, supervisory

methods and telework. The following are general examples of accommodations for these categories:

- Accessible environment:
  - Reduce and/or remove distractions in the work area by installing room dividers and partitions and/or utilize noise cancelling devices
  - Locate office spaces away from noisy environments
  - Adjust work lighting to include natural or full spectrum lighting
- Job restructure:
  - Exchange the marginal job tasks of coworkers
  - Permit employees to decide in what order tasks are completed
  - Break large jobs into smaller tasks
  - Allow more time for detailed work
  - Create a checklist for work tasks
- Flexible schedule:
  - Permit job sharing and/or part-time work
  - Allow gradual return-to-work upon return from leave
  - Adjust start and end times of a shift
  - Provide a modified break schedule to enable an employee to:
    - Perform symptom management
    - Communicate with health care providers for appointments
    - Call or text a support person or buddy [resource 24]
    - Utilize online support groups [resource 24]
    - Use a mindfulness or meditation app [resource 24]
    - Perform breathing exercises [resource 24]
    - Take a break to walk or stretch [resource 24]
- Equipment:
  - Use recording devices to record trainings, presentations, and meetings
  - Utilize noise cancelling headphones or earbuds
  - Use smart devices and load applications for time management, stress management, and reminders
  - Install partitions between workspaces to minimize distractions
- Modified policies:
  - Allow food and drink at the workstation for symptom and medication management
  - Allow onsite job coaches
  - Permit flexible use of vacation leave for medical appointments
  - Increase training time with onboarding and learning new tasks
  - Provide training in the employee's preferred learning style
  - Offer training refreshers
- Leave:
  - Permit unpaid leave once all paid leave is exhausted
  - Allow leave to be used in increments of a few hours for medical appointments and symptom management
- Supervisory methods:
  - Provide feedback in the employee's preferred communication style such as written, verbal, email, or demonstration
  - Alter meeting schedules to meet more or less often
  - Adjust level of supervision to provide daily guidance and feedback
- Example of a reasonable accommodation for an employee with depressive disorder:

- The employee requests an accommodation to leave work two hours early on Thursdays for 16-weeks to attend psychotherapy with a mental health professional.
- The employer finds no undue hardship and permits this use of leave as a reasonable accommodation.
- Employers may consider accommodations by functional limitations, such as stress management, problem-solving, memory, time management, and distractions
- General accommodation ideas for mental health disabilities include:
  - Checklist for work tasks
  - Modified break schedule
  - Policy change to allow food/drinks at workstation
  - Flexible use of leave for appointments
  - Rest area/private space
  - Provide feedback in preferred communication style
  - Identify/reduce triggers (noise, light, stress)

### Assistive Technology Ideas for Mental Health Disabilities:

**The ideas presented here are for educational purposes only. The products and vendors included are not endorsed by Opportunities for Ohioans with Disabilities (OOD).**

- Natural light or full spectrum
  - Simulated full-spectrum natural light
  - Use per physician's orders
  - Listed price of \$29.99 by Amzcool and available from [Amazon](#)



- 
- Noise cancelling headphones or earbuds
  - Listed price of \$379.00 by Bose and available from [Amazon](#)



- 
- Reminders/alerts via watch, timer or smartphone
  - Visual timer
  - Time management tool
  - Visual indicator
  - Listed price of \$18.99 by Yunbaoit and available from [Amazon](#)



- 
- Stress and anxiety management apps
  - App for meditation and mindfulness
  - Guided meditations
  - Music tracks for focus and relaxation
  - Free trial period, various plans available from [Calm](#)



- 
- Laminated instructions
  - Written and illustrated instructions
  - Improve safety and accuracy with making recipes or mixing cleaning solutions
  - Example is from the Centers for Disease Control and Prevention



- 
- Smart pen
  - Echo 2 Smartpen
  - Record audio and link to notes
  - Replay audio by tapping notes or connecting to devices
  - Software to enable you to store, organize, replay, and share notes
  - Listed price \$149.95 by [Livescribe](#)



## Performance and Conduct

### Performance:

- Under the Americans with Disabilities Act (ADA), employees with disabilities must:
  - Meet qualification standards that are job-related and consistent with business necessity
  - Perform “essential functions”, with/without reasonable accommodation
- At times, barriers at work exist:
  - Reasonable accommodation must be considered
  - Lowering or changing standards is not a form of reasonable accommodation
- Performance can be managed to avoid discrimination. Consider these best practices:
  - Communicate clear performance expectations
  - Communicate clear consequences for low performance
  - Use consistent and precise measures
  - Evaluate ALL employees the same way
- Low performance may reveal that disability is contributing
  - May the lower rating still be given?
  - **YES.** The rating reflects the performance.
- The employee may or may not choose to request reasonable accommodation
  - If the employee does not request accommodation, the employer may ask what they can do to help the employee meet the performance standards.
  - If the employee does request accommodation, the employer will proceed with the interactive process and may continue with the discussion of the low performance:
    - Begin interactive process
      - Ask how the disability impacts performance
      - Explore what accommodations may help
    - Discuss performance expectations and consequences of low performance

