Employing and Accommodating Individuals with Spinal Cord Injuries

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 by Nancy Somerville, B.S., and Dorothy J. Wilson, F.A.O.T.A., OTR, Rancho Los Amigos Aging with a Disability RRTC, in August, 2000.

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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/surveyresults.html.

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 (TDD), 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 Spinal Cord Injury?

A spinal cord injury (SCI) usually occurs as the result of a significant event such as a car accident or fall. An injury to the spinal cord interferes with messages between the brain and the body and results in paralysis and sensory loss below the level of the injury. The location at which the cord is injured and the severity of the injury determines the physical limitations the person will have. Individuals with SCI have near-normal life expectancy and they can and do work in a wide variety of employment settings.

Accommodating Individuals with SCI

The physical limitations imposed by a SCI can sometimes interfere with performance of job tasks. Job accommodations, however, can solve many task performance problems and enable the person to be a capable and productive employee.

The Americans with Disabilities Act requires employers to provide reasonable accommodations to qualified individuals with disabilities so that they may 1) participate in the job application process; 2) perform the essential functions of the job; and 3) enjoy equal benefits and privileges of employment.

Reasonable accommodation related to job performance can take many forms, including: making the workplace accessible; reallocating marginal functions that the individual cannot perform because of the disability or changing when or how any job function is performed; part time or modified work schedules; the use of leave when necessary; obtaining special equipment or modifying current equipment; providing assistants to help with job-related tasks; providing reserved parking; and allowing the employee to utilize equipment, aids or services that the employer is not required to provide, such as a service animal.

Employers are not required to provide accommodations that will pose an undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense. Undue hardship is evaluated by assessing various factors, including the nature and net cost of the accommodation; the number of employees, type of operations and financial resources of the facility and the

larger business entity of which it may be a part; and the impact of the accommodation on the operation of the facility.

Considerations in the Hiring Process

Under the Americans with Disabilities Act, employers must make reasonable accommodation for a qualified individual with a known physical or mental disability. With SCI, the disability is physical and is usually apparent. The applicant will most likely be using a manual or powered wheelchair or walking aides. The presence of the disability, however, should not be the focus of the employee selection process. Rather the process should center on whether the education, experience and skills of the applicant meet the job requirements and whether he or she can perform the documented essential functions with or without a reasonable accommodation. The employer might start by sharing and discussing the job description. A job description should include the essential functions of the job, marginal or peripheral functions, minimum qualifications, job location and equipment to be used in job performance.

The employer may ask all applicants whether they can perform any or all job functions, including whether they can perform job functions "with or without reasonable accommodation." Some individuals, however, have additional problems as a result of their spinal cord injury that may be less apparent. These include pain, poor heat tolerance and fatigue. If an applicant's disability is either obvious or has been disclosed by the person, an employer may ask the applicant to describe or demonstrate how s/he would perform a particular function. This can also be asked if the employer could reasonably believe that the person will not be able to perform the function. Any request for a reasonable accommodation, however, will generally come from the individual.

The applicant with a SCI may require some form of accommodation in order to participate in the employee selection process. A few examples of accommodations that may be helpful during this process are:

- mailing an application to those who request it
- offering the services of someone to assist in completing the application
- having disabled parking nearby
- use an adjustable height table or desk to provide clearance for a person using a wheelchair
- relocating an interview to an accessible location or better yet, removing physical barriers by installing a ramp, door opener or providing wide passage and doorways
- review the physical accessibility of your interviewing space. Ensure access to your parking, building, and interview room/location?

Solving Common Work Issues

The type of work problems (if any) that an employee with a SCI may experience will depend on the individual's level of injury, the physical requirements of the job and the work environment. Some accommodations may be needed for a person to perform successfully the essential functions of the job. It is quite possible that the employee will know the type of accommodation that is needed. Accommodations are usually inexpensive, contrary to what many people believe. Studies have shown that the majority of accommodations cost less than $500[1] and many cost nothing. Also, there are frequently several different accommodations that may solve a problem. Examples of common work issues and how they have been solved are:

Standard Desk too low for Wheelchair Access
- Remove center drawer
- Raise desk with wooden blocks
- Purchase higher or adjustable height desk

Pedestal desk center opening too narrow for wheelchair access
- Purchase a table
- Purchase an L-shaped desk with open clearance for wheelchair

Holding a telephone receiver difficult due to limited hand or arm function
- Provide a speakerphone
- Purchase a telephone headset

Using a standard keyboard/mouse with impaired hand or arm function
- Provide a keyboard drawer at appropriate height
- Provide a trackball
- Purchase hardware or software that provides for alternative access such as voice activation or using Morse code.

