A top-down view of a wooden desk. On the left, a portion of a black laptop keyboard is visible. In the center, a small chalkboard with a light wood frame has the word 'BACK' written in white chalk. To the right of the chalkboard is a white coffee cup with a blue handle, filled with dark coffee and a spoon. Below the coffee cup are several office supplies: a red paperclip, a blue paperclip, a green highlighter, a black pencil, and a coiled multi-colored rubber band.

Returning to Work After Brain Injury

Briana Johnson, MS, CRC, ADAC
2024 Annual Brain Injury Conference

Objectives

- Describe the impacts TBI can have on individuals returning to work and how to assess work readiness
- Identify clinical interventions that can assist individuals with TBI during their return-to-work process
- Define essential disability laws and accommodations for employees with TBI
- Explore case studies and consider the individual outcomes

No two are the same





The Power of Education

Benefits of Working

- Sense of purpose
- Financial security
- Interpersonal (socialization, relationships, feeling of community)
- Contributing
- Improving physical and mental health
- Quality of Life

Factors Impacting Return-to-Work

Cognition

Physical functioning

Fatigue

Visual impairments

Social and emotional interactions

Mental health

Substance use



Assessing Work Readiness

Early Intervention

Perspective (employee vs. employer)

Limitations

Rehabilitation & compensatory strategies

Motivation

Severity



Return-to-Work Plan: Same Employer

Outlines what needs to happen and when it will happen for individual to RTW successfully after an injury

Collaborative approach (employee, employer, providers)

