Working Effectively with People with Learning Disabilities

This brochure is one of a series on human resources practices and workplace accommodations for persons with disabilities edited by Susanne M. Bruyère, Ph.D., CRC, SPHR, Director, Program on Employment and Disability, School of Industrial and Labor Relations – Extension Division, Cornell University. It was written in July 2001 by Eve Woodman Tominey and Matthew Tominey, Cornell University.

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Cornell University currently serves as the Northeast Disability and Business Technical Assistance Center. Cornell is also conducting employment policy and practices research, examining private and federal sector employer responses to disability civil rights legislation. This research has been funded by the U.S. Department of Education National Institute on Disability and Rehabilitation Research (Grant #H133A70005) and the Presidential Task Force on Employment of Adults with Disabilities.

The full text of this brochure, and others in this series, can be found at: www.ilr.cornell.edu/ped/ada. Research reports relating to employment practices and policies on disability civil rights legislation, are available at: www.ilr.cornell.edu/ped/

For further information, contact the Program on Employment and Disability, Cornell University, 102 ILR Extension, Ithaca, New York 14853-3901; 607/255-2906 (Voice), 607/255-2891 (TTY), or 607/255-2763 (Fax).

More information is also available from the ADA Technical Assistance Program and Regional Disability and Business Technical Assistance Centers, (800) 949-4232 (voice/TTY), www.adata.org

What is a Learning Disability?

The National Joint Committee on Learning Disabilities describes the term "learning disability" as a general term referring to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, spelling, reading, writing, reasoning, or mathematical skills. These disorders are intrinsic to the individual, presumed to be caused by central nervous system dysfunction, and they exist throughout the person's life. A learning disability is not a disorder that an individual "grows out of." It is a permanent disorder that has a significant effect on learning but is not an indicator of intelligence. An individual with a learning disability may develop compensatory skills that help them to overcome the disability.

Problems in self-regulatory behaviors, social perceptions, and social integration may exist with learning disabilities but do not, by themselves, constitute learning disabilities. Although learning disabilities may occur concomitantly with other disabilities, they are not the result of those conditions or influences.

Learning disabilities affect some 10% of the American workforce. As a result, many persons applying for work or currently employed by an employer will have learning disabilities. These individuals are often intelligent, creative and productive.

Learning disabilities can sometimes cause inconsistent work performance and may require reasonable accommodation. Some learning disabilities may have a global effect on functioning in the workplace. Other individuals may only need a reasonable accommodation for a specific task.

Some common learning disability terminology is listed below:

Dyslexia – difficulty with language processing, which, in turn, affects reading, writing, and spelling.

Dyspraxia – difficulty with fine motor skills and coordination.

Dysgraphia – difficulty with writing, spelling, and writing composition.

Auditory Discrimination – difficulty in perceiving differences between speech sounds and sequencing these sounds into meaningful words, which affects reading and spoken language.

Visual Discrimination – difficulty in noticing important details and assigning meaning to what is seen, which is critical to reading and writing.

What is the Impact of the Americans with Disabilities Act on People with Learning Disabilities?

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities. The term disability under the ADA is defined as:

1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual,
2) a record of such an impairment or,
3) being regarded as having such an impairment.

"Substantially limits" means that the person is unable to perform, or significantly limited in the ability to perform, an activity as compared with an average person in the general population. "Major life activities" refers to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Learning disabilities are considered physical or mental impairments. The term "Specific Learning Disabilities" is cited in the regulations of the Equal Employment Opportunity Commission (EEOC), which enforces the ADA, implementing the employment provisions of the ADA (29 C.F.R. Part 1630).

Whether the ADA would protect a person with a learning disability from discrimination depends on whether the disability substantially limits a major life activity. For example, an employee whose auditory perception difficulties causes her to be unable to gain information from a staff meeting likely would have an ADA disability, especially where most employees would have little or no difficulty gaining relevant information from the meeting. By contrast, the inability to take excellent notes of a highly detailed, eight-hour technical discussion would not constitute a substantial impairment because the average person would also not be able to do this.

