

REASONABLE ACCOMMODATIONS IN THE WORKPLACE

What is a reasonable accommodation?

A reasonable accommodation is any modification or adjustment to the application or hiring process, to the job, an employment practice, or the work environment that allows a *qualified individual with a disability* to perform the *essential functions* of the job.

When is a person qualified for a reasonable accommodation?

A qualified individual with a disability is an individual who:

- satisfies the skills, experience, education, and other job-related requirements of the position
- can perform essential functions of the job, with or without a reasonable accommodation

What are essential functions?

Essential functions are job duties that are fundamental to the position, as opposed to marginal or occasional duties that may be performed by the worker. Factors for determining essential functions of a job include:

- position exists specifically to perform the essential functions
- the number of other employees available to perform the same job duties
- expertise or skills required



Are there limitations to an employer's obligation to provide reasonable accommodations?

An employer has a responsibility to provide accommodations unless doing so would cause *undue hardship* to the employer, or in cases of *direct threat*.

Undue Hardship: When an accommodation is expensive, difficult, disruptive to the work environment, or will fundamentally change the nature of the position.

Direct Threat: A significant risk of threat to the safety of the employee or others that cannot be eliminated or lessened by reasonable accommodation.

What are types of reasonable accommodation?

- Modify a job
- Modify a policy
- Modify a facility for accessibility
- Modify tests and training materials
- Provide a product, equipment, or software
- Modify or design a product
- Modify a work schedule
- Obtain a service
- Reassign to a vacant position

What are some examples of reasonable accommodation?

Modified supervision: A supervisor writes out feedback rather than presenting it verbally for an employee who communicates more effectively through written materials.

Facility modification: Furniture is moved to make a safer passageway for an employee who is blind.

Equipment modification: A computer is modified to magnify images on the screen, thus allowing a worker who has low vision to accurately enter and read information.

Restructuring the job: Keeping all the essential functions, a job is modified by making it more consistent from day to day, allowing a worker with a cognitive disability to have a structured routine.

Reassignment: This is the reasonable accommodation of last resort. An employer might reassign an employee to a vacant position if they can no longer perform the essential functions of his or her current job. The employer does not have to create a new position, no other employees should be transferred or terminated in order to make a position vacant for the purpose of reassignment, and the individual with a disability must be qualified for the new position.

REASONABLE ACCOMMODATION PROCESS

According to the Equal Employment Opportunity Commission (EEOC) and the Technical Assistance Manual of the Americans with Disabilities Act, the reasonable accommodation process needs to be considered on a *case-by-case* basis. This section is designed to help understand the phases of the reasonable accommodation process.

Obtain preliminary documentation.

- The employee may be required to provide documentation of a disability from the appropriate medical professional if the disability is not obvious.

Initiate an interactive dialogue to discuss how the employee's limitations affect work activities and what can be done to enable the person to perform the essential functions of the position.

- All participants involved must agree to maintain confidentiality when discussing accommodations.

Both the employee and the employer may suggest appropriate accommodations.

- The employer knows detailed aspects of the workplace, the range of accommodation options, and what accommodations will be best in the work environment. Sometimes the employee knows what accommodations work best because they know their limitations.
- The Job Accommodation Network ([JAN](http://www.asian.org)) also provides information about reasonable accommodations in the workplace.

Implement the agreed upon reasonable accommodation.

- Agree what accommodations will take place.
- Agree when the accommodations will begin.
- Agree on what the accommodation will achieve. (How will the accommodation allow the employee to be more successful at work?)

The interactive accommodation process should be ongoing.

- The employer and the employee should continue communication to determine if the accommodation is 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 they can look back over the process and know what they have done to act on the accommodation.

About Our Organization

Northwest ADA Center provides technical assistance, information, and training regarding the Americans with Disabilities Act. Information is provided from the regional office in Washington State and affiliates in Alaska, Idaho, and Oregon. Specialists are available to answer specific questions pertaining to all titles of the ADA and accessibility of the built environment. Training staff offer presentations to businesses, organizations, schools, people with disabilities, and the general public.

Northwest ADA Center

800-949-4232 ♦ www.nwadacenter.org

For more information about the ADA and Reasonable Accommodations:

The Job Accommodation Network (JAN)
800-526-7234
www.askjan.org

For more information about the ADA and Employment:

Equal Employment Opportunity Commission
(EEOC) ADA Information Line
800-669-4000 (Voice), 800-669-6820 (TTY)
www.eeoc.gov

