



# Reasonable Accommodation Process Guide for Vocational Rehabilitation Counselors

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## Introduction

One of the most important requirements of the Americans with Disabilities Act (ADA) is that employers are obligated to provide requested ***reasonable accommodations*** for qualified applicants or employees with known disabilities, unless the employer can demonstrate that the accommodation would be an undue hardship or pose a direct threat to the employee or other employees.

A vocational rehabilitation counselor can play an essential role in facilitating the interaction between an applicant or employee and an employer. The counselor can assist in building employer confidence that a qualified individual with a disability can perform the essential functions of a job with or without a reasonable accommodation. Accommodations are considered on a case-by-case basis. This guide includes a worksheet to use during the interactive process of reasonable accommodation provision.

## For more information about reasonable accommodations:

Northwest ADA Center: 800-949-4232 (V); 425-771-7426 (TTY)

[www.nwadacenter.org](http://www.nwadacenter.org)

Job Accommodation Network (JAN): 800-526-7234 (V); 877-781-9403 (TTY)

[www.askjan.org](http://www.askjan.org)

Equal Employment Opportunities Commission (EEOC): 800-699-4000 (V); 800-669-6820 (TTY)

[www.eeoc.gov/policy/docs/accommodation.html](http://www.eeoc.gov/policy/docs/accommodation.html)

Department of Justice (Tax Incentives): 800-514-0301 (V); 800-514-0383 (TTY)

[www.ada.gov/archive/taxpack.pdf](http://www.ada.gov/archive/taxpack.pdf)



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*Alternate formats available upon request*

# Reasonable Accommodation Worksheet

## A. Individual (Employee/Applicant)

1. Does the individual meet the definition of disability under the ADA?  yes  
 no

2. What are the individual's skills, experience, education, certifications? \_\_\_\_\_

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3. What are the individual's functional limitations caused by their disability? \_\_\_\_\_

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4. What are some potential accommodations based on the individual's functional limitations? \_\_\_\_\_

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## B. Job Name and Qualifications

1. What are some potential options for employment? \_\_\_\_\_

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2. Specific Job Name/Purpose: \_\_\_\_\_

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3. Specific Job Qualifications (requisite skills, experience, education, other job-related requirements):

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### C. Pre-Employment Aspects

<b>Pre-Employment Aspects</b> List any aspects of the pre-employment phase that may need modification, including testing, interview location, communication, etc.	<b>Reasonable Accommodation Options</b> Record accommodation considerations for pre-employment aspects that may need to be modified.

### D. Essential Functions and Accommodation Considerations

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| 1. Have fundamental job tasks been identified by the employer?         | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do fundamental job tasks include quantity and quality requirements? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have behavioral requirements been identified?                       | <input type="checkbox"/> | <input type="checkbox"/> |

Can Perform	Difficult to Perform	<b>Essential Functions of the Job</b> •List fundamental job tasks. •Include quantity & quality requirements. •Identify behavioral requirements.	<b>Reasonable Accommodation Options</b> Record accommodation considerations for those essential functions that are difficult for the individual to perform.
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>		

Job Site Characteristics	Reasonable Accommodation
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List any characteristics of the job site that may need modification for the individual to perform the essential functions of the job.	<b>Options</b> Record accommodation considerations for job site characteristics that may need to be modified.

## E. Negotiating a Reasonable Accommodation

YES NO

1. Has the individual requested an accommodation?
2. Have fundamental job tasks been identified by the employer?
3. Is medical documentation needed?
4. Is the employer suggesting an accommodation?
5. If so, does the accommodation seem to be appropriate and acceptable?
6. Is the employer claiming undue hardship for an accommodation?
7. Has information about tax incentives been shared with the employer?
8. Have outside resources been considered?
9. After consideration of a reasonable accommodation, will the applicant or employee be able to perform the essential functions with or without an accommodation?
10. **Follow-up:** Is the accommodation effective?
11. **Follow-up:** Have any changes occurred in ability, environment, or job duties?
12. **Follow-up:** Do additional accommodations need to be considered?

# Definitions

## Definition of Disability

To be protected under Title I of the ADA, an individual must meet the definition of disability. That is, a person: 1) with a physical or mental impairment that substantially limits one or more major life activities, or 2) with a record of such a physical or mental impairment, or 3) who is regarded as having such an impairment. Note that some cities, states, and counties may have broader definitions of “disability,” which would subsequently override the federal definition.

Examples of major life activities include, but are not limited to: learning, thinking, concentrating, interacting with others, caring for oneself, speaking, performing manual tasks, walking, seeing, breathing, hearing, sleeping, working, etc. (Anyone who qualifies for Vocational Rehabilitation services meets this definition.)

## Essential Functions

Essential functions of a job are tasks 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: 1) position exists to perform the function, 2) there are a limited number of employees among whom the function can be distributed, and 3) the function is highly specialized and requires the incumbent to have expertise or ability to perform the function.

## Reasonable Accommodation Description

A reasonable accommodation is an adjustment to a job, the work environment, or the way things are usually done. The goal is to reduce or eliminate workplace barriers so that an employee or potential employee may have equal access to workplace benefits. The need to provide accommodations may occur at any stage of the employment process.

Since reasonable accommodations are determined on a case-by-case basis, there are many types of modifications, including: modifying the job, modifying a policy, modifying a facility, considering alternate placement options, using an alternative product or piece of equipment, modifying or designing a product, or obtaining a service.

## **Undue Hardship**

One case in which an employer may not be obligated to provide an accommodation is if it would cause undue hardship to the business. Undue hardship exists when an accommodation is difficult, expensive, disruptive, or when it would create a fundamental alteration. In other words, when an accommodation would change the nature of the business or the worker's job description so much that it would no longer resemble the original. Undue hardship is determined on a case-by-case basis by comparing nature and cost in relation to employer's resources and operations.

## **Direct Threat**

An employer may also require that an individual's accommodation not pose a direct threat to the health and safety of that employee or anyone else in the workplace. Direct threat: 1) means a significant risk of substantial harm that can't be eliminated or reduced by reasonable accommodation; 2) must apply to all applicants or employees and not just to individuals with disabilities; 3) must be made on a case-by-case determination; 4) must be determined by evidence and not solely by assumption.