

Thursday, April 23, 2020

**Webinar: Enhancing Diversity in the Dietetics Profession:  
Tips from the Job Accommodation Network (JAN) for Hiring RD/RDNs with  
Disabilities**

**Research Dietetic Practice Group**

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**SLIDE 1**

>>MARIA: Okay. Welcome everyone! Thank you for joining us today! I'm Dr. Maria Azrad, the webinar coordinator for the Research Dietetic Practice Group and the host of today's webinar. This is approved for 1 CPE by the Academy. All registered attendants will be e-mailed a link to download the CPE certificate and pdf of the slides along with a link for the recorded webinar. This will take a little bit of time for us to get this process going. We will have everything loaded onto the RDPG website within the next few days so you can go there directly in the next few days and get the certificates. We also have the webinars from the previous two webinars posted. If you missed those you can watch them and get your CEU certificate there as well. Again, that's at the RDPG website on our home page. Everything is now free and accessible. The URL to access the closed captions for this webinar are -- is in the chat box. When you click on it a new window will open with captions of the presentation for those with hearing loss or who have difficulty hearing or understanding any of the speakers. Unfortunately, Webex does not allow for captions to appear in the same window with the slides so you cannot see the

captions and slides at the time. Captions can be accessed on a smartphone, tablet or computer so you could read the captions on one of those and view the slides on another device. Finally, a transcript of this entire webinar will be available along with the pdf of the slides on the RDPG website. That, again, will be available within the next 3-5 days. If you want to ask a question at any time, please use the chat box; the questions will be answered at the very end of the webinar. I am now going to turn over the presentation to our moderator, Neva Cochran.

>> NEVA: Hello everyone! I'm Neva Cochran, a registered dietitian and nutrition communications consultant in Dallas, Texas and the moderator for today's webinar, "Enhancing Diversity in the Dietetics Profession: Tips from the Job Accommodation Network (JAN) for Hiring RD/RDNs with Disabilities." I have served at the national level and affiliate level over the entire course of my career and as a member of the Academy's Diversity Committee from 1994 to '96, I helped to create the first diversity philosophy statement for our organization. I also served as a mentor for Dr. Suzi Baxter in the Diversity Leaders Program and she was a speaker on our first webinar and the project director for this webinar series which is funded through a grant that she received through the Research Dietetic Practice Group.

Before we begin, I would like to share with you how as a dietitian without a disability, I became an advocate for those with disabilities. It began when Tracy Williams heard me speak on a webinar about starting my own business. After completing her Bachelors in Dietetics she had been unable to match with an internship and wanted my advice. She believed part of the reason was due to her disability. We had a call the next week and in my efforts to help her forge her career without an RD credential, I connected her with my colleagues. Within the first eight months this, included Dr. Suzi Baxter who I have known since we were dietitians in Dallas. I remembered she had developed a disability late in her career. With

Suzi on board, we were off and running and this has included her being accepted as a Diversity Leader within the Academy for the diverse characteristic of having a disability and also we have a journal article coming out and we did a session this year at FNCE among other things and these webinars are one of our ongoing projects right now.

#### **SLIDE 2**

As I mentioned, we had this funded through an Academy Diversity mini grant that was awarded to the Research DPG with Dr. Baxter as the director. Today's webinar is the third and final one in our series. As was mentioned, you can watch, if you were not on either webinar one or two on the RDPG website. And you can get continuing education credit for those as well.

#### **SLIDE 3**

The purpose of our webinar today is to encourage hiring of individuals with disabilities into the profession of nutrition and dietetics.

#### **SLIDE 4**

We have three learning objectives: State an ethical take away point concerning autonomy and RN/RDNs with disabilities. List two purposes of JAN. And describe two benefits that individuals with disabilities can uniquely provide to a business.

#### **SLIDE 5**

Here is an outline of what our webinar will include today. We will go over the diversity inclusion statement, look at statistics for the U.S. and the Academy, look at the Code of Ethics as it relates to the disability issue, and then we will have an overview of the Job Accommodation Network and reasons to hire and retain dietitians with disabilities, and then we will look at the ADA and give examples of accommodations and follow that up with questions.

## **SLIDE 6**

The Academy's Diversity and Inclusion Statement reads, "The Academy encourages diversity and inclusion by striving to recognize, respect and include differences in ability, age, creed, culture, ethnicity, gender, gender identity, political affiliation, race, religion, sexual orientation, size and socioeconomic characteristics in the nutrition and dietetics profession. An updated version of that diversity statement is what I first worked on in 1994 to '95 when I was on the Diversity Committee. It's interesting to see those same words that I came up with in the current statement.

