



Understanding Long COVID: Implications for Vocational Rehabilitation Professionals - Session 4 - Accommodations in the Workplace

TRACIE DEFREITAS: Thank you, Roseanne and Nicole, for the excellent information you shared. I'm going to do my best to build on the strategies that you shared as they relate to requesting job accommodations. Just a quick introduction. I am Tracie DeFreitas, and I'm the director of training services and outreach for the Job Accommodation Network, or JAN, which is a national free consulting service funded by the US Department of Labor's Office of Disability Employment Policy. JAN provides guidance on job accommodations and Title I of the ADA.

I'm a 50-year-old petite-framed white female with long brown hair. I'm wearing glasses, a black shirt, and multicolored scarf. During the session for Accommodations in the Workplace, I'm going to talk about empowering consumers to request job accommodations under the ADA, barriers and solutions for documenting long COVID and related functional limitations for the purpose of requesting accommodations, and also give a high-level overview of accommodation solutions to address common symptoms and limitations experienced by people with long COVID. So let's get started on the next slide.

Let's begin. Let's consider the impact of long COVID on employment. The Brookings Institution, which is a nonprofit public policy organization based in Washington, DC, published some data in August of 2022 regarding the impact of long COVID on labor market participation.

The report uses various studies and the Census Bureau's June to July 2022 Household Pulse survey data to assess the labor market impact and the economic burden of long COVID, which found at that time that around 16 million working age Americans, so those 18 to 65, have long COVID. Of course, as was reported a bit earlier, this number is certainly higher. Sharon from the CDC did mention some numbers that were quite a bit higher in terms of long COVID generally.

Of those with long COVID, 2 to 4 million are estimated to be out of work due to long COVID. This translates to an annual cost of around \$170 billion a year due to lost wages alone. The report also noted that the labor market experience in the US continues to face persistent labor shortages, particularly in face-to-face industries like education, transportation, food service, hospitality, and health care.

So what can we anticipate from this data? Well, with this many people out of the workforce due to long COVID, rehabilitation professionals must be prepared to assist consumers, clients,

customers impacted by long COVID who are seeking VR services to enter or re-enter the workforce or to retain employment. So how can you help?

Well, rehabilitation counselors can help by recognizing the significant impact of long COVID and working and be supportive. For those who are out of work, make every effort to help them reintegrate, perhaps by educating them about how to leverage the ADA to request reasonable accommodations. Among various ways you can help is by empowering clients through education. So provide information to engage in the accommodation process with a potential or a current employer and to also direct them to free resources that can help, like the JAN service.

You can also encourage consumers to leverage the ADA and request accommodations, work with them to explore various accommodation solutions. And as part of this process, you can also advocate for and provide documentation to support their accommodation request. As a rehabilitation professional, you can help the individual explain their functional limitations and the impact on performing job duties while also advocating for accommodation. So you do have a role to play.

Of course, there might be some challenges to overcome when requesting accommodations. We'll learn more about this soon from Linda. But individuals with long COVID might be discouraged about disclosing their medical condition due to stigma, but disability disclosure or providing information about a medical condition and the functional limitations prompting that need for accommodation, this is necessary under the ADA to receive accommodations.

Also, a lack of employer understanding of ADA requirements and how to support workers with long COVID is also a challenge. Like many of us, employers are still learning about the effects of long COVID, whether the ADA applies, and the responsibility to provide accommodations. With new medical-- with a new medical impairment, we've seen this in the past with conditions like HIV/AIDS and fibromyalgia. It can take some time to figure out how to support workers by navigating the ADA and the accommodation process.

Also a lack of consistency in how long COVID is defined and diagnosed is a challenge that can directly impact whether accommodations are provided. We've heard a lot about this. There's no test to diagnose long COVID, and people may have a wide variety of symptoms that could come from other medical conditions. And also, while most people with long COVID have evidence of infection or COVID-19 illness, in some cases, a person with post-COVID conditions may not have tested positive for the virus or known they were infected.

