



# Accommodation and Compliance Series

## Employees with Hepatitis

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

## Preface

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Updated 09/05/03.

## **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://www.jan.wvu.edu/soar>.

### **Information about Hepatitis**

#### **What is hepatitis?**

Hepatitis is an inflammation of the liver caused by a hepatitis virus. There are several types of hepatitis infections. The three most common in the U.S. are Hepatitis A, B, and C (Hepatitis Foundation International, n.d.).

#### **Knowing your ABCs – What types of hepatitis are there?**

**Hepatitis A:** Hepatitis A is the most common type of Hepatitis. It occurs when a person is infected by the Hepatitis A Virus (HAV). HAV is transmitted through a fecal-oral route either by person-to-person transmission between household contacts, by sex contact, or by ingesting contaminated food or water. Blood borne transmission is rare. Hepatitis A is highly contagious if you are in close personal contact with an infected individual. The Hepatitis A virus can be transmitted through food; no other type of hepatitis can be transmitted through the food supply. Hepatitis A is not a chronic condition and has an incubation period of 20-50 days and occasionally requires hospitalization. Most individuals infected begin recovery within three weeks while others may have recurring symptoms for up to six months. Symptoms include fatigue, nausea, jaundice, fever & abdominal pain. There is currently no treatment for HAV, but it can be prevented with the Hepatitis A vaccine. Good proper hygiene and sanitation help prevent Hepatitis A (Center for Disease Control and Prevention, 2008).



Hepatitis B: Hepatitis B is a serious disease caused by a virus that attacks the liver. The virus, which is called hepatitis B virus (HBV), can cause lifelong infection, cirrhosis (scarring) of the liver, liver cancer, liver failure, and death. HBV is transmitted by contact with the blood or body fluids of an infected person. It is NOT spread through food, water, or by casual contact. Symptoms include jaundice, fatigue, abdominal pain, loss of appetite, nausea and vomiting. There is no cure for Hepatitis B and that is why prevention is so important. The Hepatitis B vaccine is the best protection against HBV (CDC, 2008).

Hepatitis C: Hepatitis C is a liver disease caused by the hepatitis C virus (HCV). HCV is transmitted by direct contact with infected blood. Examples of how someone might contract Hepatitis C include the use of injected street drugs; receiving blood, blood products, or solid organs from contaminated blood; long-term kidney dialysis and unknowingly sharing contaminated supplies or equipment; frequent contact with blood on the job (e.g., healthcare workers and accidental needle-sticks); having sex with a person infected with HCV; and sharing items such as razors or toothbrushes with someone infected with HCV. HCV is NOT spread by sneezing, hugging, coughing, food or water, sharing eating utensils or drinking glasses, or casual contact. Symptoms include jaundice, fatigue, nausea, loss of appetite, abdominal pain and vomiting. Of every 100 persons infected with HCV about 85 may develop long-term infection, 70 may develop chronic liver disease, 15 may develop cirrhosis, and 5 may die from the consequences of long term infection (CDC, 2008).

### **How is Hepatitis treated?**

There is no treatment for Hepatitis A (HAV), but 99% of the time HAV will clear up over a period of a few weeks to months. Treatment for chronic Hepatitis B usually consists of Alpha interferon and lamivudine. These drugs are effective in up to 40% of patients. For Hepatitis C, interferon and ribavirin are the recommended drugs. Interferon can be taken alone or in combination with ribavirin. Combination therapy is currently the treatment of choice (CDC, 2008).

## **Hepatitis and the Americans with Disabilities Act**

### **Is hepatitis 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. Therefore, some people with hepatitis will have a disability under the ADA and some will not (EEOC, 2002).

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 such an impairment. For more information about how to determine whether a person has a disability under the ADA, visit <http://www.jan.wvu.edu/corner/vol02iss04.htm>.

## **Accommodating Employees with Hepatitis**

(Note: People with hepatitis 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 hepatitis 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:**

1. What limitations is the employee with hepatitis experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems?  
Are all possible resources being used to determine possible accommodations?
5. Has the employee with hepatitis been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with hepatitis to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding hepatitis?

### **Accommodation Ideas:**

#### Fatigue/Weakness:

- Flexible leave. Consider time off of work as an accommodation if, for example, an individual is experiencing fatigue or needs to attend doctor appointments. An employer may allow the employee to use existing sick or annual leave. If all other leave has been exhausted, provide further unpaid.
- Modified schedule. Types of accommodations may include adjusting the time of arrival or departure; provide intermittent breaks throughout the day; shorten the workday and extend the workweek; or provide a part-time schedule
- Consider access to the facility (ramps, parking, etc.)
- Frequent rest breaks
- Reduce or eliminate strenuous activity



- Flexibility to sit or stand (adjustable workstation)
- Provide a rest area with cot
- Job sharing

#### Cognitive Complications:

- Provide written job instructions and prioritize assignments
- Increase job structure
- Use of day planner or electronic organizer
- Minimize distractions

#### Psychological Implications (Difficulties adjusting to having a disability, stress, etc.):

- Identify stressors and reduce stress
- Educate coworkers, but keep person and his/her condition confidential
- Allow telephone calls to emotional supports
- Open door policy to supervisor
- Time off for counseling or therapy
- Provide praise and positive reinforcement

#### Other Considerations:

- Work from home options
- Reassignment. Reassignment is typically considered if the employee can no longer perform the essential functions of their job (either with or without accommodations).

