

Dear Jeanne,

In my most recent review, my boss noted that my "performance has fallen off due to numerous sick days and excessive breaks." I'm afraid of being laid off or fired. Should I tell her that I have CRPS?

—Mary

Dear Mary,

I understand your difficulties in trying to work with CRPS, and your concerns about disclosing your syndrome to your boss. Let's examine the issue.

not fire you because your disability prevents you from performing duties that are not essential to your job, provided you have disclosed your disability.

**It is your responsibility to tell your employer that you need an accommodation.**

Accommodations may include

- acquiring or modifying equipment;
- making workstation modifications;
- restructuring your job;
- modifying work schedules (including changing from a full-time to part-time job);
- changing tests, training materials,

accommodations for employees with disabilities. However, an employer may refuse to provide a reasonable accommodation if

- doing so will result in undue financial hardship
- accommodations are unduly extensive, substantial or disruptive
- accommodations would alter the nature or operation of the business.

Whether an accommodation is an undue hardship varies greatly depending on the size and financial resources of the employer. (Note: You do not have to pay for accommodations.)

## Q&A: CRPS and Disability Issues

By Jeanne Lazo

This new column is by the author of *Persistence is Power*.

Disclaimer: This column provides general information and is not intended to provide specific advice on medical or legal matters, nor should it substitute for consultation with doctors, attorneys, or human resources/benefits experts.

**If you cannot perform the essential duties of your job even with accommodations, you can be laid off or fired. If this is the case for you, what options should you consider?**

- Talk to your human resource representative about short- and/or long-term disability benefits. You will need all the facts and figures to determine if disability leave (temporary or permanent) is right for you.
- Consider another job within the company that you could do within your limitations. If you accept a job with less responsibility and lower pay and later go out on disability leave, your disability benefits might be reduced, since benefits are based on pre-disability income.
- Consider a different job at another company. You may wish to consult community college, to help you identify jobs that would be a good fit with your skills, abilities, and interests.

### What rights do you have?

You should know that Americans with disabilities have the right to work. The Americans with Disabilities Act (ADA) provides legal protection against discrimination as long as you 1) disclose to your employer that you have a disability, and 2) are able to perform the essential duties of your job with or without reasonable accommodation.

### Can you perform the essential duties of your job?

"Essential duties" are the fundamental job duties that you must be able to perform on your own or with the help of reasonable accommodation. If you don't know what the essential duties of your job are, ask your boss or human resources representative. (Note: An employer can-

or policies;

- providing assistance in accessing the facility;
- permitting/enabling you to work from home;
- reassigning you to a vacant position; and
- dozens of other possibilities.

Employers are not required to eliminate an essential function, lower a production standard, or provide personal use items, but they can do so if they wish.

Put your request for accommodation(s) in writing, sign and date it, and send a copy to your boss and human resources representative.

The ADA requires employers with 15 or more employees to provide reasonable ac-

### Advantages of Disclosing Your Disability

- Your employer may be able to provide you with support and accommodations.
- Disclosure could enable your boss and coworkers to help you quicker and easier if you become ill at work.

### Disadvantages of Disclosing Your Disability

- Despite the ADA, discrimination does exist. You could suffer subtle discrimination, such as being laid off or fired

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due to “downsizing” or other legally-permissible reasons.

- Your boss and/or peers might treat you differently.

## If you decide to disclose, who should you tell?

Tell your boss or human resources representative in writing or verbally.

## What should you say?

Take time to plan what you want to say. Consider the following suggestions:

- Disclose the nature of your disability and tasks that are difficult for you to do because of it. You do not need to go into extensive detail.
- Provide a brochure or basic information from the RSDSA (<http://www.rsds.org>) website.
- Describe specifically how you will be able to continue the essential duties of your job. This might be a good time to review the essential duties, so that you and your boss are in agreement.
- Show that you are aware that others might not be comfortable with the news, and discuss how you will try to make them feel more comfortable.
- State that you want to play to your strengths, downplay your limitations, and maximize your contributions to your team’s goals. Present yourself as a problem-solver rather than a problem-creator.

Choose your words carefully in a written disclosure. Don’t say, “I really can’t do this job anymore.” Instead, say, “I’d like to

request an accommodation that will enable me to perform my job successfully.”

## It’s your choice!

The decision to disclose your illness/disability is entirely up to you. If you don’t tell, you could spend every workday feeling pressured and worried. If you do tell, you could ask for reasonable accommodations that could help you succeed. Collaboration between you and your boss could yield the best solution.

—Jeanne

Dear Jeanne,

## How can I get my manager to promote me when I cannot stay up with job level requirements?

—Diane

Dear Diane,

I once had a boss who told me that a wise manager will put together a team of diverse individuals and then play each one according to his or her strengths. This is as true in the workplace as it is in sports.

The problem in your situation appears to be that everyone on your team is held to the same job level requirements, regardless of each individual’s strengths. May I suggest that you pursue a new strategy? First, study your team’s goals and objectives. Identify ways in which you could do more to help your team achieve those goals—even if it means going way beyond your job description.

Consider different types of accommodations that would help you improve your contribution to the team’s goals. For example, the Americans with Disabilities Act (ADA) includes “job restructuring” in its list of reasonable accommodations.

Do your homework and think like a manager. How much would these accommodations cost? What are the other impacts of the proposed accommodations? Can you quantify or state clearly the additional contributions you could make with these accommodations?

Now you are ready to schedule a one-on-one meeting with your boss. Open the conversation by saying, “I am committed to helping our team achieve its goals. I’d like to play to my strengths and downplay my limitations. I’ve given this a lot of thought and I’d like to discuss ways in which I think I could contribute more.”

At the end of this discussion, tell your boss that you hope to be promoted and want to work towards that goal. Ask if he or she thinks that this is a realistic goal, based on your conversation. It helps to know where you stand.

You boss will undoubtedly be impressed that you took the initiative, came in with a well thought out solution, and demonstrated that you are a dedicated and valuable team member.

You have many working parts. Use them wisely.

—Jeanne

For more information on the Americans with Disabilities Act, visit <http://www.usdoj.gov/crt/ada/>. ■

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*Jeanne Lazo coauthored Persistence is Power! A Real-World Guide for the Newly Disabled Employee. You may send questions to her at [jeannelazo@aol.com](mailto:jeannelazo@aol.com).*