

The Employers' ADA Handbook: Reasonable Accommodations and Undue Hardship

Learner's Guide

Table of Contents

Overview	Page 2
Introduction to RA	Pages 2-3
RA Request	Pages 3-4
Documentation of Disability	Pages 4-5
RA Process	Pages 6-7
RA Examples	Pages 7-12
UH Assessment	Pages 12-13
Confidentiality	Page 13
Communications	Pages 13-14
Conclusion	Page 14
Resources	Pages 14-19

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Overview

Opportunities for Ohioans with Disabilities (OOD) supports employers in creating workplaces that are diverse and inclusive of employees with disabilities. One main way OOD does this is through providing consultations and trainings on navigating Title I of the Americans with Disabilities Act, known as the ADA. This “Reasonable Accommodations and Undue Hardship” learner’s guide is the second in a five-part series and provides a general overview of the responsibilities covered employers have with providing reasonable accommodations.

The information included is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Introduction to RA

Title I of the Americans with Disabilities Act (ADA) requires covered employers to provide reasonable accommodations to qualified applicants and employees with disabilities, unless doing so causes an undue hardship. A reasonable accommodation is a change in the hiring process or workplace that removes a barrier and enables an individual with a disability to access equal employment opportunities and participate in work-related activities.

According to the Centers for Disease Control and Prevention (CDC), one in four adults in the United States have a disability “that impacts major life activities”, totaling 61 million Americans. According to the American Psychiatric Association, 19% of adults in the United States, which is nearly one in five Americans, experience some form of mental illness. According to the U.S. Department of Labor’s Office of Disability Employment Policy, “it is likely that most employers have at least one employee with a psychiatric disability.”

According to studies referenced in the Northeast ADA Center’s “The Small Business at Work Toolkit”, employees with disabilities perform as well as or better than employees without disabilities and are absent less and stay on the job longer than employees without disabilities. These results demonstrate that hiring and retaining qualified and talented employees with a disability is a good business decision.

According to the Northeast ADA Center’s resource “The Small Business at Work Toolkit” one of the top five reported concerns of providing reasonable accommodations in the workplace is the cost of the accommodation. It is a myth that providing reasonable accommodations is expensive. Many employees with a disability do not need accommodations at work. When one is needed, a survey from the Job Accommodation Network revealed 56% of accommodations were free. Of those that required a one-time cost, the typical expenditure was \$500. Based on these studies, accommodations are often reasonable.

Covered employers are required to provide reasonable accommodations in three categories of employment which enable qualified applicants and employees to:

- Access the hiring process,
- Perform the job’s essential functions, and
- Enjoy the privileges of employment.

Thus, a reasonable accommodation is effective in enabling an applicant or employee with a disability to compete for a job, perform the job's essential functions, and enjoy the benefits of employment as equally as employees without disabilities. The term "reasonable" means the accommodation "seems reasonable on its face, i.e., ordinarily or in the run of cases." To be reasonable, an accommodation appears "feasible" or "plausible."

Title I of the ADA is regulated and enforced by the Equal Employment Opportunity Commission (EEOC). The EEOC has organized reasonable accommodations into the following types:

- Making the work environment accessible,
- Restructuring a job,
- Permitting a flexible schedule,
- Altering or providing equipment or services,
- Modifying policies, and
- Providing reassignment.

Not all modifications and items are considered a form of reasonable accommodation. For example, employers are not required to:

- Eliminate essential functions,
- Lower quality or production standards, or
- Provide personal use items or services.

Covered employers are not required to provide accommodations that cause a direct threat to health or safety or that cause an undue hardship. An undue hardship is an accommodation that is too costly or difficult to implement. Determining undue hardship requires a case-by-case assessment which is addressed later in this learner's guide.

RA Request

Providing a reasonable accommodation generally begins with a request from an applicant or employee with a disability. An individual with a disability may request an accommodation at any point in the hiring process or during employment. The EEOC guidance states the request for a reasonable accommodation:

- Must indicate a request for a change at work related to a medical condition or disability,
- May be communicated in the individual's preferred form of communication, and
- May include plain language that is not required to reference the ADA or use the term "reasonable accommodation."

Here are examples of what is and what is not a request for a reasonable accommodation directly from the EEOC guidance:

- "An employee tells her supervisor, 'I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing.' This is a request for a reasonable accommodation."
- "An employee tells his supervisor, 'I need six weeks off to get treatment for a back problem.' This is a request for a reasonable accommodation."

- “A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.”
- “An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.”

Upon receiving a request, a covered employer is expected to act quickly and begin the interactive process to identify the need for the accommodation and an effective solution.

