1. Classroom expectations & What do you hope to learn today?
2. Defining Disability: American’s with Disabilities Act & Essential functions
3. Talking through real examples
4. Disclosing, Negotiating & Practicing your narrative
5. Resources
Today's expectations

- Addressing (another) historically taboo topic
- Honest engagement, if you feel safe
- Step up, step back
- Community support can help
- Anything else?

- What are you hoping to learn today?

I am here to support you today because it’s necessary that a person speak up in order to receive any services and it may be helpful to have more information, a supportive audience and practice.
Disability defined by Americans with Disabilities Act Amendments Act (ADAAA)

1. Does the employee have an impairment? If yes, then 2.

2. Does the impairment affect a major life activity (i.e. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working)? If yes, then 3.

3. Does the impairment substantially limit the major life activity?

Some impairments are virtually always disabilities. (EEOC's list of conditions including i.e. cancer, diabetes, HIV+/AIDS, hearing & vision loss)

If not on the list:
- Consider how limited the employee would be without any mitigating measures.
- Consider how limited the employee is when the impairment is active.
- If needed, consider the condition, manner, or duration in which an employee performs a major life activity.

https://askjan.org/publications/consultants-corner/vol05iss04.cfm
Essential vs. Marginal Function of the Job

*Essential function*—factors to consider:

1. The reason that the position exists is to perform that function,
2. the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
3. the degree of expertise or skill required to perform the function.

If not, then it may be a *marginal function* which may offer room for negotiation.
I can do essential functions of the job with accommodations = I can do the job.

https://www.eeoc.gov/laws/guidance/job-applicants-and-ada

REASONABLE ACCOMMODATION

"...any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to ensure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities."

UNDUE HARDSHIP

"An employer does not have to provide a specific accommodation if it would cause an 'undue hardship' that is, if it would require significant difficulty or expense. However, an employer cannot refuse to provide an accommodation solely because it entails some costs, either financial or administrative.

If the requested accommodation causes an undue hardship, the employer still would be required to provide another accommodation that does not."
Talking through real examples

How could the impairment substantially limit one or more major life activities?

1. Long COVID: major findings, mechanisms and recommendations
2. Mental health
3. Chronic conditions e.g. Fibromyalgia
4. Pregnancy- Pregnancy Discrimination Act and ADA
Disclosing a Diagnosis

- Difference between being honest and offering too much information
- Why do we need to get personal with strangers? Is it necessary?
- What is important/appropriate to share?
  - Reporting facts: abilities or limitations only as it pertains
    a) to the essential (or marginal) skills of the job,
    b) to request reasonable accommodations
- Diagnosis- only with trusted superior or Human Resources

*Who is on my team to process this information and Help prepare my narrative?*
Disclosure of Diagnosis

WHO IS IN THE CONVERSATION?

1. Support team: e.g. Haas CMG
2. Human Resources
3. Direct/trusted Manager

WHEN TO DISCLOSE?

• It depends. Weigh the options.
• When might you find accommodations beneficial?
  • Pre-employment
  • Interview process
  • Onboarding
  • Anytime you receive the news/diagnosis or there is a change
Negotiations on the job— for context

What do we typically negotiate?

How do we prepare in advance?
Accommodations are Negotiations-Research Phase

4 Myths from Leah Zimmerman at Penn State

Job Applicants and the ADA

Depression- possible accommodations

Review job description for essential vs marginal tasks
Find the information needed to determine whether I am qualified with or without an accommodation
Take note of what has been helpful in the past
Research Self and AskJan

What limitations am I experiencing?

How do these limitations affect me and the my job/academic performance?

What specific job tasks are problematic as a result of these limitations?

What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?

Once accommodations are in place, would it be useful to meet with a supportive team member to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?

Do supervisory personnel and peers need training?

Adapted from Job Accommodations Network www.askjan.org
Preparing for the negotiation/my narrative-
Lead with strengths

What do I need in order to participate in the interview?
What do I need in order to perform the essential (marginal) job tasks?

What language is best for you?
I can do the job best with ............
I am my best self when ............... 

Practice with trusted and supportive team member
Job Accommodations Network (JAN)

Technical Assistance Manual for Title I of the ADA - especially note:

- 2.1 Who is covered by ADA?
- 2.3a Essential functions
- 3.3 Reasonable accommodations

Note all underlined text throughout PowerPoint are linked to articles or websites.
Questions
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