## **SLIDE 7**

Now looking at gender and race/ethnicity statistics for the United States that come from the 2018 American Community Survey and for RN/RDNs using the February 2020 Commission on Dietetics Registration's data, and for nutrition and dietetic students and interns from the Accreditation Council for Education in Nutrition and Dietetics (ACEND) reports for 1998 and 2018, the earliest and latest years available. You can see the only area where current RDs are similar to U.S. statistics is for white individuals, with men and all other races and ethnicities underrepresented. Also note that between 1998 and 2018, the percentage of white students and interns decreased by 10% and for black individuals by 2%, but increased by 2% for both men and Asians and 8 points for Hispanic and Latinos. So diversity for gender and race/ethnicity is improving somewhat for students and interns. In the CDR column, note that 11% and 14%, respectively, did not report gender and race/ethnicity. So on your online CDR profile page, please indicate your gender and race/ethnicity so our current diversity information can be accurate. That would be greatly appreciated by the Committee and the Academy.

## **SLIDE 8**

Now we're looking at the legal definition of disability before we go on. It is defined as a physical or mental impairment that substantially limits one or more major life activities, a record of

such an impairment or is recorded as having such an impairment.

**SLIDE 9**

According to the University of New Hampshire's Institute on Disability, among the civilian non-institutionalized population in the United States in 2017, the disability rate was a little over 13%, almost 43 million people. Disability rates were similar by gender at just under 13%. And disability rates by race and ethnicity were highest for African Americans at just over 14%, Caucasians at 14% and non-Hispanics Others at just over 12% and lowest for Hispanics at almost 9% and Asians at 7%.

**SLIDE 10**

By type, disability rates in the United States were greatest for ambulatory at 4.9% and cognitive at 4.5%, followed by independent living at 3.7%, and least for hearing at 2%, vision at 2% and self-care at 1.8%.

**SLIDE 11**

For the first time ever, the Academy's 2019 Compensation and Benefits Survey of the Dietetics Profession, and I want to give credit to Dr. Suzi Baxter to help us find a way to collect this data that we have never had before on members with disabilities. Of the 37,440 dietetics practitioners sent this, a total of over 8,000 were received which is a response rate of 23%. The survey sample was stratified by the type of registration (either RDN or NDTR), membership status, and availability of an email address. The results were weighted to accurately reflect the true population. Of the 16% that responded they were currently not working in the field of dietetics, 3% cited disability or health problems as the reason. In response to the disability and health questions, 1% are blind, deaf, or have a severe vision or hearing impairment, 1% have a condition that substantially limits one or more physical activities, and due to a physical, mental or emotional condition lasting 6 months or more, 2% have had difficulty learning, remembering, or concentrating and 1% have had

difficulty working at a job.

**SLIDE 12**

Now I want to turn to the Academy's Code of Ethics. The latest Code of Ethics for the Academy and for the CDR went into effect on June 1, 2018. It has four principles, as you can see here. Under each of these principles are numerous standards. By accepting membership in the Academy and/or accepting and maintaining CDR credentials, all nutrition and dietetics practitioners agree to abide by this Code.

**SLIDE 13**

Our learning objective for ethics for this webinar is to state an ethical take-away point concerning autonomy for RN/RDNs with disabilities. The definition of autonomy is ensuring the patient client or professional has the capacity and self-determination to engage in individual decision-making specific to personal health or practice. This slide shows the Code's second principle, Autonomy.

(Voice heard in background...I'm listening to a webinar through work. Need to mute.)

**SLIDE 14**

>>NEVA: The slide shows the nine standards for the autonomy principle on a variety of topics.

**SLILDE 15**

Of these standards, **B** is perhaps the best ethical take-away point concerning autonomy and RD/RDNs with disabilities, "Comply with all applicable laws and regulations." As you listen to our speakers, keep in mind how this standard applies to the practice of dietetics.

**SLIDE 16**

Now I would like to introduce our speakers for today. They are both from the JAN and include Matthew McCord and Brittany Lambert.

Matthew fields questions from employees and employers regarding their rights and responsibilities under the Americans with Disabilities Act and assists in identifying accommodation solutions for employees with mobility impairments. Brittany fields questions related to low vision, hearing impairments, learning disabilities, mental health impairments and more. I'm now going to turn over control of the slides and the presentation to Brittany and that will take one second. Okay, Brittany you have it. Take it away.

**SLIDE 17**

>>BRITTANY: Thanks so much. To get started on today's presentation, I just want to say thank you for having us, Matthew and I are happy to be here providing you -- (cut away.)

>>NEVA: Brittany? (Audio gone.) I can't hear her. I think she is back. Brittany?

>>BRITTANY: Are you able to hear me?

>>NEVA: Yes, now. We just heard a very few words. You might want to start over.

