

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

### Employees with Back Impairments

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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.

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# **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://askjan.org/soar>.

## **Information about Back Impairments**

### **How prevalent are back impairments?**

Next to headaches medical experts note that back problems are the most common medical complaint. Back problems are also found to be second only to the common cold as the greatest cause of lost workdays. Back injuries alone cost American industry \$10-14 billion in workers compensation costs and about 100-million lost workdays annually (Shelley, 2002).

### **What are the symptoms of back impairments?**

The major symptom of most back impairments is back pain, which can be localized or widespread radiating from a central point in the back. Sciatica is pain starting in the lower back and traveling down one or both legs.

### **What causes back impairments?**

If ligaments and muscles are weak then discs in the lower back can become weakened. With excessive lifting, or a sudden fall a disc can rupture. Years of back abuse, or with aging, the discs may simply wear out and you may live with chronic pain for several years. However, back pain caused by a muscle strain or a ligament sprain will normally heal within a short time and may never cause further problems. Poor physical condition, poor posture, lack of exercise, and excessive body weight contribute to the number and severity of sprains and strains. Degeneration of the spine, due to aging, is also a major contributor to lower back pain, but it is often misdiagnosed as a sprain or strain. Only a small percentage of all serious back injuries are true sprains, strains or fractures. Most

are the result of degeneration of the spine caused by aging and abuse. Most back-injuries, however, occur in the 24 to 40 year old age group (Shelley, 2002).

### **How are back impairments treated?**

Most back impairments are treated with non-invasive treatment techniques. Treatment options include drug therapy, chiropractic adjustments, acupuncture, physical therapy, and rest. In a few cases surgery may need to be performed; some surgery options are vertebra fusion, discectomy, and laminectomy.

## **Back Impairments and the Americans with Disabilities Act**

### **Are back impairments disabilities 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 back impairments 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). For more information about how to determine whether a person has a disability under the ADA, visit <http://askjan.org/corner/vol02iss04.htm>.

### **If the major life activity affected by a back impairment is lifting, what lifting restriction is substantial enough to meet the ADA definition of disability?**

There is no exact lifting restriction that is considered substantially limiting. However, in an informal guidance letter, the EEOC states that an individual whose back impairment prevents him/her from lifting more than fifteen pounds is substantially limited in the major life activity of lifting because the average person in the general population can lift fifteen pounds with little or no difficulty. On the other hand, an individual whose back impairment prevents him/her from lifting more than fifty pounds is not substantially limited in the major life activity of lifting because the average person in the general population cannot lift fifty pounds with little or no difficulty. Furthermore, an individual whose back impairment does not substantially limit a major life activity may still be covered if an employer perceives him/her as being as substantially limited in a major life activity (for example, lifting or working) (EEOC, 1998).

## **Accommodating Employees with Back Impairments**

(Note: People with back impairments may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with back impairments will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

### **Questions to Consider:**

1. What limitations is the employee with a back impairment experiencing?
2. How do these limitations affect the employee and 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 possible accommodations?
5. Has the employee with a back impairment been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with a back impairment to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding back impairments?

### **Accommodation Ideas:**

#### Activities of Daily Living:

- Allow use of a personal attendant at work
- Allow use of a service animal at work
- Make sure the facility is accessible
- Move workstation closer to the restroom
- Allow longer breaks
- Refer to appropriate community services

#### Fatigue/Weakness:

- Reduce or eliminate physical exertion and workplace stress
- Schedule periodic rest breaks away from the workstation
- Allow a flexible work schedule and flexible use of leave time
- Allow work from home

- Implement ergonomic workstation design
- Provide a scooter or other mobility aid if walking cannot be reduced

## Gross Motor Impairment:

### General

- Modify the work-site to make it accessible
- Provide parking close to the work-site
- Provide an accessible entrance
- Install automatic door openers
- Provide an accessible restroom and break room
- Provide an accessible route of travel to other work areas used by the employee
- Modify the workstation to make it accessible
- Make sure materials and equipment are within reach range
- Move workstation close to other work areas and break rooms

