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Accommodations and Compliance Series: Employees with Learning Disabilities

Suzanne Gosden Kitchen

Sarah Dufalla

LD Online

Accommodations and Compliance Series: Employees with Learning Disabilities

Abstract

[Excerpt] 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.

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Accommodations and Compliance Series: Employees with Learning Disabilities

By: Suzanne Gosden Kitchen and Sarah Dufalla (2006)

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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).

Information about Learning Disabilities

What are learning disabilities?

According to the National Institute of Neurological Disorders and Stroke (2006), learning disabilities are disorders that affect the ability to understand or use spoken or written language, do mathematical calculations, coordinate movements, or direct attention. Although learning disabilities occur in very young children, the disorders are usually not recognized until the child reaches school age. Learning disabilities are a lifelong condition; they are not outgrown or cured, though many people develop coping techniques through special education, tutoring, medication, therapy, personal development, or adaptation of learning skills. Approximately 15 million children, adolescents, and adults have learning disabilities in the United States (National Center for Learning, 2006b).

What types of learning disabilities are there?

Learning disabilities can be divided into three broad categories: developmental speech and language disorders, academic skills disorders, and other (such as coordination disorders). Each category includes more specific disorders, which are described below.

Specific Learning Disability: A disorder in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, write, spell or to do mathematical calculations. Included in this category are expressive writing disorders and other expressive language disorders.

Dyslexia

A person with dyslexia has average to above average intelligence, but has deficits in visual, auditory, or motor process, which interfere with reading and reading comprehension. The individual may also have difficulties with learning to translate printed words into spoken words with ease.

Dyscalculia

A person with dyscalculia has average to above average intelligence, but has difficulty with numbers or remembering facts over a long period of time. Some persons have spatial problems and difficulty aligning numbers into proper columns. Some persons may reverse numbers, and have difficulty in mathematical operations.

Dyspraxia

A person with dyspraxia has problems with messages from the brain being properly transmitted to the body. Though the muscles are not paralyzed or weak, they have problems working well together. Dyspraxia might also cause speech problems, poor posture, poor sense of directions, and/or difficulty with actions such as throwing and catching.

Auditory Perceptual Deficit

A person with auditory perceptual deficit has difficulty receiving accurate information from the sense of hearing (there is no problem with the individual's hearing, just in how the brain interprets what is heard) and might have problems understanding and remembering oral instructions, differentiating between similar sounds, or hearing one sound over a background noise.

Visual Perceptual Deficit

The individual has difficulties receiving and/or processing accurate information from their sense of sight; might have a problem picking out an object from a background of other objects or seeing things in correct order.

What causes learning disabilities?

Experts have not been able to pinpoint specific medical causes for learning disabilities. Learning disabilities are not caused by economic disadvantage, environmental factors or cultural differences. In fact, according to the National Center for Learning Disabilities (2006a), there is frequently no apparent cause for learning disabilities. However, much research points to heredity, problems during the mother's pregnancy, or incidents after birth such as head injuries, nutritional deprivation, and exposure to toxic substances.

Only qualified professionals who have been trained to identify learning disabilities can perform a formal evaluation to diagnose learning disabilities. Such professionals may be clinical or educational psychologists, school psychologists, neuro-psychologists, or learning disabilities specialists. Adults who suspect they have learning disabilities should seek out professional who have training or direct experience working with and evaluating adults with learning disabilities (National Center for Learning, 2006b). To find qualified professionals and other learning disabilities resources in any state, visit the **NCLD's Resource Locator**.

Learning Disabilities and the Americans with Disabilities Act

Is a learning disability 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, 1992). Therefore, some people with learning disabilities 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 impairment, or is regarded as having such impairment (EEOC, 1992). To be a disability covered by the ADA, the impairment must substantially limit one or more major life activities. These are activities that an average person can perform with little or no difficulty. Examples are: walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. These are examples only. Other activities such as sitting, standing, lifting, or reading are also major life activities (EEOC, 1992).

Most courts have agreed with the activities listed by the EEOC. For example, in Brown v. Cox Medical Centers, 286 F.3d 1040 (8th Cir. 2002), the court noted that the "ability to perform cognitive functions" is a major life activity. In Gagliardo v. Connaught Laboratories, Inc., 311 F.3d 565 (3d Cir. 2002), the court held that "concentrating and remembering (more generally, cognitive function)" are major life activities (Fram, 2004).

For more information about how to determine whether a person has a disability under the ADA, visit the **JAN Consultant Corner**.

Accommodating Employees with Learning Disabilities

(Note: People with learning disabilities 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 learning disabilities 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.)

