# Accommodation Solutions for Executive Functioning Deficits

## [Introduction]

**TRACIE DeFREITAS:**

Welcome everyone, and thanks for attending this JAN Accommodation and Compliance webcast titled "Accommodation Solutions for Executive Functioning Deficits." My name is Tracie DeFreitas.

Before we begin, we need to cover some housekeeping items on the next slide. First, if you experience technical difficulties during this webcast, please use the question-and-answer option located at the bottom of your screen to submit a question. You may also contact JAN at 800-526-7234 or use the live chat at AskJAN.org. That's A-S-K J-A-N dot O-R-G.

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Now let's get started with today's training. We have some great presenters for you today. We know you're going to hear a lot of amazing accommodation information and resources. So I'm going to go ahead and turn things over to my colleague Linda Batiste, who will introduce our speakers. Linda?

**LINDA BATISTE:**

Thanks, Tracie. Hi, everyone. Thanks for joining us today. I think today's topic is extremely important and, based on the number of people that signed up for today's webcast, I think there's a lot of people that agree. This is a very interesting topic and sometimes a little bit complicated, and we have a couple of great speakers here today who are hopefully going to break it down for you and make it a little easier for you to approach.

Our first speaker is Melanie Whetzel. Melanie is our lead consultant on our cognitive/neurological team, and as you can tell by the name of the team this team is the one that fields our questions related to accommodating employees with executive functioning deficits. Melanie has a master's degree in special education and previously worked as a special education teacher, so she has some experience accommodating people with executive functioning deficits prior to coming to JAN. But at JAN she has been here over 14 years, handling over 20,000 cases involving this topic. So she has a lot of experience. She has also obtained certification as a brain injury specialist, which gave her even a wider breadth of knowledge. So Melanie is very experienced, and you'll find she that takes a very practical approach to addressing these issues in the workplace. So you're going to get some great advice from Melanie today.

Along with Melanie we have Alexis Popa. She is also a consultant on the cognitive/neurological team. Alexis has a master's degree in clinical rehabilitation and mental health counseling. She's newer to JAN, but she has already been here almost four years and during that time handled over 3,000 calls -- cases also in this area. So between the two of our speakers today you're going to get a vast amount of very, very useful information.

And again they're -- both of them approach this in a very practical way that I think you're going to find very, very useful. And with that brief introduction I'm going to pass it on over to Melanie to start today's program.

## [Overview of Executive Functioning]

**MELANIE WHETZEL:**

All right. Thank you, Linda. I'm just going to jump right in, and we're going to give you just an overview of executive functioning. I mean, it can be very complicated. But we want to spend more time on our examples and solutions and then questions, too.

So executive functions are high-level mental processes or abilities that influence and direct more basic abilities like attention and memory. The term "executive function" describes a set of cognitive abilities that include the ability to plan, organize, and strategize; pay attention to and remember details; start and stop actions; and form concepts and think abstractly. Executive functions also keep us from behaving in inappropriate ways.

Executive functions are important for successful adaptation and performance in the daily situations of our lives. They allow us to begin and complete tasks and to persist when we're faced with challenges. We need to be able to recognize unexpected situations and adjust our plans quickly when unusual or sudden events crop up and interfere with our regular routines. And we all know about how things have popped up over the last two years and interfered with our usual routines. We've been doing everything it seems like a little bit differently for the past two years. And that's been a test on our executive functioning abilities.

Some higher-level thinking skills include the ability to analyze, conceptualize, design, develop, direct, evaluate, implement, interpret, manage, negotiate, oversee, problem solve, and synthesize. When a cognitive disability develops or is exacerbated, daily tasks and duties may become difficult. Employees who may never have had performance issues in the past may now find tasks problematic. Accommodations may be needed.

Now I'm going to turn it over to Alexis to talk about disabilities and medical conditions as well as some common limitations that we see.

Next slide, please.

## [Disabilities and Common Limitations]

**ALEXIS POPA:**

Thanks, Melanie. So here we have a list of some disabilities that can either occur or be exacerbated which in turn then limits an individual 's ability to use those higher thinking skills. So for example this includes disabilities such as autism, epilepsy, Long COVID we've been seeing now, brain injuries, ranging mental health conditions, multiple sclerosis, learning and intellectual disabilities for sure, Alzheimer's and other forms of dementia, and then finally of course ADHD and ADD.

All right. Next slide.

So now here we have a list of common limitations that we generally see. While some people with the disabilities previously noted may develop the limitations discussed below, they seldom develop all of them, and also the degree of limitation will vary amongst individuals. So some of those most common limitations include, you know, attention to detail, multitasking, organization skills and concentration, managing time, keeping those memory levels, getting to work on time, hyperactivity and impulsivity. and also managing mental fatigue within the workplace.

And something to be aware of is that of course not all people with those previous-mentioned disabilities and others will need accommodations to perform their jobs, and many others may only need a few. You know, it just really varies, and that's where it's important, of course, to evaluate each request on a case-by-case basis and not only identify, you know, what those specific limitations are but also, you know, what those workplace barriers are that are being affected and looking towards what could be an effective accommodation strategy.

All righty. Back to you, Melanie.

