



# SUPPORTED DECISION MAKING AND TRANSITION TOOLKIT

## *Employment Section*

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Disability  
Rights **OHIO**

# Supported Decision Making and Transition Toolkit

- **A practical guide for the transition to adulthood for people with disabilities and their support systems**

## **What is the purpose of this toolkit?**

This toolkit provides information, resources, and templates to help individuals with disabilities plan for the future. The toolkit will help people with disabilities to gain independence and make decisions in adulthood. This guide was written and put together by attorneys and advocates at Disability Rights Ohio, Ohio's designated Protection & Advocacy system for people with disabilities. This guide does not provide legal advice. This guide is a tool to assist with decision-making. Should you need this guide in a different format, please contact DRO Communications at [communications@disabilityrightsohio.org](mailto:communications@disabilityrightsohio.org).

This guide is designed to help individuals with disabilities explore options for assistance with decision making, including supported decision making, powers of attorney, and options other than guardianship that are less restrictive. These tools can also help those with a guardian make decisions alongside their guardian.

## **Who can use this toolkit?**

This toolkit is for individuals with disabilities, as well as their support people, including family, friends, caregivers, and people who assist them with supported decision making.

## **What is Supported Decision Making?**

**Supported decision making** lets people choose someone to help them make important decisions about their lives. Everyone needs support to make important decisions about their work, school, money, and more. Supported decision making lets people select friends, family, or others to help them with making decisions while practicing self-determination and independence.

## What is Guardianship?

**Guardianship** is the legal role given to an individual to manage the personal activities of another person. This happens when the court has decided that someone, called a **ward**, cannot make their own decisions. The court appoints a guardian to assist the ward with making decisions. Guardians may make decisions about the ward's health care, where they live, how their money is spent, and other personal choices. The guardian should consider the wants and wishes and of the ward. The court can end a guardianship if the ward is re-evaluated, and the court determines that the ward can make their own decisions. Sometimes this is called "becoming your own guardian."

Guardianship is not appropriate for everyone. The need for a guardianship is specific to each individual situation and each potential ward. However, wards, or people with guardians, can use the tools in this kit to make decisions about their lives and work with their guardian to implement their decisions.

This toolkit also provides examples of alternatives to guardianship, including supported decision making, powers of attorney, and others.

We hope that this toolkit makes you feel confident in speaking up for what you want in your life.

For more information you can contact Disability Rights Ohio at 614-466-7264

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# Employment

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Words to Know:

- **The Americans with Disabilities Act (ADA)**- A set of laws protecting the rights of people with disabilities, including in the workplace.
- **Reasonable Accommodations** - A change to the way things are done for a person with a disability to help them be successful at work. Some examples of reasonable accommodations can be extended time to complete a task or frequent reminders.
- **The Interactive Process** - When a person with a disability asks their employer for a reasonable accommodation, their employer must work with the person with a disability to find a solution that works for everyone. The employer may ask questions about the employee's disability and what assistance they need to be successful.
- **Essential Job Functions** - Basic job duties that an employee must perform at work, with or without accommodations.
- **Workshop/Sheltered workshop/Enclave/Group employment** -Jobs where only people with disabilities work.
- **Sub-minimum wage** - Being paid less than minimum wage.
- **Competitive Integrated Employment** - Jobs that pay at least minimum wage for both people with and without disabilities.
- **Informed Choice** - Knowing what choice you are making in your life and having all of the information about that choice.

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As you start thinking about getting a job and your future career, you may want help from family or other trusted adults in making these decisions. You have the right to make sure that your job pays you a fair amount of money for your work and is a safe and supportive place for you to work.

## Finding Competitive, Integrated Employment Opportunities

As you look for a job, some people might say that you should work at a **workshop**, or **sheltered workshop**, an **enclave** or **group employment**. These are all names for workplaces that only hire people with disabilities. If you work at one of these places, you would not be working with nondisabled peers.

Often, these places pay **sub-minimum wages**. In Ohio, being paid a sub-minimum wage means that you are paid less than \$10.45 an hour for your work. Many people with disabilities don't support the sub-minimum wage, meaning they do not want to be paid less than minimum wage.

People with disabilities can also work in their communities. Another term for jobs in your community is "competitive, integrated employment.". **Competitive, integrated employment** means jobs that pay at least minimum wage where people with disabilities work alongside people without disabilities.

