# ADA Live! Episode 159: From Policy to Practice: Responding to Mental Health and Neurodivergence Disclosures at Work

**Release Date:** Wednesday – November 4, 2026

Archive, Bios, Description, and Transcripts for  Episode 159: From Policy to Practice: Responding to Mental Health and Neurodivergence Disclosures at Work

---

**L'Marie Armstrong**

Hi, I'm L'Marie Armstrong, and you're listening to ADA Live.

**4 Wheel City**

Yo. Hi, let's roll. Let's go.

**Stacey Kernisan**

Hello, everyone. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, welcome to ADA Live. I'm Stacey Kernisan, Director of Training for the Southeast ADA Center.

Listening audience, if you have questions about the Americans with Disabilities Act (ADA) , you can use the online form anytime at adalive.org, or call the Southeast ADA Center at 404-541-9001. All calls are free and confidential.

Today we are joined by L'Marie Armstrong of the ADA Compliance Strategy LLC. L'Marie is chief infrastructure strategist and director of the ADA Mental Health Compliance Strategies. Her background includes mind-body psychology and clinical hypnotherapy, alongside her work as an advocate for the Americans with Disabilities Act and mental health.

We'll talk about what happens when someone discloses a mental health condition or neurodivergence at work, how employers can respond to accommodation requests, and how written policies become everyday practice.

Welcome, L'Marie. So, can you tell our listeners what led you to focus on mental health in ADA compliance?

**L'Marie Armstrong**

Sure. So, I kept seeing the same thing from both sides of the table. Employers did not know the right things to do, or how the risk presented itself, and employees didn't know that they could ask questions or identify that they had a need. So the bridge was not being met.

**Stacey Kernisan**

Got you. So when you say mental health compliance strategies. What does that mean in the day-to-day experience of an employee, or a supervisor, or even a member of the public?

**L'Marie Armstrong**

So, when we speak of mental health strategies, we're speaking of concerns that an individual may have pertaining to how they're processing or internalizing things that's causing a stress to how they're functioning to disconnect in what they're thinking, how they're feeling with what they're actually doing in the workforce, and a lot of times it presents itself with anxiety, depression, PTSD, neurodivergency, and in many cases, management supervisors tend not to know how to interact or engage with someone who may be illustrating or displaying certain signs and symptoms that they may need some assistance with coping while working and actively performing their tasks with work.

**Stacey Kernisan**

So you spoke of those type of responses with the anxiety and depression. So when an employee shows those or discloses that they have anxiety, depression, or are neurodivergent, what does the law require of the manager in that moment, and what should happen next?

**L'Marie Armstrong**

Structurally, the law requires a paper trail. It requires that the company and management are open to keywords, key phrases, so that they understand that the employee may be struggling with that being identified, it is then up to the manager and or supervisor to respond to that employee who's identifying if they're having some issues. For example, I will present this to HR, and we will gain a response for you within a timely manner.

Most companies abide by the ADA, the aspects of the initial law pertaining to what they are supposed to do, but it's not always properly translated so that there's an understanding of the paper. Trail.

I tell my supervisor as an employee. My supervisor then tells HR, usually within 24 hours, but in some cases it's up to a five-day time frame, depending on your state. And then, based on what's in the employee handbook or the company policy and procedure manual, there's a protocol to follow to assist me with what is called reasonable accommodations.

So as long as the paper trail is being met, as long as you're abiding by the acknowledgement that the employee did display or share with you that they were having some concerns with how they perform, as long as the employers are doing their part, you can create a win-win situation for the most part.

**Stacey Kernisan**

Got it. And so you kind of spoke to how the employer is supposed to respond. You spoke briefly about what the employee could say, but can you give a quick example of what an employee can say to their employer to let them know this is an issue for me, and I need support.

**L'Marie Armstrong**

The EEOC, the Equal Employment Opportunity Commission, identified that there is no particular framework of language, so an employee can say, "I'm struggling to keep up. I'm having problems focusing. I may need a little assistance. Time management is not productive for me right now.

These are all keywords that employers and managers and supervisors should be listening for and listening to because it's then identifying that the employee is more or less asking for something, and they may not know the corporate language to use to say, "Hey, I need reasonable accommodations," but that is their way of saying, "I need reasonable accommodations," without knowing exactly what to say.

**Stacey Kernisan**

So we get that question a lot when we have technical assistance call about what should I say as an employee to my manager when I need to ask for accommodation, and with that, what common mistakes do managers make in the first conversations, and what should they document, or when should they refer to the accommodation contact?

