Ensure Productivity: Reasonable Accommodations

EARN Training Center
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Inclusion@Work Framework

- Grow Success: Accountability & Continuous Improvement Systems
- Lead the Way: Inclusive Business Culture
- Build the Pipeline: Outreach & Recruitment
- Hire (and Keep) the Best: Talent Acquisition & Retention Processes
- Ensure Productivity: Reasonable Accommodations
- Communicate: External & Internal Communication of Company Policies & Practices
- Be Tech Savvy: Accessible Information & Communication Technology
- AskEARN.org
Ensure Productivity: Reasonable Accommodations
What is Reasonable Accommodation?

• Reasonable accommodation is required via the ADA in 1990 and reinforced via the ADAAA of 2008 and Section 501 of the Rehabilitation Act

• Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities
  • Application process
  • Work environment, facilities or processes/practices
  • Any other employment benefits
Three Categories of Reasonable Accommodations

• Modifications to the application process to ensure access
• Modifications to the work environment or the manner or circumstances of how work is done to allow qualified employee to do the job
• Modifications that enable an employee to enjoy the benefits and privileges of employment

EXAMPLES
• Accessible work and non work areas
• Readers, interpreters, job coaches
• Alternate formats
• Job restructuring
• Adjustable work station
• Ergonomic chairs
• Anti-fatigue matting
• Assistive technology devices and modified equipment
• Flexible work schedules
• Job sharing or telecommuting options
How Will You Know When to Accommodate?

- In most instances, it is the responsibility of the employee to disclose and/or request an accommodation.
- According to the EEOC, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation" when requesting an accommodation.

- **Undue Hardship**: based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense.
The Interactive Process

1. Recognizing an Accommodation Request
2. Gathering Information
3. Exploring Accommodation Options
4. Choosing an Accommodation
5. Implementing the Accommodation
6. Monitoring the Accommodation
Step 1: Recognizing an Accommodation Request

- **Example A:** An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing"
- **Example B:** An employee tells his supervisor, "I need six weeks off to get treatment for a back problem"
- **Example C:** A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office
- **Example D:** An employee tells his supervisor that he would like a new chair because his present one is uncomfortable
Step 2: Gather Information

- Explore limitations compared to tasks
  - In most cases, to find effective accommodations employers need to know what limitation is causing an inability to perform a task(s)
- Get information from the employee when possible
  - Employees with disabilities are familiar with their needs and often know what accommodations will work best for them
  - Some employees with newly acquired disabilities may not know what their needs are and what accommodations might help them with work tasks
- ADA rules for medical inquiries
  - A good policy for employers is to only ask for what is absolutely necessary
  - Do not ask for ALL medical records
  - Never ask for a medical diagnosis
Step 3: Exploring Accommodation Options

• Keep an open mind
  • Accommodations are about doing things differently to help remove disability-related limitations, so keep an open mind when exploring accommodation options

• Invite the employee to suggest accommodations
  • The employee who requested the accommodation may have some good accommodation ideas, but may be hesitant to bring them up without being asked to do so

• Establish a broader team for ideas
  • Medical professionals
  • Safety personnel
  • Technology and Communications staff
Step 4: Choosing an Accommodation

- The employee is typically the best source of information, but the employer ultimately decides.
- Most expensive accommodation is not always the best.
- One-size does not fit all.
  - Consider the limitation, the job and the environment where the job occurs.

Accommodations are JOB and PEOPLE specific… not disability specific.
Step 5: Implementing the Accommodation

- If equipment is involved, then it needs to be properly installed and the employee needs to be trained in its proper use.
- If the accommodation involves a schedule change or policy modification, then certain managers or supervisors may need to know of the change to effectively implement it.
- If the accommodation involves an outside service, someone needs to make sure the service is provided promptly and effectively.
- If the accommodation is a reassignment, then the employee may need time to acclimate to the new job.
Step 6: Monitoring the Accommodation

- Accommodations are not a “one-time-only” event
  - Check on effectiveness

- Encourage ongoing communication
  - Encourage employees to communicate if there are changes or problems with the accommodation and who specifically to contact
Ensure Productivity: Reasonable Accommodations

- Written policies and procedures for processing requests for reasonable accommodations
- Develop centralized accommodation fund and source of expertise
- Provide training on new strategies and devices
- Utilize online tracking system (database)
- Allow line managers to approve, with upper management review of denials
- Assign a full-time director of disability services or workplace supports to coordinate accommodation strategies
- Utilize Job Accommodation Network (JAN)
Job Accommodation Network (JAN)

- One-on-One Guidance on Workplace Accommodations
- ADA Library
- Publications and Resources
- Reasonable Accommodations Database
- Private, Federal, State & Local Government Services
- Training Hub
- JAN Workplace Accommodations Toolkit
- Mobile Accommodation Solution MAS App

Individualized Assistance by
Telephone | Email
Chat | Text | Skype
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Resources to help employers recruit, hire, retain and people with disabilities

- Business Strategies That Work
- Small Business Steps to Success
- Training Center
- Publications
- Workforce Recruitment Program
- Employer Success

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