

Coping with **AD/HD** *On the Job*

Strategic steps can help individuals with AD/HD succeed in the workplace

BY ROBERT M. TUDISCO, ESQ.

Whether an adult with attention-deficit/hyperactivity disorder (AD/HD) was diagnosed as a child or as an adult, the symptoms of the disorder can act as impairments to both seeking a position and keeping one. The portion of the brain affected by AD/HD regulates an individual's executive functioning, causing impairments in organization, time perception and management, prioritization, impulse control and—in some cases—social skills. Each of these impairments could pose a significant obstacle to employment, but combined they can be a recipe for disaster.

The most important thing that an adult with AD/HD or any other disability can do is truly understand the nature of how his or her disability manifests itself. It is crucial that we understand and respect our strengths and our weaknesses. I believe that the key to success in any major life activity is to learn to gravitate toward your strengths and to learn to dance around your weaknesses.





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Choosing a career/employer

Before getting to the question of workplace accommodations, a true understanding of their strengths and weaknesses should assist adults with AD/HD in seeking out the right position and the right employer so their strengths can flourish. This process begins with honest introspection. Here are some sample questions for that process:

- Does the job you are applying for demand much attention to clerical duties, which you may find difficult or almost impossible to perform?
- Does the work environment or the industry lend itself to a high degree of structure or no structure at all, and does that level of structure suit your working style?
- Does the position or the employer appear to be flexible enough to encourage a non-traditional working style if you require one?
- Does the position involve work that will make good use of the strengths that you may

possess, such as creativity or passion?

These are all fundamental questions that must be resolved during the job-search process.

Disclose your disability?

A key question that I am often asked is whether or not an adult should disclose his or her AD/HD or other disability to his or her employer. This question can be a difficult one to answer because the answer may vary depending upon the industry, the employer or even the climate among co-workers. The law with respect to workplace accommodations is very different from the law that applies to students up through high school. Under the law, an adult must disclose his or her disability in order to seek protection. In many cases, however, disclosure can be counterproductive, and the decision should be made on a case-by-case basis.

In the event that someone works for an institution—such as a university or government agency—that depends on federal funding, there is often a disability office that will work with

Strategic Quick Tips

Here are five workplace strategies for individuals with AD/HD.

- **Understand your disability.** It is very important that you understand how your disability manifests itself and the underlying basis for your request. Work with your treating doctor or counselor to be able to articulate the issues and be able to back them up with documentation.
- **Ask up front.** Since the law requires self-reporting, it is important that if you choose to disclose, you do it early. It is also very helpful to set up styles and adjustments before problems arise. This will minimize the likelihood that your request will be received as a way to keep a position for which you are not suited.
- **Develop strategies on your own.** It is important that you take an introspective look at what works for you and what doesn't. Experiment with different self-management techniques, and be able to articulate why some work and some don't.
- **Build structure and accountability.** Whether on your own using lists and reminders, through a coach or therapist, or with superiors and even subordinates on the job, structure and accountability are extremely important to keep you out of danger. In many cases your employer will appreciate your willingness to keep him or her involved in your work progress.
- **Clarify expectations.** A written agreement about work styles, expectations and concerns will clarify the situation and set ground rules. It will also make the abstract tangible, aid in building structure, and provide a way of measuring the employee's progress and productivity. This is important not only for general work duties, but also for projects that come up.

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an employee to design appropriate accommodations in compliance with Section 504 of the Rehabilitation Act (Section 504) or the Americans with Disabilities Act (ADA).

On the other hand, private businesses that may be otherwise required under the law to provide accommodations may not be the best settings in which to ask for them. For instance, if the employer is an accounting or law firm where there is competition among employees for advancement and/or partnership offers, an employee may put himself or herself at a disadvantage by disclosing a disability. The disclosure may draw stigma or stereotypes, such as viewing a disability as laziness or a lack of motivation. Employers may also believe that the disclosure of a disability and a request for accommodations will leave them open to potential litigation down the line.

Regardless of the nature of the position or the employer, the law will only protect an employee with a disability if he or she dis-

closes it to the employer and asks for accommodations.

Anti-discrimination law

The two laws that protect adults with AD/HD or other disabilities are Section 504 and the ADA. While both statutes mirror each other in the definition of disabilities, there are differences in their application.

Section 504, like the ADA, is an anti-discrimination statute that protects individuals with a physical or mental impairment that substantially limits one or more major life activities of such individuals. The main difference between the two statutes is that Section 504 operates as more of a funding statute that follows federal money. It applies to federal agencies or other institutions that accept federal funding. While the definition of a disability is the same, the ADA is much broader in that it is not restricted by the acceptance of federal funding. The ADA applies to all private employers with more than 15 employees, so long as the employee is otherwise qualified for the position and the accommodations do not

cause the employer undue hardship.

The key to both statutes that adults with AD/HD must keep in mind is that the diagnosis of AD/HD, or any other disability, by itself is not enough to make an individual eligible for protection. The individual must also show how that disability substantially impairs one or more major life activities. This is where careful introspection and an understanding of how your disability manifests itself are crucial.

Proactive and positive actions

In the event that adults find themselves in a position where they need accommodations, I suggest being proactive and positive. Careful introspection is crucial in understanding what accommodations you need and why you need them. Try to establish as many coping mechanisms as possible on your own before you request them from your employer. When you request accommodations, do it in a positive way. It is important to let your employer know that you are requesting this "working style" or "adjustment" in order to maximize your effec-

tiveness as an employee. In many cases, what you are asking for will cost the employer little or no money and will maximize the bottom line. Establish this early, before trouble sets in. In many cases, accommodations are seen by employers as a way to hold on to a job that you are not competent to manage on your own. Establishing these ground rules up front before any problems arise will go a long way toward maximizing your potential and performance.

If you are unsure about disclosing your disability to your employer or asking for accommodations, you should consult with an attorney who specializes in employment law. In particular, seek out an attorney who is well versed in disability discrimination. ■

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