**L'Marie Armstrong**

That question is actually twofold. Good managers, proactive managers, pay attention to those that are working underneath them, so they're accustomed to certain behaviors, certain conversations, certain styles of communication. It's just a natural process as to how the brain works. It's how you can say, "Oh, I know Barry would never do that," or "Oh, Barry doesn't speak in that way." And so these are just internal functioning things that we do as individuals, and it's kind of heightened when you're employed, when you're on the job, so if a manager or supervisor is trying to understand, they're just listening and paying attention to things that are that would appear to be out of the norm.

When it comes to an employee, it doesn't always come out in a way that they understand the quote-unquote language. If they're struggling, then they can just simply say, "I'm struggling. I've been struggling for a while, and I don't really know what's going on." That in itself is saying, "I may need reasonable accommodations," or they may simply know what's going on.

I have a history of disorganization based on a undisclosed ailment, meaning that they don't want to share what that diagnosis is, and by law they're not required to. They can just simply identify some of their symptoms, and doing so upon the supervisor or manager's first noticing something different, they should start documenting whether they talk to the employee or not.

When the employee comes to them, it's immediately documented and ran up the chain to each bar so that it could be understood we have a potential situation that we need to govern accordingly to mitigate risk, to also mitigate turnover, and to assist this employee, who on other days in most functioning aspects is a very good employee that just seems to be struggling at that time.

**Stacey Kernisan**

When it comes to that kind of documentation, many employers and public entities already have a written accommodation policy. Where does that policy most often break down in practice? Like when it comes to your front line supervisor, when it comes to human resources, or in the documentation itself.

**L'Marie Armstrong**

Usually, the breakdown is the education. They very. Well, may have it in policy and procedure handbooks, things of that nature. But if they're not training their front line accordingly and regularly, it gets lost in translation, and it's not usually being utilized.

So, if the supervisor or the manager does not know what the governing, you know, policy is when it comes to reasonable accommodations, or what the policy may state when it comes to an employee who may be displaying or exhibiting odd behavior. They tend to ignore it because it's a disability often enough not seen. It's not like a physical disability. It's not like I can see that a person may be missing a limb or maybe in a wheelchair.

Sometimes you just can't see the struggle that's internal, and so when an employee represents it or identifies it, because they don't know what to do, a lot of times they do nothing, and so the paper trail in itself never begins, and that's where the liability then comes into play with the company.

**Stacey Kernisan**

And as you speak about that paper trail, if one was to do an audit of an accommodation process to tell whether requests are being handled properly and consistently, what would they look for?

**L'Marie Armstrong**

Well, there's several things they would look for with ADA compliance strategies. We have a 26 checkpoint audit system that we actively utilize to measure whether or not a company is in compliance with not only the federal law but also the state law, because many states have more aggressive laws when it comes to reasonable accommodations, so definitely you want to make sure that it's in your infrastructure.

Your infrastructure has to do with how the the company represents itself when it's actively involved in working with those that may have some type of disability, be it physical or mental, and if it's in the policy, you have to check your policy regularly because the laws continue to change each year. The more things are being added, some things are being extracted.

So you have to be very mindful of what's transpiring, and sometimes bringing in an outside source, we can assist you to make sure that you're in compliance, and you definitely want to make sure that you're out of the weeds when it comes to potential citations from those different agencies, like the Department of Justice, like the Equal Employment Opportunity Commission, things like that. You want to make sure that as an employer or a company that you're in compliance because those violations can be very costly to a company, right?

**Stacey Kernisan**

And so the employee has shared with the employer that they need an accommodation. And when we get into their performance and fair treatment, how can a manager address their performance concerns with an employee who has disclosed a mental health condition while separating those essential job functions from assumptions about their diagnosis and appropriately handling any kind of accommodation requests that may arise during the performance process and avoiding potential discrimination or retaliation.

**L'Marie Armstrong**

So retaliation often enough is a really big thing. If I'm not mistaken, the EEOC probably secured something upward of $300 million because of companies, supervisors, managers that performed retaliation against employees who identified that they had a need, and when the need was not met, the employee subsequently filed a complaint.

One of the most important things to be understood is that one complaint, on average, leads to anywhere from three to eight violations. Each violation has a financial price tag associated to it. So employers have to be very mindful of how they're training their staff, their HR, their executives, their supervisors and managers.