## [Memory]

**MELANIE WHETZEL:**

Okay. All right. We're going to start out here with memory. And we all know we have memory lapses at times. We get busy, you know, maybe forgetful. But we're talking about memory issues that are more extreme and can cause limitations in the workplace. So this is a good accommodation here, sticky notes. Different colors. Some people use color coding, different notes, different colors for different things. But I'm just going to mention here that individuals may experience memory deficits which can affect their ability to complete their tasks at work, remember job duties, or recall daily actions or activities even if those are things that are done frequently. And so sometimes an employee may be used to doing something and all of a sudden can't remember how to do it that they did yesterday or they did earlier this morning. It can be that easily -- can crop up that easily.

Okay. Next slide, please. Excuse me.

So we're getting into our first example here. We have a receptionist in a large office who had difficulty remembering faces and names and keeping track of the in and out status of the various case managers on staff.

Next slide, please, for our solution.

So in this case a Velcro in-and-out board was provided with a photo and the name of each case manager. When entering or leaving the building the staff members prompted the receptionist as to their status, and he would then move their photo from the in to the out column or vice versa. Excuse me. I apologize. This allowed him to keep track of their status, the case managers' status, and better serve clients who were trying to contact them. And I'm going to turn it back to Alexis.

Next slide, please.

**ALEXIS POPA:**

Thank you. So the next situation. Here we have a veteran who is in a new customer service position and has PTSD and a TBI. So after disclosing these disabilities and requesting accommodations, the employer provided a cubicle that was close to an exit where the employee's back was up against a wall. And this had helped alleviate some anxiety. But the employee still had difficulty with memory and organization. So as you can see, a quick, easy solution to address one part of the situation.

And now next let's take a look at the additional accommodation solutions that were used to address the memory and organization. So as a result the employer obtained a job coach through the VA to help the employee adjust to the new position. The job coach was able to help develop a customized form to help -- to help with taking notes, a system for organizing the employee's workspace, as well as suggesting email communication so that the employee would have written responses. Breaks were also added into the employee's day just to help reduce any stress and fatigue that occurred.

All righty. Next slide.

So next let's take a look at a different situation. We have Jessica, who is a med student and is struggling with expressing what accommodation ideas she has As well as communicating with the employer during those ADA meetings and remembering discussion points.

Next slide.

So, as a result, Jessica requests to have a support person present with her during important meetings to help out not only remembering those key points but also to assist in better understanding the process of her accommodations. And now here I just want to reiterate that the benefit of a support person being present is great, even aside from an accommodations meeting. Allowing an employee to really bring a support person can occur in almost any setting of an important meeting such as job evaluations, disciplinary meetings to really help them ask questions, remembering those discussion points and explaining the purpose of that meeting. And support persons can look at -- can be looked upon as coworkers, job coaches, or even close contacts outside of the place of employment.

All right. Next slide.

## [Q&A Section 1]

**LINDA BATISTE:**

All right. Melanie and Alexis agreed to try to take a few questions in between some of our topics today just because it's hard to get them all in at the end so we're going to do a few in between some of our sections here. So keep sending in your questions. We do have a few. I'm going to share a couple of them with you all right now.

First question, in this situation we have an employer who's been -- looks like the supervisor's been actually providing an accommodation by helping an employee get organized and reminding the employee when they forget something. So the question that this employer has is how much time should that supervisor spend on organizing and reminding the employee before it's really an undue hardship?

**MELANIE WHETZEL:**

Okay, Linda. I'll take that one. That's a really good question. And we would say, you know, that's based on a case-by-case basis individualized, but we can give some general guidance there. You know, the supervisor should be working to provide accommodations that will help the employee be independent. And that may take a while at first. You know, sometimes people have a checklist of what they need to do, but sometimes they forget to check the checklist to know what to do. Sometimes when they come in in the morning they just kind of spin their wheels, they can't really get started, and they may need some help, you know, with what to do first. Priorities. But basically the supervisor should be trying to accommodate to help make that person independent.

Another thing could be that, you know, you don't have to use other employees to accommodate a coworker. But you can certainly look and see, is there somebody you could use as a mentor, somebody who is good at their job who would be a good mentor, a teacher to help this person. They could answer questions of the person, and it would free up the supervisor some. You know, if the supervisor is spending an inordinate amount of time with this person, even with the accommodations, you know you would need to look at how much time does the supervisor have to do other tasks -- to supervise other people and to do the other job functions that they have. And maybe having a mentor would be -- somehow could split some of that time up.

And it's a good thing to look at, too, how much -- you know, as time goes on you should be spending less and less time with that person. So if it's not a matter of decreasing the supervisor's time, then there may be other accommodations that are needed, or it may be time to think about, you know, is a reassignment maybe possibly, you know, an option here if the employee really can't do the job, can't remember, you know, can't organize themselves. And if you're not sure if you've made enough accommodations, and you're not sure if there are other things you can try, that's a good time to call JAN, and we can help you with that.

**LINDA BATISTE:**

All right. Great. Thanks, Melanie. I'm going to throw one more out here. This is from an employer. They say that they have already tried the things that you all have suggested in your -- the situations and solutions that you shared with us and wanted to know if you might have some other ideas to accommodate an employee with memory deficits, other than the ones you've already talked about. They didn't describe the situation any further than that, but do you all have any others you didn't share yet?

**ALEXIS POPA:**

Yes. I'll take this one. So we talked about previously job coaches, support persons, written instructions, things of that nature. Some additional ideas that I've seen pretty frequently used and suggested could be memory software. We have a list of, you know, different assistive tech and vendors on our sites that are really great, broken down for each limitation as well as reminders and timers. There are watches as well as apps within phone devices, or you can even set it on your computer. I know there are specifically watches that are made just for reminders. But a lot of individuals have, you know, those smartwatches, and you could program those to go off throughout the day for reminders.

