

## Increasing Disability Inclusion: Centralized Accommodation Programs as a Best Practice



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Today companies increasingly understand that a diverse workforce inclusive of people with disabilities helps boost the bottom line through increased innovation, creativity and productivity. Key to fostering such a disability-inclusive workplace is effective policies and processes for providing reasonable accommodations.

A best practice in this regard is the establishment of a centralized accommodation program (CAP). The purpose of a CAP is to consolidate in a single office or location subject matter expertise necessary to assess, evaluate and select effective and meaningful accommodations. A CAP may also consolidate *funding* streams for some or all accommodations at a level removed from the department or unit in which the individual is working.

The purpose of this document is to highlight lessons learned from companies relating to making the business case for CAPs and the critical role played by corporate executives in establishing them. It also provides a framework for designing a CAP, including key decisions involving the scope, placement and staffing, limitations, budgeting, communication and training, procurement, and accountability and tracking. Finally, the appendix describes the policy context relating to companies' obligation to provide reasonable accommodations.

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## **MAKING THE BUSINESS CASE**

Why should a company adopt a CAP? The following are reasons identified by disability program managers, supervisors and high-level business executives. A CAP:

- 1) Ensures that requests for reasonable accommodations by applicants and employees are addressed in the most consistent, streamlined, legal and cost-effective manner.
- 2) Increases the likelihood that hiring managers will comply with their legal obligation to hire the most qualified person, irrespective of an applicant's or employee's disability and need for an accommodation, by removing or reducing concerns about management and administrative burdens, lack of expertise and/or extra costs (recognizing that, according to the Job Accommodation Network, almost half of all accommodations cost nothing, while the remainder had a typical cost of only \$500).
- 3) Establishes a single line of responsibility and accountability for the development and implementation of a reasonable accommodation policy (including tracking and addressing cross-cutting, strategic issues such as privacy and security).
- 4) Helps establish a corporate culture in which employees with disabilities know they can ask for accommodations, which in many cases is a significant decision, without fear or worry.

## THE ROLE OF LEADERSHIP

The decision to establish a CAP requires leadership support at the highest levels, in some cases directly from the CEO, but certainly from chief executives, such as the head of human resources (HR). It also requires input and sign-off from stakeholders involved in the accommodation policy, including the disability-related Employee Resource Group (ERG), if there is one, legal representatives, and those concerned with compliance, equal employment opportunity (EEO), diversity and inclusion, and information and communication technology. Early involvement of such groups or individuals enables all stakeholders to be vested in CAP implementation. Furthermore, a best practice is to establish a team to manage the development and implementation of the CAP.



### DEVELOPING AND IMPLEMENTING THE CAP: KEY CONSIDERATIONS

There is no “one-size fits all” CAP design that works for all companies. Based on interviews with several companies and a review of the literature, however, key decision points in adopting a design include:

#### Overall Scope

- ✓ The first critical issue is to decide the overall scope of the CAP. For instance, should the CAP be responsible for providing *expertise* regarding the assessment, actual accommodation, and procurement and/or *funding* for all or some accommodations?
- ✓ If the CAP only provides expertise but funding decisions remain decentralized, should the company adopt a consultative model through which the CAP serves as a resource but actual decisions (regarding whether to provide and what accommodations are appropriate) are made on a decentralized basis?
- ✓ Should the CAP focus on accommodations that have a cost component only, (e.g., making facilities and information and communication technology accessible and providing assistive technology devices and services, interpreters, readers) but decentralize decisions regarding other “non-tangible” accommodations (e.g., restructuring a job, reassignment to a vacant position)?

### The CAP's Role in Communicating a Commitment to Inclusion

Three corporations that have implemented CAPs are TD Bank, JPMorgan Chase & Co. and Ernst & Young (EY), and all view them as integral to delivering on a stated commitment to a disability-inclusive workplace. For example, TD Bank's mission statement provides, in part, “We believe the true essence of diversity and inclusion is providing a safe and productive environment where every individual feels comfortable bringing their whole selves to work.” In a similar spirit, according to JPMorgan Chase & Co, “the roadmap to disability inclusion includes continually looking for ways to eliminate barriers with processes and systems that enable job candidates and employees [with disabilities] to obtain reasonable accommodations they require to perform their essential job functions.” According to EY, the company “is working to provide the tools, resources and environment to enable people of all abilities to do their best work. To help accomplish this, we offer centralized resources supporting our people's needs for accommodations, accessibility and assistive technology, along with the processes and funding to implement them.”