>>BRITTANY: I just wanted to say thank you all so much for having us today. We're really happy to be able to provide you with this information.

>>NEVA: Are you able to change the slide?

>>BRITTANY: It looks like I'm not able to get the slides to advance.

>>NEVA: Do you see over there -- (Overlapping speakers.)

>>BRITTANY: There we go. First I'm going to provide a little bit of information about the Job Accommodation Network and what it is we do. We provide consultation on title I of the ADA [Americans with Disabilities Act] as well as the Rehabilitation Act. We provide information on both the legal requirements for employers and rights of employees as well as information on specific job accommodations, based on all job categories, all impairments and all industries.

**SLIDE 18**

We provide confidential technical assistance on a national basis.

We like to think that our information is easy to access and easy to use. We keep it audience focused and the majority of the conversations that we have are with employers and employees with disabilities. We can also talk with service providers, so that could be doctors, rehabilitation professionals, really anyone who has questions about accommodations and how to engage in that process.

**SLIDE 19**

When you contact JAN, your information will be sent to the appropriate consultant based on disability type. We are broken into four teams, a motor team, a cognitive neurological team, a sensory team and an entrepreneurship team. Whenever you call, the receptionist will ask for the disability type and that information is then used to route you to the appropriate person.

**SLIDE 20**

Now we're going to talk a bit about reasons to hire and retain employees with disabilities.

**SLIDE 21**

Reasons to hire include the fact that (background noise) living with a disability can enable people with disabilities to develop unique skillsets that employers may not find elsewhere. People with disabilities help widen the scope of perspectives available to tackle workplace challenges and are often more likely to stay at their jobs longer and thus lower the costs related to replacing and training new hires. That's where retention of people with disabilities can be beneficial to an employer.

**SLIDE 22**

These benefits have measurable impacts. According to research released by Accenture, companies that put in the effort to become leaders in disability employment and inclusion had on average 28% higher revenues and 30% higher profit margins. If you want to learn more about this, you can review this study at the link provided.

**SLIDE 23**

For resources to help an employer attract and hire people with disabilities, reach out to the Employer Assistance and Resource Network on Disability Inclusion, also known as EARN. You can access their website at [www.requestearn.org](http://www.requestearn.org) and send e-mails to them at the address listed.

**SLIDE 24**

Now I'm going to talk more about research specifically based on research we have done at the JAN. We have an ongoing research project focused on the low cost and high impact of hiring employees with disabilities. When you contact JAN, you're going to be asked at the end of the consultation via email if you would like to participate in a follow-up study. That follow-up study is how we get information to proceed with the information I'm going to talk about next.

**SLIDE 25**

Based on the findings of our study, 1,188 employers were interviewed between June of 2008 and July of 2007, over half of which reported that the accommodations made were at no cost. Those who experienced a one-time cost to make the accommodation, the typical cost of accommodating was around \$500. Only 25 employers said that the accommodation resulted in an ongoing annual cost to the company, and 9 said that the accommodation required a combination of one-time and annual costs.

**SLIDE 26**

Of those responding, 75% reported the accommodations were either very effective or extremely effective. This study consistently shows that the benefits employers receive from making the accommodations far outweighs the generally low costs. This is important for employers who may have concerns about the costs of hiring employees with disabilities because based on the findings that we're seeing it's typically a nonissue. It's far more beneficial than detrimental to

the employer. Of course in terms of retention, hiring an employee and retaining them is going to generally be more cost effective than if you were to let that person go and have to bring someone else on board and go through the training process.

**SLIDE 27**

Now we're going to look at ADA [Americans with Disabilities Act] 101, specific to Title I of the ADA, the employment provisions.

**SLIDE 28**

Title I of the ADA applies to employers with 15 or more employees, state and local governments regardless of the number of employees, and employment agencies and labor unions, as well. So what the first Title of the ADA is employing to do is prohibit disability-based discrimination in all employment practices. So Title I of the ADA is going to apply no matter what stage of employment the individual is in. It's going to apply in preemployment when you are filling out applications and doing interviews. It's going to apply when you're going through a promotion or being sought out for a promotion. It's also going to apply when the employer is looking at things like laying off employees. All of these things are going to be applicable in terms of the ADA. Discrimination is prohibited against qualified individuals. So what is qualified? What does it mean in terms of the ADA? It means not only can the person meet the basic qualification standards of the position in terms of things like certification, licensure, and skill set, but also that they can perform the essential function either with or without an accommodation. It also requires that reasonable accommodation for known disability of a qualified applicant or employee be made barring undue hardship.