Questions to consider

- What limitations is the employee with the learning disability experiencing?

- How do these limitations affect the employee and the employee's job performance?

- What specific job tasks are problematic as a result of these limitations?

- What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?

- Has the employee with the learning disability been consulted regarding possible accommodations?

- Once accommodations are in place, would it be useful to meet with the employee with the learning disability to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?

- 7. Do supervisory personnel and employees need training regarding learning disabilities?

Accommodation ideas

Reading

People with learning disabilities may have limitations that make it difficult to read text. Because it can be difficult to visually discern letters and numbers, these characters may appear jumbled or reversed. Entire words or strings of letters may be unrecognizable.

Reading from a paper copy:

- Convert text to audio

- Provide larger print

- Double space the text on print material

- Use color overlays (Irlen lenses) to help make the text easier to read

- Provide materials that are type-written, in a font that is not italicized; if handwritten material must be provided, use print, not cursive

- Have someone read the document aloud to the individual

- Scan the documents into a computer and use Optical Character Recognition (OCR), which will read the information aloud

- Use a reading pen, which is a portable device that scans a word and provides auditory feedback

Reading from a computer screen:

- Use voice output software, also called screen reading software, which highlights and reads aloud the information from the computer screen

- Use form-generating software that computerizes order forms, claim forms, applications, equations, and formula fields

- Use manual or electric line guide to help individuals "keep their place" on the computer monitor

- Alter color scheme on computer screen to suit the individual's visual preferences

- Adjust the font on computer screen to suit the individual's visual preferences

Spelling

People with learning disabilities might have difficulty spelling, which can manifest itself in letter reversals, letter transposition, omission of letters or words, or illegible handwriting.

- Allow use of reference materials such as dictionary or thesaurus

- Provide electronic and talking dictionaries

- Use word prediction software that displays a list of words that typically follow the word that was entered in a document

- Use word completion software that displays sample words after someone starts typing part of a word

- Allow buddy, coworker, or supervisor to proofread written materia

Writing

People with learning disabilities might have difficulty with the cognitive or the physical process of writing.

Cognitive process of writing: People with learning disabilities might have difficulty organizing a written project, identifying themes or ideas, structuring sentences or paragraphs, or identifying and/or correcting grammar errors.

- Use Inspiration software, a computerized graphic organizer

- Use Texthelp Read & Write Gold, a software program assisting with spelling, reading, and grammar.

- Provide electronic/talking dictionaries and spellcheckers

- Create written forms to prompt the writer for information needed

- Allow the individual to create a verbal response instead of a written response

- Permit use of reference books such as a thesaurus or dictionary

Physical process of writing: People with learning disabilities may have difficulty with the physical process of writing. It may be difficult to fill in blanks, bubble in dots, line up numbers or words in a column, on a line, or within a margin. Handwriting may be illegible.

- Provide writing aids

- Use line guides and column guides

- Supply bold line paper

- Permit type-written response instead of hand-written response

- Allow use of personal computers, including Alpha Smart, Palm, tablet PC, and Blackberry

- Use Inspiration software, a computerized graphic organizer

- Use speech recognition software that recognizes the user's voice and changes it to text on the computer scree

Mathematics

A person with a learning disability could have difficulty recognizing or identifying numbers, remembering sequencing of numbers, understanding the mathematical sign or function (whether symbol or word) or performing mathematical calculations accurately and efficiently.

- Use scratch paper to work out math problems

- Permit use of fractional, decimal, statistical, or scientific calculators

- Provide talking calculator

- Use calculators or adding machines with large display screens

- Use construction calculator, such as Jobber 6

- Provide talking tape measure

- Use talking scales

- Use pre-measurement guides or jigs

- Post mathematical tables at desk or in work area

Speaking/Communicating

People with learning disabilities may have difficulty communicating with co-workers or supervisors. For people with learning disabilities, poor communication may be the result of underdeveloped social skills, lack of experience/exposure in the workforce, shyness, intimidation, behavior disorders, or low self-esteem.

- To help facilitate communication, provide advance notice of topics to be discussed in meeting

- To reduce or eliminate anxiety, provide advance notice of date of meeting when employee is required to speak

- Allow employee to provide written response in lieu of verbal response

- To reduce or eliminate the feeling of intimidation, allow employee to have a friend or coworker attend meeting

Organizational Skills

A person with a learning disability may have difficulty getting organized or staying organized.

