

## ADA & THE DYSLEXIC - A PROTECTED SPECIES OR HOW TO KEEP A JOB

I am a graduate of the University of Nevada and have been a Professional Personnel administrator for over 27 years. A few years ago, I learned that I am a member of a "protected class" of persons that employers may not discriminate against. I am a person with a learning disability. With my sense of humor, I've translated that to "I'm a protected species." Therefore I have arbitrarily designated all dyslexics as a new species which must be protected because we are a valuable natural resource (or should I say "a valuable wild resource"?).

I am dyslexic, not too severely, but I'm clearly dyslexic, especially when I'm tired. I may be more dyslexic than I think I am, but for many years I have learned to compensate for doing things that I shouldn't be able to do! I've probably done these things because I didn't know that with my "learning disability" I shouldn't be able to do it! My co-workers of the past never knew that I have this learning disability. I was always a competent employee and I don't "look" disabled!

I have dysnomia which is basically forgetting words. Generally I forget words when it will be most embarrassing! (Dyslexia rule #13) Most of the time when talking to others I will ad lib whenever I can. Of course this can be most entertaining since the substitute word(s) may be unusual or funny. Forgetting personal names is the most embarrassing! I've been happily married for over 25 years to this wonderful woman, but sometimes I still blank when trying to remember "what's-her-name's" name! Consequently I have several "pet" names for my wife and I can always rely on a least one of those to surface in times of need.

My auditory *and* visual discrimination skills are very poor. I can't find my own family in a crowd and normal conversation in a noisy room is impossible. Parents, do you ever have trouble locating your kid in a field full of striped soccer players? Impossible for me! In fact, I almost lost my wife at fisherman's wharf in San Francisco several years ago. That sure came close to losing *my* heart in San Francisco! My hearing is fine, but my hearing perception is lousy. I can't separate the noise from the conversation. It's difficult to participate in a conversation when a second conversation is nearby since I only hear parts of both. If my son wants to talk to me he knows that he has to first turn down his music and then speak up nice and clear. What a great excuse I've got to get some desirable behavior!

My auditory processing skills are also slow. Actually I need to translate what I hear with my ears, into my "right brain world" before it makes any sense to me. This is especially true if the speaking person is from the "left brain world." I think most school teachers must have come from that world! Some of my teachers thought I was either "slow" or not paying attention while others who took the time to know me, knew I was bright.

So why this article? Perhaps it's because I believe I'm a survivor of the "system" that

says that we can only teach one way! And because I survived, maybe I have some knowledge to share. I believe I beat the system because I succeeded when I should have failed. And this has happened because I have made **reasonable accommodations** for myself! Now the federal government has made reasonable accommodations the law of the land through the ADA!

I am going to share some of my experiences with you and briefly clarify some points of the ADA by explaining what is required of employers and what is required of the person with the disability. Yes, the disabled have obligations too! For more information, contact the President's Committee on Job Accommodation Network at 800/526-7234.

## **AMERICANS WITH DISABILITIES ACT(ADA)**

ADA prohibits employment discrimination against **qualified individuals with disabilities**. That's it in a nutshell but let's examine further those last four words.

A **qualified individual with a disability** is someone who meets the requirements of the job. That means you first must have the minimum requirements (MQs) which include things like skills, experience, education, and other job related requirements (such as licenses, certificates, or specific abilities)... and then it goes further to say... **AND** who with or without **reasonable accommodations**, can perform the **essential functions** of that position.

ADA protects the disabled person as it relates to **ANY** employment practice, term, condition, or privilege of employment.

Most employers (with 15 employees or more) must make a reasonable accommodation to the **known** physical or mental limitations of a **qualified** applicant or employee with a disability unless it can show that the accommodation would cause an **undue hardship** on the operation of its business.

Note that I did mention, *known* physical or mental limitations. You have to make it known to the employer that you need accommodations! That's your obligation! So not only do you have to qualify for the position, but you need to make it known to the employer if you need accommodations in order to perform the job or compete fairly for a job or promotion.

