



Personal Assistants and Employees with Disabilities!

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JAN is a service of the U.S. Department of Labor's
Office of Disability Employment Policy.

Personal Assistants

Overview

- JAN Services
- Costs/Benefits
- Real Life Examples



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Personal Assistants

Overview

- Job Accommodation
- Americans with Disabilities Act / Rehabilitation Act
- Entrepreneurship



Personal Assistants

Overview

- 30 Years of Service
- Experienced
- Free
- National
- Easy to Use



Personal Assistants



Fact Sheet Series

Workplace Accommodations: Low Cost, High Impact

Annually Updated Research Findings Address the Costs and Benefits of Job Accommodations
Updated: 09/01/10

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Key JAN Study Findings

Finding: Most employers report no cost or low cost for accommodating employees with disabilities.

- Over half of accommodations (56%) were made at no cost.
- Of the 37% who experienced a one-time cost to make an accommodation, the typical cost of accommodating an employee was \$600.

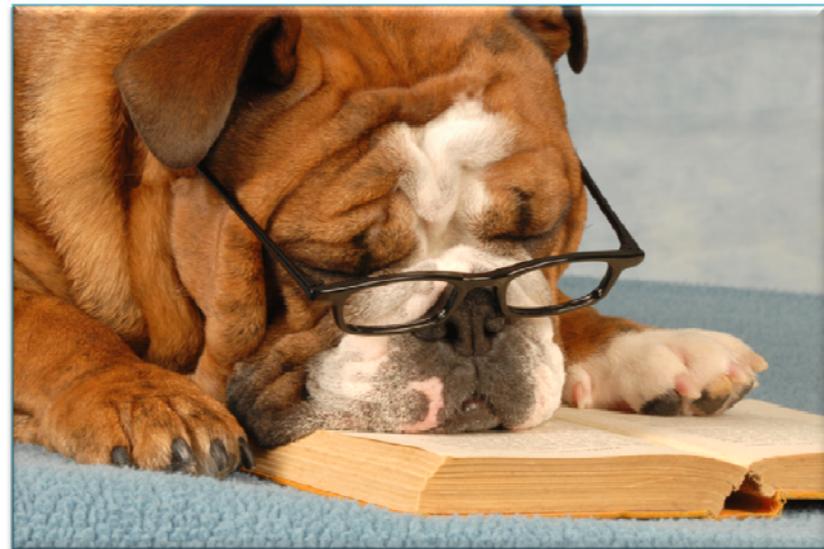
Finding: Employers report accommodations are effective.

Finding: Employers experience multiple direct and indirect benefits after making accommodations.

Personal Assistants

What do we mean by “personal assistants”?

- Job Coaches
- Personal Attendants
- Job Assistants
- Interpreters
- Readers
- Service Animals



Personal Assistants

JOB COACHES

- Help learn a job
- Provide intensive monitoring, training, assessment, and support
- Help develop healthy working relationships
- Assist in determining accommodations



Legal Issue: Confidentiality

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Situation

A claims adjuster with attention deficit disorder who was working from home was having trouble getting organized and meeting productivity standards. He was a client of vocational rehabilitation and asked his employer if he could have a job coach help him get organized. His employer was concerned about having a job coach see confidential claims records.



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SOLUTION:

The employer decided to hire a job coach who would be a temporary employee of the company. The employer felt like this approach would better allow for holding the job coach to company confidentiality requirements.



Legal Issue: Who is actually performing the job?

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Situation

A newly hired school janitor with an intellectual disability was having trouble learning his job and staying on task. He was easily distracted and liked to talk to the students when he was supposed to be working. The school brought in a job coach, but it appeared that the job coach was actually doing the work because the janitor was so distracted by the students.



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SOLUTION:

The school and the job coach discussed the situation and decided to move the janitor to after-school hours to see if he could learn the job. Once his schedule was changed, the janitor was able to focus on the job and was able to work independently after a few weeks.



PERSONAL ATTENDANTS

Help with:

- Toileting
- Eating
- Grooming



Legal Issue: Who pays and who picks?

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Situation

A lead surveyor/researcher had to travel periodically for work. He had Parkinson's, which had progressed to the point that he needed a personal attendant. His wife served as his personal attendant, but could not afford to travel with her husband as much as needed.



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SOLUTION:

The employer offered to pay the employee's wife's travel expenses rather than hire a personal attendant as it was difficult to find personal attendants at all the locations the employee traveled to and the employee preferred to have his wife serve as his personal attendant.



Legal Issue: Liability

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Situation

A clerical worker with muscular dystrophy had been asking co-workers to assist with minor grooming such as helping put her coat on. However, as her condition progressed, she began asking co-workers to help her transfer to the toilet. The employer found out about this practice when one of the co-workers complained after hurting her back.



