

ADHD in the Workplace: What to do with the Boss and Coworkers

CHADD of Tucson

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What is a Disability?

- **“The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity.”**
- **<https://disabilityrightsaz.org/get-help/faq/>**

What is a Disability?

- You can be temporarily disabled; Broken leg.
- You can be permanently disabled; Born 100% blind.
- <https://www.eeoc.gov/statutes/ada-amendments-act-2008>
- About 70% of those born with ADHD will be disabled for life.
- If you are ADHD by age 30 probably will be for life.

Americans with Disabilities Act, Amendments Act of 2008

- Went into effect on January 1, 2009.
- Corrected unintended consequences from the original act that was signed in 1990.
- This is the version of the act that is in force today.
- Some states have extra laws related to the treatment of those with disabilities that add to the above.
- US Equal Employment Opportunity Commission:
<https://www.eeoc.gov/statutes/ada-amendments-act-2008>
- <https://www.ada.gov/>

ADAAA 2008

- **For the most part this applies to businesses with more than 14 employees.**
 - **However, customers of businesses with less than 15 employees may require some accommodations; curb cuts, TTYs, etc.**
- **Businesses with more than 14 employees must allow “reasonable” accommodations.**
 - **Unreasonable? A business with 15 employees with \$200,000.00 net profit per year is required to provide a quadriplegic employee with a respirator that costs \$250,000.00 per year to operate.**

ADAAA 2008

- **An employee with a disability must be otherwise qualified to be able to complete the essential job tasks with accommodation.**
 - **For example is an a potential employee with ADHD cannot defuse a bomb when applying for a position on the Police Bomb Squad in 5 minutes like everyone else they are not “otherwise qualified.”**
 - **They might ask for an accommodation for extended time (10 minutes to complete the test), but what terrorist will that their disability into account.**
 - **No 100% blind bus drivers, etc.**

ADAAA 2008

- **Disability Rights Arizona: <http://disabilityrightsaz.org>**
- **New name of Arizona Center for Disability Law.**
- **“DRAZ is not a government agency. Our job is to make sure that people in the community, and in state agencies and institutions, are following the laws that protect people with disabilities. DRAZ works to ensure that people with disabilities live inclusive and independent lives in their community.”**
 - **<https://disabilityrightsaz.org/get-help/faq/>**

ADAAA 2008

- **Working with your employer-Reasonable Accommodations:**
 - <https://disabilityrightsaz.org/resources/employment/>
 - <https://disabilityrightsaz.org/resource/working-with-your-employer-reasonable-accommodations/>

What to Know

- **It is against the law for a potential employer to ask any questions inquiring if you have a disability during an interview.**
 - **Obviously, if you are in a wheelchair they will probably assume you have a disability, but they cannot ask you about it.**
 - **You do not have to tell the potential employer you have a disability during the interview.**

What to Know

- **Once a potential employer offers you a job you can tell them about your disability if you feel you need a work accommodation.**
 - **You will probably need some type of documentation regarding your disability for your medical/mental health professional. If possible it would be helpful they include what SPECIFIC accommodation you need for the special job.**
 - **You can choose not to tell the employer until you “need the accommodation”. But...**
 - **If you do that it may be too late. The employer can legally fire you for poor performance if you do not tell them you are disabled prior to the time you start having trouble in the workplace.**
 - **If you take a medication for ADHD prior to submitting applications for potential jobs check with your prescription provider (MD, OD, etc.) if your medication would show up as an illegal street drug in a random drug test.**
 - **If so, and your potential employer does drug testing you need to tell them about your medication long before the drug test. Doing so afterward will be no help; you may lose your job anyway.**
 - **I recommend if you take ADHD medication you tell your employer to be on the safe side.**

What to Know

- **Once you and your employer have agreed on reasonable accommodations have them place those accommodations for you in the procedural and practices manual of the business in case they ever leave the place so your accommodations are written in stone.**
- **HR departments of larger employers are usually very knowledgeable of the above and can help you through the process.**
- **Check out with Disability Rights Arizona regarding the openness of employers and if you have problems/questions:
<http://disabilityrightsaz.org>**
- **Also check out from company website “disability culture”.**

What to Know

- **Use common sense if and when you speak to co-workers about your disability.**
- **They don't have a "right to know."**
- **Better to be too cautious than blab about it.**
- **Will need to deal with ignorance, etc. of coworkers.**
- **You can tell them though.**