Elements to consider

- Pre-injury job and duties

- Functional limitations

- Accommodations

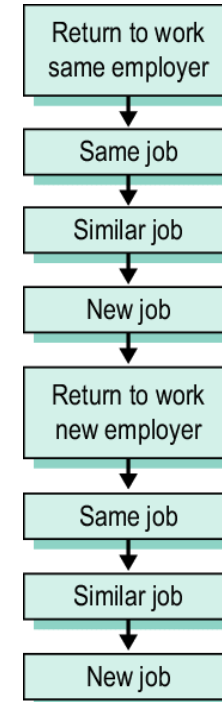
- Provider recommendations

Set clear expectations and goals

Evaluate and monitor progress

Focus on abilities not disabilities

Hierarchy of RTW ¹



Return-to-Work Plan: New Employer

Situational Assessment

Interest testing

Vocational Evaluation

Work Adjustment services

Vocational Counseling

Job Analysis

Labor Market Survey

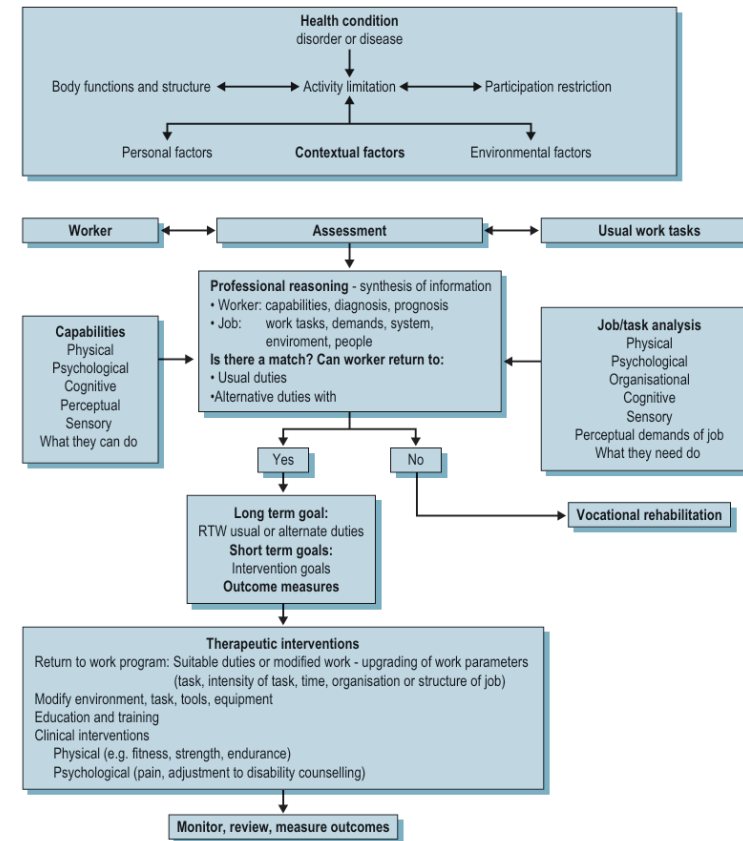


Figure 27.2 • Work rehabilitation process

Clinical Interventions

Rehabilitation services

Speech and Occupational therapies

Assistive technology

Mental health & adjustment counseling

Vocational Rehabilitation services

State Vocational Rehabilitation programs

Supported Employment

Customized Employment





Vocational Rehabilitation

Services & Programming

State Voc Rehab Services

Vocational Counseling

Job Placement & Retention

Education & Training

OJT

Internship

Apprenticeship

Vocational Evaluation

Job Coaching

Transportation assistance

Benefits Counseling

Customized Employment

Supported Employment

The screenshot shows the website for the Minnesota Department of Employment and Economic Development. The main navigation bar includes links for 'For Job Seekers', 'For Business', 'For Government', 'About Us', 'Data', and 'A-Z Index'. The current page is 'Counseling, Training, and Job Skills'. A sidebar menu lists various services for job seekers, with 'Counseling, Training, and Job Skills' selected. The main content area features a search bar, a navigation menu with tabs for 'Counseling', 'Training', 'Job Search', 'Eligibility/Fees', 'Apply', 'Appeal', 'Ticket to Work', and 'Funding', and a 'Counseling' section. The 'Counseling' section includes an overview, a definition of counseling, and a list of services provided by counselors. The footer contains links to publications, events, news center, and contact information, along with a social media icon set and a 'Register to Vote' link.

mi EMPLOYMENT AND ECONOMIC DEVELOPMENT

For Job Seekers For Business For Government About Us Data A-Z Index

Home For Job Seekers People with Disabilities Counseling, Training, and Job Skills

For Job Seekers

- Recently Unemployed
- Find a Job
- CareerForce
- Blind or Visually Impaired
- People with Disabilities
- Counseling, Training, and Job Skills
- Living Independently
- Expanded Employment
- High School Students
- Disability Councils and Committees
- Community Partners
- Policies, Rules and Regulations
- Research and Reports
- Find VEC
- Veterans Employment Programs
- Job Search Guide
- Data for Job Seekers

Counseling, Training, and Job Skills

If you have a disability that makes it hard for you to get and keep a job, you may be eligible for a variety of counseling, training, job skills and job placement services.

Overview

Services vary according to individual needs. One of our Vocational Rehabilitation Services (VRS) counselors will work with you to explore the choices and determine which are most appropriate for you. Then together you'll develop a plan to help you reach your goals. Learn more about our [Informed Choice policies](#).

Counseling Training Job Search Eligibility/Fees Apply Appeal Ticket to Work Funding

Counseling

The first step in choosing a good job or career is to understand what you are good at, what you like, what you want to accomplish, and what you need to reach your goals. You and your counselor will begin by discussing these things in detail.

Next, you and your counselor will set up a specific plan to meet your work goal. The plan will identify the services you will need.

Your ideas are an important part of the planning. You have the right to make choices about your job goal, the services you need to reach that goal, and who provides the services. Feel free to ask questions.

Your counselor can help you develop all or part of your plan. If you want to, you may develop your plan on your own. You decide how much help you want.

Your counselor is responsible for deciding:

- If your goal will lead to a job
- If the services identified in the plan are needed to reach your goal
- If your plan is complete

You and your counselor will meet from time to time to see how things are going.

We want the plan to be right for you. If you think your plan should be changed or you run into problems, let your counselor know. If you want to, you can choose other people to work with you and your counselor.

PUBLICATIONS

- Economic Trends magazine
- Minnesota Employment Review
- Business Guidebooks
- Fact Sheets
- Reports

EVENTS

- Events for Career Seekers
- Events for Business
- Public Meetings

NEWS CENTER

- News
- DEED Developments blog
- CareerForce blog
- Newsletters
- Media Resources

CONTACT US

- DEED Headquarters
- Get Help From Our Experts
- Connect through Social Media
- Privacy Policy
- Equal Opportunity

Connect with us

Minnesota Department of Employment and Economic Development
180 E. 5th St. Suite 1300
Saint Paul, MN 55101

Subscribe for e-mail updates
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An Equal Opportunity Employer and Service Provider

mi | Register to Vote

Benefits Counseling

Free service offered by service providers to explain how working will affect your federal and state benefits, including:

- SSDI and SSI
- Housing assistance
- Supplemental Nutrition Assistance Program (SNAP)/food stamps
- Healthcare benefits, including Medicare and Medicaid

Substantial Gainful Activity (SGA)

Work Incentives

- Trial Work Period (TWP)
- Extended Period of Eligibility (EPE)
- Expedited Reinstatement (EXR)

[The Red Book](#)