**SLIDE 29**

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the application process, to

perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. So oftentimes it's going to be something related to that ability to perform job functions, but sometimes it can also be things to allow equal access to things that could come up, for example, if you have a tele work program and your tele work program typically is allowed to all employees in a specific job category. You want to make sure you are providing equal access to that benefit to employees with disabilities as well. The duty to provide reasonable accommodation is ongoing. There is no limit to the number of requests that must be considered. An employee can request accommodation at any time and they don't necessarily have to know everything that they need all at once. They can start out with what they're aware of and then as things arise down the road they're entitled to request more or for changing accommodations.

### **SLIDE 30**

Reasonable accommodations must be made available to qualified applicants with disabilities, qualified employees with disabilities, be they part-time or full-time and even probationary employees. This comes into play pretty often with employees who are on a probationary period that doesn't allow leave, for example. So let's say that the employee has to work a certain amount of days or hours before they're entitled to time off. Well if that employee needs time off because of a disability, the employer may need to consider modifying that policy absent undue hardship to provide time off needed because of a disability. And qualified employees with a record of a substantially limiting impairment, this comes into play for, let's say, employees who are in remission of a medical condition. If someone has a history with cancer and the employee is generally going to be fine in terms of attendance but occasionally they need to take time off for follow-up appointments and check-ins and things like that, that history of a disability still is going to cover them. They're still going to be entitled to reasonable accommodations as long as they're a qualified individual.

**SLIDE 31**

To qualify to receive an accommodation under the ADA, an individual must have a disability or a record of a disability. So under the ADA, a disability is a medical impairment that substantially limits one or more major life activities. The employer would need to look at does or did the individual have an impairment and if so, does or did that impairment affect a major life activity? So that can be anything from walking, talking, breathing, the list goes on and on. It's meant to be sort of intentionally broad. Major life activities are generally going to be anything that the general population is able to do or needs to do that could be considered a major life activity. If yes, does the impairment substantially limit the major life activity? Even if the individual has some extent of impairment, that doesn't necessarily mean that they're going to meet the ADA's definition of disability. There needs to be substantial limitation to a major life activity specifically. Now, as a general guidance, we suggest not getting bogged down on determining disability because it's meant to be interpreted broadly. We usually encourage employers to focus rather on the accommodation and whether they can be provided. So if you think it's possible or likely that this person could fall under the ADA's protection, it may make sense to go ahead and look at the accommodation rather than getting hung up on whether the person does or doesn't qualify.

**SLIDE 32**

There are generally going to be three categories of reasonable accommodation. The first is modification or adjustment needed during hiring. So this could be the provision of an interpreter, providing printed materials in large font or in Braille, anything that gives the individual access to the hiring process. It could also include modification or adjustment to the work environment or to the manner of circumstances under which the work is customarily performed. So this could be something like job restructuring or modifying the way that an essential function is done. We usually look at something like lifting

as a good example of this. If the employer were to say it's an essential function to be able to lift 50 pounds, lifting physically might be the way that that function is customarily done, but oftentimes lifting is not necessarily the essential function but rather moving something from one place to another. So if the person is able to do that with the help of some type of equipment, for example, the fact that they can't do it physically doesn't necessarily matter so it can become a matter of changing the way that you do things. We also have modifications or adjustments that enable the enjoyment of equal benefits and privileges so it's like we talked about earlier with the tele work example. You want to make sure that employees with disabilities have equal access to the benefits and privileges of employment.

### **SLIDE 33**

Basic principles for employers: You don't have to provide an accommodation unless it's needed because of a disability. So if someone is requesting an accommodation, it can be important that they're prepared to establish why it's needed. So if someone says I need an ergonomic chair, but they don't follow up with why, the employer may not know that's a request for accommodation and might not have an obligation to provide that as an accommodation if they don't know it's connected to a medical condition. They don't have to provide accommodations that pose an undue hardship which is a significant difficulty or expense. This is where we hear employers having concerns about cost. But it's not only cost that comes into play. It could be anything that has a substantial burden on the employer or is substantially difficult to provide. The employer can also choose among effective accommodation solutions. This is going to be important for individuals with disabilities to understand because the employer doesn't necessarily have to provide exactly what's being requested. They could also look at accommodation options that will meet the person's needs but be easier to provide. If, for example, the employee is asking for a piece of equipment that cost \$300 but there is an alternative that's around \$150. As long as the cheaper

alternative gets the job done and meets the person's needs the employer can go with the cheaper alternative. You don't have to provide things that constitute personal use items that are necessary for accomplishing daily activities both on and off the job. That could be glasses, hearing aids, wheelchairs, things that are medically necessary for activities both on and off the job and are not specific to the workplace. You don't have to accommodate an individual who is not otherwise qualified for a position. If someone has a disability and they don't necessarily have the required certification for a specific position, that person is not otherwise qualified for the position because they don't meet quality specific standards of having that particular certification. The employer might not have an obligation to accommodate that person. Finally, you don't have to remove essential functions, create new jobs or lower production standards. The purpose of reasonable accommodation is to allow the person to perform the essential function. You don't necessarily have to excuse them from performing that not function. You don't have to create a new position or say that the individual doesn't have to meet the same production or productivity standards that other employees do. That's generally not considered a form of reasonable accommodation.