As the definition of disability makes plain, an employer also may not discriminate against an individual with a record of a disability or against someone perceived as being disabled. For example, job applicants who have been through special education may not be discriminated against based on a school record of a disability. Similarly, employers also may not discriminate against applicants with learning disabilities because of a perception or fear that they cannot read.

An individual's limitations must be caused by a learning disability. Thus, an employee who is unable to read or write because he or she was never taught these skills, and not because of a learning disability, would not be an individual with a disability under the ADA.

Causes of Learning Disabilities.

A learning disability is a developmental disorder that is present from birth, although it may go undetected until later in life. While genetic predisposition, perinatal injury, and various neurological or other medical conditions may be associated with the development of learning disabilities, the presence of such conditions does not invariably predict an eventual learning disability.

Some individuals with learning disabilities have no familial, medical, or environmental history that would predict a learning disorder.

Potential Functional Limitations Caused by Learning Disabilities.

Workers with learning disabilities may have difficulties with:

- Processing auditory material (e.g. receiving oral directions and other communication issues)
- Writing, including: issues with spelling, grammar, and/or sentence structure; expressing information in a written format; and/or legible handwriting.
- Reasoning ability regarding the comprehension of new information, quantitative information, or complex verbal information.
- Reading speed or reading comprehension.

Workplace Accommodations for Individuals with Learning Disabilities.

Reasonable accommodations are by definition individualized in order to meet the needs of the specific applicant or employee. Some accommodations may include:

- Alternate print formats
- Reduced-distraction work environments
- Computer technology for written work
- Reading materials presented in auditory formats
- Extended time to learn job tasks or to perform work
- Instructions presented both in written and oral formats
- Allowing the employee to tape-record important information
- Clearly defined job requirements, including the dates when projects assignments are due; advance notice of any changes
- Providing handouts and visual aids
- Using more than one way to demonstrate or explain information
- Breaking information into small steps when teaching many new tasks in one lesson (state objectives, review previous lesson, summarize periodically)
- Allowing time for clarification of directions and essential information
- Providing assistance with the proofreading of written work
- Allowing the use of spell check and grammar-assistive devices

When in doubt about possible accommodations, ask the employee what would be helpful. In addition, remember to observe confidentiality. For example, avoid pointing out the employee or the alternative arrangements to the rest of the work group.

Resources

ADA Regional Disability and Business Technical Assistance Center Hotline:
800-949-4232 (voice/TTY)
http://www.adata.org

Learning Disabilities Association of America
4156 Library Road
Pittsburgh, PA 15234-1349
(412) 341-1515 (voice)
(412) 344-0224 (FAX)
http://www.ldanatl.org

International Dyslexia Association
Chester Building
8600 LaSalle Road, Suite 382
Baltimore, MD 21286-2044
Telephone 410/296-0232
http://www.interdys.org

Job Accommodation Network
West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
(800) 526-7234
http://www.jan.wvu.edu/english/homeus.htm

National Center for Law and Learning Disabilities
P.O. Box 368
Cabin John, MD 20818
(301) 469-8308

National Center for Learning Disabilities
381 Park Avenue South, Suite 1401
New York NY 10016
Telephone: 212/545-7510
http://www.LD.org

Office of Disability Employment Policy -- U.S Department of Labor
1331 F Street, N.W., Suite. 300
Washington D.C. 20004
202-376-6200 (voice)
202-376-6205 (TTY)
202-376-6219 (FAX)
http://www.dol.gov/dol/odep/

U.S. Equal Employment Opportunity Commission
Helpline: 800-669-4000 (voice); 800-800-3302 (TTY); or 800-669-EEOC (publications-voice).
http://www.eeoc.gov

Disclaimer

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Cornell University is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

The Equal Employment Opportunity Commission has issued enforcement guidance which provides additional clarification of various elements of the Title I provisions under the ADA. Copies of the guidance documents are available for viewing and downloading from the EEOC web site at: http://www.eeoc.gov

Other brochures on the ADA produced by the Program on Employment and Disability
Are available on-line at
www.ilr.cornell.edu/ped/ada