



Accommodation and Compliance Series

Employees with Epilepsy or Seizure Disorders

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@jan.wvu.edu
www.jan.wvu.edu



A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

The Job Accommodation Network (JAN) is a service of the Office of Disability Employment Policy of the U.S. Department of Labor. JAN makes documents available with the understanding that the information be used solely for educational purposes. The information is not intended to be legal or medical advice. If legal or medical advice is needed, appropriate legal or medical services should be contacted.

JAN does not endorse or recommend any products or services mentioned in this publication. Although every effort is made to update resources, JAN encourages contacting product manufacturers/vendors and service providers directly to ensure that they meet the intended purposes. This guarantees that the most up-to-date information is obtained.

The following document is not copyrighted and reproduction is encouraged. Section 105 of the Copyright Law provides that no copyright protection is available for works created by the U.S. Government. Therefore, all works created by JAN fall under this provision. While individuals may use such work with impunity, individuals may not claim copyright in the original government work, only in the original material added. Individuals may access the full text of the law from the U.S. Copyright Office <http://www.loc.gov/copyright>. Please note that specific information cited by JAN may be copyrighted from other sources. Citing secondary sources from a JAN publication may violate another organization's or individual's copyright. Permission must be obtained from these sources on a case-by-case basis. When using JAN materials, JAN asks that the materials not be reproduced for profit, that the tone and substance of the information are not altered, and that proper credit is given to JAN as the source of the information. For further information regarding this or any other document provided by JAN, please contact JAN.

Authored by Suzanne Gosden Kitchen, Ed.D. Updated 09/04/08.

JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://www.jan.wvu.edu/soar>.

Information about Epilepsy

What is Epilepsy?

Epilepsy is a brain disorder that affects brain pattern activity. When brain pattern activity becomes disrupted, a person can experience seizures, which are strange sensations, emotions, behavior, convulsions, muscle spasms, or loss of consciousness (National Institute of Neurological Disorders and Stroke, 2008). Epilepsy is a general term that refers to a tendency to have recurrent seizures. There are various types of seizures. The term "epilepsy" can be used interchangeably with "seizure disorder" (CDC, 2008).

Between 1.4 million and 2.7 million people in the United States have epilepsy, depending upon diagnostic criteria to identify people with epilepsy (CDC, 2008). Having a seizure does not necessarily mean that a person has epilepsy. Only when a person has experienced two or more seizures is s/he considered to have epilepsy (National Institute of Neurological Disorders and Stroke, 2008).

What causes epilepsy?

Epilepsy is a disorder with many possible causes such as illness, brain damage, or abnormal brain development (National Institute of Neurological Disorders and Stroke, 2008). Other conditions causing seizures include stroke, complications during childbirth, infections (such as meningitis or encephalitis), and genetic disorders. Also, alcohol withdrawal and/or long-term alcohol abuse can cause seizures. When a definite cause cannot be identified, the cause may be labeled "idiopathic" or "cryptogenic" (CDC, 2008).



How is epilepsy treated?

For about 80 percent of people with epilepsy, seizures can be controlled with medicine such as Tegretol, Depakote, Zarontin, Topamax, or Keppra (CDC, 2008). Surgical device implantations, such as the Vagus Nerve Stimulator (VNS), can prevent some seizure activity by sending electrical signals to the brain at regular intervals (Schachter, 2002). Other treatment includes a strict diet - called the ketogenic diet - rich in fats and low in carbohydrates (National Institute of Neurological Disorders and Stroke, 2008).

A person with epilepsy can help control seizures by taking the prescribed medication regularly, maintaining regular sleep cycles, avoiding unusual stress, and working closely with the physician. Regular medical evaluation and follow-up visits are also important (Epilepsy Foundation, 2008).

Epilepsy and the American with Disabilities Act

Is epilepsy a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC, 1992). Therefore, some people with epilepsy will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment (EEOC, 1992). To be a disability covered by the ADA, the impairment must substantially limit one or more major life activities. These are activities that an average person can perform with little or no difficulty. Examples are: walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, and working. Other activities such as sitting, standing, lifting, or reading are also major life activities (EEOC, 1992).

Epilepsy may be a disability because of limitations that occur as the result of seizures or because of side effects or complications that can result from medications used to "control" the condition (EEOC, 2004). For example, a court concluded that an individual who had brain surgery to control seizures, but still continued to experience two or three seizures per month, was an individual with a disability because she was substantially limited in several major life activities, such as walking, seeing, hearing, speaking, and working, while having a seizure and often was limited in caring for herself (sometimes for more than a day) following particularly severe seizures (EEOC, 2004).