#### **SLIDE 34**

Now for IWDs [individuals with disabilities], things you want to keep in mind are that you may request accommodation at any time, but you should do so before your job performance suffers. So if you notice that you're having difficulty performing the essential functions, that's the time to let the employer know. You don't want to wait until you have problems because the employer can hold you to those performance expectations. You don't have to use the words "ADA" or "reasonable accommodation" when making a request or make the request in writing. That being said, we often suggest you do put something in writing so you have documentation to show you did make a request for accommodation and make the employer aware. You can be expected to provide medical documentation to substantiate disability and need for accommodation. Another party may request accommodation

on the individual with the disabilities behalf. It could be a parent, family member, a spouse, or a rehabilitation professional, for example. Lastly, there is no specific time frame for the employer to respond to a request, but they should respond without delay. So there is nothing that says, for example, an employer has two weeks to respond and implement an accommodation request. With that being said, if the employer is dragging their feet and they don't necessarily have a good reason for drawing out the process, sometimes that can result in a violation of the ADA in and of itself.

#### **SLIDE 35**

To help get you through the process, we usually suggest a six-step iterative dialogue that we call the iterative process. We've broken it down into these six steps to help you navigate that process. Step 1 is recognizing an accommodation request. Step 2 is gathering information. Step 3 is exploring accommodation options. Step 4 is choosing the accommodation. Step 5 is implementing the accommodation you have chosen and Step 6 is following up to monitor the effectiveness of the accommodation. Now, this is something that, again, can be an ongoing process. Sometimes you will have to do this in a non linear fashion and this is a guideline to help keep you in check with what you need to discuss, what you might need to explore. With that I'm going to switch things over to Matthew and let him provide more information.

#### **SLIDE 36**

>>MATTHEW: Thanks, Brittany. First thing we are going to do is go over some examples of reasonable accommodation options. I don't seem to have the ability to change the slides -- there we go. Apparently I wasn't clicking in the exact right place.

#### **SLIDE 37**

To begin, employers should consider purchasing or modifying work-related equipment or products. This accommodation is usually pretty clear-cut for most employers but sometimes it's hard to keep up on all

the products that are currently available. This is a big area where we here at JAN can help out. We have an extensive knowledge about modifying various pieces of equipment that you might have as well as information on where you can purchase new products.

**SLIDE 38**

So with that in mind let's look at an example. A child therapist wanted to continue working while undergoing treatment for cancer. Because of her treatment she had a suppressed immune system and her doctor recommended she wear a mask while working. She found a mask that did not interfere with her speech which is important but found out that the mask frightened some of the young children she worked with. It looked like she might have to take time off until she finished treatment.

**SLIDE 39**

This employer gave us a call for ideas and we found some cool masks with cartoon faces on them. They worked great and the kids actually thought that the therapist was wearing the masks for them rather than because she need to wear them. The masks only cost about \$30 for an assorted package so this was a successful inexpensive accommodation. So if you have any questions or ideas, need ideas about products, feel free to give us a call.

**SLIDE 40**

The next type of accommodation required by the ADA is job restructuring. Job restructuring can mean a couple different things. Often it's removing or reallocating marginal tasks which are secondary duties that the job was not made to do or functions that do not take up a large portion of the worker's time. But it can also involve changing how or when either an essential or marginal function is performed. This difference is because employers are not required to remove or reallocate essential functions but they can do so if they wish to. Because of this divide, it can be really important for employers to sort out what functions are essential and what functions

are marginal at any given job. If you need help on this, we have a web page on our A to Z index on the topic of job descriptions in case you need more information in this area.

**SLIDE 41**

As an example, an employee with autism works for a large marketing firm. Though she is knowledgeable in her field, she has difficulty participating in work activities with her team. After the employer talks with her about her performance problems and working with the team, the employee discloses that her autism makes it hard for her to interact with people and she asks that she been allowed to work alone. The employer feels team work is a necessary part of her job so they don't want the employee to work alone.

