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**MENTAL HEALTH ACCOMMODATIONS:
Tips for Success in Managing
Stigma and Stress**

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I. Introduction

Primarily, this paper and my accompanying presentation are designed to address work-related accommodations for individuals with mental illness,¹ with the goal of improving understanding and compliance with the law on these issues. Secondly, but importantly, the paper reminds us that accommodation protections are but one part of a broader set of laws that guarantee certain rights to many individuals with mental illness and that protect them from various types of discrimination and other forms of mistreatment in the workplace.

Because individuals with mental illness are often subjected to workplace discrimination in many forms – whether through outright denials of employment opportunity, harassment, denials of leave or other disability-related accommodations, or firings conducted because of the individual’s disability – it remains important for us to consider how accommodations issues relate to these other protections.

Sections II and III below discuss mental illness and disorders generally and the stigma and discrimination often associated with these and other disabilities. Section IV provides an overview of protections and available remedies under the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA), which provide multiple, important workplace protections for many individuals with mental illness. Section V focuses specifically on the specific rights concerning workplace accommodations under the ADA. Section VI concludes with several success stories to give you practical examples of the ways in which employees with mental illnesses have been effectively accommodated at work, which might help inspire and guide you as you face similar issues in the future.

Overall, the paper is meant to promote understanding and to encourage compliance with the law so that the ADA’s primary goal of equal opportunity for individuals with disabilities at work and throughout society can be more fully realized and achieved.

II. Mental Illness and Disorders Generally

Before we discuss accommodations, it is important to address mental health and mental illness more specifically, as “mental illness” can be used to describe a variety of conditions with various symptoms and severity and which can and do affect people in different ways.

¹ Section II discusses “mental illness” in more detail.

The National Alliance on Mental Illness (NAMI) defines mental illness as “a condition that affects a person's thinking, feeling or mood.”² Many different types of such conditions exist and are discussed in more detail below. Regardless of the condition at issue, one should consider how such conditions “may affect someone's ability to relate to others and function each day” and should keep in mind that “[e]ach person will have different experiences, even people with the same diagnosis.”³

In the latest edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) — a publication by the American Psychiatric Association (APA) that provides diagnostic criteria for mental health impairments — the APA defines a mental disorder as “a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning [which] are usually associated with significant distress in social, occupational, or other important activities.”⁴

Mental illness occurs in a variety of forms, and with various symptoms. While this is not meant to be an exhaustive list, some common mental disorders and symptoms include:

- **Anxiety Disorders**, which may cause individuals to experience feelings of panic; extreme physical, mental, or emotional stress; and intense fear.⁵
- **Bipolar Disorder (also called Manic Depression)** is a medical condition that involves extreme shifts in mood, energy, and functioning that are severe as compared to the average person; it is a chronic and generally life-long condition with recurring episodes of elevated mood (mania) and prolonged periods of sadness and hopelessness (depression) that can last from days to months.⁶ During periods of mania, individuals may experience distinct periods of inflated self-esteem or grandiosity, decreased need for sleep, increased talkativeness, distractibility, increase in focus or goal-directed activities, and excessive involvement in activities that have a high potential for painful consequences and which may involve risky behaviors. In contrast, during periods of depression, individuals with bipolar disorder may experience distinct periods of hopelessness or pessimism for most of the day, diminished interest or pleasure in activities, significant weight loss, insomnia or hypersomnia, fatigue or loss of energy, feelings of worthlessness and guilt, loss of appetite and weight loss or weight gain, diminished ability to think or concentrate, and recurrent thoughts of death or suicidal ideation.⁷

² See <https://nami.org/Learn-More/Mental-Health-Conditions> (last accessed April 2, 2019). Unless otherwise noted, all links included in the paper were last accessed April 3, 2019.

³ *Id.*

⁴ See https://askjan.org/disabilities/Mental-Health-Impairments.cfm?cssearch=2048558_1 (citing DSM-5). For more info on some DSM-5 disorders, see <https://www.psychiatry.org/psychiatrists/practice/dsm/educational-resources/dsm-5-fact-sheets>.

⁵ See <https://askjan.org/disabilities/Anxiety-Disorder.cfm>.

⁶ See https://askjan.org/disabilities/Mental-Health-Impairments.cfm?cssearch=2048558_1 (citing NAMI summary).

⁷ See <https://askjan.org/disabilities/Bipolar-Disorder.cfm>.

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