This can make it difficult for health care providers to recognize and diagnose long COVID, which in turn can impact the accommodation process. So this can also, of course, challenge the eligibility from a VR standpoint and the receipt of job accommodations in the workplace.

Rehabilitation professionals can help clients overcome some of these challenges through education, empowerment, and encouragement. Where can you start? Well, given the ADA's directive to construe disability broadly, employers can be encouraged to err on the side of caution when looking at coverage for workers with long COVID. So it's important for you and

your clients to know the basic ADA principles and be able to work with clients to empower them, to ask for what they need at work to do their best work.

And so arming them with ADA-related information and understanding how to go about leveraging the law is an important part of the support that you can provide. You can also help all parties involved in the employment situation to understand the value of focusing on whether a reasonable accommodation can be provided instead of determining ADA coverage based solely on the meeting-- on meeting that ADA definition of disability.

Of course, ADA coverage aside, particularly with the interest of increasing workforce participation, employers can be reminded that they are free to provide accommodations, even if someone doesn't meet the ADA definition of disability. This is again where that encouragement can be very helpful.

For information specific to Title I of the ADA, COVID-19, and long COVID, see the Equal Employment Opportunity Commission, EEOC resource, "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws." This is an excellent resource to navigate the ADA requirements as it relates to COVID and long COVID.

Now, to support consumers with long COVID, you want to prepare them to navigate the accommodation request process to explain that accommodations, job-related modifications are meant to enable them to participate in the hiring process or perform the essential duties of the job and also to access equal benefits and privileges of employment, just as anyone else would. The term reasonable is a legal term that means feasible or plausible.

Basically, the accommodation is possible to provide without it causing the employer undue hardship, which is an action that requires significant difficulty or expense. So it's unduly costly. It's extensive. It's substantial. Whether an accommodation is reasonable is ultimately up to the employer to determine, so they do make that judgment as to whether it's something that's possible and whether it will create that undue hardship.

A way for rehabilitation professionals-- a way rehabilitation professionals can support clients with long COVID is by helping them decide how to request job accommodations. The process is really quite simple, but there are various ways to go about it. It can be done face-to-face. It can be done via email, a formal letter. So it's up to the individual to decide what's the best course for them. It is suggested that it be in a written form if possible so that you do have that documentation.

It's also important to figure out or help them figure out who to ask the accommodation of. So oftentimes, that might be a hiring manager or a supervisor or someone in human resources. You can also provide guidance on helping them explain why the accommodation is needed by sharing the disability, the limitations, why and how the accommodation will help. And this includes sharing accommodation solutions that are known and also asking the employer to share their ideas too.

It's also important to encourage individuals to follow up on their request for accommodation as needed. Drive that accommodation process. Advocate for what they need. If requested by the employer, it's important to-- you could assist the individual in providing necessary medical information and consider providing a statement or other information to support the requested accommodation.

So there are ways that you can certainly support that process. JAN offers a number of resources on this topic, in particular, requesting and negotiating a reasonable accommodation and how to request an accommodation form letter. So we certainly encourage you to take a look at those.

Here are some additional askjan.org resources related to the ADA, long COVID, and requesting accommodations. I've included a number of these resources throughout this section of the presentation. They're really valuable resources that everyone can take advantage of. So do go to askjan.org for this information.

VR counselors can actively support the accommodation process as well, which is simply a process for the individual with the disability and the employer to collaboratively identify accommodation solutions. JAN offers a six-step sample process that can help you generally explain to clients what to expect during the accommodation process. It involves requesting an accommodation for the individual or recognizing an accommodation for the employer. And then the employer would go about gathering information.

Next, there's exploring the accommodations together. And then the employer must go ahead and choose and implement the accommodations. And together, the accommodation should be monitored for effectiveness. This is the general process. Some employers have their own policies and procedures that they model after this type of process. But it will give you a general idea of how that will typically go, which can sometimes make it a little bit more comfortable going about requesting accommodation.

