



# Workplace Accommodations for Individuals with Mental Health Disabilities



# Access Check



# Welcome!



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**Physical  
Activity**

**Healthy  
Eating**

**Primary Care +  
Prevention**

**Mental  
Wellbeing +  
Resilience**





# Disability Definition

- The Americans with Disabilities Act (ADA) defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment.
- NYC Human Rights Law defines disability as –  
any physical, medical, mental or psychological impairment, or a history or record of such impairment.
- The NY City Commission on Human Rights Law is generally more protective than the ADA.



# Mental Health Disabilities

- Mental health disability is a term that describes a broad range of mental and emotional conditions that affect your mood, thinking and behavior.
- Many people have mental health concerns from time to time. But a mental health concern becomes a mental health disability when ongoing signs and symptoms cause frequent stress and affect your ability to function.
- The most common forms are anxiety and depression.



# Mental Health Disability Statistics

- Mental Health Disabilities is one of the most common causes of disability.
- In any given year an estimated 18.5% or approximately 44 million adults experience mental illness.
- 4.2% or 9.8 million report a serious or debilitating illness.
- Suicide is the 10<sup>th</sup> leading cause in the US.
- The National Alliance on Mental Illness Help Line reports that call centers have experienced 65% increase in calls and emails since March 2020.

\* Data from ADA National Network (2019) & CDC.gov



# Mental Health Disabilities Statistics

Mental Health Disability	Percentage
<b>Depression</b>	<b>9.5%</b>
<b>Attention deficit or hyperactivity</b>	<b>4%</b>
<b>Bi-polar</b>	<b>2.6%</b>
<b>Schizophrenia</b>	<b>1%</b>

\* Data from ADA National Network





# Mental Health Disability Statistics in NYC

- At least one in five adult New Yorkers is likely to experience a mental health disability in any given year.
- Approximately 8% of adult New Yorkers experience symptoms of depression each year.
- At any given time over half a million adult New Yorkers are estimated to have depression, yet less than 40% report receiving care for it.

\* Data from Thrive NYC



# Why is Mental Health Important?

- Mental health and physical health are closely connected.
- Mental health plays a major role in one's ability to maintain good physical health.
- Mental health disabilities such as depression and anxiety affect one's ability to participate in health promoting behaviors such as eating well, getting rest, ability to participate in activities, and engage in social interactions.



# Mental Health Disabilities in the Workplace

- Employers struggle with workforce concerns over COVID-19.
- 74% of workers are concerned about their mental and physical wellbeing (Forbes, 9/3/2020).
- Navigating distance learning, struggling to adapt to long term remote work and comfort level with returning to workplace environment.
- Anxiety and stress are compounded.



# Disclosure in the Workplace

- Individuals with mental health disabilities do not need to disclose their disability to their employers or prospective employers.
- A person who needs a reasonable accommodation will need to disclose they have a mental health disability when they ask for the reasonable accommodations.



# Poll Question #1

- Who should an individual disclose to when requesting a reasonable accommodation?
  - A. Their manager
  - B. Human Resources Representative
  - C. Equal Employment Opportunity (EEO) Officer
  - D. Any of the above



# Reasonable Accommodation

Definition of reasonable accommodation –

- Any change in the workplace or the way things are done that enables an individual with a disability to enjoy equal employment opportunities.
- Employers must provide reasonable accommodations unless doing so causes an undue burden.
- Employers must engage with the employee to determine appropriate accommodations (interactive process or cooperative dialogue).



# Interactive Process or Cooperative Dialogue

- Employers must engage in good faith in written or verbal dialogue to discuss an employee's requested accommodation needs.
- If the employer determines it cannot meet an employee's requested accommodation, it must explain to the employee the difficulties that the request would pose for the employer and suggest alternative accommodations that may adequately address the employee's needs.
- These discussions must continue until the employer determines whether it can grant some form of accommodation.



# Interactive Process or Cooperative Dialogue

- Once the employer and employee have fully engaged in this cooperative dialogue, employers must provide the requesting employee with a final written determination identifying any accommodation that has been granted or denied.
- This process applies to all requests for reasonable accommodations including if an employee, due to a preexisting disability, is at a higher risk of contracting COVID-19 and requests an accommodation.





# Reasonable Accommodation Examples

- Flexible schedules
- Later start time
- Providing a quiet space to work or noise cancelling headphones
- Working remotely
- Attending meetings remotely
- Frequent reminders of tasks and due dates



# Accommodation Clarification

- Reasonable accommodation based on disability
- Accommodation based on circumstance



# Healthy Work Environment

- Respond effectively when a mental health disability arises.
- If an employee's behavior or performance changes – speak with the employee.
- If an employee has received a reasonable accommodation, ask if additional accommodations are needed.



