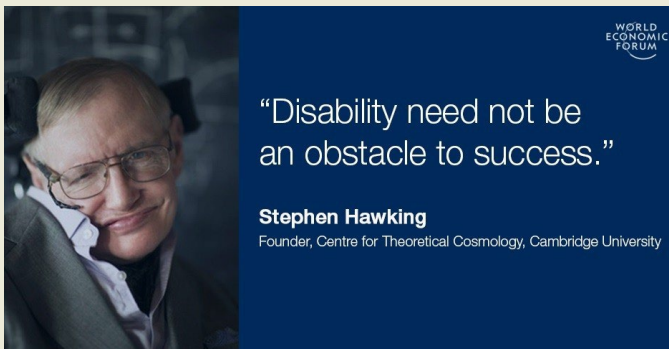


People Ops Pulse

Bringing you the most up-to-date and helpful People Operations (HR) information for small business owners, entrepreneurs and partners

Meme & Quote of the Month:



Turning “Disabled” Into “Differently Able”

*At the end of October, we are closing out National Disability Employment Awareness Month. I'd like to reflect on this topic that I am often asked about as an HR professional – companies and leaders want to ensure that they are providing support for **all** of their employees, including those with physical or mental conditions that may require additional support, but may not know where (or how) to start. A key word in that phrase is **may** – the accommodations review process is called “interactive” with your employee for a reason, to understand what **they** feel they need to be the most successful. Also, we'll take a look together at turning from the mindset of “disabled” to “differently able” – by providing support to and inclusion for employees in your workforce, you can help ensure a cohesive and empowered work environment for everyone. So – let's dive in!*



IN THIS ISSUE

50 Years of the Americans with Disabilities Act – So What is It?

October 2023 celebrates 50 years of the Department of Labor's Rehabilitation Act, including the ADA – learn about this Act and need-to-know key points about this landmark legislation.

Invisible Disabilities – “The Me You Can't See”

Not all challenges that impact our employees, both personally and at work, are outwardly visible – how can you make sure you are proactively and consistently looking out for and supporting “invisible” needs for assistance?

Mental Health Support – Yes, It Counts Too

Now more than ever, mental health conditions are impacting the entire US population, including the workforce – under the ADA, we will discuss how mental health conditions “count” under this legislation, and strategies to empower the mental health of your employees.

50 Years of the Americans with Disabilities Act – So What Is It?

Shared from the Department of Labor: "This year, we also mark the 50th anniversary of the Rehabilitation Act of 1973 (Rehab Act), the first federal law to address civil rights and equal employment opportunity for people with disabilities." What does this mean for you in today's business? Under both the Department of Labor and the EEOC, employers must ensure that employment-related decisions are not made on the basis of an employee's (or candidate's) disability. This includes asking about any impairments during the interview process.

This also includes, for employers with more than 15 employees, making any *reasonable* accommodations to support a person with a reported impairment under the Americans with Disabilities Act (ADA). When determining what is "reasonable", a rule of thumb is – unless it causes such a significant business hardship that puts your business operation at risk (supported by data), it is in the best interest of both the company and employee/candidate to review to provide the accommodation. Also, another rule of thumb to consider – it is now generally accepted that even if you do *not* have more than 15 employees, you *still* (where appropriate) review reasonable accommodation requests for employees in line with the ADA, though not required.

.2 key points in the ADA accommodation process (document, document, document!):

- Assess qualification: **with or without** accommodation, is the employee qualified to perform their role based on skill, experience, etc.?
- Interactive process: **work with the employee** to review their request in writing, and also provide medical documentation regarding their request to determine if it is a "covered disability", and if an accommodation is *reasonable*.

Need help setting up an ADA interactive process policy for your business? Let's chat!

Mental Health Support – Yes, It Counts Too

Now more than ever, employees across the nation are facing significant challenges with their mental health and well-being. According to the Department of Labor, this has resulted in a greater request for accommodations and employer support on the basis of mental health. A common question arising from employers in response: "Does that count?" The short answer – yes!

The longer answer: The ADA defines a disability as a physical or mental impairment that substantially limits a major life activity, or a record of a physical or mental impairment that substantially limited a major life activity. For mental health, this can include learning, reading, concentrating, communicating, and working. Therefore, the Department of Labor does not exclude mental health conditions from the ADA accommodations process – as we do for employees to support those who have physical limitations, employees with mental health limitations should receive the same level of support. Have a situation that you are not sure how to approach? I can help!

Invisible Disabilities – “The Me You Can’t See”

In 2023, SHRM research revealed that nearly half (47 percent) of employees with invisible disabilities have not disclosed their conditions to their employers. The survey also found that workers with nonapparent disabilities believe that if they do reveal their conditions, their co-workers will scrutinize their behavior, think they are unable to fulfill their work responsibilities or talk about them behind their back. Also, workers with invisible disabilities are nearly twice as likely to feel frequently excluded at work (15 percent) compared to those without a nonapparent disability (8 percent). So how can you be aware as an employer, and what can you do? Here's a solid approach: be **proactively inclusive** to encourage employees to ask for support - encourage employees with invisible disabilities to ask for needed accommodations, and demonstrate your fair and equitable supervisory practices. Such support could include *reasonable* requests such as putting tasks in writing, offering flexible work schedules, installing adjustable lighting or obtaining ergonomic office furniture. Need to brainstorm? Let me know!



From recruiting to onboarding, to training and ongoing management, and everything in-between: let Wolf-Rose People Solutions help put strategies into place to support the success of your employees – and in turn support the success of your small business.

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