Accommodation and Compliance Series

Employees with Executive Functioning Deficits

ODEP

Office of Disability
Employment Policy

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Preface

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JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at http://AskJAN.org/soar.

Information about Executive Functions

What are executive functions?

As the name suggests, 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. People with poor executive functions have difficulty monitoring and regulating their behaviors. These difficulties can include monitoring and changing behavior as needed, planning future behavior when faced with new tasks and situations, and anticipating outcomes and adapting to changing situations. People with poor executive functions will often have problems interacting with others and fitting in socially (Encyclopedia of Mental Disorders, 2014).

Are there specific disabilities that cause executive function deficits?

Executive function deficits can be found in individuals with mental health impairments including depression, obsessive-compulsive disorder, post-traumatic stress disorder, and schizophrenia, as well as individuals with attention deficit disorder, attention deficit/hyperactivity disorder, intellectual and learning disabilities, autism, and brain injuries.

Because the frontal lobes of the brain play a major role in executive functioning, people who have had frontal lobe injuries may have difficulty with the higher level processing that is the foundation of executive functioning. Some of these same functions and processes appear to decline in old age, and those declines may be useful in the early detection of mild dementia (Encyclopedia of Mental Disorders, 2014).

Executive Function Deficits and the Americans with Disabilities Act

Are executive function deficits a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC Regulations . . ., 2011). Therefore, many people with executive function deficits will have a disability under the ADA, and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011). For more information about how to determine whether a person has a disability under the ADA, visit http://AskJAN.org/corner/vol05iss04.htm.

Accommodating Employees with Executive Function Deficits

Note: People with executive function deficits may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with executive function deficits will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

Time Management: Individuals may experience difficulty managing time, which can affect their ability to mark time as it passes incrementally by minutes and hours. It can also affect their ability to gauge the proper amount of time to set aside for certain tasks. As a result, it may be difficult to prepare for, or remember, work activities that occur later in the week, month, or year.

- Divide large assignments into several small tasks or chunks
- Set a timer to sound an alarm after assigning ample time to complete a task
- Provide a checklist of assignments
- Plan and structure times of transition and shifts in activities
- Supply an electronic or handheld organizer and train on how to use it effectively
- Use a wall calendar to emphasize due dates
    - Develop a color-coded system (each color represents a task, or event, or level of importance)
    - Allow co-worker or supervisor to add entries on the calendar or to double-check entries added by the employee

Memory: Individuals may experience memory deficits, which can affect their ability to complete tasks, remember job duties, or recall daily actions or activities.

- Provide written instructions and checklists
- Allow use of a recorder
- Allow additional training time for new tasks
- Offer training refreshers
- Provide minutes of meetings and trainings
- Use flow-chart to indicate steps in a task
- Provide verbal or pictorial cues
- Use a color coding scheme to prioritize tasks
- Use notebooks, planners, or sticky notes to record information
- Use sticky notes as reminders of important dates or tasks
- Provide labels or bulletin board cues to assist in location of items

Concentration: Individuals may experience decreased concentration, which can be attributed to auditory distractions and/or visual distractions. Distractions such as office traffic and employee chatter, opening and closing of elevator doors, and common office noises such as fax tones and photocopying can be problematic.

- To reduce auditory distractions:
  - Provide a noise canceling headset
  - Hang sound absorption panels
  - Provide a white noise machine
  - Relocate employee's office space away from audible distractions
  - Redesign employee's office space to minimize audible distractions
- To reduce visual distractions:
  - Install space enclosures (cubicle walls)
  - Reduce clutter in the employee's work environment
  - Redesign employee's office space to minimize visual distractions
  - Relocate employee's office space away from visual distractions
- Breaks for mental fatigue, including short walks, getting up for a drink of water, and rotating through varied tasks
- Job restructuring so the most difficult tasks are performed at the time of day the employee has the most mental energy or stamina

Organization and Prioritization: Individuals may have difficulty getting or staying organized, or have difficulty prioritizing tasks at work.

- Develop color-code system for files, projects, or activities
- Use a color coding scheme to prioritize tasks
- Use weekly chart to identify daily work activities
- Use a job coach to teach/reinforce organization skills
- Assign a mentor to help employee

- Allow supervisor to assign prioritization of tasks
- Use electronic organizers, mobile devices, and e-mail reminders
- Assign new project only when previous project is complete, when possible
- Provide a "cheat sheet" of high-priority activities, projects, people, etc.
- Organize work space to reduce clutter
- Provide separate work areas with complete sets of supplies for differing tasks
- Schedule a weekly time to clean / organize work space
- Take time at the end of each day to organize and set up for the next day

Multi-tasking: Individuals may experience difficulty performing many tasks at one time. This difficulty could occur regardless of the similarity of tasks or the frequency of performing the tasks.