If you want to work in your community, there are services that can help you learn the skills you need. Services that help you learn the job skills you need to access jobs in your community are called **vocational rehabilitation** services. In Ohio, **Opportunities for Ohioans with Disabilities (OOD)** is Ohio's vocational rehabilitation agency. OOD's role is to help people with disabilities prepare for, find, and keep competitive, integrated employment. They can help you get a job in your community.

When working with OOD, you have the right to an informed choice. **Informed choice** means you are an active and full partner in the vocational rehabilitation process. It means you have a choice in planning and making decisions about your job goals and services. This also means your OOD counselor must give you information and support so you understand the process, what services you can get, and how those services can help you.

When working with OOD you also have the right to select an **individual representative** to help you with the OOD process. Your individual representative can be anyone you chose, including a parent, guardian, other family member, or advocate. If a court has given you a representative, that will be your individual representative. OOD may require you to sign a release of information (a paper document) allowing OOD to talk to and provide information to your chosen individual representative. Your individual representative can come to meetings with you and your OOD counselor and help you make informed choices.

## Employment and Reasonable Accommodations

Many people with disabilities need reasonable accommodations to be successful at their job. A **reasonable accommodation** is a change to the way things are done for a person with a disability that allows them to complete their work.

The law, called the **Americans with Disabilities Act (ADA)** requires employers to give reasonable accommodations to employees with a disability. Examples of possible reasonable accommodations are: help filling out your job application, a job coach to help you adjust, additional training, a modified schedule, or different equipment.

You can be creative when you are thinking about the kinds of accommodations that will help you do your job. You should also think about why you need this accommodation, and make sure your request is based on your disability and not just what you like.

This section gives more information about how to request a reasonable accommodation at your job, and what the process looks like.

Remember:

- To receive a reasonable accommodation, you must ask for the accommodation you want. You should ask for accommodations in writing.
- You **do not** have to tell your boss, or other people you work with, that you have a disability unless you are asking for a reasonable accommodation. This information should remain confidential except as needed to receive the accommodation.

The **Americans with Disabilities Act (ADA)** requires employers (bosses) to give **reasonable accommodations** to employees with a disability.

To have a legal right to a **reasonable accommodation**, you must have a physical or mental disability that results in a substantial limitation in one or more major life activities. A **substantial limitation** is not being able to do something the way most other people do it. That can include thinking, learning, working, hearing, seeing, walking, communicating, or caring for yourself.

You must be able to perform all the **essential functions** of the job once you have accommodations. Your employer does not have to make any changes to the amount or quality of work they want you to do.

**Your disclosure of your disability is voluntary.** This means that you do not have to tell people at your job that you have a disability if you don't want to. However, if you need a reasonable accommodation, you will have to tell people at your job about your disability when you request the reasonable accommodation. This information should stay confidential.

## Requesting a Reasonable Accommodation at Work

You can request a reasonable accommodation at any time during your employment, even during the hiring process.

The request for a reasonable accommodation does not have to be written, but the best practice is to turn in a written letter with the date and keep a copy for your records. There are no “magic words” that you must use to request a reasonable accommodation at work.

**When you request a reasonable accommodation, you should include:**

- The date you’re making the request
- What your disability is
- The requested accommodation(s) that relate to your disability
- If necessary, a doctor’s note explaining the disability and accommodation(s)
- A request for your job to reply by a certain date

Your request for a reasonable accommodation can be made by you or someone else you trust, like a family member, friend, or job coach.

You or someone acting for you should explain to the employer what you need, and explain how what you need is related to your disability.

Asking for accommodations starts what is called the **interactive process**. The interactive process is a conversation between you and your employer to figure out what accommodation(s) will let you be successful at work and overcome the obstacles presented by your disability.

During the interactive process, your employer may ask for information about your disability to make sure you are a person with a disability protected by law.

During the interactive process, employers must find an **effective accommodation**, or an accommodation that will allow the employee to perform their job duties. **It does not have to be the exact accommodation that you requested.**

## Employment Resources

- Disability Rights Ohio's CAP program provides free employment-related information and assistance for Ohioans.
- Free guidance on workplace accommodations: <https://askjan.org/>