Customized Employment

“Competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability. It is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer and carried out through flexible strategies, such as job exploration by the individual and working with an employer to facilitate placement.” (34 CFR 361.5)¹

Four Phases:

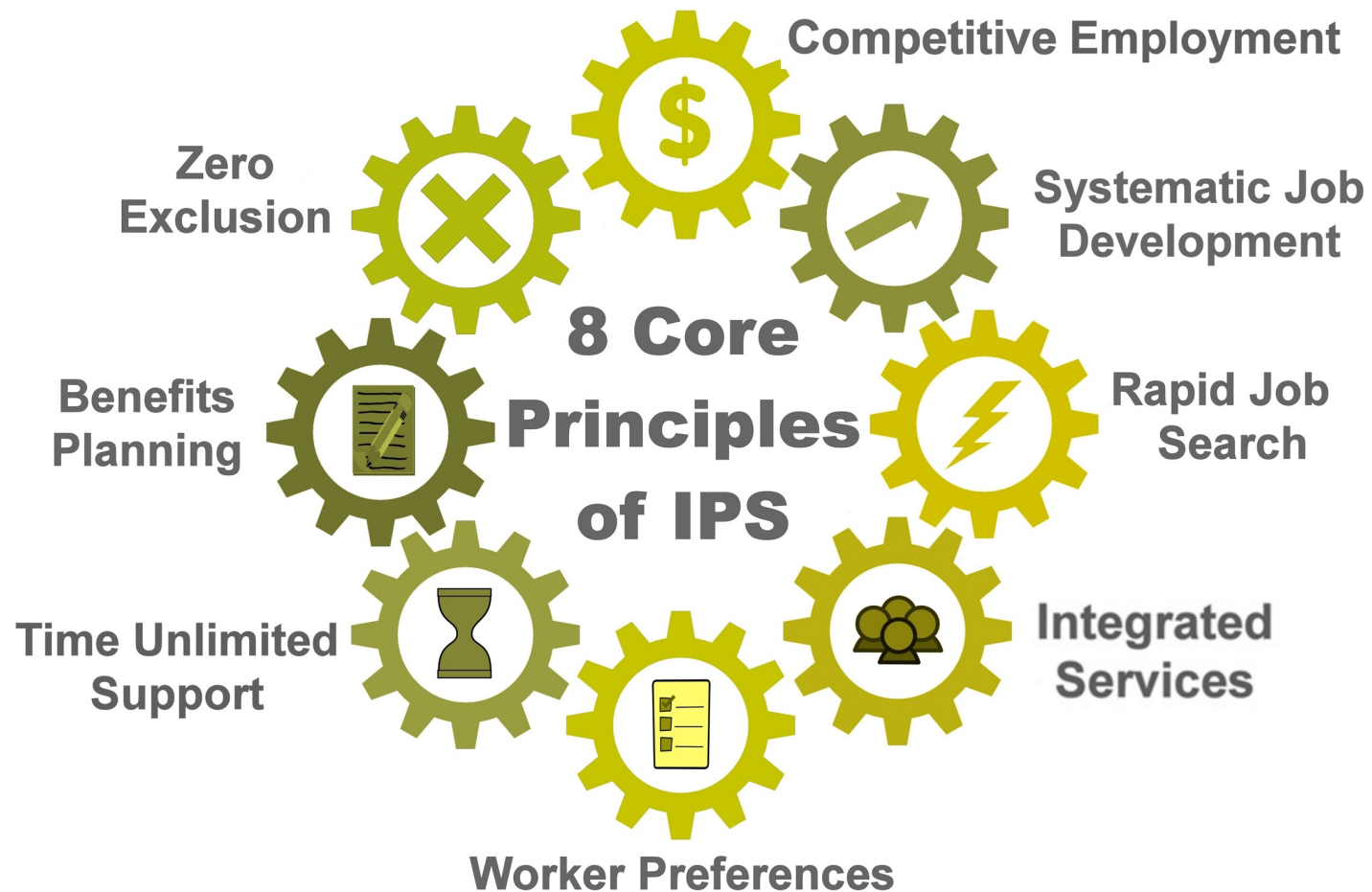
1. Discovery
 - Gathering information to identify job seekers interests, skills, abilities, and support needs
2. Job Search Planning
3. Job Development
4. Employment Support

Supported Employment

Individual Placement and Support (IPS) is model of Supported Employment (SE) and evidenced based approach to vocational rehabilitation that helps individuals with disabilities obtain competitive employment and provides supports in the workplace.