#### **Situations and Solutions:**

A factory worker with Hepatitis C, receiving treatment for six months, was experiencing flu like symptoms with extreme fatigue. The employer provided a modified schedule so that the employee could attend doctor's visits and also leave when symptoms were exacerbated.

An account representative was out of leave due to treatment for Hepatitis C. The employee wanted to return to work, but due to side effects of treatment, could not maintain the stamina needed to visit clients. The employer reassigned the employee to another account representative position that did not require travel.

A computer programmer with Hepatitis B was experiencing fatigue and nausea, which resulted in problems commuting. The employer provided a modified schedule and gave the employee an option to work from home.

A food service worker disclosed Hepatitis C to her employer. The employer was concerned that the employee would risk transmission through the food supply. The employee provided a note from her doctor, indicating that Hepatitis C was "NOT transmitted through the food supply," and that the individual was "safe to perform the essential job functions." Note: Hepatitis A is a food borne illness, but Hepatitis C is not.

**Products:**

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource 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, JAN provides these lists and many more that are not available on the Web site upon request. 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@jan.wvu.edu  
<http://www.jan.wvu.edu>

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)633-7635  
TTY: (877)889-5627  
Fax: (202)693-7888  
<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.

### **American Liver Foundation**

75 Maiden Lane, Suite 603  
New York, NY 10038-4810  
Toll Free: (800)465-4837  
Direct: (212)668-1000  
Fax: (212)483-8179  
Phone: (800)443-7872  
info@liverfoundation.org  
<http://www.liverfoundation.org>

Provides education, transplant information, support group information, funds research, and maintains a Hepatitis Hotline.

## **CDC National Center for Infectious Disease**

Division of Viral Hepatitis

1600 Clifton Rd.

Atlanta, GA 30333

Toll Free: (888)443-7232

Direct: (404)639-3311

Phone: (404)639-3534

<http://www.cdc.gov/ncidod/diseases/hepatitis/index.htm>

The Centers for Disease Control and Prevention (CDC) is one of the 13 major operating components of the Department of Health and Human Services (HHS), which is the principal agency in the United States government for protecting the health and safety of all Americans and for providing essential human services, especially for those people who are least able to help themselves.

## **Hepatitis Education Project**

The Maritime Building

911 Western Ave #302

Seattle, WA 98104

Direct: (206)732-0311

[HEPInfo@HEPEducation.org](mailto:HEPInfo@HEPEducation.org)

<http://www.hepeducation.org/>

A non-profit corporation chartered in the state of Washington to provide educational materials and support groups for hepatitis patients and their families.

## **Hepatitis Foundation International**

504 Blick Drive

Silver Spring, MD 20904-2901

Toll Free: (800)891-0707

Direct: (301)622-4200

Fax: (301)622-4702

[hfi@comcast.net](mailto:hfi@comcast.net)

<http://www.hepfi.org/>

The Hepatitis Foundation International (HFI) is dedicated to the eradication of viral hepatitis, a disease affecting over 500 million people around the world. We seek to raise awareness of this enormous worldwide problem and to motivate people to support this important and winnable battle.



## **National Digestive Diseases Information Clearinghouse**

2 Information Way

Bethesda, MD 20892-3570

Toll Free: (800)891-5389

Direct: (301)654-3810

[nddic@info.niddk.nih.gov](mailto:nddic@info.niddk.nih.gov)

<http://digestive.niddk.nih.gov/index.htm>

NDDIC provides the following informational products and services: Response to inquiries about digestive diseases, publications about specific digestive diseases, referrals to health professionals through the National Library of Medicine's MEDLINEplus, maintains a database of health education materials produced by health-related agencies of the Federal Government, and presents exhibits at professional meetings specific to digestive diseases, as well as cross-cutting professional meetings.

## References

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<http://www.jan.wvu.edu/links/ADAтам1.html>

Hepatitis Foundation International. (n.d.). *Frequently asked questions*. Retrieved

September 5, 2008, from [http://www.hepfi.org/living/liv\\_questions.html](http://www.hepfi.org/living/liv_questions.html)

This document was developed by the Job Accommodation Network, funded by a contract agreement from the U.S. Department of Labor, Office of Disability Employment Policy (DOL079RP20426). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.

