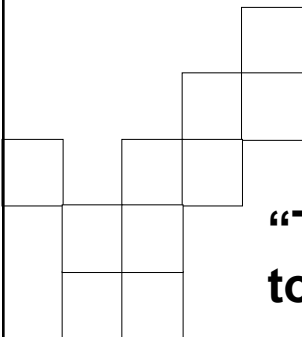


To Disclose or Not to Disclose

*Suzanne R. Gosden, MA
Human Factors Consultant*



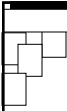
***A free service of the Office of Disability Employment
Policy, U.S. Department of Labor***



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Where is JAN?



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What is JAN?

- * JAN is a free information and referral service.
- * JAN can answer your questions about the ADA and other disability-related legislation.
- * JAN can help identify accommodations for your clients and employees with disabilities.

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Motor Team

BONES & MUSCLES

- * Quadriplegia
- * Paraplegia
- * MD
- * MS
- * Amputations
- * Back injuries

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Sensory Team

Eyes, Ears, Nose & Throat



- * Asthma & Respiratory Disorders
- * Vision loss or blindness
- * Hearing loss or deafness
- * Speech Impairments
- * Allergies

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Cognitive & Neurological Team



THE BRAIN

- * Learning Disabilities
- * Attention Deficit Disorders
- * Psychiatric Impairments
- * Epilepsy
- * Sleep Disorders
- * Mental Retardation

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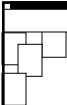


Issues surrounding “Hidden Disabilities”



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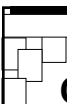




What are “hidden disabilities”?

- * Any impairment causing limitations not obvious to the naked eye, not easily discerned by others, or not noticeable in the person’s speech, behavior, or mobility
- * The impairment may affect the:
 - * brain
 - * circulation
 - * respiration
 - * muscular or skeletal system
 - * sensory abilities
 - * And so on ...

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Can you name some “hidden disabilities?”

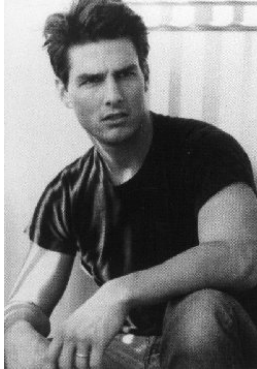
- | | |
|-------------------------|---------------------------|
| * Epilepsy | * AIDS/HIV |
| * ADD | * Cancer |
| * Sleep Disorders | * Diabetes |
| * Migraine Headaches | * Heart Conditions |
| * Fibromyalgia | * Respiratory Impairments |
| * Depression | * Vision Loss |
| * PTSD | * Hearing Loss |
| * Learning Disabilities | |

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Some Famous People with Hidden Disabilities Include...

James Earl Jones,
Speech Impairment



Tom Cruise, Dyslexia

Halle Berry,
Diabetes



Danny Glover,
Epilepsy



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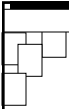


Stereotypes about Hidden Disabilities

- * Hidden disabilities are not believable
- * Hidden disabilities are not as severe as obvious disabilities like mobility impairments
- * Hidden disabilities are hard to accommodate because the need is not obvious
- * People with hidden disabilities do not need accommodations

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TO Disclose or NOT to Disclose...

- * Why would an employee disclose any disability, hidden or otherwise?
 - * To ask for job accommodations
 - * To receive benefits or privileges specifically for employees with disabilities
 - * To explain an unusual circumstance or phenomenon

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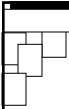


TO Disclose or NOT to Disclose...

- * What benefit can come from disclosing a disability to the employer?
 - * The employee gets an accommodation
 - * The employee gains protection under the ADA
 - * Anti-discrimination
 - * Freedom from harassment
 - * Freedom from intimidation
 - * The employer, staff, coworkers (etc) gain:
 - * Awareness
 - * Compassion
 - * Sensitivity

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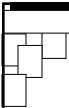




TO Disclose or NOT to Disclose...

- * Why NOT disclose a disability?
 - * Employee does not need an accommodation
 - * Employee is afraid to disclose, for many reasons:
 - * Fear they will be stereotyped, or misunderstood, or not believed
 - * Fear their confidentiality will be violated
 - * Fear of retaliation
 - * Fear of their disability "being used against them"
 - * Fearful of adverse employment action such as:
 - * Demotion
 - * Cut in hours
 - * Shift change
 - * Employee desires privacy about their disability

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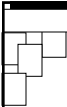


TO Disclose or NOT to Disclose...

- * **What benefits can come from NON-disclosure?**
 - * **Privacy is maintained**
 - * From everyone, including supervisors and coworkers
 - * **Confidentiality is maintained**
 - * Employee with a disability might disclose to supervisor or HR or Personnel, but choose not to disclose to coworkers, or other employees with whom they work

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TO Disclose or NOT to Disclose...

* What the EEOC says about disclosure:

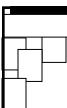
An individual with a disability may request a reasonable accommodation **at any time** during the application process or during the period of employment.

The ADA does not preclude an employee with a disability from requesting a reasonable accommodation because s/he did not ask for one when applying for a job or after receiving a job offer.

An individual with a disability should request a reasonable accommodation when s/he knows that there is a workplace barrier that is preventing him/her, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.

As a practical matter, it may be in an employee's interest to request a reasonable accommodation before performance suffers or conduct problems occur

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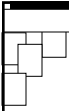
TO Disclose or NOT to Disclose...

* What the EEOC says about disclosure:

- * May use "plain English"
- * Need **not** be in writing
- * Need **not** mention the ADA
- * Need **not** use phrase "reasonable accommodation"
- * Need **not** make the accommodation themselves
 - * A friend, family member, health care professional, etc can make the request on behalf of the employee
- * Employer can ask for (and it is the employee's responsibility to provide) documentation of disability
 - * Unless the disability is obvious
 - * Unless the need for accommodation is obvious

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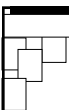




TO Disclose or NOT to Disclose...

- * Other “chatter” about disclosure:
 - * Advocacy groups for people with disabilities often maintain a very strong “stance” on disclosure... “FOR” disclosure or “AGAINST” disclosure, for reasons such as:
 - * Solidarity
 - * Change
 - * Empowerment
 - * Protection
 - * Some medical professionals, special educators, and rehab counselors may advise people with disabilities not to disclose
 - * Some medical professionals, special educators, and rehab counselors may advise people with disabilities to disclose at inappropriate times

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Resources

- * Accommodation Ideas from JAN
* <http://www.jan.wvu.edu/media/ideas.html>
- * EEOC’s Guidance on Reasonable Accommodation and Undue Hardship
* <http://www.eeoc.gov/docs/accommodation.html>
- * EEOC’s Guidance on Psychiatric Impairments and the ADA
* <http://www.eeoc.gov/docs/psych.html>

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