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Autism in the Workplace: A Practice Guide for Employers

Presented by:

Timothy L. Reed (San Francisco)

Phillip B. Russell (Tampa)

Moderated by:

Anna K. Potter



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Speakers



Timothy L. Reed

San Francisco

timothy.reed@ogletree.com



Phillip B. Russell

Tampa

phillip.russell@ogletree.com

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About the Presenters

- Phillip is the co-founder of Autism Inspired Academy; Father to Gavin (age 18), on the autism spectrum with high support needs
- Lessons from Gavin's world that translate to the workplace
- Expected vs. Unexpected: Behaviors are "expected/unexpected" rather than "good/bad"
- Literal Communication: No sarcasm, exaggerations, hyperbole
- Clear Direction: Concrete, specific directions with clearly defined options
- Personal Dignity: Allow room for decisions to support personal dignity

Timothy L. Reed, San Francisco

- Tim is a shareholder in the San Francisco office of Ogletree Deakins, where he advises employers on disability accommodations and workplace inclusion initiatives.

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Autism Inspired Academy

Empowering children with autism to have lives of meaning, purpose, and joy.



2017

Founded

2020

Doors Opened

130

Students

45

Staff

Why We Started

Families across Pinellas County were navigating a system not built for their children. AIA was founded to change that: a structured, strengths-based school where every autistic student is known, supported, and empowered to grow.

autisminspired.org | Pinellas County, Florida

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Programs at a Glance

K-12 Academics

Individualized education with IEP support, diploma pathways, and behavioral integration across every grade.

Transition Program (18-22)

Post-secondary preparation focused on independence, employment readiness, and community integration.

Shark Bites Cafe

A student-run micro-enterprise on campus. Real food service, customer interaction, and job skill development.

Campus Farm

Hands-on agriculture where students build life skills, connect with nature, and practice structured routines.

autisminspired.org | info@autisminspired.org | Pinellas County, Florida

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Agenda

- Understanding Autism in the Workplace
- Legal Framework: ADA, ADAAA, and Beyond
- Recruiting and Hiring Inclusively
- Reasonable Accommodations and the Interactive Process
- Performance Management and Workplace Culture
- Employer Checklist and Resources

This session includes polling questions and fact-pattern discussions.

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Understanding Autism in the Workplace

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Why This Matters Now

- ~2% of U.S. adults have autism (CDC); 5.4M+ U.S. adults have ASD; ~30% of autistic adults are employed
- Autism diagnosis rates among adults are increasing steadily
- Employers should expect more accommodation requests
- Proactive preparation reduces legal risk and improves outcomes

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Understanding Autism in the Workplace

- Autism is a spectrum with wide variances in how it manifests

Workplace Strengths

- Intense focus and attention to detail
- Logical and systematic thinking
- Creativity and unique perspective
- Pattern recognition

Workplace Challenges

- Communications and social awareness
- Personal interactions
- Sensory sensitivities
- Co-occurring conditions (anxiety, ADHD, OCD)

Each person's needs are different. This puts increased importance on having an individualized interactive process.

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Legal Framework: ADA, ADAAA, and Beyond

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ADA and ADAAA: Disability Coverage

- ADA applies to employers with 15+ employees
- Must provide reasonable accommodations for employees with impairments that substantially limit major life activities
- Autism may qualify as a disability under the ADA
- The ADAAA (2008) significantly broadened the definition of disability
- Prior to ADAAA, ASD was often not considered a disability
- EEOC has recognized ASD-related discrimination based on disability stigma

Note for In-House Counsel: Pre-offer disability-related inquiries and medical exams are prohibited; interview accommodations do not open the door to medical questions.

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Beyond the ADA: State and Local

- Some state and local laws provide lower coverage thresholds or additional protections
- Examples: CA, PA, NJ, NY apply to employers with fewer than 15 employees
- Filing deadlines and administrative procedures vary by state
- Multi-state employers should consult jurisdiction-specific counsel

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The Interactive Process: A Collaborative Dialogue

- Step 1: Receive Request
- Step 2: Identify Limitations
- Step 3: Explore Options
- Step 4: Select and Implement
- Step 5: Monitor Effectiveness
- No “magic words” required to trigger the process
- Engage promptly—without unnecessarily delaying discussions or decisions
- Because autism is a spectrum, the individualized process is critically important
- The obligation remains even when employer believes request may fail undue hardship

HR Note: Oral requests trigger processing immediately; forms support recordkeeping but are not gating events.