Initially researched and implemented for individuals with Serious Mental Illness (SMI)

8 Core Principles





**"INJUSTICE ANYWHERE IS A THREAT
TO JUSTICE EVERYWHERE."**
Martin Luther King, Jr.

Disability Laws & Accommodations

Americans with Disabilities Act (ADA)

Federal civil rights law that prohibits discrimination against people with disabilities and guarantees equal opportunities for individuals with disabilities.

- Sections
 - Title 1: Employment
 - Title 2: State and Local Government Services
 - Title 3: Public Accommodations
 - Title 4: Telecommunications
 - Title 5: Miscellaneous Provisions

Titles 1 & 2

Title 1: Employment

- Prohibits employers from discriminating against people with disabilities in all employment-related activities, including hiring, pay, benefits, firing and promotions.³
- Applies to employers with 15 or more employees
- Reasonable Accommodations
- Enforced by the U.S. Equal Employment Opportunity Commission (EEOC)

Title 2: State and Local Government

- Protects people with disabilities from discrimination in state and local government services, programs and activities. It prohibits *all* state and local government entities, regardless of how many people they employ or whether they receive federal financial assistance, from discriminating against qualified individuals with disabilities in employment.³
- Extends coverage to all public entities that provide public transportation.
- Enforced by the U.S. Department of Justice (DOJ)

Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

- Intended to clarify the definition of disability
- Previous Supreme Court decisions narrowly interpreted “disability”
 - Denied protection for many individuals with disabilities, such as, cancer, diabetes, and epilepsy
- **Definition of Disability:**
 - Has a physical or mental disability that substantially limits one or more major life activity
 - Has a history or record of a disability
 - Condition does not have to be long-term, permanent or severe to be substantially limiting⁴

Rehabilitation Act of 1973

Prohibits discrimination on the basis of disability in programs organized by federal agencies, receiving federal financial assistance, in federal employment, and employment practices of federal contractors

- **Section 501:** requires affirmative actions and prohibits employment discrimination against individuals with disabilities in the federal sector.
- **Section 503:** prohibits employers with federal contracts (or subcontracts) from discriminating against applicants and employees with disabilities and requires affirmative steps to hire, retain, and promote people with disabilities.⁵

Family and Medical Leave Act (FMLA)

Allows **eligible** employees to take unpaid leave for identified family and medical reasons, while their job is protected

- 12 weeks (in 12-month period) for:
 - The birth of a child and to care for the newborn child within one year of birth;
 - The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - To care for the employee's spouse, child, or parent who has a serious health condition;
 - A serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty" or
- 26 weeks (in 12-month period) to care for a **covered** servicemember with a serious injury or illness if employee is spouse, son, daughter, parent, or next of kin⁶

Family and Medical Leave Act (FMLA)

- **Eligible Employee:** Employees are eligible if they work for a covered employer for at least 12 months, have at least 1,250 hours of service with the employer during the 12 months before their FMLA leave starts, and work at a location where the employer has at least 50 employees within 75 miles.⁶
- **Covered Employer:**
 - Private-sector employers who employ 50 or more employees in 20 or more workweeks in either the current calendar year or previous calendar year,
 - Public agencies (including Federal, State, and local government employers, regardless of the number of employees), and
 - Local educational agencies (including public school boards, public elementary and secondary schools, and private elementary and secondary schools, regardless of the number of employees).⁶
- Intermittent use

Reasonable Accommodations

Modification or adjustment to a job or work environment to allow an employee to successfully perform the essential functions

- Undue Hardship
- Interactive Process
- Common limitations for PWBI:
 - Concentration
 - Stamina or fatigue
 - Memory
 - Organization
 - Difficulty controlling emotions
 - Problems with developing professional relationships
- Natural supports



