**Agenda: Disability:IN COVID-19 Accommodations Discussion**

**April 8, 2020 3:00pm EST**

**JAN Resources:**

* JAN offers a resource guide on telework here: <https://askjan.org/topics/telework.cfm>
* [JAN COVID-19](https://askjan.org/topics/COVID-19.cfm) resource page
* JAN blogs:
  + [The ADA and Managing Reasonable Accommodation Requests from Employees with Disabilities in Response to COVID-1](https://askjan.org/blogs/jan/2020/03/the-ada-and-managing-reasonable-accommodation-requests-from-employees-with-disabilities-in-response-to-covid-19.cfm)
  + [Coronavirus (COVID-19), Stress, and Mental Health Conditions](https://askjan.org/blogs/jan/2020/03/coronavirus-covid-19-stress-and-mental-health-conditions.cfm)
* [EEOC Pandemic Preparedness in the Workplace and the ADA](https://www.eeoc.gov/facts/pandemic_flu.html)
* EEOC [webinar](https://www.youtube.com/watch?v=i8bHOtOFfJU) addressing questions arising under Federal Equal Employment Opportunity laws and the COVID-19 pandemic
* Families First Coronavirus Response Act (FFCRA) [COVID-19 and the Workplace](https://www.dol.gov/agencies/whd/pandemic)
* You can contact JAN by live chat on their website, or by leaving a voicemail.
* **Federal Telework safety resources links:** 
  + <https://www.telework.gov/>
  + Self-assessment: <https://www.telework.gov/federal-community/telework-employees/self-assessment/>
  + Safety checklist: <https://www.telework.gov/federal-community/telework-employees/safety-checklist/>

**Questions for employers to consider around telework:**

* Consider whether essential functions can be performed outside of traditional work environment
* When will they need to work from home, and for what duration?
* Does work require in-person interaction with colleagues or clients, and can those communications happen in an alternative way?
* Does the employee have access to general equipment?
* Do they access to the accommodation equipment?
* How will they access documents?
* How will they be supervised?

**Equipment to consider:**

* Standard equipment to access info (laptop, keyboard, mouse, telephone, headset, internet)
* Equipment for physical workstation (chair, desk, etc.)
* Equipment for remote access (VPN, Cloud services, team online chatting)
* Assistive equipment (screen readers, speech recognition, larger monitor, video phone, ergo chair, etc.)
* Office supplies (printer, ink, paper)
* Software (Word, Excel, Adobe, etc.)
* Look at the issue case by case. Not everyone can have the same accommodations that they had a work. Do due diligence to make the best effort. Remember there are also alternatives to a standing desk (taking breaks, a better chair, etc.)
* There is currently no EEOC guidance on delivery and set up protocols. On a practical viewpoint, it makes sense that the employer insures employees receive equipment in a timely fashion and that they can set up and use safely.
* Ergonomics resources:
  + AskJAN.org - [Ergonomics in the Workplace](https://askjan.org/topics/ergono.cfm)
  + [Office ergonomics: Your how-to guide](https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/office-ergonomics/art-20046169)
  + [Ergonomic tips for working from home](https://source.colostate.edu/ergonomic-tips-for-working-from-home/)
  + [Don’t Work from the Couch! Tips to Improve Your Home Office](https://www.humantech.com/dont-work-from-the-couch-tips-to-improve-your-home-office/)
  + [Your Home Office Is an Ergonomic Time Bomb. Here's How to Make It Better](https://www.inc.com/minda-zetlin/ergonomics-home-office-work-at-home-setup-spinal-back-health.html)
  + [How to Set Up Your Ergonomic Home Office:   
    Six Essential Ergonomics Tips for Remote Workers](https://ehs.yale.edu/sites/default/files/files/ergonomics-home-office.pdf)
  + [Coronavirus – ergonomics tips for working at home](https://www.system-concepts.com/insights/coronavirus-ergonomics-tips-for-working-at-home/)

**Communication options:**

* Email, social media, group texting, group chat platforms, video calls and audio conference lines
* Don’t forget accessibility in these communications:
  + mobile captioning for mobile phones
  + relay conference captioning for audio calls
  + captioned telephones
  + video interpreting services
  + screen reading software
  + Having language on vendor agreements and internal requirements, that they need to meet accessibility standards helps ensure your resources are always accessible.

**Job restructuring may be needed:**

* Removing marginal job tasks
* Restructuring when duties are performed – most difficult tasks during the time of day the employee has the most mental energy or stamina/is most productive/is most available
* Noise canceling headset to remove distractions, apps for concentration
* Communicate in alternative ways (e.g., e-mail, chat)
* Designate uninterrupted time for tasks that require significant concentration, specific days for meetings
* Take breaks to address mental fatigue

**Workplace flexibility is also important right now:**

* Flexible work schedule (e.g., adjustable start/finish, reduced hours, alternative shift, altering when functions are performed)
* Flexible and/or scheduled breaks to move around, use the restroom, chat with co-workers, service providers, etc.
* Allowing time to be made-up
* Access to leave when cannot perform duties

**Services employers can consider offering:**

* Job coaching
* Interpreting services for meetings
* Real-time captioning services for meetings
* Qualified reader services
* Personal Assistance Services (PAS): usually not provided from private companies, but are for federal positions
* Employee Assistance Program (EAP): easy access to your EAP

**How does an employer obtain disability-related info from employees?**

* Ask the individual
* Consider whether the employer already has sufficient information, if they already had accommodation at work
* Accept information from a personal medical record from a past visit to a health care provider that establishes the impairment
* Accept a telemedicine consult with an appropriate provider, a form or stamped note from a clinic, e-mail from a health care provider, etc.
  + There are no official guidelines on requiring a doctor’s note. An employer has the discretion to decide what to obtain, and how. Think practically and try not to put a burden on the individual and/or health care provider. Documentation is often a cultural question. If you trust your employees, then you can require less documentation. More companies are finding that most cases don’t need documentation. In the current times, requiring doctor visits obviously come with some risk. If accommodations or past medical forms are already on file, you can use this instead.
* Request authorization to communicate directly with the individual’s health care provider/appropriate professional, to get clarification
* Approve the accommodation request without obtaining formal disability-related documentation – *document that information will not be required at this time, due to the COVID-19 pandemic*

**Summary Practical Guidance:**

* Define essential job functions to be performed at home during this pandemic situation
* Document parameters of the *temporary* telework arrangement and draft an agreement, may or may not be needed (e.g., why and when permitted, for what duration, supervision, etc.)
* Make tools, information, and equipment available
* Provide accommodations, *when reasonable*
* Provide necessary IT support
* Develop work goals, document performance expectations, and apply requirements