**SLIDE 42**

So the employer contacted us for ideas. After talking with us about other modes of communication to consider, the employee was allowed to communicate with her team electronically, allowing her the social distance she needed to be comfortable yet enabling her to provide the team with what they needed to move forward with marketing campaigns. This is an area where we can be useful. Sometimes it's hard for employers to think about doing things in a different way especially when a task has been done successfully for a long time. Simply because something works well for those without disabilities doesn't mean it will work well for people with disabilities. We are happy to help employers think outside the box and come up with different ways a task can be done.

**SLIDE 43**

An accommodation that can be confusing at first is modifying workplace policies. Naturally employers are free to create their own policies but some may have to be modified for an employee with a disability whereas other policies never have to be modified. Examples that employers might have to consider include things like dress codes, rules about eating at your workstation and sustained stress policies.

Policies that they don't have to consider are things like prohibiting violence or threats of violence, stealing, destruction of property, use of illegal drugs at work or sending inappropriate e-mails. Things along those lines. We can provide information to help determine what policies employers might consider modifying, what policies they can enforce and how to develop nondiscriminatory policies.

**SLIDE 44**

Let's look at a common example. An employee with high blood pressure had difficulty dealing with stress in the workplace. She decided to train her own service dog to alert her when she is reacting to stress and help her calm down. After the dog was trained the employee asked if they could bring the dog to work. The employer was worried about how the dog would behave without professional training.

**SLIDE 45**

JAN suggested that the employer allow the employee to bring in the dog to demonstrate the behavior in the workplace. After seeing the dog was well behaved the employer modified their "no animal" policy and allowed the dog in the workplace. I use this example because we often get many questions about service animals in the workplace and it's not just your traditional service and medical, questions about emotional support animals, alert people to low blood sugar, and PTSD triggers to name a few. In many cases an employee can't provide documentation from a medical provider, so we often suggest a trial. There is definitely a developing area of the law so if you get questions feel free to contact us and we will be happy to discuss animals in the workplace.

**SLIDE 46**

These options we have discussed are only a portion of what sorts of reasonable accommodations can be requested. The tip of the iceberg, if you will. Now that we have gone over a broad overview of accommodation types, let's drill down and discuss challenges and solutions based on the type of disability involved.

**SLIDE 47**

For individuals with motor impairments, it is common for them to encounter challenges and activities like lifting heavy boxes, getting access into the worksite, getting fatigued more easily and or utilizing a computer.

**SLIDE 48**

To combat these challenges, it would likely be beneficial to consider accommodations like the utilization of lifting aids, installation of automatic door openers, purchasing anti-fatigue mats and installing chairs.

**SLIDE 49**

For blindness and low vision, accessing computer information, reading labels and navigating to the work location are challenges.

**SLIDE 50**

Screen reading software, magnification products and talking GPS devices can be helpful to consider.

**SLIDE 51**

Of for individuals with hearing impairments, they will likely have difficulty with tasks that involve interacting with customers, communicating via telephone and responding to auditory signals in general.

**SLIDE 52**

For these challenges, it may be helpful to consider assistive listening devices, video phones, and alerting devices that use other signals like vibrations or flashing lights.

**SLIDE 53**

Individuals with speech-language challenges will also likely have impairments in interacting with customers and communicating via

telephone.

**SLIDE 54**

For these challenges, it could be helpful to review accommodations like voice amplifiers, portable texting devices, speech-to-speech relay services and telephones with amplification.

**SLIDE 55**

Finally for those with neurological impairments, they can face challenges staying organized, maintain focus and with memory loss.

**SLIDE 56**

For these needs, it can be beneficial to consider options like organization software and calendars, noise cancelling head sets and white noise machines to reduce background noise and distractions, and voice recorders or reminder devices.

**SLIDE 57**

As you can see, there is quite a large range of accommodation situations that an individual can experience. If you have any questions, please feel free to contact us here at JAN via any methods you see on this slide.

**SLIDE 58**

>>NEVA: Thank you so much, Matthew and Brittany, for sharing all this valuable information with us. We do have several questions which we will get to in just a minute. First we want to show a one-minute public service announcement and I'm going to let Dr. Azrad show that. [PSA plays] We didn't hear anything, were you playing that? We have had problems with this coming through the platform but they are captioned and I will tell you when you get the pdf of the slides this link is in there and you can go back and watch and listen to the PSA once again. But in the interest of time, I'm going to move on so you will have time for questions.

**SLIDE 59**

>>NEVA: Matthew did you give me control back of the slides? For information about becoming a member of the Academy of Nutrition and Dietetics, email [membership@eatright.org](mailto:membership@eatright.org).

**SLIDE 60**

>>NEVA: The webinar will be available on the website and on the Academy's website along with the certificate, pdf of the slides and a transcript that will be transcribed with the captions being done today. You will receive a link, and rest assured you will receive it in no longer than a week but you can go on that link that I put again in the chat box that links to the Research DPG site and you can see the first two webinars and the third will be uploaded there. Even if you haven't gotten the link to the email, check back there. Also a reminder that the certificate without code 175 is for the live webinar, and the certificate with code 175 is for the recorded webinar.