Reasonable Accommodation Examples

Individual Experience	Barrier	Possible Accommodations
Too much information- feel confused, overwhelmed.	Memory impairment; attention issues; fatigue	Break into steps (chunking), provide handouts, use summaries. Pair with another employee to assist initially during meetings.
Information is too complicated	Difficulty attending to more than one topic or with concepts, vague areas, or complex topics	Simplify, break into steps, provide written summary, as well as detailed handout; consider audio format. Pair with another employee to assist during meeting if possible. Review information before meeting when possible. Get closure on one topic before starting another topic.
Information presented too quickly	Difficulty tracking; memory; processing speed	Slow down/pause in between points to give time to process and make notes; encourage note writing; ask when to move on; encourage employee to ask clarifying questions; “clarify and verify” communication strategy. Ask for visual checks during virtual meetings.
Cannot remember points	Memory impairment	Provide written handouts, details, and summaries. Provide materials in advance. Summarize, go over points, assignments, at end of session. Provide meeting notes, summary in follow up and in a timely manner.
Personal mode is auditory	Processing issue	Provide audio of presented material; allow recording with permission of others
Personal mode is visual	Processing issue	Provide copies of Power Points, forms, reports, lists of contact names and numbers, and provide in advance.
Lighting is too harsh	Fluorescent light is stressful, can trigger seizures in some individuals	Use natural light, bring in incandescent lighting, and turn off fluorescents.
Too much background noise	Difficulty filtering out background noises	Provide or suggest bringing ear protectors to give people “noise breaks” to relieve stress. Provide quiet rooms; avoid side conversations; do not place close to busy roads, kitchens, service areas. Do not use typical room dividers (not noise-proof enough).
Cannot see the big picture	Difficulty with concepts	Provide summary statements in the form of “This is why XYZ information matters to me,” or similar. Start with “here is where we want to end up; here is where we need to start to get there”.
Distracted by crowds	Over stimulation	Plan/schedule coming and going times during sessions. Hold smaller gatherings when possible.

JAN
Job Accommodation Network

Case Study #1

40-year-old male with a severe TBI with co-morbidities, including, PTSD, anxiety, depression, Type 2 Diabetes, history of seizure at time of BI, and a protein deficiency that caused blood clotting disorder. He was interested in returning-to-work after being unemployed for 7 years. He left the workforce due to his TBI and was unsure what he could do for work. He was interested in obtaining a part-time job. He expressed difficulty with concentrating, multi-tasking, short-term memory, easily frustrated, quick to anger and difficulty controlling emotions. He was receiving Social Security Disability Insurance (SSDI).

Case Study #2

- 47-year-old male with a severe TBI with co-morbidities, including, chronic major depression, bipolar disorder, chronic back and neck pain, alcohol dependence in remission, and cognitive disorder. He had chronic suicide ideation with a history of multiple attempts. Worked as an OTR truck driver for 17 years but lost CDL due to DUI. He was unsure what kind of employment he wanted or could pursue with his limitations. He voiced limitations with memory, balance, physical abilities, cognition, speech, and processing speed. He ultimately decided that he wanted to find a full-time job in manufacturing, warehouse, or general labor.

Resources

¹ Cook, C., & Lukersmith, S. (2010, January). *Work Rehabilitation*.

² *The Federal Register*. Federal Register :: Request Access. (n.d.). <https://www.ecfr.gov/current/title-34/part-361>

³ “IPS Core Practice Principles.” *IPS Core Practice Principles | IPS WAAMH*, IPS Works, ipsworks.waamh.org.au/what-is-ips/core-practice-principles. Accessed 13 Mar. 2024.

⁴ U.S. Department of Labor. (n.d.). *Employment Laws: Disability & Discrimination | U.S. Department of Labor*. www.dol.gov; Office of Disability Employment Policy. Retrieved March 14, 2024, from <https://www.dol.gov/agencies/odep/publications/fact-sheets/employment-laws-disability-and-discrimination>

⁵ *Fact Sheet on the EEOC’s Final Regulations Implementing the ADA* | U.S. Equal Employment Opportunity Commission. (2011, May 3). www.eeoc.gov; U.S. Equal Employment Opportunity Commission. <https://www.eeoc.gov/laws/guidance/fact-sheet-eeocs-final-regulations-implementing-ada>

⁶ *Rehabilitation Act of 1973 (Rehab Act) Review the Basics of the Rehabilitation Act of 1973*. (n.d.). [Askearn.org](https://askearn.org); EARN. Retrieved March 12, 2024, from [https://askearn.org/page/the-rehabilitation-act-of-1973-rehab-act#:~:text=The%20Rehabilitation%20Act%20of%201973%2C%20as%20Amended%20\(Rehab%20Act\)](https://askearn.org/page/the-rehabilitation-act-of-1973-rehab-act#:~:text=The%20Rehabilitation%20Act%20of%201973%2C%20as%20Amended%20(Rehab%20Act))

⁷ *Fact Sheet #28: The Family and Medical Leave Act | U.S. Department of Labor*. (2023, February). www.dol.gov; United States Department of Labor Wage and Hour Division. <https://www.dol.gov/agencies/whd/fact-sheets/28-fmla>

⁸ NASHIA. (2022). Considerations for Working with Individuals with Brain Injury: A Guide for Employment Service Providers Overview. In *Disability Employment TA Center*. <https://aoddisabilityemploymentcenter.com/wp-content/uploads/2022/03/DETAC-TBI-Brief.pdf>

Thank you!



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