

Neurodiverse Employees May Need Accommodations for Remote Work

By Cristina Rouvalis

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For many employees working from home, an average day means wading through mile-long e-mail chains, chaotic meetings via Zoom and kids shouting in the background. This new take on the home office can be distracting for anyone, but for neurodiverse employees, adjusting to a new setting can be even more daunting. Employees with disabilities such as autism, dyslexia and attention-deficit/hyperactivity disorder (ADHD), as well as depression and severe anxiety, may need special accommodations to perform their jobs remotely, especially if working at home becomes a permanent condition.

"The whole pandemic really highlights how employers need to focus on any accommodation obligations they have, particularly when it comes to non-obvious ones such as [post-traumatic stress disorder] PTSD, autism, anxiety, depression," said Michael Schmidt, a labor and employment attorney with Cozen O'Connor in New York City. "In the past, employers might have discounted these or brushed them aside. But they really need to focus on whether there is an obligation to engage in an interactive process and ultimately accommodate these kinds of conditions."

Under the Americans with Disabilities Act (ADA), companies with 15 or more employees cannot discriminate against them on the basis of disability. They must make "reasonable accommodations" that allow qualified employees to perform their jobs. State laws apply similar regulations.

It's up to the individual employee to disclose a disability to their employer. "An employer only has an obligation to accommodate those disabilities of which it is aware," said Ann-Marie Ahern, a Cleveland-based employment lawyer at McCarthy, Lebit, Crystal & Liffman Co. "Many people prefer to keep their health conditions private and may not have previously disclosed a condition to their employer. But just because the employee has not done so in the past doesn't mean there isn't a legitimate need for accommodations under the current circumstances."

SHRM RESOURCE SPOTLIGHT

Coronavirus and COVID-19 (www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx)

A reasonable accommodation in the office may look different at home.

Schmidt advised companies to work together with neurodiverse employees to enable them to do their jobs. The remedies can be technological, such as noise-cancelling headphones or an app that acts as a digital assistant to help manage tasks when there isn't a boss nearby to enforce structure. Try to see the situation from your employees' point of view.

"If you have 50 people on Zoom and 49 are talking over each other, it can be overwhelming. Maybe you have one-on-one sessions or break down the group. Or you can have individual supervisors be trained to act as mentors or job coaches."

Ahern said if a person with ADHD is unable to concentrate at home, the company may opt to bring the person back into the office as part of a small crew.

For employees on the autism spectrum, working at home away from harsh lights and chitchat of an office can be a welcome sensory break. But the change in routine—and the lack of structure—can cause its own issues.

Haley Moss is a Miami-based lawyer and workplace consultant on issues of neurodiversity who has autism. Moss said managers can be inclusive by allowing for different learning styles. Some people on the spectrum may find a Zoom call tough to follow. Moss advised sending participants the agenda and setting expectations before the meeting to reduce stress and anxiety. She also tells employers to brainstorm alternative ways to process information. A person on the spectrum might benefit from captions or a transcript of the Zoom call to help them follow the meeting, while a person with dyslexia might require a recording of the meeting.

"For people on the spectrum, communication can be difficult. Some people struggle with executive functioning—like starting and stopping a task and making deadlines," Moss said. Sometimes simple strategies can make a big difference. She advised managers to deliver precise instructions on expectations and deadlines. For example, she said setting a deadline of 3 p.m. on Friday is more helpful than merely saying to complete a task by the end of the week. If e-mail overload is a problem, a manager might want to tell an employee to only check it twice a day and if needed, to be on the lookout for an important correspondence during a specific time period.

But Moss also encourages employers to talk directly to employees about their individual needs because of the range of strengths and challenges among neurodiverse employees. What bothers one person on the spectrum may not phase someone else. "The key thing is to learn from the people. We are all experts on our own experiences."

Employment lawyers also recommend resources such as the Job Accommodation Network (<https://askjan.org/>), which matches disabilities with accommodations and explains the ADA.

Such accommodations can go a long way to preventing a lawsuit, but just as importantly can boost morale and increase productivity. "I always tell employers that good communication helps morale," Schmidt said. "When you have better morale, you reduce the number of disgruntled employees. When you reduce the number of disgruntled employees, you reduce the number of lawsuits borne out of lack of communication. A lot of these can be avoided."

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