Also, some individuals take drugs that control their seizures but experience drowsiness, inability to concentrate, or sleep disruption. An individual who is substantially limited in major life activities such as sleeping, thinking, concentrating, or caring for himself as a result of these side effects would have a disability under the ADA (EEOC, 2004).

Accommodating Employees with Epilepsy

Note: People with epilepsy may experience some limitations discussed in this publication, but seldom experience all of the limitations. Also, the degree of limitation will vary among individuals. Not all people with epilepsy will need accommodations to perform their jobs and many others may only need a few accommodations. This publication is a sample of possible job accommodations available. Numerous other accommodation solutions may exist.

Questions to Consider:

1. What limitations does the employee with epilepsy experience?
2. How do these limitations affect the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine accommodations?
5. Can the employee provide information on possible accommodation solutions?
6. Once accommodations are in place, can meetings take place to evaluate the effectiveness of the accommodations? Can meetings take place to determine whether additional accommodations are needed?
7. Would human resources or personnel departments, supervisors, or coworkers benefit from education, training, or disability awareness regarding epilepsy? Can it be provided?

Accommodation Ideas for Cognitive Impairments Associated with Epilepsy

Memory: People with epilepsy may experience memory deficits, which can affect their ability to complete tasks, remember job duties, or recall daily actions or activities. This could be caused by a side-effect to medications or from recent seizure activity.

- Provide written or pictorial instructions, or prompt with verbal cues
- Offer training refreshers
- Use chart to describe steps to complicated tasks
- Maintain, safely and securely, paper lists of crucial information such as passwords
- Use voice recordings of verbal instructions
- Provide employee directory with pictures
- Use nametags and door/cubicle name markers
- Provide building directory or employee directory by name, floor, unit, etc.



- Label items at desk (in-box, this week's videos, etc.)
- Use auto-dial phone features to connect quickly to used numbers

Time Management: People with epilepsy may have difficulty managing time, which can affect their ability to complete tasks within a specified timeframe. It may also be difficult to prepare for, or to begin, some work activities.

- Divide large assignments into several small tasks
- Set a timer to make an alarm
- Provide a checklist of assignments
- Supply an electronic or handheld organizer, and train on how to use effectively
- Use wall calendar to emphasize due dates

Stress management: People with epilepsy may have seizures when stress is not properly managed. Situations that create stress can vary from person to person, but could likely involve heavy workload, unrealistic timeframes, shortened deadlines, or conflict among coworkers.

- Provide praise and positive reinforcement
- Refer to employee assistance programs
- Allow employee to make telephone calls to doctors (and others) for support
- Provide sensitivity training
- Modify work schedule

Accommodation Ideas for Motor Impairments Associated with Seizures

Driving: People with epilepsy may have driving restrictions. For specific information about a state's regulations involving driving with epilepsy, see:

<http://www.epilepsyfoundation.org/living/wellness/transportation/drivinglaws.cfm>

- Pair employee with co-worker who can drive to meetings or events
- Allow tele-work or work from home
- Transfer employee to position whereby driving is not an essential job function
- Adjust schedule so employee can access public transportation
- Help facilitate a carpool with co-workers for transportation to/from work

Balancing/Climbing: People with epilepsy may have difficulty balancing or climbing.

- Cushion a fall by using rubber matting on floor, and by adding padded edging to corners and edges
- Install machine guarding
- Use rolling safety ladders with handrails and locking casters
- Provide head protection
- Provide eye protection
- Use fall protection

Fatigue: People with epilepsy may experience fatigue, due to a side-effect of medications or to recent seizure activity.

- Use anti-fatigue matting on the floor
- Provide flexible start or ending times
- Adjust workweek
- Provide private or secure rest area during breaks

Ensuring Safety in the Workplace: Take some universal precautions to ensure safety in the workplace.

- Designate a person to respond to emergencies
- Keep aisles clear of clutter
- Provide a quick, unobstructed exit
- Post clearly marked directions for exits, fire doors, etc.
- Know when to (or not to) call 9-1-1
- Assist employee in discontinuing activity such as carrying, climbing, or driving
- Consult employee's plan of action to determine how to respond/react when employee has a seizure on the job (see "Plan of Action" section for additional information)

Accommodation Ideas for Sensory Impairments Associated with Seizures

Photosensitivity: People with epilepsy may have seizures or headaches due to light sensitivity, which can be exacerbated by light sources such as computer screens or fluorescent lights.