So you have to be very mindful of how you strategically move forward, but keep in mind reasonable accommodation. The key word is reasonable because if it does not fit the construct of the company, if the company can't afford an extravagant accommodation such as a bio beating, so you can check the stacks and the vitals of a person and how their body and energy is flowing, that's not reasonable. So therefore, it has to fit the paradigm of what's transpiring within the company. We have to be very specific about understanding reasonable.

All accommodations may not be reasonable, but if they are, such as. I need quiet time when I'm highly stressed. Allot me an additional 1520 minutes to gather myself. I need to work from home an extra day out of the week or one day out of the week because the energy in the office there's a lot. If it can be done, if those things can be provided, then provide them. That's a reasonable accommodation.

**Stacey Kernisan**

So you talk with us about those reasonable accommodations. So can you walk us through a realistic example from the initial concern through the interactive process and even the follow up, so that way people can connect to what you're saying if they have to ask for an accommodation.

**L'Marie Armstrong**

So let's give an example of a gentleman who came in to work late. He had been coming in to work late at least twice this particular week, and his manager says, "Hey, this is the second time you've come in late this week. I'm going to have to give you a warning."

And he says, "I apologize. I'm just struggling. I'm on a new medication, and it's affecting my time span with you know waking up and getting here on time. Key trigger words phrases.

So at that juncture, the employer or the the supervisor says, "Hey, you know what? Thank you for sharing it. I know it's very personal. I'll keep that between us because it's something not to be shared with other coworkers. And he says, "Okay, I'll talk to HR to see what we could do."

And so then the employee says, "Is it possible for me to come in an hour later? Is it possible for me to come in two hours later?" Well, if that's possible within the scope of still being able to perform the work, and he leaves with later like his schedule is shift. That's reasonable accommodation.

That's something that's a win-win for both the employee and the employer. The employee gets to come in a little bit later, able to wake up, shake off the grogginess a little bit from whatever medication you're taking, and then the the employer and the supervisor, they still get what they're or pushing for.

So now you're looking at retention. You're retaining a good worker. You're being able to still accommodate and with the tasks that are involved with the performance and the work, and the employee usually the retention is higher on average. It's like five years or more with being able to retain an employee who came and said, "I need accommodation," and then the company assisted them with the accommodation that they needed.

And a lot of times, the employee identifies, "I would have stayed with the company after being discharged. I would have stayed with the company if they had provided me some resources, or if they could have assisted me with changing my schedule, or if they could have assisted me with working from home based on what I do.

**Stacey Kernisan**

Thank you, L' Marie, for this great information. ADA Live listening audience. If you have questions about this topic or any other ADA Live topic, you can submit your questions online at www.adalive.org or call the Southeast ADA Center at 404-541-

9001. Now let's break for a moment for a word from our sponsor, the Southeast ADA Center.

**Voice Over**

The Southeast ADA Center is your leader in providing information, training, and guidance on the Americans with Disabilities Act and disability access tailored to the needs of business, government, and individuals at local, state, and regional levels. The Southeast ADA Center is a member of the ADA National Network and serves eight states in the Southeast region. For answers to your ADA questions, contact the ADA National Network at 1-800-949-4232.

**Stacey Kernisan**

Welcome back, everyone. And now, L'Marie, let's take a moment to talk a little bit about invisible disabilities. So, when a disability cannot be seen, what may an employer ask, and what must remain confidential, even from coworkers.

**L'Marie Armstrong**

Well, anytime you're dealing with any type of disability, anything that's medical, it is protected, and with that protection, especially with employment, what's shared with staff, other employers, other employees is very sensitive because sometimes employees, coworkers want to know, well, why is Jillian getting special treatment?

And it is okay for an employer to identify that I've. One is entitled to accommodations if they have need, and if you have need, then simply let someone know your immediate supervisor or HR, and we will assist you with the accommodations based on what's available to your specific needs. So you're providing them with tangible information without disclosing what's actively going on with another coworker, they do have to keep your conditions private for sure.

They are able to ask four types of questions when someone is requesting accommodations, and it has to do specifically if it's job related, if you're driving a forklift and you have to take certain meds that impairs your body, your mind, that's something that should be disclosed upon hire or after hire immediately, so that it's understood that you are limited as to that particular position, and an accommodation may be accessible and available to you.

They can ask for a doctor's note. A doctor's note typically identifies the symptoms, but not the diagnosis. The things that may impair, but not the diagnosis, which again is very important.

And those things should have a particular type of form by way of the employer that goes into a specific secured confidential file when it comes to the betterment or the health of an employee, so they can ask some questions and gain certain aspects of the information, and still be in alignment with what the law dictates and what the law says.