One more term I want to define before going on to examples of reasonable accommodations is that of **essential functions of the job**. Essential function of the job is what you have to perform ... with or without the reasonable accommodations. Essential functions are the primary job duties of a position. They are the reason that the job exists. It does not include the marginal or peripheral functions that are incidental to the primary job function.

## **A REAL LIFE STUDY**

OK, at this point let's assume that we have a specific *learning disability* although we may still have to show some documented proof of it! Let us also assume we meet the

minimum qualifications of the job so we are a *qualified individual*. If we are dyslexic, we are "... a qualified individual with a disability."

Next we have to establish whether we can do the *essential functions* of the job? Or will we need to ask for *reasonable accommodations* in order to do these functions?

This is the hard part in getting or keeping a job. The learning disabled person has to know his or her strengths and weaknesses: and more importantly, how the weaknesses can be bypassed or strengthened. In some cases a qualified educational therapist may have to be consulted to help identify problem areas and recommend alternative ways to do a task. However, in many cases it is just a matter of common sense and being honest with yourself. Being honest with yourself means that some jobs just aren't suited for you even when it's a job that you really want. Every dyslexic person needs to determine realistically whether they have the skills and or abilities to do the essential functions of the job even when the employer makes reasonable accommodations.

In my case I know that my visual skills are taxed whenever I am confronted with small or poor quality print. I can read exciting novels at a slightly above average speed, but I read and comprehend text books and most professional publications very slowly. Instructions for assembling toys aren't generally comprehended at all! I've usually put my kid's toys together by looking at the pictures! Reading the instructions only confuses things!

I also know that I can't hear two audio inputs at the same time, so meaningful conversation in a noisy room is impossible. Talking on the phone is difficult when other conversations are nearby. Listening generally takes all my concentration in meetings and seminars. Taking notes becomes a secondary action. Being a Court Recorder or a Public Safety Dispatcher would not be a good career move for me.

Words really do fail me! I'm always forgetting words. Simple words like hand, desk, apple, computer, wife! When I talk to my co-worker and I need to remember a name, even someone I've known for 15 years, I probably won't remember the exact name in time, but in some magical way I'll find a way to be descriptive enough so that the person I'm talking to knows who I mean. I can forget any word at any time and without any warning. I have learned to substitute words "on the fly" always hoping that I've picked an appropriate substitute. Sometimes my substitutions are funny or at least they are unique! I probably wouldn't make a very good radio talk show host.

The following are some of the ways I have coped with my disabilities on the job. The solutions are well within the means of reasonable accommodations.

## **EXAMPLES OF REASONABLE ACCOMMODATION**

\* Large Print: Many copiers can enlarge documents. Word processors can also use different font types and sizes. Laser Printers and Ink Jet Printers produce clear copies with many kinds of fonts. When I don't have to overwork my visual system, I can utilize my analytical skills more efficiently.

\* Use of yellow highlighters to emphasize important sections in reference documents makes it easier for me to see and faster to find. Reproducing poor quality documents onto yellow pages or looking at a document through a clear yellow acetate also helps. Some people find another color more helpful. Yellow works for me!

\* I develop summary charts and tables for quick access. I worked in Personnel for a city government which has 12 bargaining units; all with different benefits. I summarized most of the benefits on one sheet of colored paper (back and front). I also used separate and clearly labeled binders for contracts, salary schedules, salary and fringe benefit resolutions, policies and procedures. I find that it is very important to find a way to organize what I need in order to do my job. When I'm on the phone, I can quickly pull out the right document and give out factual information. Some people think I've actually memorized all the facts and figures I give out since I frequently have found the information by the time they have finished their question. Actually I haven't and I've probably already forgotten their name too, but since I wrote their name down on my ever present pad by the phone, they never knew! There is no way for me to remember all I need to know, but I always know where to find the answer. Fortunately I can picture in my mind where the needed information is. When I go to meetings I generally take some of my "help aids" with me so that I can have the correct information when I need it.