## Placement and Staffing

- ✓ Where should the CAP be housed (e.g., HR, Diversity and Inclusion, EEO)?
- ✓ Should the CAP be housed at the corporate level or, if the company has distinct lines of business, at the business-line level?
- ✓ Regardless of placement, is there sufficient, qualified and properly trained staff to perform essential functions as well as appropriate funding and authority for them to carry out their responsibilities?
- ✓ Depending on the overall scope of the CAP, are the responsibilities of staff assigned to it clearly delineated, such as:
  - Adopting, maintaining and updating the reasonable accommodation policy and standard operating procedures;
  - Communicating the policy to and/or training stakeholders, including applicants, employees, supervisors and managers, HR and EEO;
  - Assessing the need for, identifying and providing the appropriate accommodations; and following-up on their effectiveness;
  - Engaging in an interactive process with the applicant and/or employee;
  - Consulting with outside experts regarding state-of-the-art accommodations, when necessary;
  - Overseeing a “lab” that helps facilitate assessment by providing opportunity for trying out technology and ergonomic equipment and maintaining a “library of accommodations” that includes readily available equipment that can be borrowed or kept for those who need them;
  - Approving and providing funding for accommodations;
  - Expediting the process for acquiring/procuring or contracting for accommodations, such as information and communication technology, assistive technology, readers and interpreters;
  - Identifying trends in types and nature of accommodation requests; and
  - Interacting with other departments and units regarding strategic decisions impacting privacy, security, information and communication technology, and health and safety (e.g., ergonomics).

## Limitations

- ✓ Should the CAP fund all accommodations that have a cost component, or only those that exceed a certain threshold (e.g., \$500, \$1000, \$2,000)?
- ✓ Should the CAP adopt a reimbursement model through which the department/unit pays the initial costs and is then reimbursed?
- ✓ Should the CAP adopt a cost-sharing model through which the costs are shared between the CAP and the department/unit?

## Budgeting

- ✓ Should the company adopt a fixed, line-item budget for the CAP?
- ✓ What process should the company use to determine the CAP's budget (e.g., history of accommodations provided to applicants and employees and costs, survey of current population of employees with disabilities, staffing needs?)
- ✓ If the company has distinct business lines, should these contribute to the budget or pool funds based on the size of a department or unit?
- ✓ If the CAP spends less than is budgeted, should the funds carry over to the next year?
- ✓ If the CAP's funds are depleted, is there a policy that notes that the lack of CAP funds is *not* a justification for failing to provide necessary accommodations to otherwise qualified individuals with disabilities, unless the company can demonstrate an undue hardship? Is there another funding source to use to make up for the CAP's shortfall until the end of the fiscal year, and/or authority to transfer funds from other accounts to the CAP?

## Communication and Training

- ✓ What strategies (e.g., external website, mission statements published in alternative formats) will be used to communicate to applicants and the general public about the existence and purpose of the CAP?
- ✓ What strategies (e.g., onboarding, ERG, Intranet, FAQs) will be used to communicate and train employees about the CAP?
- ✓ What strategies (e.g., Intranet, mandatory training, annual evaluations) will be used to communicate and train managers and supervisors about the CAP, including the company's obligation to provide reasonable accommodations to applicants and employees even if the CAP (if a central source of funding) runs out of funds.

## Procurement

- ✓ Does the CAP maintain an in-house capacity or inventory of ergonomic furniture and assistive technology or ongoing contracted service arrangement for common or recurring services, such as qualified sign-language interpreters, readers and CART services?
- ✓ Is there a process for expediting procurement for often-requested assistive technology or specific and recurring services?
- ✓ Is there a process for ensuring that information and communication technology procured by the company is accessible to and usable by people with disabilities, in order to minimize the need to purchase specialized devices?

## Accountability and Tracking

- ✓ Will CAP staff track decisions to provide specific reasonable accommodations to identify trends (volume, types and costs) and then use the information to make strategic decisions?
- ✓ Will CAP staff track top employee technology applications/software to ensure assistive technology is compatible with apps?
- ✓ Will CAP staff track complaints relating to reasonable accommodations and then make strategic decisions based on the information?

## APPENDIX: POLICY CONTEXT

Title I of the Americans with Disabilities Act (ADA), and the EEOC's implementing regulations [29 CFR part 1630], require covered employers to ensure equal employment opportunity for individuals with disabilities. Specifically, it is unlawful for an employer to deny employment opportunities to otherwise qualified applicants or employees with disabilities based on their need for reasonable accommodations. It is also unlawful not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business. Employers and employees may be required to enter into an interactive process to discuss which accommodation is appropriate and on an ongoing basis to determine whether the accommodation is effective.

Under the ADA, the term "reasonable accommodation" means:

- (1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires;
- (2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- (3) Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

A reasonable accommodation may include:

- (1) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities;
- (2) Acquisition or modification of equipment or devices;
- (3) The provision of qualified readers and interpreters;
- (4) Appropriate adjustment or modifications of exams, training materials, or policies;
- (5) Job restructuring;
- (6) Part-time or modified work schedules;
- (7) Reassignment to a vacant position; and
- (8) Other similar accommodations for individuals with disabilities.

Section 503 of the Rehabilitation Act (Section 503) and implementing regulations [41 CFR part 60-741] set forth nondiscrimination and affirmative action requirements for Federal Government contractors and subcontractors. The Section 503 nondiscrimination standards are comparable to those applicable under Title I of the ADA. In addition, the Section 503 affirmative action provisions identify the development and use of written procedures for processing requests for reasonable accommodation as a best practice.