The gathering information step, step two of the accommodation process, might be tricky in some situations. This is where the employer requests medical documentation. I've mentioned this as a challenge earlier. When the medical condition or the need for accommodation is not obvious or already known, the ADA allows employers to request supporting documentation to provide accommodations, for example, information that might show the individual has a disability.

Some guidance that JAN offers on this topic as it relates to long COVID, we know that medical proof can be a barrier. So perhaps focus on the functional limitations caused by long COVID and how accommodation will help. A rehabilitation counselor may be asked to provide supporting documentation about functional limitations and why accommodation is needed. Keep in mind that ADA documentation is not required to be provided by only a health care professional. So you still can be part of that process and offer some supporting information based on what you know of the individual's functional limitations.

There are many general resources on ADA and medical inquiry topics, documentation topics. Vocational rehab counselors may find JAN's "Practical Guidance for Medical Professionals" to be helpful. Though it's geared toward medical professionals, it is something that you could also use to draft your own supporting documentation for the individual. And we also offer a number of other resources on the JAN site. Some of those are included here.

Now, we heard about the multiorgan or body system effects of long COVID earlier in the webcast, so I'm not going to review this slide extensively. But long COVID symptoms and functional limitations that we commonly hear about at JAN often include shortness of breath, extreme fatigue, brain fog, anxiety, inability to work without frequent breaks to rest. So there's a lot to consider. I will go into some accommodations around these types of limitations here in just a moment.

Now, when evaluating functional limitations and exploring accommodations, please note that accommodations should never be treated as a one-size-fits-all situation. Impairments and limitations as well as accommodation needs, they're all different based on the individual. So make sure you're treating each person with a unique perspective. Don't use a one-size-fits-all approach. Have the full conversation with the client to understand their situation.

Also, be aware of any assumptions in determining what an individual can or can't do or what accommodation is needed. You really want to make sure you're engaged with them so you understand their circumstances. And finally, make individualized assessments based on actual limitations reported, work history, and known current ability to perform job functions with or without accommodations.

Now, JAN offers accommodation information related to long COVID. Please visit askjan.org for this information. You can quickly access information on our COVID 19 page, on our homepage, or go through the A to Z section of the site to look for long COVID, including our recently posted "Accommodation and Compliance, Long COVID," which covers various issues around reasonable accommodation, the ADA, and offers some key accommodation solutions, some of which I'll talk about here in just a moment.

But these resources are available to anyone to use. It's a good idea to have these in your toolbox when you are working with clients who have long COVID.

Now, I'll conclude the accommodation segment of the webcast by sharing a high-level overview of accommodation solutions to explore, starting with short-term or trial accommodations. With long COVID, we generally don't know how long symptoms and limitations will persist. One accommodation strategy to consider is requesting short-term or trial accommodations. This might enable the individual to begin to return to or to continue working as quickly as possible and can also demonstrate whether the accommodation is effective when it's not certain.

Oftentimes, we just don't really know whether the accommodation is going to work. Offering short-term solutions is a good way to engage in the process, get an accommodation in place,

and then see how it goes. You can always come back to the table, revisit, explore other solutions. But it's a great way to really get that process started.

Also, employers who provide short-term accommodations also demonstrate good faith in the process. So it's something you can certainly encourage with those employers that you've established relationships with or who you might be working with to help your clients become employed. This is a solution we commonly discuss with JAN customers for all sorts of disabilities. For practical guidance on this strategy, see JAN's "Temporary or Trial Accommodations."

Now, some people with long COVID who have kept working have reduced their weekly hours by as many as 10 on average. For this reason, maybe exploring transitional and modified work arrangements might be helpful. This could include various solutions by, for example, transitioning back to full-time work over a short period of time. This is, again, a temporary solution, but it's a way of saying, I know that I'm going to be able to work back up to the hours that I worked previously. Give me an opportunity to go ahead and transition back to that and work my way up to that full-time schedule again.