Lastly I feel sometimes a technology that isn't thought of might be like the voice-to-text software. I really have seen that come into play for individuals that like to hear those instructions or information read aloud to them and repeated, you know, whether you're taking recordings, replaying them in the future whenever you need to resort back to, you know, hearing that information played back. Or, you know, on the individual's end it might help them to repeat or reiterate something aloud that's in writing so that way they can, you know, digest that knowledge.

**LINDA BATISTE:**

Great ideas. And for whoever sent the question in and along with anybody else listening, as you can tell there's a lot of possible solutions, and it's sometimes hard to sort them all out, so don't hesitate to contact us directly, and you can have a one-on-one chat with a member of the team, and we can customize some specifics for ya. And I think with that let's go ahead and move on to the next topic, which I believe is learning, on the next slide.

## [Learning, Thinking, and Attention]

**MELANIE WHETZEL:**

Now we're going to talk about learning, thinking, attention, and these are very complicated processes, so I'm going to try to talk a little more simply here. And one thing I do want to say, we're talking about attention, and we're going to talk about organization, concentration, and focus. You see a lot of overlap, because, you know, the processes build on each other and kind of depend on each other.

So first we're going to talk about thinking. Thinking is the act of knowing or using your mind to consider or reason about something. Now that's the definition. What does that really mean? Well, it means that you have the ability to pay attention and concentrate, to process and understand information, to remember, communicate, plan, and organize, reason, problem solve, and make decisions and judgments. That's a lot going on at one time to think.

So I want to just talk about learning. Learning is the activity or process of gaining knowledge or skill by studying, by practicing, by being taught, or experiencing something. And so how we learn depends on how we process information. And I want you to think about how diverse this is. How many different ways different people process information. In simple terms, information processing is how we take in the facts and opinions that we receive during the course of our daily life. Now think about how much information you can receive in the course of a daytime. If you listen to the news, which is, you know, 24/7. People using social media. You're learning at work. You're talking to people. That's a ton of information. In fact, it's sometimes an overburden of information.

So but how we learn is based on what we remember. It's based on what interests us. whether we have something in our memory to link it to, and how we're able to organize it and then retrieve that. So there's a lot of different ways that people process information and how they learn. And so on the job it's going to be the same way, and there are different -- you know, you might be able to learn some things quicker than other things. And so there's a lot of variation in that.

Now we're going to talk about attention. Attention is really the beginning of cognitive functions. You know, you first have to pay attention to something before you can process it for meaning and understanding. So if there are difficulties with sustained attention, there will be difficulties with other functions as well. And here is a good visual to help you understand how executive functions build on each other. I heard this a long time ago, and it has stuck with me. Okay. So if memory controls the bucket of our thoughts, where our thoughts are stored, then attention is the hose that fills the bucket. So if the hose isn't exactly filling the bucket, there will be memory, thinking, information processing as well as other issues with executive functioning. So it comes down to, you know, can someone pay attention enough in order to have these other processes happen?

So okay. Enough about that. Let's get to the examples we have here.

Let's go to the next slide. Okay.

So here our first situation. Hailey is applying for jobs and is having difficulty answering interview questions that require abstract thinking about scenarios she must recall from past employment or experiences.

Next slide.

Go to our solution here. And we hear that a lot. A lot of people have difficulty, and I think it's because you're in a situation where you're nervous and you're thinking, "I have to act quickly," and that puts more pressure on you to remember, and then abstract thinking can just be difficult. So Hailey reached out to JAN for accommodation solutions that she could request. For example, she can ask for interview questions to be provided in advance so she has time to consider those and kind of formulate an answer. Extended time to answer the questions. Sometimes people need a little bit of time to process that information and get their thoughts together before they speak. It was also suggested that she practice interview techniques and answering common questions. You can go online and find a lot of different sources for common interview questions. And the more you're familiar with those questions, the more you're at ease with answering different types of questions.

Okay. Let's go to our next situation here.

Okay. In this situation we have Deondre, who was a good employee who was able to meet the performance standards set by his employer for many years until he had a stroke that limited his cognitive abilities. After a long medical leave, Deondre returned to work, but he was unable to complete several duties of his job.

Next slide, please.

Deondre's employer provided accommodations, but there were very few that was effective and none that could really help Deondre meet his former level of productivity. So in this case the employer agreed that reassignment to a less-demanding job was the best solution. And now when you think about reassignment, that's an open position that the employee is qualified for. And we get that question like, "Well how do we know what they are qualified for?" Because they are having difficulty in the job that they are in. And that's what you look at. We would say to document the accommodations you made. Document the difficulty the person had. What they were able to do. What they weren't able to do. What they were able to do with help. And then you look at those skills that the person has, those abilities, when you're looking at the next job You know, you don't want to put somebody in another job where they are going to have the same tasks they can't be successful in. And a less-demanding job is going to be a lower status, probably lower-paying job. And that's okay if that's what the employee is qualified for.

All right. Next slide, please.

All right. Here we have Tina. Tina became seriously ill from COVID-19 and was hospitalized three times. When she was able to return to work, Tina was unable to learn the new operating system that was installed while she was out. Tina was experiencing lasting effects from COVID-19, resulting in difficulty with memory and learning. And if -- the employers in our audience here, if you haven't had that situation come up, I think you're going to. We've had a -- like Alexis said, we've had a lot of calls with people having cognitive issues after COVID, with memory and learning and brain fog and concentration.