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Undue Hardship: The Employer’s Defense

- Must demonstrate significant cost or difficulty
- Case-by-case analysis: cost, financial resources, size of business, impact on operations
- What’s undue for a small employer might be reasonable for a larger organization
- Research: most autism accommodations are low-cost and beneficial
- If one accommodation causes hardship, employer must consider alternatives

Workplace adjustments associated with ~3x increase in odds of appropriate employment.

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Confidentiality and the Disclosure Challenge

ADA Requirements

- Employers must maintain confidentiality of disability-related information
- Medical information kept in separate, confidential files

The Disclosure Challenge

- When employees receive support to disclose, outcomes improve
- ~35% don't disclose their condition
- 1 in 3 feel unable to discuss their needs
- 1 in 4 have accommodation requests refused

Fear of stigma is a major barrier. Normalize the accommodation process in onboarding and internal resources.

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Retaliation Protections and Documentation Best Practices

Retaliation for requesting accommodations is prohibited—even if the request is ultimately denied.

Documentation Checklist

- Document the request (date, method, substance)
- Document each step of the interactive process
- Document the decision and rationale
- Document business reasons for any denial
- Maintain documentation in confidential medical file

Consistent documentation is the best defense against accommodation and retaliation claims.

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Recruiting and Hiring Inclusively

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Recruiting and Hiring: Inclusive Practices

- Use clear, plain language in job descriptions
- Conduct interviews on video or in a quiet room
- Rely more on skills-based assessments than standard interviews
- Emphasize proven skills over eye contact and social performance
- Provide interview questions to candidates in advance
- Reduce interview duration where possible
- Minimize conventional requirements (small talk, handshakes)

HR Action: Educate all hiring staff on these practices.

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AI-Enabled Hiring Tools and the ADA

Algorithmic screens, chatbots, video scoring, and game-based assessments can inadvertently disadvantage autistic applicants

- EEOC issued "Artificial Intelligence and the ADA" guidance (2022)

Employer Action Items

- Vet vendors for ADA compliance
- Offer modifications or alternatives on request
- Audit tools for adverse effects on disabled applicants

In-house counsel should advise procurement and HR on vendor due diligence for AI hiring tools.

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Fact Pattern #1: The Interview

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A qualified applicant on the autism spectrum applies for a data analyst position. During a traditional panel interview, the candidate avoids eye contact, gives brief answers, and does not engage in small talk. The hiring manager rates the candidate poorly on "communication skills" and "culture fit," despite the candidate scoring highest on the technical skills assessment. The candidate's job coach contacts HR afterward to ask whether accommodations were available.

Discussion Questions

- Was the employer required to offer interview accommodations?
- Did the hiring criteria inadvertently screen out a qualified candidate?
- What should HR do next?
- When should in-house counsel be consulted?

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Fact Pattern #1: Takeaways

- Employers must provide accommodations in the application process
- “Communication skills” and “culture fit” may inadvertently screen out qualified autistic applicants
- Skills-based assessments are more defensible and inclusive
- Proactively offer accommodations (questions in advance, quiet room)
- In-house counsel should review interview rubrics
- A job coach contacting HR may constitute an accommodation request—respond promptly

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Reasonable Accommodations and the Interactive Process

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Reasonable Accommodations for Employees With Autism

Each person's needs are different. There is no one-size-fits-all approach.

- Flexible schedules
- Remote work / telework
- Noise-canceling headphones or earplugs
- Modified lighting, shades, quieter workspace
- Written instructions, visual checklists
- Email instead of phone calls
- Optional attendance at social events
- Reassignment to vacant position or different team
- Workplace buddies or job coaches
- Leave as reasonable accommodation

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Accommodations Work: The Evidence

- ~3x increase in odds of appropriate employment with workplace adjustments
- ~25% of autistic adults report receiving adjustments
- 100% retention at 9 months in structured programs
- 24-month average tenure for autistic employees
- ~90% job satisfaction among employed autistic adults
- Low cost of most accommodations

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Job Coaches and the Critical Role of Supervisors

- Job coaches commonly work with individuals with autism, learning disabilities, and ADD
- JAN (Job Accommodation Network): free U.S. DOL resource for accommodation ideas and consultation
- Research: high-quality manager-employee relationships are central to retention
- Autism-specific training increases manager self-efficacy and attitudes

HR Action: Budget for supervisor training—highest-ROI investment in inclusion.

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Fact Pattern #2: The Accommodation Request

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An employee who has worked as an accountant for two years discloses to her supervisor that she has ASD. She requests noise-canceling headphones, written instructions, and permission to skip optional happy hours. The supervisor tells HR he's "not sure ASD is really a disability" and is concerned about "setting a precedent." He also mentions the disclosure to two colleagues.

