



Resourcing Edge

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What if an Employee... Needs a Disability Accommodation?

The Americans with Disabilities Act (ADA), or its state counterparts, requires most employers to provide a reasonable accommodation to the disabled unless doing so would create an undue hardship on the company or be a safety threat to others in the workplace.

If you have been asked for an accommodation – or are on notice one might be needed, follow these steps:

1. Check your Employee Handbook and the Job Description

- A policy for the accommodation process should have been provided to employees providing notice of their right to accommodation under the ADA (e.g. who should employees submit their request to, what forms may the employee need to submit, etc.).
- The Job Description determines the essential functions that need a reasonable accommodation so that the person can do the job.
- If you have neither of these, call your CAM or the HR Services team (877-447-4111) for assistance with the accommodation analysis and to have both developed for the future.

2. Begin the Interactive Process

- You should engage in a collaborative process with the employee and the health care provider regarding the employee's ability to perform job-related functions. The goal in the collaboration and requested documentation is to identify a feasible accommodation that will not further agitate the disability.

3. Determine Potential Accommodations

- An accommodation can be a change or modification to the workplace allowing the employee with a disability to perform essential job duties or enjoy the benefits and privileges of employment. Examples include: job restructuring, reassignment or transfer to vacant position, making existing facilities more readily accessible, modifying or using alternative facilities, or modified/alternative work schedules, acquiring equipment/devices, using interpreters.

4. Will the proposed accommodation result in an undue hardship?

- Determination of undue hardship considers the nature and costs of the accommodation, the business's overall financial health and costs of the accommodations impact on the business and its expenses and resources. Massive modifications/restructuring to the essential job duties so that the position no longer resembles its purpose is not considered reasonable. (e.g. removing driving duties from a truck driver).

5. Does this accommodation work?

- If the proposed accommodation results in an undue hardship, you must repeat the interactive process until you find an accommodation that meets the needs of the employee and does not create an undue hardship on the business. If the proposed accommodation does not result in undue hardship to the business, notify the employee that the request has been approved and can be revisited if the disability worsens or improves and requires different accommodations.