Research conducted by Cornell University revealed employees with a disability “are at least 60% more likely to disclose their disability to a supervisor than to human resources.” Because of this, training is recommended for all supervisors on how to recognize a request for an accommodation and what steps to take when they receive one. Supervisors should also be made aware of confidentiality rules regarding medical information and reasonable accommodations. In addition, supervisors should be advised on how to properly respond to coworkers that have questions about another coworker’s reasonable accommodation. This topic is addressed later in the learner’s guide under the topic of communications.

Documentation of Disability

When an employer receives a request for a reasonable accommodation, the employer may need to verify the disability exists before identifying an effective solution. This can occur when the disability or the need for the accommodation is not obvious. When this is the case, the employer is permitted to request reasonable documentation to verify the employee has a disability. As an alternative to obtaining documentation, an employer may choose to ask the employee about the disability, the related functional impairments impacted at work, and how a reasonable accommodation can help. In this case, it is important to inform the employee about why the employer is asking for this information.

Reasonable documentation includes necessary information to establish the employee has a disability under Title I of the Americans with Disabilities Act (ADA) and that a reasonable accommodation is needed. The documentation may include information about the disability-related impairment impacted at work and how a reasonable accommodation can help to overcome the work-related limitation.

An employer is not permitted to request unrelated medical information and generally would not need an entire medical record. The employer may request the documentation come from the appropriate professional, such as a doctor, a licensed mental health professional, or an occupational therapist.

As a reminder, when the disability and the need for reasonable accommodation are obvious, an employer is not permitted to ask for documentation.

Here are examples directly from the EEOC guidance of when an employer may request reasonable documentation:

- “A marketing employee has a severe learning disability. He attends numerous meetings to plan marketing strategies. In order to remember what is discussed at these meetings he must take detailed notes but, due to his disability, he has great difficulty writing. The employee tells his supervisor about his disability and requests a laptop computer to use in the meetings. Since neither the disability nor the need for accommodation are obvious, the supervisor may ask the

employee for reasonable documentation about his impairment; the nature, severity, and duration of the impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the activity or activities. The employer also may ask why the disability necessitates use of a laptop computer (or any other type of reasonable accommodation, such as a recording device) "to help the employee retain the information from the meetings."

- "An employee gives her employer a letter from her doctor, stating that the employee has asthma and needs the employer to provide her with an air filter. This letter contains insufficient information as to whether the asthma is an ADA disability because it does not provide any information as to its severity (i.e., whether it substantially limits a major life activity). Furthermore, the letter does not identify precisely what problem exists in the workplace that requires an air filter or any other reasonable accommodation. Therefore, the employer can request additional documentation."

Here are examples directly from the EEOC guidance of when an employer may not request reasonable documentation:

- "One year ago, an employer learned that an employee had bipolar disorder after he requested a reasonable accommodation. The documentation provided at that time from the employee's psychiatrist indicated that this was a permanent condition which would always involve periods in which the disability would remit and then intensify. The psychiatrist's letter explained that during periods when the condition flared up, the person's manic moods or depressive episodes could be severe enough to create serious problems for the individual in caring for himself or working, and that medication controlled the frequency and severity of these episodes. Now, one year later, the employee again requests a reasonable accommodation related to his bipolar disorder. Under these facts, the employer may ask for reasonable documentation on the need for the accommodation (if the need is not obvious), but it cannot ask for documentation that the person has an ADA disability. The medical information provided one year ago established the existence of a long-term impairment that substantially limits a major life activity."
- "An employee brings a note from her treating physician explaining that she has diabetes and that, as a result, she must test her blood sugar several times a day to ensure that her insulin level is safe in order to avoid a hyperglycemic reaction. The note explains that a hyperglycemic reaction can include extreme thirst, heavy breathing, drowsiness, and flushed skin, and eventually would result in unconsciousness. Depending on the results of the blood test, the employee might have to take insulin. The note requests that the employee be allowed three or four 10-minute breaks each day to test her blood, and if necessary, to take insulin. The doctor's note constitutes sufficient documentation that the person has an ADA disability because it describes a substantially limiting impairment and the reasonable accommodation needed as a result. The employer cannot ask for additional documentation."

The Job Accommodation Network provides sample forms on their [website](#) for employers to review when customizing forms for the interactive process. The website includes a form titled "Sample Medical Inquiry Form in Response to an Accommodation Request Form" located under the heading "JAN Sample Forms".

RA Process

Upon receiving a request for a reasonable accommodation, the employer should begin the interactive process promptly. The interactive process is a collaboration between the employee making the request and the employer to identify an effective solution. As mentioned in the section above, the first step is to verify the disability exists and identify the need for a reasonable accommodation.