**Stacey Kernisan**

So you spoke to the kind of questions that can be asked, but what can organizations do to train supervisors to recognize possible accommodation requests, especially the subtle ones, without asking those intrusive medical questions, while being respectful and also staying true to the rights and responsibilities under the Americans with Disabilities Act ADA.

**L'Marie Armstrong**

Training and education is always going to be a key factor for reducing risks, for maintaining or sustaining, in many cases, part of their bottom line with employee retention. So, if you're training and avidly training periodically, be it six months or once a year, having an audit done at least once a year to ensure that the company is still in compliance with their ADA infrastructure, their guidelines, their rules based on what they're offering by way of their company, ensuring that there are things to meet in most cases, what a lot of companies do not understand is that, in on average, the accommodations cost them less than $300 annually.

And we're just talking about some basic things. It costs nothing in most cases to adjust an employee's schedule. It costs nothing in most cases to allow an employee to work from home, so when we're mindful with what we do and how we do it, you create a win-win situation, and that's really the goal.

It's the humanistic goal behind creating the win-win situation, because there are a lot of people they can't qualify for disability because they have a mental condition or a neurodivergency, and they're still quite vital in the workforce, and can produce and are on task in most cases.

So, just being mindful goes a long way. Implementing the infrastructure that allows us to just simply check on each other. Hey, are you okay today? I just was checking because you're not as bubbly as you normally are. You're not as vibrant. Is there anything I can do? Those simple questions, whether they're heartfelt or not, can definitely assist the company and the employee.

**Stacey Kernisan**

You spoke to what different costs may come when one is putting in a reasonable accommodation, so what does a reasonable accommodation for such as like anxiety or depression or neurodivergence look like in actual practice? And also, when it comes to those, what is the typical caution? What does that look like in practice?

**L'Marie Armstrong**

In practice, it looked just as the things that you named. Again, that we're talking about the simplicities of having a quiet space, and sometimes with anxiety, in many cases, already have a construct to help calm them down. But because they're in an anxious state, sometimes it takes someone outside. Them to say, "Hey, are you okay?" In that instance, you are allowing them to just kind of jolt themselves enough to know that they need to practice their breathing techniques, or just stepping back for a few moments, excusing themselves for a few moments, so that they can gather themselves.

When it comes to neurodivergency, allowing that person this space once again to acclimate themselves or adjust themselves enough to be able to rein themselves in. Many times, individuals with neurodivergency are very high functioning, and so their brains are moving at such a rapid pace, and they're so far ahead of everything and everyone. Sometimes they do have to just kind of take a beat, and sometimes a supervisor just checking in helps them take that beat.

So we're not always talking about anything elaborate, like creating a whole room. You have some companies that have like garden spaces and things of that nature, so that their employees can go and calm themselves and meditate and grab their minds and grab their energies. But in some cases, some of the employees just need a quiet space. They just need to kind of re-regulate and re-identify with the things that are transpiring.

And the other thing is, if a request or an acknowledgement that a request may be needed transpires between the employee and the employer, then from the time of documentation, you want to check in with those individuals as far as the employees, like every 30 days, 60 days, 90 days, to see if there's anything else that can be done. How are you doing? The accommodations we provided are they working for you? And again, a lot of times they're going to tell you yes. And a lot of times these are paper trails to assist the employers with maintaining the status of being in compliance.

But I want to be very clear: you're not always going to have every employee is going to fit the mold of being able to have reasonable accommodations. So if employers are properly documenting what's transpiring and what they've done and how they've participated in the attempt to assist and to provide the reasonable accommodations, it

does indeed protect the employer, but also if the employer is willing to provide resources or just have basic public resources on hand for an employee that may be struggling, that goes a long way too.

Because they did at least attempt to do the very basics without having to diagnose or trying to diagnose what an employee has, or maybe going through. That's not their job. Not trained to do that, but the simplicity of hey, here are some resources that may be able to assist you, definitely is within the scope of assisting with some aspects of accommodations.

**Stacey Kernisan**

That's great information. So let's like take a little bit of a turn. And so, how do you think this conversation would change when a public entity is also serving people with mental health disabilities through its programs and services when it comes to reasonable accommodations?

**L'Marie Armstrong**

How does the conversation change? We too, for those of us that are actively in these fields, have to audit ourselves. We too have to ensure that the very advice and the wisdom and the knowledge and the education that we're sharing with others that we too implement in our own systems and what we do and how we do it and stay compliant with the latest information, the latest laws.

