

# ADA INFOBRIEF

## REASONABLE ACCOMMODATION AND THE AMERICANS WITH DISABILITIES ACT

**Reasonable Accommodation** is defined as:

- ◆ Modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires;
- ◆ Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables qualified individuals with disabilities to perform the essential functions of that position; or
- ◆ Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

## PRINCIPLES OF REASONABLE ACCOMMODATION

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>◆ A modification or adjustment must be <b>"reasonable"</b> and <b>effective</b>. It must provide an opportunity for a person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of an average similarly-situated non-disabled person. However, the accommodation does not have to ensure equal results or provide exactly the same benefits or privileges.</li><li>◆ The reasonable accommodation obligation applies only to accommodations that <b>reduce barriers to employment</b> related to a person's disability; it does not apply to accommodations that a disabled person may request for some other reason.</li><li>◆ A reasonable accommodation <b>need not be the best accommodation</b> available, as long as it is effective for the purpose; that is, it gives the person with a disability an equal opportunity to be considered for a job, to perform the essential functions of the job, or to enjoy equal benefits and privileges of the job.</li></ul> | <ul style="list-style-type: none"><li>◆ An employer is <b>not</b> required to provide an accommodation that is <b>primarily for personal use</b>. Reasonable accommodation applies to modifications that specifically assist an individual in performing the duties of a particular job. Equipment or devices that assist a person in daily activities on and off the job are considered personal items that an employer is not required to provide. However, in some cases, equipment that otherwise would be considered "personal" may be required as an accommodation if it is specifically designed or required to meet job-related rather than personal needs.</li><li>◆ The ADA's requirements for certain types of adjustments and modifications to meet the reasonable accommodation obligation <b>do not prevent an employer</b> from providing accommodations beyond those required by the ADA</li></ul> |
|--|--|

# ADA INFOBRIEF

## FORMS OF REASONABLE ACCOMMODATION

- \* **Job Restructuring**-(1) shifting responsibility to other employees for minor job tasks that an employee is unable to perform because of a disability; and (2) altering when and/or how a job task is performed. If an employee is unable to perform a minor job task because of a disability, an employer can require the employee to perform a different minor job function in its place.
- \* **Leave**- providing unpaid leave is a form of reasonable accommodation. However, an employer does not have to provide more paid leave than it provides to other employees. The employee may also be eligible for FMLA leave benefits.
- \* **Modified or Part-Time Schedule**-granting an employee time off from work or an adjusted work schedule as a reasonable accommodation may involve modifying leave or attendance procedures or policies. However, reasonable accommodation only requires that the employer modify the policy for an employee with a disability.
- \* **Reassignment to a vacant position**-only when an employee can no longer perform his/her job because of a disability. An employee must be "qualified" for the new position. An employer does not have to bump other employees or create a position. Nor does an employer have to promote the employee.
- \* **Modified Workplace Policies**-when necessitated by an individual's disability-related limitations. Examples include but not limited to dress code, attendance, workstation rules, etc.
- \* **Acquiring or modifying equipment**- adaptive equipment may be needed or adjustments to existing equipment in order to make it useable to a person with a disability. Examples include but are not limited to adaptive software and/or hardware, adjustable height tables and/or cabinets, amplified or volume control telephone , TTY, etc.

- \* **Making existing facilities accessible**-changes in the physical environment such as installation of ramps, accessible door hardware, accessible parking space, visual/audible alarms, specialized lighting, grab bars, etc.
- \* **Providing qualified readers and/or interpreters**-when needed to ensure effective communication with co-workers, to participate in training, supervisory and/or staff meetings, etc.
- \* **Changing tests or training materials**-extended time to take a test or additional orientation or training period, allowing an individual to take a test verbally versus written, testing or training materials in alternative formats (large print, Braille, audio tape), etc.

### Considerations in the Reasonable Accommodation Process

- Request for an accommodation should be made by the individual with a disability. The employer is not required to second guess the need for an accommodation.
- Requires an interactive process between the job applicant or employee and the employer.
- Determination of what is "reasonable" is based on whether or not the accommodation poses an "undue hardship" for the employer taking into consideration the cost of the accommodation and or the impact of the accommodation on the overall operations of the facility.

**Disclaimer:** This ADA InfoBrief is intended to provide a general overview of Reasonable Accommodation that can be utilized to meet your ADA requirements and should not be considered legal advice.