- Use flicker-free monitor (LCD display, flat screen)
- Use monitor glare guard
- Allow frequent breaks from tasks involving computer
- Provide alternative light sources:
 - Replace fluorescent lights with full spectrum lighting
 - Use natural lighting source (window) instead of electric light

Seeing/Hearing/Communicating: During or after seizures, an employee may temporarily have limited ability to see, hear, or speak.

- Allow employee time to recuperate from seizure
- Identify hand signals or other universal signals that employee might use to communicate with another person
- Use PECS (picture exchange communication system) to communicate
- Use paging systems to communicate with coworkers
- Provide 2-way radios with texting options
- Use alert systems to send message



Other Accommodations

Attendance/Absenteeism: Seizure activity can affect a person's attendance at work.

- If possible, allow employee to remain on the job after a seizure
- Provide flexible schedule
- Count all absences due to seizure activity as one occurrence
- Provide leave while the employee is adjusting to medications
- Work straight shift instead of rotating shift

Personal Care: During or after a seizure, people with epilepsy may exhibit behaviors such as crying, drooling, spitting, or urinating. As a result, the person may need time following a seizure to engage in activities of daily living such as grooming and changing clothes.

- Allow employee to keep change of clothes at the workplace
- Provide a private space to regain composure and perform self-care tasks
- Provide sensitivity training/disability awareness to coworkers

Situations and Solutions:

An **engineer with epilepsy** had difficulty managing multiple tasks. JAN suggested color-coding on-going projects, using wall charts to track progress, and prioritizing tasks for the employee.

A **laborer with epilepsy** wanted to make her work area safe in the event of a seizure. JAN suggested installing machine guarding.

An **educational consultant with epilepsy** had driving restrictions. JAN suggested allowing another team member to drive to site-visit locations, and tele-work whereby she could communicate via email and submit paperwork electronically.

A **welder with epilepsy** wanted to make his work area safe when he had a seizure. JAN suggested a welder's helmet with additional padding and using a safety switch on his welding machines.

An **administrator with epilepsy** needed an emergency communication system to inform someone that she had a seizure. JAN suggested using a two-way radio.

A **student with epilepsy** used hedge-cutters and other landscaping tools in a training program. For safety, JAN suggested steel shoes, shin guards, and hand protection.

A **telemarketer with epilepsy** had difficulty learning new tasks. JAN suggested retraining, allowing use of procedural manuals, and assigning one person to consistently help the employee.

A **retail sales employee with epilepsy** had difficulty adjusting to new medications. JAN suggested providing leave during the doctor-recommended three week adjustment period.

A **clerical employee with epilepsy** was falling from his chair during seizure activity. For safety, JAN suggested using a chair without casters/wheels. JAN also suggested padded edging for the desk and a rubber mat on the floor.

Plan of Action:

In the event that a seizure does occur in the workplace, it is wise to be prepared. Preparation begins with a **plan of action**.

Can you remember back to elementary school? Think back to practice for a fire drill. Everyone in the entire school knew the plan and was prepared for the fire drill. Everyone knew who was in charge, what responsibilities each person had, how quickly to respond to an alarm, and how to exit the building. That type of preparedness made the fire drill work efficiently.

A **plan of action** is very similar to an elementary school fire drill.

A **plan of action** is an emergency preparedness tool. It can be used to prepare for, or respond to, emergency situations that arise when a person has a seizure on the job.

A **plan of action** can be created with the employee and employer and can include information such as:

- emergency contact information
- visual or audible warning signs
- how/when to provide on-site medical assistance
- how/when to call 9-1-1
- how to provide environmental support
- who to designate as emergency responders
- who to go to for help
- how to educate co-workers about epilepsy

A properly implemented **plan of action** may reduce the confusion, panic, or fear that co-workers or customers experience if they see an employee having a seizure on the job. When the plan of action is “in action,” one designated person calls a spouse or emergency contact. One designated person watches over the employee. No one provides incorrect or unnecessary medical assistance (CPR, for example). No one overreacts to the emergency because everyone is prepared for it, can identify it, and respond appropriately to it.