# Healthy Work Environment

- Do not assume that individuals with mental health disabilities pose a threat as these notions are unfounded and based on misinformation.
- If an issue arises address it in a fair and equal manner based on the facts and evidence.



## Poll Question #2

- What is a healthy work environment?
  - A. Being flexible
  - B. Providing equal access for all employees
  - C. Empowering employees
  - D. Fostering open communication
  - E. All of the above



# Healthy Work Environment

- If you witness bullying or harassment – don't ignore it, address it in a manner that you feel safe.
  - Includes reporting to a manager or supervisor or HR or EEO
- Provide resources including employee assistances programs, resource groups, etc.
- <https://www.insperity.com/blog/workplace-bullying/>



# Questions





# City Employee Resources





# Let's Talk Campaign

- Approximately 1 in 5 New Yorkers experience a mental health challenge each year.
- ***Let's Talk!*** is WorkWell NYC's campaign to eliminate mental health stigma in the City of New York workforce by creating supportive workplaces and building resilience in employees.



LET'S TALK



# Take the Let's Talk Pledge

Join us in supporting your co-workers and changing the culture of mental health in the workplace.

Take the *Let's Talk! Pledge* at [on.nyc.gov/LetsTalkPledge](https://on.nyc.gov/LetsTalkPledge)

- I pledge to:
  - Recognize that mental health is an important component of our overall health and well-being
  - Make mental health a priority in the workplace
  - Reach out to and support my colleagues
  - Speak out against mental health stigma



# Resources for City Employers

## Health Benefits Program (HBP)

Utilize your health benefits plan to learn what mental health providers are available to you.

**HBP**

### Contact HBP:

Email: [healthbenefits@olr.nyc.gov](mailto:healthbenefits@olr.nyc.gov)

Website: <https://www1.nyc.gov/site/olr/health/healthhome.page>



# Resources for City Employees



## NYC Employee Assistance Program (EAP)

EAP provides education, information, counseling and individualized referrals to assist with a wide range of personal and social difficulties.

### Contact the EAP:

212-306-7660 | [eap@olr.nyc.gov](mailto:eap@olr.nyc.gov) | [nyc.gov/eap](http://nyc.gov/eap)



# Resources for City Employees

## Be Well



Provides educational resources and wellness programming for City agencies to help employees manage stress and develop resilience.

## Contact Be Well:

[workwell@olr.nyc.gov](mailto:workwell@olr.nyc.gov) | [nyc.gov/bewell](http://nyc.gov/bewell)



# Mental Health Resources

- **NYCWell – Free 24/7 Confidential Counseling Service**
  - Call 1 – 888 – NYC – WELL
  - Text “Well” to 65173
  - Chat online [nyc.gov/nycwell](https://nyc.gov/nycwell)



# Mental Health Resources

- Mayor's Office for ThriveNYC, "[Mental Health Support New Yorkers Can Access While Staying Home](#)" (*local*)
- NYC COVID Care Network (for essential workers and their families), "[Connect to Support](#)" (*local*)
- Queens Long Island Community Services, psychotherapy by telephone and video conferencing: e-mail [QLICScounseling@gmail.com](mailto:QLICScounseling@gmail.com) or call 516-547-4318 or 718-461-6393 (*local*)
- Richmond University Medical Center Crisis Hotline (Staten Island), 718-818-5766 (*local*)



# Mental Health Resources

- New York State Office of Mental Health Emotional Support Line, 1-844-863-9314 (*statewide*)
- For the Frontlines, free crisis counseling and text line 24/7 for frontline workers and their families (*national*)
- SAMHSA Disaster Distress Hotline, 1-800-985-5990, 24/7 (*national*)





# Mental Health Resources

- **Job Accommodation Network (JAN)** [askjan.org](http://askjan.org)
- **National Alliance on Mental Illness (NAMI)** [www.nami.org](http://www.nami.org)
  - Helpline 800-950-6264 M-F 10am-6pm (*national*)



# Summary

- **1 in 5 New Yorkers have a mental health disability**
- **NYC Human Rights law is generally more protective than the ADA**
- **Importance of mental health wellbeing**
- **Understanding disclosure and reasonable accommodation**
- **Reasonable accommodation in the workplace**
- **Importance of interactive process or cooperative dialogue with employer**
- **Healthy work environment**
- **Resources**



# Thank You!

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