



Accommodation and Compliance Series

Intellectual or Cognitive Impairments

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@jan.wvu.edu
www.jan.wvu.edu



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

Preface

The Job Accommodation Network (JAN) is a service of the Office of Disability Employment Policy of the U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

The following document is not copyrighted and reproduction is encouraged. Section 105 of the Copyright Law provides that no copyright protection is available for works created by the U.S. Government. Therefore, all works created by JAN fall under this provision. While individuals may use such work with impunity, individuals may not claim copyright in the original government work, only in the original material added. Individuals may access the full text of the law from the U.S. Copyright Office <http://www.loc.gov/copyright>. Please note that specific information cited by JAN may be copyrighted from other sources. Citing secondary sources from a JAN publication may violate another organization's or individual's copyright. Permission must be obtained from these sources on a case-by-case basis. When using JAN materials, JAN asks that the materials not be reproduced for profit, that the tone and substance of the information are not altered, and that proper credit is given to JAN as the source of the information. For further information regarding this or any other document provided by JAN, please contact JAN.

Authored by Suzanne Gosden Kitchen, Ed.D. Updated 09/04/08.

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 Intellectual or Cognitive Impairments

What are intellectual or cognitive impairments?

A person's level of Intellectual Disability is defined by intelligence quotient (IQ), and by the types/amount of support needed (CDC, 2005). Intellectual or cognitive impairments are characterized by a significantly below-average IQ and by limitations in adaptive skills such as communication, self-care, and getting along in social situations and school or work activities. Intellectual or cognitive impairments are sometimes referred to as a cognitive disability or mental retardation (CDC, 2005). There are different degrees of impairment, ranging from mild to profound.

An estimated 2.5 million people in the United States have an intellectual disability, which is roughly 1% of the U.S. population (EEOC, 2004). Of these, 10% to 40% of people with intellectual disabilities have a dual diagnosis. Examples of coexisting conditions may include: cerebral palsy, seizure disorders, vision impairment, hearing loss, and attention-deficit/hyperactivity disorder (Merck, 2006).

What causes intellectual or cognitive impairments?

Intellectual or cognitive impairments can start anytime before a child reaches the age of 18 years. They can be caused by injury, disease, or a brain abnormality. Some known causes of Intellectual Disability are Down Syndrome, Fetal Alcohol Syndrome, and Fragile X Syndrome, all of which occur before birth. Other causes include serious head injury, stroke, or infections such as meningitis (CDC, 2005).



How are intellectual or cognitive impairments treated medically?

A person with intellectual or cognitive impairments is best cared for by a multidisciplinary team consisting of the primary care doctor; social workers; speech, occupational, and physical therapists; neurologists or developmental pediatricians; psychologists; nutritionists; and educators. In childhood, these people develop a comprehensive, individualized program which begins as soon as Intellectual Disability is diagnosed. Services will extend into adulthood (Merck, 2006).

Intellectual Disabilities and the Americans with Disabilities Act

Are Intellectual Disabilities covered 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 Intellectual 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 an impairment, or is regarded as having such an 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 <http://www.jan.wvu.edu/corner/vol02iss04.htm>. In addition, see the EEOC’s Questions & Answers about Persons with Intellectual Disabilities in the Workplace and the Americans with Disabilities Act at http://www.eeoc.gov/facts/intellectual_disabilities.html.

Accommodating Employees with Intellectual or Cognitive Impairments

Note: People with intellectual or cognitive impairments may have some of the limitations discussed below, but seldom have all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with intellectual or cognitive impairments 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 does the employee with intellectual or cognitive impairments experience?
2. How do these limitations affect 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 accommodations?
5. Can the employee provide information on possible accommodation solutions?
6. Once accommodations are in place, can meetings take place to evaluate the effectiveness of the accommodations? Can meetings take place to determine whether additional accommodations are needed?
7. Would human resources or personnel departments, supervisors, or coworkers benefit from education, training or disability awareness regarding intellectual or cognitive impairments? Can it be provided?