So let's move on here and see what our solution is for Tina. JAN suggested extended training that met Tina's needs in ways that she could best learn post-COVID. What that means there is that the way she learned before, she was not able to learn because of the effects that COVID had had on her brain with memory and the learning part. And so the employer needs to talk to Tina to find out, you know, what best is going to work for her. And because this is a new situation, she might not really know.

You know, we talk about employers never overlooking the chance to have a full conversation with the employee. And that's a really good step. Sometimes employees with cognitive disabilities, they don't really know what they need. And so, but it's good to have that conversation, because they may know what's not working.

So what we suggested was having video training, hands-on instruction, and a trainer who is available for questions. A color-coded flowchart of steps to remember was also recommended, like there in the picture. We recommend color-coding a lot, and a flowchart can be very helpful. With arrows, you know, you go here, you go here. And then the color to show priority or just to distinguish between steps.

All right. Next slide, please. And this is where I'm going to turn it over to Alexis.

## [Organization]

**ALEXIS POPA:**

All righty. So next we'll touch base on the function of organization. Individuals with executive functioning deficits may have getting or staying organized or have difficulty prioritizing tasks at work. So individuals who experience difficulties with, you know, whether it's organizing, planning and prioritizing, often experience limitations in the ability to organize and strategize those daily tasks along with the ability to decipher the sequence in which job duties should be completed.

So there's a multitude of ideas that might be beneficial in these situations. Just to name a few could be task separation, written instruction like we talked about. looking at those organizers or reminders, timers, and even adjusting supervisory methods. And once again, of course, it should be evaluated case by case of what might be most effective and reasonable for that individual. So now let's take a look at some situations and solutions involving this function.

So first we have an IT consultant who was very skilled at finding solutions to problems and had some difficulty, though, with organization and remembering multiple tasks and information that was gained in meetings.

Next.

So as a solution, this employee was given an advanced organizer to help obtain information from the meeting in a more organized and meaningful way. The employee was also permitted to record meetings to later review what was discussed and make sure important information wasn't missed, and the employee's supervisor also agreed to send information about tasks and assignments via email. So notice that last part can be considered just a basic adjustment to supervisory methods simply by sending that follow-up information as a reminder, as well. So that way he could resort back to it at a later date.

All righty. Next situation.

Next we have Ty. Ty worked for an online catalog retailer and was having difficulty serving customers over the phone. They disclosed that they have a disability and requested reassignment to a position that doesn't require talking to people over the phone but involves communicating via online chats and emails more so. Next slide. So since there was no vacant positions that the employee was qualified for that didn't involve talking to customers, the employer asked what was needed to enable the employee to serve the customers on the phone. So due to short-term memory deficits, Ty didn't feel prepared enough to answer the callers' questions on the fly. Some accommodation ideas included advanced one-on-one trainings, a mentor to help with his organization, and prepared resources that could be located pretty quickly and readily easily.

So I'm going to highlight this is where it's important to ask those basic questions to gauge what the employee may be having difficulty with when it comes to specific work tasks. I will add too we have a great publication on our site for this job function of assisting others on the phone, and it's of course written by my colleague Melanie. It highlights a lot of great points and some helpful questions to ask especially when a large part of the employee's role might involve the task of speaking on the phone. It kind of breaks down like stress, anxiety, and just having, like, maybe a modified break schedule as well included in there just to alleviate any stressors.

All righty. Next slide.

## [Q&A Section 2]

**LINDA BATISTE:**

All right. We are getting a lot of great questions. I'm going to just share a couple right now. What I'm going to do with this one, we have gotten kind of a theme in several questions, so I'm going to combine some of the questions and just ask.

For employers that have been working on trying to accommodate an employee with executive functioning deficits for a long time and having little success, the question is how long should an employer try to accommodate when an employee is really not making very much progress at all? They have tried accommodations, so they are putting accommodations in place, and they're still not progressing.

**MELANIE WHETZEL:**

Okay. I'll take that one. That's a really good question. We get that a lot. Excuse me. And what I would say is you want to look at having a variety of accommodations that you have thoroughly tried, and then over time -- you know, you don't want to just try a few for a couple of weeks and say, "Okay. Well, it's not working." You want to try different ones. Maybe they need to be tweaked.

You know, we sit behind a desk, and we can offer all kind of good accommodations, and sometimes we hear back well, the employer thought that would work, and it didn't really work. And so they don't always work like we expect them to. And so they may need to be tweaked, they may need to be tossed and other ones started, but you really want to be as thorough as possible in providing those accommodations, and you really want to make sure that you document all that you have done and the progress too.

Because here is what I would say: You would want to look at how long it would take the average employee to get up to speed, whether they've been -- whether it was a new hire, whether it's somebody who is off on leave and have come back, or it was a new job, new tasks. You want to look at that. So if it would -- let's say it would normally take an average employee about a month to learn and get up to speed. You can certainly allow extra time for the employee to learn. Six weeks. Two months maybe. And you want to look at the accommodations that you can provide in that extended time.

But you want to also look at the increase in performance, even if it's incremental. You want to look at that. So over that month, over that six weeks, two months, how much did the employee's abilities and productivity increase? Because, you know, if it's not increasing and you've given double the amount of time you're looking at -- And you've done the accommodations, you've called JAN, and we have helped you with accommodations. It may just not be a good match for that person if it's a new employee, or if it's an employee who started to have difficulty, it may just not be a match any longer. But, you know, you can look at that and say, "Well you know the first couple of weeks they didn't do too well, the next two weeks they did pretty well, and the next two weeks, man, they really improved."