### Industrial

- Provide overhead structure for lifting devices
- Modify the work area to make it adjustable
- Place frequently used tools and supplies at or near waist height
- Provide low task chairs for work that cannot be brought to waist height
- Provide stand/lean stools and anti-fatigue mats for standing work
- Make wheelchairs, scooters, industrial tricycles, or golf carts available if walking long distances is required
- Provide compact lifting devices to push and pull supplies and tools from storage

### Office Settings

- Provide a height adjustable desk and ergonomic chair
- Move workstation close to common use office equipment
- Provide low task chair and rolling safety ladder to access high and low file drawers and supplies
- Provide a cart to move files, mail, and supplies
- Provide a lazy Susan carousel or desktop organizers to access frequently used materials

### Service Settings

- Provide anti-fatigue mats and stand/lean stools for functions requiring long periods of standing
- Provide a height adjustable desk and ergonomic chair
- Move workstation close to commonly used office equipment
- Provide compact lifting devices to push and pull stock and supplies from shelves
- Provide carts to move supplies and stock

## Medical Settings

- Provide a spring-bottomed linen cart
- Make patient lifting and transfer devices available
- Make wheelchairs, scooters, industrial tricycles, or golf carts available if walking long distances is required
- Train employees on proper lifting techniques and on proper use of patient lifting and transfer devices
- Provide powered beds for transporting patients
- Provide a height adjustable desk and ergonomic task chairs to fit use for different people

## Situations and Solutions:

A systems administrator with a back impairment is required to move, lift, and carry computers throughout the office. The person was accommodated with a compact, adjustable height lifting device with straps to secure the load.

A maintenance worker with a bending and lifting restriction due to a back injury is required to lift manhole covers. The worker was accommodated with a truck mounted jib crane and manhole cover lifter.

A clerical worker with scoliosis has sitting and standing restrictions. Because the worker is required to work at a desk a majority of the time, the worker was accommodated with an ergonomic workstation evaluation, ergonomic chair, and a sit/stand computer workstation.

A mechanic with a bending restriction due to a low back impairment has problems accessing the engine compartment and low task areas of vehicles. The mechanic was accommodated with a tire lift, a mechanic's low task chair, and a specialty creeper designed to support the body while accessing engine compartments.

A file clerk with a back impairment has functional limitations limiting her ability to bend and access files in low file drawers. An electric automated filing system was purchased to allow accessing of file drawers at a standing height.

A chemical process plant worker is limited in his ability to turn large wheel valves due to a back injury. The worker was accommodated with a specialty tool designed to increase torque on wheel valve handles.

An appliance delivery driver with a lifting restriction due to a low back injury was accommodated with a stair climbing hand truck. This battery-powered piece of equipment also doubles as a lift gate to help lower appliances on and off the truck.

A grocery check-out person with a standing restriction due to a back injury was accommodated with a sit/lean stool and anti-fatigue mats.

A mailroom worker with a push/pull restriction was required to deliver the mail on a cart that weighed more than the individual's push/pull restriction. An accommodation of a motorized cart allowed the person to stay on the job.

A truck driver with a back impairment was limited in the time he could drive. Accommodations of a suspension seat and a vehicle cushion designed to reduce vibrations allowed the driver to comfortably sit for longer periods of time.

A health care worker with a lifting restriction was accommodated with patient transfer devices and individualized training on proper use and selection of the equipment.

### **Products:**

There are numerous products that can be used to accommodate people with back impairments. JAN's Searchable Online Accommodation Resource at <http://askjan.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

## 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@askjan.org  
<http://askjan.org>

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  
Toll Free: (866)633-7635  
TTY: (877)889-5627  
Fax: (202)693-7888  
<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 Industrial Hygiene Association**

2700 Prosperity Ave., Suite 250  
Fairfax, VA 22031  
Direct: (703)849-8888  
Fax: (703)207-3561  
infonet@aiha.org  
<http://www.aiha.org>

AIHA promotes, protects, and enhances industrial hygienists and other occupational health, safety, and environmental professionals in their efforts to improve the health and well-being of workers, the community, and the environment.

### **American National Standards Institute**

1819 L Street, NW, 6th Fl.  
Washington, DC 20036  
Direct: (202)293-8020  
Fax: (202)293-9287

info@ansi.org  
<http://web.ansi.org/>

American National Standards Institute (ANSI) is a private, non-profit organization (501(c)3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system.