Accommodation Ideas for Limitations in Cognitive Abilities

Reading: Depending on cognitive abilities, people with Intellectual Disabilities may not be able to read information in the work environment.

- Provide pictures, symbols, or diagrams instead of words
- Read written information to employee
- Provide written information on audiotape
- Use voice output on computer
- Use line guide to identify or hi-light one line of text at a time

Writing: Depending on cognitive abilities, people with Intellectual Disabilities may not be able to write, spell, sign documents, or otherwise communicate through written word.

- Provide templates or forms to prompt information requested
- Allow verbal response instead of written response
- Allow typed response instead of written response
- Use voice input on computer
- Use spell-check on computer
- Use a scribe to write the employee's response
- Provide ample space on forms requiring written response

Memory: People with Intellectual Disabilities might have memory deficits due to auditory processing problems, cognitive inability to retain information, or congenital hearing impairment.

- Use voice activated recorder to record verbal instructions
- Provide written information
- Provide checklists
- Prompt employee with verbal cues (reminders)
- Post written or pictorial instructions on frequently-used machines

Performing Calculations: Depending on cognitive abilities, people with Intellectual Disabilities may not be able to count, tally, measure, or track due to an inability to “do math” or perform calculations involving numbers.

- Allow use of calculator
 - Large-display calculator
 - Talking calculator
- Use counter or ticker
- Make pre-counted or pre-measured poster or jig
- Provide talking tape measure
- Use liquid level indicators
- Mark the measuring cup with a “fill to here” line

Organization: People with Intellectual Disabilities may be disorganized due to an inability to retain information and/or an inability to transfer or apply skills in different work environments.

- Minimize clutter
- Color-code items or resources
- Provide A-B-C chart
- Provide 1-2-3 chart
- Divide large tasks into multiple smaller tasks
- Avoid re-organization of workspace
- Label items or resources
 - Use symbols instead of words
 - Use print labels instead of hand-written labels

Time Management/Performing or Completing Tasks: People with Intellectual Disabilities may have limitations in adaptive skills, such as self-initiating tasks.

- Provide verbal prompts (reminders)
- Provide written or symbolic reminders
- Use alarm watch or beeper
- Use jig for assembly to increase productivity
- Arrange materials in order of use
- Use task list with numbers or symbols
- Avoid isolated workstations
- Provide space for job coach
- Provide additional training or retraining as needed

Accommodations for Limitations in Motor Abilities

Using Computer: People with Intellectual Disabilities might have difficulty using the computer. This may be due to manual dexterity deficits, spasticity or rigidity, paralysis, or birth defects involving the fingers, hands, or arms.

- Use key guard
- Use alternative input devices
 - speech recognition
 - speech output
 - trackball
 - joystick
 - touchscreen



Using Telephone: People with Intellectual Disabilities might have difficulty using the telephone. This may be due to manual dexterity deficits, spasticity or rigidity, paralysis, or birth defects involving the fingers, hands, or arms.

- Use large-button phone
- Use phone with universal symbols (fire, police, doctor)
- Use phone with speed-dial, clearly labeled
- Use receiver holder
- Use headset

Accessing Workspace: People with Intellectual Disabilities may have difficulty accessing the workspace. This may be due to muscle weakness or fatigue, an inability to stand for long periods of time, inability to walk long distances, inability to reach items, or an inability to carry/move heavy objects.

- Place anti-fatigue mats at workstation
- Use motorized scooter
- Use stools at workstations
- Move items within reach
- Provide frequent rest breaks

Handling or Grasping Objects: People with Intellectual Disabilities might have difficulty handling or grasping objects. This might be due to an inability to pinch or grip, inability to maintain a steady hand, muscle weakness, or joint pain.

