

WHAT IS AN ADA REASONABLE ACCOMMODATION?

SUPERVISOR'S GUIDE

A reasonable accommodation is a change in the work environment or the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.

Examples:

- Making facilities accessible
- Acquiring or modifying equipment
- Providing assistive devices
- Flexible leave schedule
- Part-time or modified work schedule
- Redesign of work space
- Modified work site
- Job restructuring
- Changing tests, training materials or policies
- Providing qualified readers or interpreters
- Reassignment to a vacant position

The Request

The RA process is initiated when a person with a disability indicates the need for an adjustment or change at work or the application process for a reason related to a medical condition. An employee may initiate a request for RA orally or in writing. The requester does not have to use any particular words, cite the ADA or the Rehabilitation Act, or even use the term “reasonable accommodation.”

The Timeframe

Each RA will be different and will be considered on a case-by-case basis. The supervisor/manager must review the request, engage the RA process and promptly issue a written decision to the employee or applicant.

The 6 D's (Steps) of the R.A. Process

1. Disability

Determine if the individual has a disability as defined by the law. A disability is a mental or physical condition (medical problem) that substantially limits one or more major life functions (caring for self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, etc.). Deciding officials may request medical documentation sufficient to substantiate that the individual has a disability but must not request medical documentation where the disability or need for accommodation are obvious or otherwise known, or when the individual has already provided sufficient information. Supervisors can ask the requester for a limited release allowing them to submit a list of specific questions to the health care or vocational professional regarding the nature, severity and duration of the impairment as well as the functional limitations.

2. Dissect Job Functions

The supervisor will review the job description for accuracy to determine the essential and marginal functions of the position as well as the physical requirements. Essential functions are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function is “essential” if, among other things, the position exists specifically to perform that function; there are a limited number of employees who could perform the function if it were assigned to them; or the function is specialized and the incumbent is hired based on his/her ability to perform it.

3. Dialogue

Engage in an interactive process of exploring accommodation options with the requester and keep him/her informed of the status of the RA. The goal is to provide an accommodation that is effective. Meet, talk, dialogue, discuss, communicate, brainstorm, and explore ideas, options and alternatives. As part of the interactive process, the supervisor may offer suggestions and discuss their effectiveness in removing workplace barriers that impede the individual with a disability. D&EO can help with this step if you would like the assistance of a mediator. Your first RA consideration would be modifications to the work environment or adjustments in how and when a job is performed. The last resort would be to reassign the requester to a vacant position. If it is determined that reassignment is the only effective accommodation, then Human Resource (HR) will assist in determining current and potential vacancies and in matching the requester's qualifications with a vacancy. For reassignments there are grade and pay considerations. The employer does not have to bump an employee from a job in order to create a vacancy; nor do they have to create a new position. Additionally, an employer does not have to provide an employee with a new supervisor as a reasonable accommodation but may require supervisory methods be altered.

4. Decision

Determine the accommodation that will effectively meet the needs of the employee. If there are two possible accommodations and one costs more or is more burdensome than the other, the supervisor may choose the less expensive or burdensome accommodation as long as it is effective. Additionally, the supervisor may choose the accommodation that is easier to provide. If more than one accommodation is effective, "the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation has the ultimate discretion to choose between effective accommodations."

5. Document

Draft a letter of decision. Summarize the request; detail the proposed accommodation; and include a specific description of the actions being taken. If an alternative accommodation is proposed, include rationale for the decision. Ensure the letter informs the requester of their right to reconsideration and their right to initiate a complaint with D&EO, the Alaska State Human Rights Commission, or the Equal Employment Opportunity Office. Forward the draft letter of decision to D&EO, HR, and Legal for review. When finalized, the supervisor signs the letter and presents the decision to the employee. .

6. Deploy

Implement the accommodation within a timely manner and monitor to ensure the accommodation is effective. Implementation should take no more than 30 business days. Report the actual date of implementation to D&EO

Confidentiality

Medical documents must be kept confidential. They will be sealed and maintained in secure storage separate from personnel files.

Supervisors may **NOT** disclose that an employee is receiving a Reasonable Accommodation (RA) because this usually amounts to a disclosure that the individual has a disability. If a coworker inquires about what is perceived to be "special" treatment, point out that many workplace issues are personal and it is our policy to assist any employee encountering difficulties and to respect employee privacy.