And so you would have -- with that you have some -- I don't want to say ammunition -- But you have information there to move forward with it. If each two-week period they are showing a big increase, then you have that hope in the next two weeks and the next month they are really going to get going. where somebody who is making very tiny incremental increases or really none at all, then you can use that time that you've worked and accommodated to judge, you know, how much in the future that person is going to improve. And so that's always a good question to call and ask us, and we can talk you through that, too, in your own individual situation.

**LINDA BATISTE:**

Great. Thanks, Melanie. I wanted to share a question that we got from an individual with a disability. Because a lot of the questions we have are from employers, but we do have individuals on the call -- on the presentation today, too. This individual said, "Can my employer have a high standard that I have to meet in the number of customer service calls I have to take in a day, even though I have the documentation that shows I have a cognitive disability and cannot meet it?" Great question.

**ALEXIS POPA:**

Yeah, I'll take that one, Linda. So yes, there is no obligation under the ADA for employers to lower or disregard those production standards because an employee with a disability cannot meet those standards. You know, uniformly applying quantitative or qualitative production standards can be applied to all employees in the same job category, even those with disabilities. So of course, though, there's still, you know, reasonable accommodations may be required to enable an employee with a disability to meet those specific production standards. Some ideas might be job restructuring. So that can look as if reallocating or redistributing marginal functions, so that way those essential functions can get met. You know, last resort, reassignment if that ultimately would be a better option and if it's feasible and agreed upon.

Of course if the employer wants to, you know, provide a, you know, a lower standard, that's certainly their prerogative to determine if it's reasonable. It really just depends on the company. But there is no obligation, so we try to remind individuals of that. And, you know, certainly explore some options and routes depending upon the limitations to better help enable them to meet those production standards.

**LINDA BATISTE:**

Thanks, Alexis. And with that, let's move to the next slide and the next topic.

## [Concentration and Focus]

**ALEXIS POPA:**

All righty. So next we'll discuss some situations related to concentration and focus. So individuals with decreased concentration and focus can be attributed to some auditory distractions, so those that can be heard, and/or visual distractions that can be seen. Some of these reported distractions, just to name a few, can involve office traffic, an employee chattering, all the way to opening and closing of elevator doors and other common office noises such as, you know, fax tones, photocopying, things like that.

Another key reminder is of course an office setting could be noisy due to its layout or type of work, and it can certainly vary depending on the type of job. So for example, if you're looking at someone that is a teacher versus a cashier in a grocery store, a miner, or a construction worker, you know, in those more, I guess, higher-traffic, louder, louder jobs, they will incur various types of distractions.

So now let's take a look at some situations where concentration was accommodated. So here we have Nigel. Nigel is a case manager who has difficulty completing required documentation. Nigel's workstation is in a noisy open cubicle area that limits his ability to focus and concentrate. And with no private space available, Nigel believes a change in office hours might help.

All righty. Next slide.

So Nigel's supervisor agrees as a solution that the office is hectic when staffed and approves a schedule change. Nigel was allowed to work two hours earlier, not only before the arrival of coworkers but also when he has the most mental acuity and ability to focus. So I just want to add that that last part, many people vary in terms of being, you know, more focused throughout the day. Some it might be in the mornings, others might be better in the afternoon depending upon the disability. Thinking about, too, any type of, you know, side effects from medical treatments or medications, the list really goes on and on, so it's a great idea to keep that in mind, as well.

All righty. Next slide.

So next we have John. John is a teacher who has ADHD and is having difficulty managing those varied tasks at the workplace during the pandemic. He describes feeling overstimulated and overwhelmed towards the each -- or the end of each school day. Now this is an example of where an employee may have not, of course, needed accommodations in the past, but now that has certainly changed.

All righty. Next slide.

So as a result, John sends an email to his HR department explaining the diagnosis, how in the past he's managed his limitations, and how the pandemic has since changed this. John includes a letter from his healthcare provider to support the statements and asks to meet with the employer to explore accommodations. And like I previously stated, this is a great example of recognizing that there is a workplace barrier and reaching out to the employer to disclose the need before any type of performance begins to suffer [and also showing that that duty to provide accommodations] can be ongoing. And it can occur whether it's application stage, one year into employment, five years, you know, you name it. The pandemic really has altered and changed for individuals needing to disclose due to any type of limitations really, whether it's in the workplace, things affecting them in their home life. So really it just varies.

All righty. Back to you, Melanie.

## [Time Management]

**MELANIE WHETZEL:**

Okay. Thank you, Alexis. So we're going to talk about -- excuse me -- We're going to talk about time management. So individuals with executive functioning deficits may experience difficulty managing time, which can affect their ability to mark time as it passes incrementally by minutes and hours.

Now most of us can lose track of time. We get involved in something we're really interested in or absorbed by some certain topic, and we can lose track of time, but that's not what we're talking about. This is much more chronic, and the person really has difficulty managing the time, can't do it alone. It can also affect a person's ability to gauge the proper amount of time to set aside for certain tasks. They may think it's going to take a half an hour to complete this task so they wait, hmmm, close to the due date. It ends up taking two hours, and they miss the due date, because they really couldn't judge how long it was going to take. And they may have done it in the past but couldn't remember how long that took or couldn't judge this time how long that's going to take. It may be difficult to prepare for or to remember work activities that occur later in the week, in the month, or the year.