**SLIDE 61**

>>NEVA: If we are unable to finish in the 5 minutes we have left we are going to go over because I would like to have Brittany and Matthew to answer all the questions that have come through and I will see if there are anymore in the meantime.

>>NEVA: The first question I'm going to answer because it's asked of the Academy and the Diversity Inclusion Statement which I read in the beginning. The question is has the Academy looked at issues in the Diversity Statement such as size and sexual orientation? They have and both of those are in the Diversity and Inclusion statement as it currently is.

>>NEVA: The next question is IBS. IBS would be great for us to know for our patients. I can usually determine my hours but sometimes an administrator requests why I don't come in earlier, sort of erks me.

>>MATTHEW: First of all, with regard to whether it can be covered, we can't give you a yes it's covered, no it's not because it's going to depend on individual circumstances. Some people with IBS are highly functional, like myself I have it, we can deal with it and it doesn't hinder us in any major life sort of way. Some people might not but others with severe IBS can be. The reason why that is one version of a major life activity that was included in the ADA Amendments Act of 2008 they listed the proper functioning of the bodily systems as a major life activity and IBS certainly does have its own way of having our digestive systems function. If it's severe it can be covered, sure. As for the privacy issue, that's one of those things where if you're going to be requesting an accommodation from an employer or things like that, they need to keep your information confidential. Now, if you happen to talk to someone about the fact that you have IBS and they come up to you and say, hey, have you tried this? I mean, that's one of those things where they probably shouldn't be doing that in public because they're openly discussing your disability in an area where others can hear but overall this should be happening behind closed doors in private areas so that way the information is not being spread unnecessarily.

>>NEVA: Great, thank you. The next question is dietetic internships are a likely limitation for individuals with disabilities becoming registered dietetics. How can programs provide accommodations when we are sending interns to multiple sites that we do not own or control. Also, what about mental health issues? Behavioral health problems can be the most difficult to cope with. Any suggestions?

>>BRITTANY: For the first question, something that I want to address is the fact that Title I can in some situations cover internships if the individual meets the ADA's definition of employee. So there can be circumstances where an employer or person who is taking on an intern may have obligations under Title I of the ADA to

provide reasonable accommodation. Even if they don't meet the definition of employee there can still be things under Title II and Title III that may be applicable. It's important to get that feedback on what exactly is the individual doing in this role, what type of compensation, if any, are they receiving and that kind of information can help you narrow down what this intern's rights may and be what they can request. As far as getting in and kind of helping in your role, what you can do particularly if you have working relationships with these entities, is kind of work with them as best you can to come up with a plan for who is in charge of accommodations based on both your legal obligations and what each party feels they're both adequate to help with. In that way you have a plan in place for when this happens and you can kind of sort those things out as you get them. Now for the mental health concerns, of course everyone's needs are going to be different but it's going to be the same process that you just want to engage, in that iterative dialogue to determine what is this person having difficulty with, how is this impacting their ability to perform job functions, to meet performance and conduct measures, and how can we help to address those issues? We have a cognitive neurological team that deals with questions related to mental health impairments, so that's absolutely something I would suggest as a resource if those issues do come up.

>>NEVA: Thank you so much. Is there a time limit post treatment in regards to number of years for someone who had cancer that would qualify to have a disability and accommodations?

>>MATTHEW: Overall no. The best way to figure out if this person would be eligible for accommodations, even though they've been in remission for many years, it's going to depend on whether or not they have a current need to attend to things to keep them in remission. Say, for instance they have been in remission for five years but they have a medical appointment every two weeks to check in with the doctor, run tests, make sure things are still in remission since that treatment plan is ongoing, despite the fact that it's been

going on for years, if the doctor wants that to continue there is still a need. So since there is still a need, there is still a need for accommodation. That's the best way to figure it out. If this person has been in remission for five years and the doctor is like, yeah, you're good, we don't need to see you, then they don't need accommodation for that since there is no need.

>>NEVA: Great, thank you. This is a question that was made. I have a friend who is struggling with the registered dietetic exam. She doesn't have a known disability but she gets anxious so was not able to clear the exam twice. What does the Academy think about such candidates? Another attendee said the CDR does allow for extra accommodations if she has a diagnosis. Would either of you like to further comment on that?

>> BRITTANY: What I would suggest in that situation is get in touch with the Department of Justice's ADA information line. When it comes to tests for licensure or certifications and things like that, that generally does go outside of our services but that service can provide technical assistance on things that go outside of Title I of the ADA so testing accommodations, educational accommodations, things like that definitely get in touch with that resource for more information.