[1] Job Accommodation Network, *Accommodation Benefit/Cost Data 1992-1999*. http://www.jan.wvu.edu/media/Stats/BenCosts0799.html

Managing papers difficult with limited hand function

- Book holders
- Catalogue racks
- Copy holders
- Table top vertical files
- Lazy Susan table top holders
- Automatic page turners

Physical access into the facility

- Access to reserved parking for disabled
- Accessible route from parking into facility
- Maintenance of accessible features: firm and stable path of travel, snow removal, elevator or lift maintenance
- Lever hardware on doors
- Power doors for heavy doors

Physical access within facility

- Widen narrow doorways to 32", or add offset hinges which can add 1-1.5 inches of clearance
- Maintain at least 36" clear path of travel through furniture, files, and other objects
- Keep most frequently used materials and information on lower shelves/tables and do not use top drawers of file cabinets if person is unable to reach them

Bathroom access issues

- Lowered mirrors and paper towel dispensers
- Knee clearance for sinks and wrapped pipes
- Combine two stalls into one larger one
- Add elevated toilet or toilet seat
- Add grab bars

Morning routine for personal care may necessitate changes in work schedules

- Flexible schedule
- Telecommute part time
- Part-time employment

Retaining Employees

Everyone experiences functional changes as they age. For individuals with SCI, as well as other disabilities, these changes may occur prematurely and affect job performance. Functional changes can include pain in upper extremity joints, fatigue, muscle weakness and pain and stiffness. The impact of changes on work may be overlooked for a while because the changes may occur gradually.. Accommodations that may enable the employee to begin working may also allow the employee to continue to be a successful, productive, employee.

Health and wellness for employees with SCI are vitally important to maintain good health and any company provided programs should be reviewed in order to assure their accessibility for all employees.

Resources to Help with Accommodation

When reasonable accommodations may be needed, the employee with a disability can be your best resource to identify potential accommodations and determine the effectiveness of each. The need for reasonable accommodation can occur at any point in the individual's employment. The accommodation process is a flexible one and accommodations may need to be reviewed periodically for effectiveness, and as the needs of the employees may decrease or increase. Although preference ideally should be given to the employee's choice, the employer has discretion to choose between effective accommodations. The ADA does not require employers to provide an accommodation that poses an undue hardship on the operation of the business. When no accommodation is identified or alternatives are desired, technical assistance may be helpful in determining how to accommodate an employee in a specific situation. A variety of resources are available to help you with identifying or implementing accommodations or understanding your obligations under the ADA.

Disability and Business Technical Assistance Centers (DBTAC)
(800) 949-4232 (Your call will be routed to the DBTAC in your region)
www.adata.org/dbtac.htm
Provides free ADA information and copies of ADA documents. They also can provide informal guidance in understanding the law.

ABLEDATA
Macro International
8455 Colesville Road, Suite 935
Silver Springs, MD 20910
(800) 227-0216
www.ABLEDATA.com
Provides information on assistive technology from a database of over 23,000 product listings. Information is free by phone or by searching their web site. There is a small fee for mailed information.

Job Accommodation Network (JAN)
West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
(800) JAN-PCEH
A free information and referral service to solve work-related problems. Can suggest devices and/or job or building modifications based on functional limitations, abilities and job tasks.

Vocational Rehabilitation Services
State/Government listing in telephone book
Provides vocational services to help individuals get or keep their jobs. Services can include evaluations to identify appropriate accommodations and/or funding for assistive technology or needed modifications.

The National SCI Association
8300 Colesville Road, Suite 551
Silver Springs, MD 20910
Helpline: (800)962-9629
www.spinalcord.org
This is a national organization that has a network of chapters to help members with counseling, disability rights and general advocacy. They maintain an extensive library and publish a quarterly magazine.

Technology Act Programs
These programs offer information and referral for evaluation and equipment recommendation in your state as well as assistance with identifying funding or equipment lending sources. Call (703) 524-6686, extension 313, to identify the telephone number of your state's Tech Act program or search the RESNA web site.

RESNA
1700 N. Moore Street
Suite 1540
Arlington, VA 22209-1902
(703) 524-6686
(703) 524-6639 (TTY)
www.resna.org
Organization for all professionals, suppliers and consumers interested in assistive technology issues. Specific questions related to assistive technology can be posted on their Listserv and users can respond.

Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
(800) 669-EEOC (Voice/TTY)
Responsible for ADA employment-related issues.

U.S. Architectural and Transportation Barriers Compliance Board
1331 F. Street, Suite 1000
Washington, DC 20004
(800) 872-2253
(202) 272-5434 (V/TT)
Provides documents regarding requirements for accessible design and alterations.

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