Now in this section we've also included getting to work on time. And we'll get questions about -- from employers, "Well it's really not our job to make sure people get to work on time," and that's true. But it is the employer's responsibility to set the times that people work. And if that creates a barrier for someone, then the employer can look at, you know, "How do we help the person get to work on time? Can we provide accommodations that would work?"

All right. So, you know, we talked about just the different things that, excuse me, may come up. You know, there are a lot of interruption in the morning if you've got family, you've got kids you're trying to get ready and get out the door, and there may be issues with the commute as well that can cause problems. And so we're going to talk about accommodations that can be put into place to help employees be more productive and manage time more effectively. So let's start looking at those.

Next slide, please.

So here we have an employee who works outside landscaping and has trouble with time management and task completion. He works for a small employer who cannot provide the direct supervision necessary. The employee was using his phone to help manage his time. He had apps on there he used. But the employer felt it made it look like he was off-task. And what really happened was, excuse me, he's working at someone's home, they look out the window, he's on his phone, and they get upset, because they are paying him to work and there he is on social media, and he wasn't. He's looking at his app to help keep himself organized.

So let's go to the solution there. And there are workplaces that don't allow people to use their phone, so that may not be an option for everyone. So JAN suggested a daily written list of tasks and a watch with multiple settings programable to varying amounts of time. The watch was set to vibrate, and the tasks needing to be completed or started appeared on the face of the watch. The employee was trained to set the watch for daily tasks. Now the employee is going to have to have some guidance maybe in the beginning, and it's going to depend maybe on the size of the job. That's all variable. You know, if you're doing a small yard, you're putting mulch in a small yard for instance, as opposed to, you know, a city park or something, you're going to need varying amounts of time. But that's something that the employer -- the supervisor could help with with that daily written list of tasks, about how long they might take, and then the employee can set that watch and be able to organize himself and manage his time that way.

All right. Next slide, please.

Okay. Here we have Al. Al was extremely upset, because the employer has written him up for being late. The next occurrence will result in termination. Because Al disclosed a disability during the interview, he feels that the employer should know he is unable to be on time and cannot be held accountable for tardiness. And that is not how it works. Al should have notified the employer that tardiness is related to ADHD the first time it was brought to Al's attention as a problem. It's up to the employee to let the employer know that a medical condition or disability is affecting or kind of getting in the way of productivity or performance or getting to work on time. And Al did not do that. And if he had done that, he and his employer could have explored accommodation ideas that may have spared Al from reaching the point of termination.

All right. Next slide, please.

And here we have some ideas. The HR manager talked with Al about ways he might be able to better manage time in the morning, enabling Al to get to work on time. And this is where some employers kind of push back, that "I'm not comfortable talking about this. This has nothing to do with work." It does have to do with work.

And let me just say this, that a lot of people with cognitive disabilities don't always know what they need to do. They don't always understand what might be missing. They might not understand the full scope of their job. I really believe for the most part that people want to do their job and want to do well. And they just don't know how. They don't know how to do that.

And so here are some ideas that the employer -- We have a publication called "Getting to Work on Time." The employer can refer the employee to that and say, "Here. Look at this. Maybe there are some things here that can help you." We often tell employers, you know, that they can refer the employee to us, and we can talk to them.

But having a routine of keeping things in place, that can be very important for people who are scattered, don't have a routine, don't keep things in place. Keys. Your briefcase. Your eyeglasses. You know, anything like that. Prepare for tomorrow's work tonight. That's very important. I talk to people who have no thought that that can even be done, and to me that was just surprising because my mother had us very organized. There were three of us, and, you know, we had our book bags lined up at the door. We had clothes. Everything picked out for the next day. My dad had, you know, polished our shoes so we were ready the next day to get up and get out the door quickly. And you can have that routine for everyone in your family. It just takes a little work ahead of time.

You can create checklists for yourselves and others. What you need to do tonight, what you need to do tomorrow, or what maybe they need to do tonight or they need to do tomorrow. Place sticky notes where you'll see them. And that can be on the bathroom mirror, you know, if you need to get the laundry out of the closest to take to the cleaners, or if you're picking your child up someplace different, you don't want to forget, you can put one on the steering wheel of your car. Put it where you'll see it and where it has the most meaning. And again I'm going to say about sticky notes, just don't use too many of them. Some people do that, and they become so ineffective, or if you don't remove them when you're done with them, that's no help to you either, because there are so many, and you just don't see them.

Turn off distractions including cell phones. I've actually told people this, and they react like I've told them to cut off their arm, but if you're distracted in the morning and you're in fear of lose losing your job because you can't get to work on time, it would be better not to have distractions. Don't watch TV. Don't turn your phone on. Don't try to -- Don't listen to those notifications that ping, ping, ping that tell you that you're getting messages or, you know, there's something new on Facebook. Don't do that. You know, you can have a habit of doing that. Check them at lunchtime. Check them later. Get up earlier so you can get to work early, and you can check them when you get to work when you know that you're at work on time.

And then also use a timer or programable watch to pace yourself. And like that last example we had about the landscaper, you can do that. You can set a timer for every 10 minutes. You know, "I need to be getting out of the shower when that goes off." "I need to be getting dressed." "I need to be fixing my lunch or putting on my shoes or picking up my keys and heading out the door," and those can all be ways to help you be more organized in the morning so that you can get out the door on time.

