

Reasonable Accommodation¹

What is a reasonable accommodation?

A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered “reasonable” if they do not create an undue hardship or a direct threat.

Federal agencies are required by law to provide reasonable accommodation to qualified employees with disabilities. The Federal Government may provide you with a reasonable accommodation based on appropriate requests (unless so doing will result in undue hardship to the agencies).

Who is an “individual with a disability?”

An individual meets the Americans with Disabilities with Act definition act of “disability” that would qualify them for reasonable accommodations if they have “a physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an “actual disability”).” If a disability is not obvious to an employer, they can ask for medical documentation from a health care provider to confirm the need for an accommodation.

Individuals who solely are “regarded as” having a disability but do not have a disability, are not qualified to receive reasonable accommodations.

What are “essential functions?”

In order to be qualified for a position, an applicant or employee must be able to perform essential job functions. Essential functions are job duties that are fundamental to the position, they are the reason the job exists. Some of the factors for determining essential functions of a job include:

- Whether the position exists specifically to perform these essential functions.
- The number of other employees who are available to perform the same job duties.
- The expertise or skills required to perform the essential functions.

What types of employers are required to provide reasonable accommodations?

¹ <https://adata.org/factsheet/reasonable-accommodations-workplace#:~:text=An%20individual%20meets%20the%20Americans,as%20an%20%E2%80%9Cactual%20disability%E2%80%9D>

Under the Americans with Disabilities Act, employers who have 15 or more employees are usually required to provide reasonable accommodations. Some state and local laws may require that employers with fewer employees provide reasonable accommodations.

Reasonable accommodations comes in many forms.

In order to determine what is reasonable, an employer must look at the request made by the applicant or employee with a disability. Whether or not an accommodation is reasonable will vary according to the position the employee holds, the way their disability affects their ability to do their job, and the environment that they work in.

What types of accommodations are generally considered reasonable?

Change job tasks.

Provide reserved parking.

Improve accessibility in a work area.

Change the presentation of tests and training materials.

Provide or adjust a product, equipment, or software.

Allow a flexible work schedule.

Provide an aid or a service to increase access.

Reassign to a vacant position.

What are some examples of reasonable accommodation?

Provide Alternative Formats: A supervisor gives feedback in writing, rather than verbally, for an employee who communicates better through written materials.

Accessible Parking: An employer changes its practice of only offering parking to upper management to allow an employee who is unable to walk long distances access to a reserved parking spot close to the building.

Service Animals: An employer reasonably changes their office’s “no animals” policy, in order to welcome an employee’s service animal.

Equipment Change: An employer purchases software that magnifies the computer screen to allow an employee with low vision to correctly enter and read information on the computer.

Reorganization of the Job: The employer provides a checklist to ensure task completion for an employee who has an intellectual disability.

Reassignment: Reassignment is the reasonable accommodation in some situations. An employer may reassign an employee to an open position if the employee can no longer perform

the essential functions of their current job. **The employer does not have to create a new position, no other employees need be transferred or terminated in order to make a position vacant for the purpose of reassignment, and the individual with a disability should be qualified for the new position.**

Reasonable Accommodation Process

According to the Equal Employment Opportunity Commission (EEOC) and Title I of the ADA, each request for a reasonable accommodation must be considered on a case-by-case basis. This section reviews the phases of the reasonable accommodation process. The first step in the reasonable accommodation process is disclosure of a disability, as employers are only required to accommodate disabilities of which they are aware. It is important to note that the process must be interactive, with participation by both the person with a disability and the employer, so that an effective solution may be agreed upon.

Get the process started

After an employee discloses a disability to their manager or to human resources, it is important to initiate whatever reasonable accommodation process that the employer has in place. Disclosure usually takes the form of: because of my disability(s), I am having trouble with X job duty or benefit or privilege of employment. For an employee to disclose that they have a disability without also saying that it is impacting their work is usually not sufficient to begin the accommodation process. Disability disclosure should never be ignored.

Initiate an interactive dialogue between the employer and the employee.

The goal of this dialogue is to understand what barrier the person is experiencing and why. It is also helpful to see if the person has any ideas about what might be useful for them. At this point, the employer can also provide an overview of the process, so the person who requested an accommodation understands what will happen next and who will have access to the information shared. All participants involved must agree to maintain confidentiality when discussing accommodations; reasonable accommodation information may only be shared on a need-to-know basis, will never go in a personnel file, and will not be shared with coworkers. Co-workers who may need to do something differently as a result of an accommodation may be told of the change required, but not the reasons why the change was made.

If necessary, obtain preliminary documentation.

If the need for an accommodation is not obvious, the employee may be required to provide documentation of a disability from the appropriate health or rehabilitation professional.

The accommodation must be effective.

Both the employer and the employee are important participants in the process of finding an effective accommodation. The employee often knows what accommodation(s) will work best,

because they know the barriers presented by their disability. The employer should participate, as they are familiar with the systems, policies, and practices in place within the organization. In the end, it is the employer who decides what accommodation is put into place, but it must be effective in resolving the functional limitation(s) presented by the disability.

Implement the agreed upon reasonable accommodation.

Once the employer identifies an effective accommodation, make a plan to put it into effect on the job, including any necessary training for the employee. If an employer plans to deny an accommodation request, they should have a prepared reason for denying the request to give to the employee.

The interactive accommodation process should be ongoing.

The employer and the employee should continue communication to determine if the accommodations are working and make adjustments accordingly.

Document dates, actions taken, and adjustments made to assure continued success.

All parties involved should document information about the reasonable accommodation process in order to maintain an accurate record and so that they can review the process and know what they have done to act on the accommodation.