It could also be about requesting modified or light duty as a temporary solution, even when there's no light duty program. Light duty work isn't required to be created under the ADA, but it can benefit the employee from a medical standpoint and the employer from a productivity standpoint. So even if it isn't available or required, it's still a solution to explore if the employer is open to it.

Now, telework sure has had its moment due to the pandemic, but now we're back to considering it as a form of accommodation when necessitated by a disability. Telework has always been a form of accommodation under the ADA, though in the past, not so much a preferred solution for employers. For those with varied limitations from long COVID, this can be a common accommodation solution when it's reasonable.

If the employer already allows telework, then it may not be in accommodation. It might just be getting access to a policy that's already in place. But if someone's asking for telework beyond the current policy because of a disability, that's when the accommodation process can begin. Of course, whether telework is a reasonable accommodation will depend on whether essential functions can be performed from home.

And if telework was denied in the past, prior to the pandemic, maybe the temporary telework experience could serve as a trial period that establishes whether telework is an effective accommodation. So that's something to keep in mind. I could discuss telework at length, but for the sake of time, I do encourage you to go to askjan.org for more information, and look for the A to Z by topic telework.

Now, a common limitation we've heard related to long COVID is brain fog, resulting in difficulty concentrating and memory deficits. JAN offers some great information to address these types of limitations, which fall into the category of executive functioning deficits. So for example,

accommodations might include reducing distractions in the work area, allowing use of an environmental sound machine or headset or earbuds to listen to music.

It could be planning for uninterrupted work time throughout the day. It could also be telework. We do offer a resource related to executive functioning that I do want to point out and make note that these accommodations as well as many more can be found in that resource. It's an excellent tool that we offer.

Let's also look at solutions to address memory deficits, providing written instructions and checklists, maybe using a voice recorder to record conversations so you can recall them, allowing additional time for new tasks as somebody starting to learn a new job, for example, or maybe using notebooks, planners, sticky notes to record information as reminders of dates, tasks, things of that nature. So there are lots of ways we can address these limitations. So again, consider that executive functioning deficits resource as a great comprehensive tool for learning about those types of accommodations.

Of course, motor and mobility-related limitations can also be significant, resulting in fatigue, difficulty standing, lifting limitations. Accommodation solutions will vary, of course, based on the type of job the person is in, but this might include periodic rest breaks, a reduced or flexible work schedule, a time for sitting if a job requires a lot of standing, or maybe an adjustable workstation that allows for alternating positions throughout the day.

We know there's a mental health component with long COVID, as was shared during part one of the webcast. And JAN, mental health-related caseload has risen tremendously. Some accommodations to explore to address anxiety might include identifying and reducing triggers, flexible scheduling, allowing access for an emotional support animal, among many others. We do have some resources on our site related to this as well.

OK. This slide probably should have come before the last. But when lifting is a limitation, some solutions to explore might include reallocating lifting duties if marginal, organizing items in a way that reduces the need to move items, or using a compact material handling device to lift, push, or pull items, among many others. So there can be lots of different adjustments that can be made when there are lifting-related duties.

And finally, in some instances, leave will be a necessary solution for retaining employment. ADA leave is a form of accommodation, and it is intended to allow job-protected time for the individual to manage their medical condition and return to work when other leave solutions are not available. This is another topic that could be discussed at length, but just know that this is a solution that might need to be explored.

Please do certainly contact JAN for more information about requesting leave if this is the guidance that you're needing to provide. There's a lot that goes into considering leave, looking at the ADA and how it interplays with perhaps other laws that might come into play like the Family and Medical Leave Act. So we can certainly be a resource to help guide you through the logistics of that type of request.

I hope this information is helpful. I did go through it pretty quickly, but know that there's a lot of information out there to support the accommodation process. JAN is there as a partner for you and those people that you're serving, and so certainly look to us as a potential resource. For additional resources and consultation, please contact JAN. You can go to askjan.org for more information. Linda, I yield the webcast floor to you.