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SOLUTION:

The employer talked with the clerical worker and let her know that co-workers could not continue helping her in the restroom, but she could bring in her own personal attendant to help as needed.



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JOB ASSISTANTS

Help with:

- Performing marginal job functions
- Carrying equipment and supplies
- Driving



Legal Issue: Essential v. marginal functions

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Situation

A librarian in a small public library was returning to work after treatment for cancer and had fatigue and temporary lifting restrictions. She asked her employer for an assistant to help her with some of her clerical functions as well as shelving books. The library already employed one part-time library assistant, but the librarian had always helped with the assistant's duties.



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SOLUTION:

The employer was not sure whether clerical duties and shelving books were essential functions of the librarian's job, but decided to go ahead and hire a temporary assistant until the librarian's limitations were removed.



Legal Issue: Essential v. marginal functions, cont.

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Situation

A soil and plant scientist had heart disease and was unable to drive. His job required him to go to various sites to do inspections, but he could no longer drive himself. There was no available public transportation to most of the sites.



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SOLUTION:

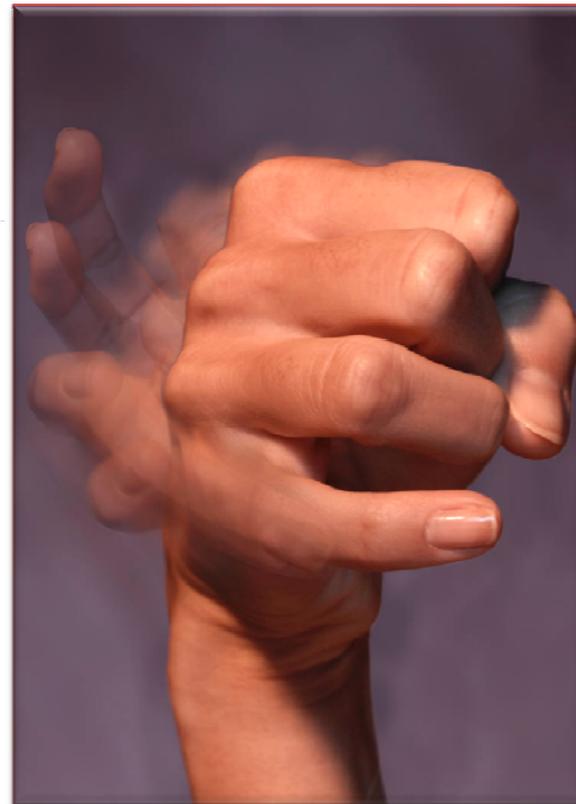
The employer hired a driver to take the scientist to his work sites.



INTERPRETERS

Help with:

- Communication
- Interaction



Legal Issue: Who is responsible for providing the interpreter?

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Situation

A government agency contracted with a private company to provide training for the agency's employees. After the agency hired a person who was deaf, it contacted the company about the need for an interpreter. The company indicated that the government agency would have to provide the interpreter even though the contract specified that the private company would provide accommodations.



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SOLUTION:

The agency provided the interpreter and then sued the private company for reimbursement.



Legal Issue: How far do we have to go?

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Situation

A person who was deaf was recently hired to work in an office setting. The employer hired an interpreter during the employee's initial training and for meetings, but the employee indicated she would also like to be able to communicate with co-workers socially and asked that the interpreter be provided full time.



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SOLUTION:

The employer did not want to pay for a full time interpreter, but did feel it was important for the employee to have social contact with co-workers so the employer purchased and installed a device that allowed for two-way typing, e.g., Interprettype or Ubiduo.