\* Use of a computer with a spell checker and thesaurus to type reports has been my salvation. How did I ever function before without one? A super VGA color monitor or good quality amber monitor with high resolution reduces eye fatigue. VGA color monitors make report writing easier on the eyes which allows the brain to spend more time composing the report instead of compensating for the poor or confusing visual input. I used to spend so much time rewriting and trying to read what I wrote, that I frequently didn't have time to polish up my reports.

\* I keep a enlarged list of frequently used telephone number near my phone machine. I hardly ever remember phone numbers and it takes a lot of visual effort for me to look them up in most phone books. I also have a large planning calendar on the wall. I like to visualize my week!

\* Sometimes I tape record important meetings, seminars, or conferences to supplement my skimpy illegible notes. (Remember for me listening requires intense concentration and by the time my mind has translated to my right brain "how does that fit in with the rest of the world as I know it," the speaker is generally on to another topic.) I can actively participate in a meeting or I can take reasonable notes which I will translate into a good report about two days later after I've thought about it, but I can't do both at the same time. In the last 3-4 years I've been up front with my bosses on these issues and it has reduced some stress for me.

\* A relatively quiet work location. This is especially needed for my auditory

discrimination problems. My office was in the back corner of my department where it was quieter! I put the computer on the floor where I heard it less. Printers can be placed away from the immediate work area or better yet, within a sound baffling enclosure. Background music can be turned down or off. Use of amplified telephone head sets or use of telephone head phones works well in a noisy room.

\* Long fine point pens with grippers makes my writing more legible (make that barely legible). Red stands out well for me, but doesn't always copy well. If I'm going to copy something, I use a black pen. Blue ink doesn't stand out for me and I generally avoid it.

\* Complicated directions which the "normal" left brain world seems to thrive on, need to be explained to me globally before specifically. I need to see the whole picture to know where I'm going before I start. Graphic explanations make it easier to understand. Pictures are really worth a thousand words! I need to visualize the task at hand before I can solve it. I have learned to ask people to explain things to me graphically. And frequently I interrupt them to paraphrase what they are saying. This way we both understand the same thing! Perhaps this has been the most difficult compensation for me to implement. I am still a little uncomfortable about slowing people down or having them repeat or rephrase things, but I know that if I am to do a good job, I must first understand what I'm doing!

These are some of the things that work for me. I constantly try to analyze my work situation and then proceed with my strengths. I'm sure the number of ways that an employer may reasonably accommodate a qualified candidate or employee are innumerable. It up to you to come up with the ways! But first take inventory of your strengths and weaknesses.

## **CONCLUSION**

My conclusion is also a personal one...

If you don't know that you are learning disabled, it's amazing how much you can accomplish! My father and I, both dyslexic, completed many college level courses without ever knowing this. But what's even more amazing is that once you know about your learning disability and you accommodate these "problem areas" by utilizing your brilliant mind, it is amazing how much more you can accomplish. Discovering these disabilities and learning how to cope with them is like running through a house with the lights on at night instead of feeling your way through the dark.

For several years my work, even my life, has been made much easier since I know what my weaknesses are and how to overcome them. Before ADA I was able to work out reasonable accommodations for myself. Now it's possible for every qualified learning disabled person to say to a future or current employer "let me show you how I can best do this job."

It really is incredible what reasonable accommodations will let you do: whether it is mandated by the government or whether you learn to be innovative by yourself. So

much can be accomplished by the learning disabled, especially the dyslexic individual who, we already know, often has a higher than average I.Q.!

It has been reported that Albert Einstein failed elementary math and President Woodrow Wilson had aides read him the newspaper. We need to learn to deal with our disability by developing and using accommodations. That's the secret to keeping a job!

Written by **Irv Richards**, member of the Inland Empire Branch of the International Dyslexia Association (formerly Orton Dyslexia Society).

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