The best place to start with identifying an effective reasonable accommodation is by asking the employee who made the request – he or she is likely to know what solution will work best. The employee is not required to know the solution but must be able to explain the barrier encountered in the workplace and how it is preventing participation in a work-related activity due to the disability. When the employee does not know the solution, the employer may ask the employee questions about the nature of the disability, the functional limitations related to the disability that are impacted at work, and the workplace barrier that is present. These questions are intended to help the employer identify an effective reasonable accommodation. Often there is more than one way to perform a task, and so during this phase of the interactive process, it is helpful to be open to new ideas.

Often the employee and the employer will be successful in identifying the solution, but when this is not the case, there are resources to help. Here are some examples of resources the employer and employee may consult to assist with identifying a reasonable accommodation:

- With the employee's permission, an employer may consider asking the employee's medical provider for recommendations for accommodations or to comment on a specific accommodation being considered.
- [Opportunities for Ohioans with Disabilities](#) is a state agency that provides Ohioans with disabilities the services and support they need to attain and maintain employment. Vocational Rehabilitation (VR) services are customized for each employee through assessments and one-on-one meetings with professional VR counselors.
 - Interested Ohioans with disabilities may visit www.oodworks.com or call us at 1-800-282-4536 to learn about VR services, take a self-assessment, create a profile, and apply.
- The Job Accommodation Network (JAN) provides guidance on workplace accommodations and disability employment issues. Visit JAN to learn more: <https://askjan.org/>
- The ADA National Network provides guidance and training on how to implement the Americans with Disabilities Act (ADA). The network has ten regional ADA centers. Ohio is in the Great Lakes Region.
 - The ADA National Network website: <https://adata.org/national-network>
 - The Great Lakes Region website: <http://www.adagreatlakes.org/>

Once reasonable accommodation ideas have been identified, the employer may choose the solution. For example, if two ideas are identified and one costs more than the other, the employer may select the less expensive solution if it is an effective solution. However, it is a best practice to consider the employee's preference when selecting a reasonable accommodation.

There may be times when it is not clear whether a selected reasonable accommodation will be effective. In this case, a trial period can be helpful. Include a written agreement between both parties that indicates the reasonable accommodation is being tested, states how long the trial will last, and describes what will happen if the accommodation does not work.

When the accommodation includes purchasing equipment, tools, or supplies, you may consider the following options:

- Find out if the item can be tested in the work environment before buying it. Some lending libraries may permit borrowing of the item to use in the work environment. Here are some lending library resources:
 - Assistive Technology of Ohio. "[Device Lending Library](#)"
 - Ohio Center for Autism and Low Incidence (OCALI). "[Lending Library](#)"
 - Ohio Developmental Disabilities Council. "[Technology Lending Programs Guide](#)"
- When the item cannot be tested in the work environment, determine if it is available to test or try at a store nearby.
- When the item must be purchased first, ask the vendor about the return policy including by when the item needs to be returned for a refund, the return shipping costs, and whether restocking fees apply.

Once an effective reasonable accommodation is implemented, it is a best practice to monitor the accommodation for effectiveness on a scheduled basis and inform the employee of this. Advise the employee of whom to contact if something changes and the accommodation is no longer effective. Effectiveness may change when there is a change in the work environment or a change in the disability. Also, some reasonable accommodations need regular maintenance or scheduled updates to remain effective and putting a schedule in place ensures the employee has what is needed to perform the job.

The ADA and EEOC do not require employers to create a formal process for navigating the interactive process. However, creating one is a best practice for ensuring requests for reasonable accommodations are received and acted upon quickly and effectively. Here are two resources which offer best practices for creating and following a reasonable accommodation process:

- Job Accommodation Network's resource "[Interactive Process.](#)"
- Opportunities for Ohioans with Disabilities' webinar "[Navigating the Reasonable Accommodation Process.](#)"

RA Examples

At times, it is common to think there is only one way to perform a task simply because the task has customarily been performed a certain way. However, when considering reasonable accommodations, it is important to remember there is often more than one way to perform a task. The EEOC has organized reasonable accommodations into the following types:

- Making the work environment accessible,
- Restructuring a job,
- Permitting a flexible schedule,
- Altering or providing equipment and services,
- Modifying policies, and
- Providing reassignment.

Understanding these types of accommodations helps to build awareness of the many possibilities reasonable accommodations offer. Here are examples of some of these types of reasonable accommodations:

Making the Work Environment Accessible

This reasonable accommodation includes making a change to the physical built work environment. Employers are encouraged to make changes to existing work environments and facilities for general accessibility. However, under Title I of the ADA, employers are not required to make existing facilities accessible unless an applicant or employee with a disability requests a reasonable accommodation. Here are some examples of the physical environment:

- Building, worksite, and facilities,
- Parking lots,
- Entrances and exits,
- Internal routes of travel,
- Workstations,
- Tools and equipment,
- Shared spaces like conference rooms, break areas, and restrooms, and
- Signage, alarms, and emergency exits.