### **American Society of Safety Engineers**

1800 E Oakton St.  
Des Plaines, IL 60018  
Direct: (847)699-2929  
Fax: (847)768-3434  
customerservice@asse.org  
<http://www.asse.org>

Founded in 1911, ASSE is the oldest and largest professional safety organization. Its more than 30,000 members manage, supervise, and consult on safety, health, and environmental issues in industry, insurance, government, and education. ASSE is guided by a 16-member Board of Directors, which consists of 8 regional vice presidents, three council vice presidents, Society president, president-elect, senior vice president, vice president of finance, and executive director. ASSE has 12 practice specialties, 150 chapters, 56 sections, and 64 student sections.

### **Association for Repetitive Motion Syndromes, The**

P.O. Box 471973  
Aurora, CO 80047-1973  
Direct: (303)369-0803  
<http://www.certifiedpst.com/arms>

The Association for Repetitive Motion Syndromes (ARMS) is a nonprofit organization committed to assisting workers at-risk or injured by repetitive motion syndromes. ARMS also provides assistance to employers, workers compensation specialists, and health care professionals.

### **CTD Resource Network**

<http://www.ctdrn.org>  
CTDRN was created to bring together existing, online educational publications and provide a vehicle to assist individuals with cumulative trauma disorders.

### **Canadian Centre for Occupational Health and Safety**

135 Hunter St. East  
Hamilton, ON L8N1M-5  
Toll Free: (800)668-4284  
Fax: (905)572-2206  
Phone: (905)570-8094  
clientservices@ccohs.ca

<http://www.ccohs.ca>

CCOHS is Canada's national centre for occupational health and safety (OH&S) information. Their goal is to promote health and safety in the workplace, and encourage attitudes and methods which will lead to improved physical and mental health of working people.

**Human Factors and Ergonomics Society**

PO Box 1369  
Santa Monica, CA 90406-1369  
Direct: (310)394-1811  
Fax: (310)394-2410  
[info@hfes.org](mailto:info@hfes.org)  
<http://hfes.org>

The Society's mission is to promote the discovery and exchange of knowledge concerning the characteristics of human beings that are applicable to the design of systems and devices of all kinds.

**National Institute for Occupational Safety and Health**

395 E Street SW  
Suite 9200  
Patriots Plaza  
Washington, DC 20201  
Toll Free: (800)CDC-INFO  
Direct: (513)533-8328  
TTY: (888)232-6348  
Fax: (513)533-8347  
<http://www.cdc.gov/niosh/>

The National Institute for Occupational Safety and Health (NIOSH) is the Federal agency responsible for conducting research and making recommendations for the prevention of work-related disease and injury. The Institute is part of the Centers for Disease Control and Prevention (CDC).

**National Safety Council**

1121 Spring Lake Drive  
Itasca, IL 60143-3201  
Toll Free: (800)621-7615  
Direct: (630)285-1121  
Fax: (630)285-1315  
[info@nsc.org](mailto:info@nsc.org)  
<http://www.nsc.org>

The mission of the National Safety Council is to educate and influence society to adopt safety, health and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes.

### **Occupational Safety & Health Administration**

200 Constitution Avenue, NW  
Washington, DC 20210  
Toll Free: (800)321-OSHA  
TTY: (877)889-5627  
<http://www.osha.gov>

The mission of the Occupational Safety and Health Administration (OSHA) is to save lives, prevent injuries, and protect the health of America's workers. To accomplish this, federal and state governments must work in partnership with the more than 100 million working men and women and their six and a half million employers who are covered by the Occupational Safety and Health Act of 1970.

### **Rehabilitation Engineering Society of North America**

1700 North Moore Street, Suite 1540  
Arlington, VA 22209-1903  
Direct: (703)524-6686  
TTY: (703)524-6639  
Fax: (703)524-6630  
<http://www.resna.org>

RESNA's purpose is to promote and support the development, dissemination, integration, and utilization of knowledge in rehabilitation engineering, and to assure that these efforts result in the highest quality of care and service delivery for all citizens.

## References

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