



# **Division of Risk Management**

---

## **Reasonable Accommodations Under the ADA**

**Department of  
Government Operations**



# The Basics

- ▷ Defining terms
- ▷ What is the process?
- ▷ What is a “reasonable” accommodation?
- ▷ What does a “request” look like?
- ▷ Confidentiality, who knows what?



# The ADA – Title I

... shall not discriminate against a qualified individual on the basis of disability

- ▷ Application procedures
- ▷ Hiring
- ▷ Advancement
- ▷ Discharge
- ▷ Compensation
- ▷ Job training
- ▷ Other terms, conditions, and privileges of employment





# Discriminate

- ▷ Limiting opportunities on the basis of disability
- ▷ Creating standards or criteria to screen out those with a disability
- ▷ Adverse treatment because of association with a person with a disability
- ▷ Retaliating for complaining or advocating for another
- ▷ Making prohibited medical inquiries
- ▷ Refusing reasonable accommodations



# Disability

- ▷ A physical or mental impairment that substantially limits a major life activity
- ▷ A record of such impairment
- ▷ Regarded of having an impairment



# Qualified Individual

... meets the skill, experience, education, and other job-related requirements of a position

... with or without reasonable accommodation, can perform the essential functions of a job



# Process for Reasonable Accommodation

**First**

Request and Refer

**Second**

Determine Eligibility

**Last**

Identify Reasonable  
Accommodations and  
Implement



# Reasonable Accommodation

- ▷ Changes to the application process to enable an applicant to be considered for the job
- ▷ Modification to the work environment, policies, or procedures to enable an employee to perform the job
- ▷ Changes to that an employee can enjoy equal benefits and privileges of employment





# Request - Notice

An individual must request an accommodation...

- ▷ Need NOT be in writing
- ▷ Need NOT include the words “disability” or “accommodation”
- ▷ Can be to ADA coordinator or a supervisor or manager
- ▷ I need “something” because of a medical condition





# Request?

Yes or No

“I went and had an annual physical last week and I found out I have diabetes.”





# Request?

Yes or No

“Oh, I have diabetes and need a place to store my insulin and juice in case I have a reaction.”





# Request?

Yes or No

“I hate performance evaluations; they stress me out.”





# Request?

Yes or No

“I can’t stand the new lights in my office. They are so bright I have a migraine by the end of the day.”





# How Should A Supervisor Respond?

Unsure if the employee is asking for an accommodation...

- ▷ “How can I help you?”
- ▷ Refrain from making medical inquiries

Employee makes request...

- ▷ Advise employee to contact ADA Coordinator – provide contact info
- ▷ Follow up with email repeating referral and contact info
- ▷ Email ADA Coordinator with information provided by employee
- ▷ Do not unilaterally implement the requested accommodation



# Process for Reasonable Accommodation

**First**

Request and Refer

**Second**

Determine Eligibility

**Last**

Identify Reasonable  
Accommodations and  
Implement



# What Will Accommodations Look Like?

There are no set accommodations for  
specified disabilities





# Won't It Look Like I'm Favoring This Employee Over Others?

The very purpose of reasonable accommodation laws is to require employers to treat disabled individuals differently in some circumstances.





# What Do I Say To Other Employees?

... we are acting in compliance with federal law.

We have a policy of assisting any employee who encounters difficulties in the workplace. Many of the workplace issues encountered by employees are personal. In these circumstances, it is our policy to respect employee privacy.





# Process for Reasonable Accommodation

**First**

Request and Refer

**Second**

Determine Eligibility

**Last**

Identify Reasonable  
Accommodations and  
Implement