- Separate tasks so that each can be completed one at a time
- Create a flow-chart of tasks that must be performed at the same time, carefully labeling or color-coding each task in sequential or preferential order
- Provide individualized/specialized training to help the employee learn techniques for multi-tasking (e.g., typing on a computer while talking on the phone)
- Identify tasks that must be performed simultaneously and tasks that can be performed individually
- Provide specific feedback to help the employee target areas of improvement
- Remove or reduce distractions from work area
- Supply ergonomic equipment to facilitate multi-tasking
- Clearly represent performance standards such as completion time or accuracy rates

Paperwork: Individuals may experience difficulty completing paperwork efficiently and effectively. This may be due in part to workplace distractions and difficulty with time management, disorganization, or prioritization.

- Automate paperwork by creating electronic files when possible
- Use speech recognition software to enter text or data into electronic files
- Save time filling out paper forms by completing information in advance, using pre-filled forms, or adhering pre-printed stickers
- Use checklists in place of writing text
- Provide templates of letters or e-mails
- Color-code forms for easy identification
- Re-design commonly used forms
  - o Use large font
  - o Double space or triple space
  - o Provide adequate space for hand-written response

Social Skills: Individuals may have limitations in exhibiting appropriate social skills. This might manifest itself as interrupting others when working or talking, demonstrating poor listening skills, and inability to communicate effectively.

- Provide a job coach to help understand different social cues
- Identify areas of improvement for employee in a fair and consistent manner
- Use training videos to demonstrate appropriate behavior in workplace
- Encourage employees to minimize personal conversation, or move personal conversation away from work areas
- Provide sensitivity training (disability awareness) to all employees
- Encourage all employees to model appropriate social skills
- Adjust the supervisory method to better fit the employee's needs
- Adjust method of communication to best suit the employee's needs
- Allow the employee to work from home

Attendance: Individuals may have difficulty getting to work promptly because of the varied activities, processes, and interruptions they may experience while preparing to leave their home and/or during their commute.

- Allow flexible work environment:
    - Flexible scheduling
    - Modified break schedule
    - Work from home/Flexi-place

Getting to Work on Time: Employers can have time and attendance standards for all employees. Because getting to work on time is the responsibility of the employee, the following ideas are for employees who are having trouble getting to work on time because of executive function deficits:

- Have a routine of putting and keeping things in their place (keys, phone, glasses)
- Prepare for the next day's work the night before
- Create a checklist for yourself and others
- Place sticky notes on the door, dashboard, or wherever you will see them
- Turn off distractions – including cell phones
- Set a timer or a programmable watch to pace yourself

Situations and Solutions:

An employee who had difficulty with a few of his least preferred tasks was leaving them until the last minute. This method of task completion was causing him to miss deadlines. His supervisor worked with him to structure his day so that he worked on the tasks he had the most trouble with first thing in the morning when his focus was at its best. He was then able to complete more enjoyable tasks after that, enabling him to meet deadlines.

A social worker with AD/HD had difficulty completing handwritten paperwork in a neat and timely fashion. The employer created electronic forms for the employee, which allowed him to type responses. The employer arranged computer files labeled by the

month to help the employee prioritize open cases. The employer also sent email reminders of deadlines.

A college professor who had incurred a traumatic brain injury needed to do office work in the mornings when she was most alert and best able to concentrate. She was accommodated by scheduling departmental meetings and classes she taught after 11:00 am so that she could have uninterrupted morning hours to get her planning, studying, and administrative duties done.

An employee who worked outside landscaping had trouble with time management and staying focused on the tasks he needed to complete. His employer did not have the staff available to provide the direct supervision the employee needed. He was using his phone to assist him, but the employer felt it made him look like he was off task. He was accommodated by a daily written list of tasks and the purchase and use of a watch with multiple settings that could be programmed to varying amounts of time. The watch was set to vibrate or alarm, and the task needing to be completed or started appeared on the face of the watch. The employee was trained to set the watch for the tasks he had to complete daily.

An administrative aide with PTSD had difficulty taking notes in meetings while trying to focus on what was being said at the same time. She was provided with a smart pen that recorded the meeting as she took brief notes. This accommodation enabled her to focus on listening to what was being presented in the meetings, while at the same time getting down the important information.

Products:

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource (SOAR) at http://AskJAN.org/soar is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, upon request JAN provides these lists and many more that are not available on the Web site. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network
West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@askjan.org
http://AskJAN.org

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy
200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7365
Direct: (202)693-7880
TTY: (877)889-5627
http://www.dol.gov/odep/

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

References

EEOC Regulations To Implement the Equal Employment Provisions of the Americans

With Disabilities Act, as Amended, 29 C.F.R. § 1630 (2011).

Encyclopedia of Mental Disorders. (2014). Executive Function. Retrieved May 6, 2014

from http://www.minddisorders.com/Del-Fi/Executive-function.html

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