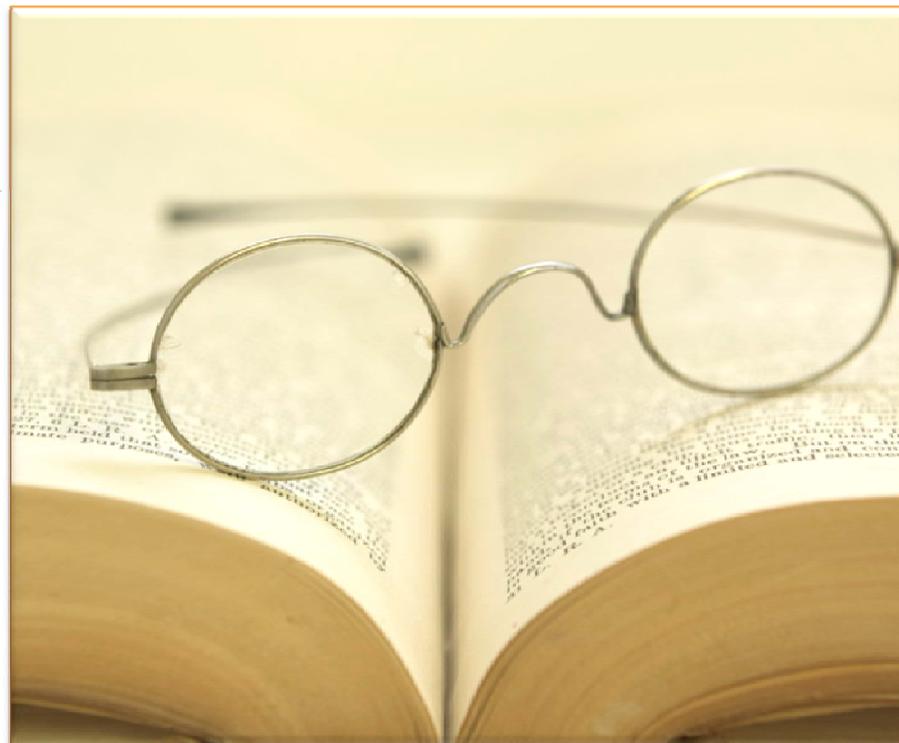


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READERS

Help with:

- Reading



Legal Issue: Can equipment be substituted?

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Situation

A small engine mechanic with a learning disability applied for work through a temp agency. The temp agency required all applicants to take pre-placement tests using a computer. The computer had a screen reader, but the applicant requested a reader as he was not familiar with using a screen reader.



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SOLUTION:

The temp agency asked the applicant to try to use the screen reader, but when he failed the test provided him with a reader and allowed him to retake the test. He passed using the reader.



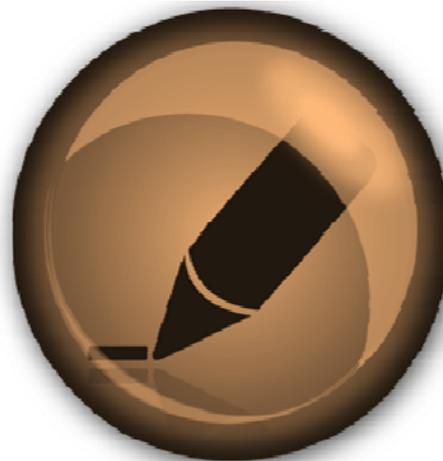
Legal Issue: How “qualified” is qualified?

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Situation

An employee with a vision impairment had been using screen reading software and a volunteer worker to read some handwritten documents, but he was applying for a promotion to a job that would require him to access highly technical, handwritten documents.



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SOLUTION:

The employer increased the hours of a part time co-worker and had the co-worker serve as a reader in addition to her regular job duties.



SERVICE ANIMALS

Assistance with:

- Retrieving objects
- Mobility and navigation
- Detecting sounds
- Medical maintenance



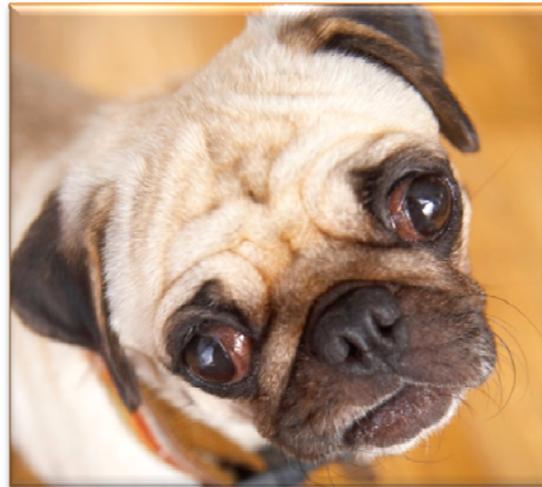
Legal Issue: What qualifies as a service animal?

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Situation

An employee with Post Traumatic Stress Disorder (PTSD) had to periodically inspect landfills, but going to the landfills triggered her PTSD symptoms. She asked to be allowed to take her emotional support dog with her. The employer was concerned about granting the request because the dog was not a trained service dog.



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SOLUTION:

The employer decided to allow the employee to take the dog with her to the landfill on a trial basis. The dog was under the employee's control the entire time and she was able to complete inspections without having PTSD symptoms triggered.



Legal Issue:
**Can employers ever deny
service dog access at work?**

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Situation

A cashier who was paraplegic and worked in a cafeteria asked to be allowed to use his service dog at work. The employer was concerned about having a dog in the cafeteria.



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SOLUTION:

The employer found out that while the FDA Food Code prohibits the handling of animals, it allows employees to use service animals in areas not used for food preparation. It also requires employees to follow specific hand washing guidelines after handling an animal. The employee agreed to follow the guidelines.



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Contact

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