What's going on in the court systems? Because the court systems are futuristically identifying the laws that are to come that surround mental health and physical disabilities. So we have to be proactive. It's important that we too stay sharp and diligent with the changes that are taking place.

**Stacey Kernisan**

What do you think it would take for an employer or public entity to move from policy on paper to practice?

**L'Marie Armstrong**

Education and training. Often enough, and I can't say it enough. Yes, many companies have it on paper, but they're not avidly ensuring that their management and their teams are educated and actively practicing it. If you educate and you implement the education and you implement the practices, then you are shoring up those gaps in many, many cases.

**Stacey Kernisan**

So, what is one change that a manager could make today to respond better to an employee who raises a need related? Related to mental health or neurodivergence.

**L'Marie Armstrong**

The one change is acknowledgement. That's the biggest issue in many cases that they're not being acknowledged. The employee is not being acknowledged when they are identifying or displaying that they're having or struggling, or may have an issue; they're not being acknowledged, and timeliness is another thing.

When they are acknowledged, how long is it taking an employer to respond to the employee based on just a simple "I'm struggling" ? Is it a day? Is it five days? Is it 10 days? The EEOC says it has to be within a reasonable construct of time.

Silence is no excuse. Silence is seen and determined as ignoring, and that hurts a company greatly if it goes to any agency or legal construct because you didn't acknowledge the employee. So it's very important. Acknowledgement is important. Follow up is important.

**Stacey Kernisan**

Well, L'Marie, it has been a pleasure speaking with you about this topic and learning more about how accommodations impact not just the employer but also the employee. And with that, what would you most want an employee, an employer, and a public entity leader to remember from this conversation?

**L'Marie Armstrong**

That we're all human. We all have our hiccups, our personalities, the flaws in our personality. Those are the things that make us our greatest selves.

Mindfulness and kindness costs nothing but rewards greatly. And if we can just be mindful of each other enough to give a smile, you don't always have to say anything. Sometimes you can just give a smile walking past. That can change a person's whole entire perspective.

So, with employers, employees, and the general public, be mindful of each other. Pay attention, because it just takes one sometimes smile, sometimes kind word, and a person can recognize when they have a need, and when they can share that need, they can feel comfortable with sharing what that need may be, especially in the workplace because they want to keep their jobs.

They have to support themselves, and in the same breath, employers want them to keep their jobs. They want them to present and to perform the tasks. So it can be a win-win situation, and that's what's most important. I believe in win wins whenever we can get them.

**Stacey Kernisan**

Well, L'Marie, thank you for joining us and for helping our listeners think through practical ways to make ADA protections meaningful.

Listeners, thank you for joining us for this episode. You can access ADA Live episodes, archive audio, accessible transcripts, and resources at adalive.org for the SoundCloud ADA Live channel at SoundCloud.com/ada-live, or search for ADA Live in your podcast app.

Have a question about the ADA? Use the online form at adalive.org or contact your regional ADA center at 1-800-949-4232. Calls are free and confidential.

Check out our companion podcast, Disability Rights Today, for discussions of court cases that shape disability rights and the ADA at disabilityrightstoday.org, and the podcast Let's get to work reimagining disability employment policies at bbi-dep-rtc.org.

ADA Live is a program of the Southeast ADA Center at the Burton Blatt Institute, Syracuse University, in collaboration with the Disability Employment Policy Rehabilitation Research and Training Center, our producer is Celestia Ohrazda, with Barry Whaley, Marsha Schwanke, and me, Stacy Kernisan.

Our music is from Four Wheel City, the movement for improvement. See you on the next episode of ADA

**4 Wheel City**

Live. All these inaccessible stars. The one that's here. We gon' make our own place.

[End of Transcript]

**Disclaimer:** The contents of this publication are developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant #90DPAD0018). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The

contents of this publication do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

The information, materials, and/or technical assistance provided by the Southeast ADA Center are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA. The Southeast ADA Center does not warrant the accuracy of any information contained herein.

Any links to non-Southeast ADA Center information are provided as a courtesy, and are neither intended to, nor do they constitute, an endorsement of the linked materials. The Southeast ADA Center provides these links as a courtesy and does not endorse, take responsibility, or exercise control of the organization nor vouch for the accuracy or accessibility of the contents of the link destination. The information is intended solely as informal guidance and is neither a determination of legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

Contact for More Information or Assistance:
Southeast ADA Center
Email: ADAsoutheast@syr.edu
Phone: 404-541-9001