- Help employee reduce clutter in work area

- Hire a professional organizer

- Use color-code system to label or identify materials

- Use calendars (paper, electronic, or both) to remind of deadlines, meetings, upcoming tasks

- Build organization skills by attending time management workshops, like those offered by Franklin Covey

- Build organization skills through self-education at sites like mindtools.com

- Build "catch up" time into work week or work day

Memory

A person with a learning disability could have memory deficits that affect the ability to recall something that is seen or heard. This may result in an inability to recall facts, names, passwords, and telephone numbers, even if such information is used regularly.

- Provide checklists to help remember job tasks

- Use flowchart to describe steps to a complicated task (such as powering up a system, closing down the facility, logging into a computer, etc)

- Safely and securely maintain paper lists of crucial information such as passwords

- Prompt employee with verbal or written cues

- Allow employee to use voice activated recorder to record verbal instructions

- Provide additional training time on new information or tasks

- Provide refresher training as needed

Time Management

A person with a learning disability may have difficulty managing time. This can affect the person's ability to organize or prioritize tasks, adhere to deadlines, maintain productivity standards, or work efficiently.

- Make to-do lists and check items off as they are completed

- Use calendars to mark important meetings or deadlines

- Divide large assignments into smaller tasks and goals

- Remind employee verbally of important tasks or deadlines

Social Skills

People with learning disabilities may have difficulty exhibiting appropriate social skills on the job. This may be the result of underdeveloped social skills, lack of experience/exposure in the workforce, shyness, intimidation, behavior disorders, or low self-esteem. This can affect the person's ability to adhere to conduct standards, work effectively with supervisors, or interact with coworkers or customers.

Behavior on the job:

- To reduce incidents of inappropriate behavior, thoroughly review conduct policy with employe

- Provide concrete examples to explain inappropriate behavior

- Provide concrete examples to explain consequences in a disciplinary action

- To reinforce appropriate behavior, recognize and reward appropriate behavior

Working effectively with supervisors:

- Provide detailed day-to-day guidance and feedback

- Offer positive reinforcement

- Provide clear expectations and the consequences of not meeting expectations

- Give assignments verbally, in writing, or both, depending on what would be most beneficial to the employee

- Establish long term and short term goals for employee

- Adjust supervisory method by modifying the manner in which conversations take place, meetings are conducted, or discipline is addressed

Interacting with co-workers:

- Provide sensitivity training to promote disability awareness

- If feasible, allow employee to work from home

- Help employee "learn the ropes" by provide a mentor

- Make employee attendance at social functions optional

- Allow employee to transfer to another workgroup, shift, or department

Situations and Solutions

A new-hire telemarketer with deficits in reading comprehension had to watch a computerized training tutorial, then complete timed quizzes on the computer. To accommodate this employee, the computer screen color scheme and font was adjusted to make it easier for the individual to read the test material. The employee used a ruler held to the computer screen to "stay on the line" when reading test questions. The employee was allowed to watch the tutorial more than once and was allowed to take the quizzes un-timed.

A teacher with a learning disability had difficulty spelling words correctly on the chalkboard. The employer provided an overhead projector with plenty of blank overhead sheets. The teacher wrote words, phrases, or sentences on the overhead sheets then let a fellow teacher check for accuracy. Now the teacher can forgo using the chalkboard; instead the teacher can display information from the projector.

A researcher in a technology company had expressive writing disorder. The employee's job tasks included gathering information for written reports. To accommodate this employee, Inspiration software was provided to help the employee organize, prioritize, and then outline the information for reports. The employer also provided a hard copy dictionary and thesaurus.

An employee who works in a manufacturing environment had a learning disability. The employee had difficulty remembering task sequences of the job. The supervisor provided written instructions, whereby each major task was broken down into smaller, sequential sub-parts. Each subpart was color-coded for easy reference (green means start, red means stop).

An employee who had expressive language disorder had difficulty communicating with the supervisor. This employee preferred to read communication, then, respond in writing. The supervisor adjusted the method of supervision, whereby communication with this employee occurred through email instead of face to face.

A building contractor with dyscalculia was inefficient when creating job quotes. To ensure the mathematical calculations were accurate, the employee spent extra time "figuring" and "double-checking" the numbers. The site supervisor purchased the Jobber 6 contractor's calculator to help the employee "figure" fractions, triangles, circles, area (and more) efficiently and accurately.

A clerical worker with auditory processing disorder reported daily to a large firm, where work assignments were handed out daily. To ensure the job assignment is accurate, the employee used a voice activated recorder to record the assignment, the job location, the supervisor's name, and other pertinent information. The employee was able to listen to this information whenever necessary.

Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource (SOAR) at **http://www.jan.wvu.edu/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.

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