### Direct Threat:

- Under the Americans with Disabilities Act (ADA), an employer may exclude an employee from employment for safety reasons ONLY if the employer is able to show the employee poses a “direct threat”:
  - Direct threat: “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.”
- This standard must apply consistently to all employees
- Direct threat is determined on a **case-by-case** basis:
  - Conduct an individualized assessment of the employee’s ability to safely perform the job
  - Must consider a reasonable medical judgment
  - Must rely on the most current medical knowledge OR the best available objective evidence
  - Must identify the specific behavior posing direct threat

### Conduct:

- An employee with a disability may be disciplined for violating a conduct standard. This standard must be consistently applied to all employees. An employer is not required to excuse misconduct but is required to consider reasonable accommodation to enable an employee with a disability to meet the conduct standard in the future.

- If an employee with a disability is engaging in misconduct as a result of not taking medication, the employer should focus on the misconduct and clearly explain the consequences of the misconduct. The employee is responsible to make decisions about medication and consider the consequences of not taking medication, not the employer.

## Communications

### Confidentiality:

- Medical information employers obtain through the interactive process and providing reasonable accommodations is required to be kept confidential. This includes information received orally and in writing and includes medical conditions, medical history, disability information, and treatment.
- Medical information is expected to be stored and maintained on separate forms and in separate files stored apart from other personnel files.
- There are exceptions to keeping medical information confidential. Select information may be communicated in the following situations:
  - Supervisors may know about necessary reasonable accommodations
  - Safety personnel may know about necessary emergency treatment
  - Government officials may request relevant information

### Communications:

- Because disclosing medical information is prohibited, it is helpful to understand how to communicate when questions, comments, and conversations occur in the workplace.
- When an employee asks about a coworker's reasonable accommodation, the employer may not reveal the employee is receiving a reasonable accommodation. Doing so would disclose the employee has a disability and that is prohibited. An employer may respond that it is the employer's policy to assist employees at work and that these matters are personal and confidential. The employer could advise the coworker making the inquiry that if he/she needed assistance at work that his/her privacy would be respected as well. A best practice is for an employer to provide education to new employees at orientation as well as on a regular schedule for all employees regarding the laws it is required to follow, such as the Family and Medical Leave Act, worker's compensation laws, and the Americans with Disabilities Act. It is best for an employer to consult with its legal professionals to craft a response for workplace communications. Examples of statements the employer may consider include:
  - "...acting for legitimate business reasons or in compliance with federal law..."
  - "...policy of assisting any employee who encounters difficulties in the workplace...many of the workplace issues encountered by employees are personal, and...policy to respect employee privacy..."
  - **Ask your legal professionals!**
- An employee with a disability may choose to share the disability and/or aspects of the disability with coworkers. Disclosure is not mandatory and is always the decision of the employee with the disability. It can be beneficial to address disclosure with coworkers with the employee with a disability during the interactive process for a mutual understanding of how much information the employee wishes to share and with whom.
- When reasonable accommodations are implemented, it may lead to coworkers discussing the employee with the disability. This could lead to harassment and gossip. Harassment is unwelcome conduct such as offensive jokes, slurs, name calling, physical assaults or threats, intimidation,

ridicule, mockery, insults, offensive objects or pictures, and interference with work performance. The best practice for preventing workplace harassment is through education on proper communications in the workplace.

- Another best practice we recommend to employers is to be proactive in educating your staff about employees with disabilities. One of the ways OOD can support your efforts is through our no-cost training provided by our business relations team. OOD offers training on disability awareness and disability etiquette. These trainings provide information geared toward making everyone feel more comfortable and included. For more information, please visit the links below:
  - Business Relations Team: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/business-relations-team/>
  - No-Cost Training Program for Your Business: <https://ood.ohio.gov/static/Resources/Disability%20Awareness%20Training.pdf>

## Resources

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  - **Email:** [ronald.klonowski@ood.ohio.gov](mailto: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](mailto: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 Specialists:**

**Northeast Area**  
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**BUSINESS RELATIONS SERVICES MAP**



## 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