A **sample plan of action** is provided. Please use it as guidance on how to write a plan of action. ***Employers are not required by the ADA to use the following form, nor are employees with epilepsy required by the ADA to use the form.***

Sample Plan of Action

Disability and/or Limitation(s): Epilepsy (simple partial seizures)

Warning Signs for Oncoming Seizure:

- a. John will experience nausea.
- b. John's face or shoulder/arm will jerk involuntarily.
- c. Warning signs give John 3-4 minute before seizure activity begins.
- d. John will signal designated co-worker using 2-way radio (with texting) to inform of oncoming seizure.

Action Plan:

- a. Using his hand or arm, gently lead John to designated safe area.
- b. If necessary, help John into a seated or laying position.
- c. If necessary, loosen any restrictive clothing (such as a tie or scarf).
- d. During seizure (which lasts from 2 - 5 minutes), John will not need medical attention.
- e. When seizure subsides, offer John a cool cloth for his face or a cool drink.
- f. If John is disoriented, identify yourself and identify his location/surroundings.

Additional Comments:

- a. Two designated co-workers will carry radios to hear John's emergency signal.
- b. Supervisor will call John's emergency contact person.
- c. Based upon John's documentation provided by his neurologist, ambulance/medical attention is not required unless John falls or hits his head.

This form may **NOT** be kept in an employee's personnel file. It must be kept in the employee's confidential medical file.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@jan.wvu.edu
<http://www.jan.wvu.edu>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Direct: (202)693-7880
TTY: (877)889-5627
Fax: (202)693-7888
infoODEP@dol.gov
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U. S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

American Epilepsy Society

342 North Main Street
West Hartford, CT 06117-2507
Direct: (860)586-7505
Fax: (860)586-7550
Info@aesnet.org
<http://www.aesnet.org>

The AES promotes research and education for professionals dedicated to the prevention, treatment, and cure of Epilepsy.



Epilepsy Foundation of America

8301 Professional Place

Landover, MD 20785

Toll Free: (800)332-1000

Direct: (301)459-3700

Fax: (301)577-2684

<http://www.epilepsyfoundation.org>

The nation's leading source of information about seizure disorders. The Foundation offers a toll-free information and referral service, legal advocacy, a national epilepsy library, and a catalog of epilepsy-related materials including books, videos, and pamphlets.

Epilepsy Institute (EI)

257 Park Ave. South, Suite 302

New York, NY 10010

Direct: (212)677-8550

Phone: (212)677-5825

<http://www.epilepsyinstitute.org>

The EI, a non-profit social service organization, is dedicated to improving the quality of life of people with epilepsy and their families who are residents of New York City and Westchester County. Some programs have admissions criteria.

Epilepsy Therapy Project

P.O. Box 742

Middleburg, VA 20118

Direct: (540)687-8077

http://www.epilepsy.com/101/101_epilepsy

Epilepsy Therapy Project seeks to improve incentives and encourage commercial investment in new therapies. The Epilepsy Therapy Project brings together financial resources, scientific insights and business expertise from leading academic and commercial industry participants.

References

- Center for Disease Control and Prevention (2008). Frequently Asked Questions about Epilepsy. Retrieved June 23, 2008, from <http://www.cdc.gov/epilepsy/faqs.htm>
- Epilepsy Foundation (2008). What is Epilepsy? Retrieved June 23, 2008, from <http://www.epilepsyfoundation.org/about/faq/>
- Equal Employment Opportunity Commission. (1992). *A technical assistance manual on the employment provisions (title I) of the Americans with Disabilities Act*. Retrieved June 27, 2005, from <http://www.jan.wvu.edu/links/ADAтам1.html>
- Equal Employment Opportunity Commission. (1994). *Questions and Answers about Epilepsy and the ADA*. Retrieved June 23, 2008, from <http://eeoc.gov/facts/epilepsy.html>
- Fram, D.K. (2007). *Resolving ADA Workplace Questions: How Courts and Agencies are Dealing with Employment Issues*. National Employment Law Institute, 22nd edition.
- National Institute of Mental Health. (2008). NINDS Epilepsy Information Page. Retrieved June 23, 2008, from <http://www.ninds.nih.gov/disorders/epilepsy/epilepsy.htm>
- Schachter, S.C. (2002). Vagus nerve stimulation therapy summary: Five years after FDA approval. *Neurology*, 59(6, Suppl 4): S15–S20.

This document was developed by the Job Accommodation Network, funded by a contract agreement from the U.S. Department of Labor, Office of Disability Employment Policy (DOL079RP20426). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Department of Labor.