All right. Next slide, please.

Okay. Here we go. And this is our final question-and-answer break.

## [Q&A Section 3]

**LINDA BATISTE:**

And we have tons of questions, so let's get to some of them. Let's start with one related to someone who has fatigue and feels overwhelmed in the afternoons. The employer wants to know, "How do we help somebody who by the end of the -- toward the end of the day they getting so fatigued and overwhelmed that they just can't do their work tasks.

**MELANIE WHETZEL:**

Okay. And this was like the -- I'll take this one, although Alexis has kind of talked about that in her slide. The teacher. You know, you need to look at, if possible, look at the work tasks and talk to the employee and find out when they are at their best. You know, I'm best in the morning. After 3:30 some days it's like I can't do some complicated thinking depending on what kind of a busy day we've had. But, you know, some people are wider awake and ready to go at 3, 4 in the afternoon. And so you find that out about a person. And you change the schedule if you can.

I've called it in the past like a stamina schedule. If you can switch duties around, if it doesn't matter what time they are done. Or for some it may not matter. For some it may have to be done. You choose the ones that are the most difficult for the person to do at the time when they have the most mental acuity and stamina. Tasks they like, those can be done any time. You know, if they're tasks somebody is good at and they like, those can be done when you're feeling worn out or overwhelmed, maybe, a lot better than tasks that aren't as favorable or tasks that take a lot more thinking. And so that's what we would suggest is looking at "Can we switch up some of those tasks?"

And there may be some that you can't, maybe some things have to be done at a certain time And so we would suggest looking at other accommodations for that too. You know, can the person take breaks? Even get up and walk around. Like for a school teacher, if you can't really take breaks if you've got a classroom full of kids, but you can walk out into the hallway, you know, get a little break. Drink water. You know, go back to your desk and sit. I've even had a teacher who created her own breaks by going back to her desk. She put on a feather boa, and the kids knew at that point, "Don't bother me. You know, just don't bother me. Do your own work. And so I think you can -- in most situations you can figure out how to take your own little break, and you can do that a little bit more frequently to kind of help build up your stamina for the afternoon or for those things that may be more difficult.

**LINDA BATISTE:**

All right. Great. We got a lot of follow-up questions and comments related to talking to employees about their morning routine, what they do at home, and the general question is to elaborate a little bit on whether employers even need to talk about employees about what they do on their own time at home.

**ALEXIS POPA:**

Yeah I'll take this one. So like Melanie was talking about with her own, you know, like, personal experience of the routine in the morning, when we talk to employers, you know, we suggest it might be helpful. We always encourage, you know, good faith efforts. And like we stated, it's not the employer's responsibility to make sure they are getting to work on time, but just having this open discussion and encouraging that open communication with each party and practicing those good faith measures towards reaching what might be an effective idea or, you know, just trying to come up with solutions that might be helpful even at home for the individual. I will say, too, nowadays we see people teleworking a lot more. So it kind of involves being at home and needing to come up with some ideas of, you know, just getting from Point A to Point B of telework, you know, and what their day consists of and how it works for the individual.

**MELANIE WHETZEL:**

Let me just step in there a minute, because you hit that exactly on the head. There are -- We've had calls from people who are working at home, which you think would be easier, but they still can't get to work on time. They can't get to their desk on time and do the things they need to do, because there are distractions in their home, and they are easily distracted, and we think, "Well, you don't have that commute. Are you wasting a whole half an hour or, you know, whatever?" Maybe so. Only because they can't get organized.

And I think it's important for employers, too, to consider that, because, you know, maybe somebody could have a flexible schedule. But not everybody can have a flexible schedule. Somebody needs to be at work at a certain time to open up a store, a museum. Or school teacher. You know, they can't have a flexible schedule, come in halfway through first period every day. That's not going to work. And so helping the employee understand, "Here are some things that might work because we have no accommodations we can offer you to help you get to work on time except maybe offer you some things, some ideas that could work.

**ALEXIS POPA:**

Uh-huh.

**LINDA BATISTE:**

Great. We got a lot of questions about job coaches, support people, mentors, things like that. I'm going to kind of combine some of them. First question is whose responsibility is it to pay for a support person like that like a support person or job coach or an on-the-job mentor?

**ALEXIS POPA:**

I'll take this one. So typically sometimes we see individuals that might already have a job coach. And that's -- but in instances where it's not already the case typically, you know, the cost of an accommodation falls on to the employer's role. Starting off with where to find a job coach, we always suggest your state's voc rehab center. They have job coaches. As well as we have a list of vendors on our site, just some different resources. Some of them specialize with specific disabilities.

And I know it sounds a little bit vague, but I always encourage individuals just by typing into Google "job coaches near me." It pulls up the ones, like, right in your area. Just because, you know, we do service the whole US, and, you know, getting those ones that are really in your area to have that one-on-one, you know, work relationship with you is great.

And like I said, typically it is, you know, up to the employer. EEOC talks about, you know, looking towards voc rehab to help pay for the cost of an accommodation. You know, tax incentives and write-offs as well as last resort. You know, if an accommodation is fairly costly, an employer could look towards paying a certain portion and then, you know, asking the individual employee if they could pay the remainder. Does that answer the whole question?

**LINDA BATISTE:**

Yea. Great. I have a follow-up question related to that. A lot of questions about the role that a support person plays versus, like, a job coach or an advocate. Are those different types of individuals that you might bring into the workplace to do those various roles? And then from an individual side, what does the individual do if the employer doesn't really want to let people like that into the workplace to provide that kind of support.