- Use ergonomic tools, handle build-ups, or other tool adaptations
- Use orthopedic writing aids
- Use grip aids
- Use jig or brace

Accommodations for Limitations in Social Abilities

Emotional Support: People with Intellectual Disabilities may need more or different emotional support in the workplace.

- Give positive feedback
- Use visual performance charts
- Provide tangible rewards
- Use co-workers as mentors
- Use Employee Assistance Program (EAP)
- Provide job coach

Interacting with Co-Workers: People with Intellectual Disabilities may have limitations in adaptive skills, such as exhibiting appropriate social skills.

- Provide sensitivity training (disability awareness) to all employees
- Use role-play scenarios to demonstrate appropriate behavior in workplace
- Use training videos to demonstrate appropriate behavior in workplace
- Model appropriate social skills
 - Where to eat at work
 - When to eat at work
 - When to hug other co-workers
 - How to pay for coffee
 - What to do if you are mad
 - Who to ask for help
 - When to leave your workstation

Working Effectively with Supervisors: People with Intellectual Disabilities may have limitations in adaptive skills, such as communicating with others and exhibiting appropriate social skills.

- Communicate one-to-one with employee
- Deal with problems as they arise
- Keep job coach informed
- Train supervisors on communication etiquette
- Discuss disciplinary procedures
- Monitor effectiveness of accommodations currently provided

Situations and Solutions:

A production worker with intellectual or cognitive impairments and Cerebral Palsy had difficulty grasping a plastic bottle to accurately apply an adhesive label. JAN suggested making a wooden jig, which secured the bottle, thus allowing the employee to use both hands when applying the label.

A grocery stocker with intellectual or cognitive impairments could not remember to wear all parts of his uniform. JAN suggested taking a picture of the employee in full uniform and providing the picture to use as a reference when preparing for work.

A store clerk with intellectual or cognitive impairments had limited reading skills, making it difficult to return DVDs to the shelf. JAN suggested making picture labels for DVD cases that matched shelf display boxes. This allowed the employee to match pictures, not words, when returning DVDs to the shelf.



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.

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.

President's Committee for People with Intellectual Disabilities

Administration for Children and Families
Aerospace Center, Suite 701
370 L'Enfant Promenade, SW
Washington, DC 20447
Direct: (202)619-0634
Fax: (202)205-9519
satwater@acf.hhs.gov
<http://www.acf.hhs.gov/programs/pcpid>

Acts in an advisory capacity to the President and the Secretary of Health and Human Services on matters relating to programs and services for persons with mental retardation.



Presidential Task Force on Employment of Adults with Disabilities

200 Constitution Avenue NW

Room S-2220

Washington, DC 20210

Direct: (202)693-4939

TTY: (202)693-4920

Fax: (202)693-4929

ptfead@dol.gov

http://www.dol.gov/_sec/public/programs/ptfead/main.htm

Evaluates existing Federal programs to determine what changes, modifications, and innovations may be necessary to remove barriers to employment opportunities faced by adults with disabilities.

ARC of the United States

1010 Wayne Ave.

Suite 650

Silver Springs, MD 20910

Direct: (301)565-3842

Fax: (301)565-3843

info@thearc.org

<http://thearc.org>

Provides easy access to facts, contacts, and news updates that will help you learn more about its constituents and advocacy.

ASPEN of America, Inc.

2020 Pennsylvania Aven, N.W.

Box 771

Washington, DC 20006

Toll Free: (866)4AS-PRGR

Direct: (904)745-6741

<http://www.asperger.org>

Committed to providing the most up-to-date and comprehensive information on Asperger Syndrome and related conditions.

American Association For Intellectual and Developmental Disabilities

formerly the American Association For Mental Retardation

444 North Capitol Street, NW

Suite 846

Washington, DC 20001-1512

Toll Free: (800)424-3688

Direct: (202)387-1968

Fax: (202)387-2193

<http://www.aaid.org>

Promotes progressive policies, sound research, effective practices, and universal human rights for people with intellectual disabilities.