>>NEVA: A comment made was...I have an ambulatory disability. I am an RD LD with 14 years of experience in the field. When I tried to find a job that would hire me as a disabled RD, I was told my disability could not be accommodated as would lower production standards. So, I became discouraged and just retired early.

>>MATTHEW: I'm sorry that that happened to you. Here at JAN we can't give legal advice but what I would encourage you to think about in that situation is if they are looking at your medical condition and saying outright no we cannot accommodate that, it's most likely that they probably have skipped quite a few steps in that process. Number

one they need to look at accommodations that might enable you to do your job and that's important for anyone in this situation and if they haven't given thought to accommodation options that might help you, then they most likely have not done their due diligence and put forth that effort to provide you with accommodations. If they cut you off at the door and don't consider accommodation that might be a situation where there is a violation that's happened and if that's happened, you probably want to give us a call so we can let you know who to speak to if you wanted to pursue that in a legal manner.

>>NEVA: Thank you. I have one more question but before I go to that I want to recognize Cecilia Fileti who is a current Academy Board of Directors member and she is on the Diversity Committee in which disability is housed and she had a comment... I wanted to let everyone know that the Academy is looking at other issues. Please feel free to email me as I am a current member of the Diversity and Inclusion Committee and they have a Strategic Plan Task Force for this area currently so do help shape concepts by sharing with me... If you want to scroll through she does leave her email address there, you can check that out [cfileti@gmail.com].

>>NEVA: There is another question here. Chemo brain is real yet very hard to actually test for and prove. What if it can't be documented?

>>BRITTANY: Great question. If they have a disability that isn't known to the obvious, I think it's important to get documentation of what you can and there may be things to talk with your doctor and employer about and say these are the limitations that I'm experiencing, and it could be something that the employer may, you know, choose to work with you on even if you don't have concrete medical documentation be aware of the fact that they probably can insist on that if the disability or need isn't known or obvious but a lot of them may have flexibility to work with you there.

>>MATTHEW: I would add in a lot of times a big hiccup that comes into play in these situations is that the employer is -- they don't think they need to accommodate for something that would be considered a side effect of a medication. A lot of employers consider chemo brain to be side effects of the chemo treatment. But that's actually untrue. The employer needs to consider accommodations for side effects of a medication because a lot of times those medications are taken to combat a disability. So if you're experiencing a disconnect where they will give you accommodation for cancer but they don't think they have to provide you accommodations for the chemo, that is incorrect. They have to accommodate for both.

>>NEVA: Thank you. I have one other question, I'm not sure if I understand it but let me see if you do. It says, are all live webinars required by ADA, I assume that means Americans With Disabilities Act, to provide effective communication and in my case that would be closed captioning?

>>MATTHEW: I would say first of all, remember that we focus on job-related accommodations so general website access is something that is tangentially related to what we do but it's not exactly what we do. I will say that other titles of the ADA other than Title I have requirements for accessible information and we have resources on the website to make sure that your websites and webinars are accessible. So it's one of those things where it kind of falls outside of the general realm of our service but, yes, they do need to make sure that things are accessible to the public. Just like how buildings need to be accessible, public buildings need to be accessible for wheelchairs, if you're making your webinars public to anyone to come in and experience it, you need to make certain it is accessible just like that public building is.

>>BRITTANY: That's another area just to add on to that where the DOJ's ADA information line may be helpful and another great resource for web accessibility is web aim W-E-B-A-I-M. Webaim.

>>NEVA: Thank you. Thank you so much. I appreciate y'all staying over so that we could get all of the questions answered. That's the last one I see.

**SLIDE 62**

I finally want to end with this slide. If you are or know a dietitian with a disability and we know there is one on our webinar today or maybe I think two, if you are or know a dietitian with a disability who would like to join our group, this is an informal group that I've been putting together over a period of four years I have 15 RDs or Academy members who have a disability, and I've gotten 4 of them, 2 from the first webinar and 2 from the second, please email me through my website. There is a contact form on my website and my website is listed here, [www.nevacochranrd.com](http://www.nevacochranrd.com). You can get on the list and join us in these efforts on this cause.

We're excited coming out in the May journal and it's online I understand this morning is the article that was -- the first author is Dr. Suzi Baxter and then Barbara Gordon, the Research Dietetic Practice Group chair and me titled "Enhancing Diversity and the Role of Individuals with Disabilities in the Dietetics Profession." There is much more information related to this so go to the website for more information. Thank you all for participating today in our webinar and thanks again to our speakers, Matthew and Brittany, and have a great rest of your day.

(End of webinar)

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