**MELANIE WHETZEL:**

I'll take that one. We have a publication on that, as well. I always see that as a red flag when the employer won't let somebody else come in to help somebody, because I think the basic line is we want the employee to do the best that they can. And if somebody can come in and help them understand in a meeting, somebody come in and help teach them a job, it would be good.

Sometimes the employer will say, "Well, we have confidential information." Well unless it's really confidential information like, you know, government secrets or I'm thinking of that commercial Bush's beans, you know, the family recipe or something, most of the confidential information is going to be the employee's disability information. And if they are willing to share that with someone else, then that's up to the employee, and they should be able to have a support person.

They can talk about to the employee what that support person's role is going to be. And an advocate may have a different role than a support person. A support person really is to give moral support, maybe organizational support. Take notes. Help remind the person what they might need. You know, it can be very overwhelming to an employee to go into a room for a meeting and there's two or three, four sometimes, employer supervisors sitting there. And you're sitting at a table -- across the table all by yourself. And so it can be very helpful for somebody to have that moral support. People with a lot of different disabilities would get more from a meeting if that were possible.

I want to just mention, too, mentoring. I really feel mentoring can be very positive, and that can be somebody from inside the workplace, which you don't have to pay. I was at a conference once where they -- one of the employers was talking about if you have good employees, they will become automatic mentors, and if you are not mentoring somebody at work, you're just working, and you're kind of wasting your time. And I really thought about that like there's, you know, more-experienced employees can really have a lot to offer employees who are new or employees who have disabilities.

Now, you know, that is confidential information. The employer can't say, "Hey, we need you to help him because he has a disability." But they can say, you know, "You're experienced. You have a lot of expertise. You're really organized. Can you help him get started? You know, can you answer his questions? Can you show him some of your tricks?" That kind of a way. And it doesn't mention anything about disability. And a lot of new employees need help getting started. Because they don't know the culture, the routine, whatever. And so that can be very helpful.

**LINDA BATISTE:**

Well we only have just a couple of minutes. I want to squeeze one more question in here. This is I think a very important question. From an employer, wants to know, "If we put in our job descriptions that the candidate needs to have the ability to handle a heavy workload and meet deadlines, do we even have to consider accommodations for someone with memory or attention issues that is leading to slow output and not meeting the deadlines?"

**ALEXIS POPA:**

I mean, accommodation -- I guess in a way, like, accommodations extends to any -- you know, any individual that's, you know, qualified. So employers do have that obligation to look at, you know, "Can we accommodate?" You know, with performance and production standards, like I reiterated, you know, they don't have to lower those, but they may need to look at accommodations to enable them.

As well as when it comes to extended time, I don't know if that was highlighted, but that's something that I see a lot too that occurs. That's usually what we see in, like, testings and trainings, things of that nature employers don't necessarily have to offer that as well to meet those deadlines or production standards, but they may need to look at some alternative solutions. Melanie, do you want to add something to that?

**MELANIE WHETZEL:**

No, I think you're right. And I think maybe looking at what ways to help the employee be better organized, or do they need some sort of a template to write the reports so that reports are done on time. Look at exactly what's causing the issue. What's the performance issue if they are slow, if they can't meet the deadlines, and then look at the accommodations that would meet those. Because you might miss some really good employees that would have a lot of skill if you were to say, "Well, you have to be able to do this, this, and this, but, you know, no way are we going to accommodate that. The accommodations, like Alexis said, would be to allow the employee to meet that standard, not to change the date for that standard. Not to change the deadline, but to help them meet that deadline.

**ALEXIS POPA:**

Right. Basically adding support, not taking away from the job, per se. So what can you add to it? In a nutshell.

**LINDA BATISTE:**

I think that's a great message. Whatever you put in your job description, you can hold somebody to that standard, but you've got to consider accommodations to get them there. And that's a great way to end our conversation. Excellent point, and I'm going to pass us back to Tracie to wrap us up.

## [Conclusion]

**TRACIE DeFREITAS:**

All right. Great. Thank you so much. And thank you to everyone for attending "Accommodation Solutions for Executive Functioning Deficits." We do encourage you to register for the next JAN Accommodation and Compliance Webcast Series, or all of them for that matter. The complete 2022 series can be found on the AskJAN.org training page. The next event is "Accommodation Solutions for Gastrointestinal Disorders" on Thursday, April 14. For more information, go to AskJAN.org.

That is all the time we have today, and it sure was filled with some great information. We do hope it was interesting and helpful to everyone. We did receive a lot of questions, so we'll see about maybe following up on some of those questions after the webcast. Melanie and Alexis, thank you so much. We appreciate you and your expertise. Excellent work.

For additional information on the topics discussed today, please do contact JAN. Go to AskJAN.org to contact us by phone, live chat, or email. Please also follow JAN on Facebook and Twitter for timely ADA and accommodation information and resources.

One final note before we close: We do hope that you will share your feedback about this webcast today by completing the evaluation. Please keep the JAN webcast window open when the webcast ends, and that evaluation will pop up in a new window. If you're seeking a CEU for this event, the CEU approval code will be available after the evaluation is completed. Just click on "View your certificate of completion" to access that.

Finally, thank you to Alternative Communication Services for providing captioning for this webcast.

And thank you, once again, for being with us today. We appreciate you and hope that you'll join us again next time. This concludes today's training.