Association for Persons in Supported Employment

1627 Monument Avenue
Richmond, VA 23220
Direct: (804)278-9187
Fax: (804)278-9377
apse@apse.org
<http://www.apse.org>

Created to improve and expand integrated employment opportunities and services for persons with severe disabilities, including mental disabilities.

Autism Research Institute

4182 Adams Ave.
San Diego, CA 92116
<http://www.autism.org>

Developed as a source of collaboration.

Autism Society of America

7910 Woodmont Avenue
Suite 300
Bethesda, MD 20814-3067
Toll Free: (800)3AU-TISM
Phone: (301)657-0881
info@autism-society.org
<http://www.autism-society.org>

Promotes lifelong access and opportunities for persons within the autism spectrum and their families to be fully included, participating members of their communities through advocacy, public awareness, education, and research related to autism.

Equal Employment Opportunity Commission

1801 L Street, N.W.
Washington, DC 20507
Toll Free: (800)669-4000
Direct: (202)663-4900
TTY: (800)669-6820
info@eoc.gov
<http://www.eoc.gov>

The EEOC was established by Title VII of the Civil Rights Act of 1964 and began operating on July 2, 1965. The EEOC is the enforcing agency for several discrimination-



related federal statutes, including Title I of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination against individuals with disabilities. The EEOC's 800-number routes individuals to their closest field office.

National Association of Councils on Developmental Disabilities

225 Reinekers Ln. Suite 650-B
Alexandria, VA 22314
Direct: (703)739-4400
Fax: (703)739-6030
info@nacdd.org
<http://www.nacdd.org/>

Strives to provide support & assistance to member Councils in order to promote a consumer and family centered system of services and supports for those with Developmental Disability(s).

National Down Syndrome Society

666 Broadway
New York, NY 10012
Toll Free: (800)221-4602
Fax: (212)979-2873
info@ndss.org
<http://www.ndss.org>

The NDSS' goal is to ensure that all people with Down syndrome have the opportunity to achieve their full potential in community life.

National Organization on Fetal Alcohol Syndrome

900 17th Street NW
Suite 910
Washington, DC 20006
Toll Free: (800)666-6327
Direct: (202)785-4585
Fax: (202)466-6456
<http://www.nofas.org/>

Dedicated to eliminating birth defects caused by alcohol consumption during pregnancy, and improving the quality of life for those individuals and families affected.

U.S. Department of Education: Office of Civil Rights

Customer Service Team

400 Maryland Avenue, SW

Washington, DC 20202-1100

Toll Free: (800)421-3481

TTY: (877)521-2172

Fax: (202)245-6480

OCR@ed.gov

<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>

Ensures equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.

United Cerebral Palsy

1660 L Street, NW, Suite 700

Washington, DC 20036

Toll Free: (800)872-5827

Direct: (202)776-0406

TTY: (800)872-5827

Fax: (202)776-0414

info@ucp.org

<http://www.ucp.org>

United Cerebral Palsy's mission is to advance the independence, productivity, and full citizenship of people with cerebral palsy and other disabilities through its commitment to the principles of independence, inclusion, and self-determination.



References

Equal Employment Opportunity Commission. (1992). *A technical assistance manual on the employment provisions (title I) of the Americans with Disabilities Act.*

Retrieved September 4, 2008, from <http://www.jan.wvu.edu/links/ADAtam1.html>

Center for Disease Control and Prevention (2005). About Intellectual Disabilities.

Retrieved August 4, 2008, from <http://www.cdc.gov/ncbddd/dd/ddmr.htm>

Merck (2006). Mental Retardation/Intellectual Disability. Retrieved August 4, 2008, from

<http://www.merck.com/mmhe/sec23/ch285/ch285a.html>

Equal Employment Opportunity Commission. Questions and Answers about Workers

with Intellectual Disabilities in the workplace. Retrieved August 4, 2008, from

http://www.eeoc.gov/facts/intellectual_disabilities.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.