Discussion Questions

- Does ASD qualify under the ADAAA?
- What is the supervisor's obligation?
- Was the disclosure to colleagues lawful?
- How should HR respond?

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Fact Pattern #2: Takeaways

- ASD will almost always qualify under the broadened ADAAA
- Interactive process must begin promptly—supervisor cannot unilaterally decide
- Disclosing an employee's condition to colleagues may violate ADA confidentiality requirement
- "Setting a precedent" is not a basis for denial
- Requested accommodations are low-cost and commonly recognized
- Train supervisors on confidentiality and escalation to HR/legal

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Performance Management and Workplace Culture

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Performance Management: Navigating the Intersection

- Employers can hold autistic employees to same performance and conduct standards
- Consider whether accommodation would resolve the issue before adverse action
- Distinguish performance issues from disability-related behavior
- Conduct rules must be job-related and consistent with business necessity
- Co-occurring mental health conditions can impair functioning—consider re-engaging interactive process
- Harassment based on disability is prohibited; prevent and correct hostile work environment
- Direct threat determinations require objective, individualized assessment

Manager Documentation Prompt: (1) Record observable gaps (2) Note if disability/workplace change may be implicated (3) Consult HR/legal before discipline (4) Explore accommodation options

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Fact Pattern #3: The Performance Decline

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A software developer on the autism spectrum has performed well for three years with accommodations (quiet corner desk, written task assignments). After the company moves to an open-plan office, his performance declines. His new supervisor, unaware of prior accommodations, attributes the decline to “attitude problems” and places the employee on a PIP. The prior supervisor’s accommodation records were not transferred.

Discussion Questions

- Should the employer re-engage the interactive process?
- Does the employee need to re-disclose?
- Was placing the employee on a PIP without exploring accommodations lawful?
- What systemic failures does this reveal?

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Fact Pattern #3: Takeaways

- When the employer knows of disability, it may need to explore whether changed circumstances require new accommodations
- Accommodation records should follow the employee through transitions
- PIP without considering known disability factors may create significant legal exposure
- HR systems should flag existing accommodations and ensure continuity
- Centralized tracking prevents this scenario
- In-house counsel should assess failure to transfer records as a potential failure to accommodate

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Building an Inclusive Workplace Culture

Key Principles

- Autism awareness training for all employees (without disclosing individual status)
- Apply accommodations consistently to prevent discrimination claims
- Normalize accommodation process in onboarding and intranet
- Environmental factors have the greatest impact on employment outcomes

Practical Tips

- Ask for preferred communication style
- Invest in coaching; break tasks into smaller steps
- Give clear, concrete direction; avoid gray areas
- Provide quiet areas for breaks
- Follow up with written notes
- Find strengths and use them
- Set clear boundaries and maintain them

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Employer Checklist and Resources

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Employer Procedures That Work

Building a Repeatable, Defensible Process

- Multiple intake channels (supervisor, HR, EAP, online portal)
- No “magic words” required
- Immediate processing of oral requests
- Defined time limits for decisions
- Standardized forms: request confirmation, interactive process notes, decision/rationale, reconsideration
- Medical information handling and confidentiality protocols
- Reconsideration route for denied requests
- Centralized funding/budgeting (removes manager-level cost aversion)
- Tracking and reporting for compliance

Written procedures serve as both compliance tool and litigation defense.

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Steps to Consider

- Train supervisors on ADA obligations and interactive process
- Apply accommodations consistently
- Document business reasons for any denials
- Provide autism awareness training (without disclosing individual status)
- Audit hiring processes and AI tools for barriers
- Adopt written accommodation procedures with timeframes
- Implement centralized accommodation tracking
- Consult state/local counsel for multi-state compliance
- Engage interactive process promptly upon any request
- Monitor EEOC enforcement trends

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Resources

- JAN (Job Accommodation Network) — askjan.org
- EEOC Reasonable Accommodation Guidance — eeoc.gov
- EEOC ADA Case Resolutions (I/DD) — eeoc.gov
- Organization for Autism Research (OAR) — researchautism.org
- Autism Society of America — autism-society.org
- ["Reasonable Accommodations for Employees With Autism: A Practical Guide"](#) (Ogletree Deakins, April 2026)
- Stanford Neurodiversity Project - <https://med.stanford.edu/neurodiversity.html>

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Questions and Discussion

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Thank you!

Timothy L. Reed

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
One Embarcadero Center, Suite 900 | San Francisco, CA 94111
timothy.reed@ogletree.com
Phone: 415.536.3405

Phillip B. Russell

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
100 North Tampa Street, Suite 3600 | Tampa, FL 33602
phillip.russell@ogletree.com
Phone: 813.221.7265

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