The New England ADA Center has created an [ADA Checklist for Existing Facilities](#) (Checklist) based on the [2010 ADA Standards for Accessible Design](#) (Standards) from the Department of Justice. The Standards are accessibility regulations that apply to Titles II and III of the ADA and provide minimum requirements for new construction and alterations of existing buildings. The Checklist includes an assessment for these priority areas: approach and entrance, access to goods and services, toilet rooms, and additional access for drinking fountains, public telephones, and fire alarms. Note: what an applicant or employee with a disability needs for physical accessibility of the built environment may at times be greater than what the minimum requirements are as indicated in the Standards. Employers should consult the Standards for guidance on their responsibilities under Titles II or III of the ADA.

Here are some examples from the Job Accommodation Network (JAN) of reasonable accommodations for making the work environment accessible:

- Install a ramp at a building's entrance;
- Remove a raised threshold;
- Make restrooms accessible;
- Rearrange office furniture and equipment;
- Provide an accessible "path of travel" to equipment and facilities, such as printers, conference rooms, cafeterias, and breakrooms;
- Remove obstacles that might be potential hazards in the path of employees who are blind or have low vision; and
- Add flashing lights when audible alarms are used to alert an employee who is deaf or hard of hearing to emergencies.

Restructuring a Job

This reasonable accommodation includes either redistributing the marginal functions of a job or modifying how marginal or essential functions of the job are performed.

- Essential functions are the job’s fundamental duties, and
- Marginal functions are those job duties that are “tangential” and not as critical.

Employers do not have to eliminate or redistribute essential functions of the job but are permitted to if they wish. When marginal functions of the job are redistributed as a form of reasonable accommodation, the employer may reallocate marginal functions from another job to the responsibilities of the employee with a disability if these are tasks the employee can perform.

Here are some examples from the Job Accommodation Network (JAN) of reasonable accommodations for restructuring a job:

- “A cleaning crew works in an office building. One member of the crew wears a prosthetic leg which enables him to walk very well, but climbing steps is painful and difficult. Although he can perform his essential functions without problems, he cannot perform the marginal function of sweeping the steps located throughout the building. The marginal functions of a second crew member include cleaning the small kitchen in the employee's lounge, which is something the first crew member can perform. The employer can switch the marginal functions performed by these two employees.”
- “An essential function that is usually performed in the early morning might be rescheduled to be performed later in the day, if an individual has a disability that makes it impossible to perform this function in the morning, and this would not cause an undue hardship.”
- “A person who has a disability that makes it difficult to write might be allowed to computerize records that have been maintained manually.”
- “A person with an intellectual disability who can perform job tasks but has difficulty remembering the order in which to do the tasks might be provided with a list to check off each task; the checklist could be reviewed by a supervisor at the end of the day.”

Permitting a Flexible Schedule

This reasonable accommodation includes adjusting work hours, modifying breaks, altering when work tasks are performed, and permitting leave.

Here are some examples of reasonable accommodations for permitting a flexible schedule:

- This example is from the EEOC guidance. “An employee with HIV infection must take medication on a strict schedule. The medication causes extreme nausea about one hour after ingestion, and generally lasts about 45 minutes. The employee asks that he be allowed to take a daily 45-minute break when the nausea occurs. The employer must grant this request absent undue hardship.”
- This example is from JAN: “An accountant with a mental disability required two hours off, twice weekly, for sessions with a psychiatrist. He was permitted to take longer lunch breaks and to make up the time by working” later “those days.”

- This example is from JAN: “A machinist has diabetes and must follow a strict schedule to keep blood sugar levels stable. She must eat on a regular schedule and take insulin at set times each day. This means that she cannot work the normal shift rotations for machinists. As an accommodation, she is assigned to one shift on a permanent basis.”
- This example is from JAN: “An employee who needs kidney dialysis treatment is unable to work on two days because his treatment is only available during work hours on weekdays. Depending on the nature of his work and the nature of the employer's operation, it may be possible, without causing an undue hardship, for him to work Saturday and Sunday in place of the two weekdays, to perform work assignments at home on the weekend, or to work three days a week as a part-time employee.”

Altering or Providing Equipment

This reasonable accommodation includes providing items, assistive technology, and equipment which enables an employee with a disability to participate in a work-related activity. Here are some examples of reasonable accommodations for altering or providing equipment:

- This example is from the EEOC guidance: “A cashier easily becomes fatigued because of lupus and, as a result, has difficulty making it through her shift. The employee requests a stool because sitting greatly reduces the fatigue. This accommodation is reasonable because it is a common-sense solution to remove a workplace barrier” of “being required to stand when the job can be effectively performed sitting down. This "reasonable" accommodation is effective because it addresses the employee's fatigue and enables her to perform her job.”
- These examples are from JAN:
 - “A claims representative for an insurance agency was having difficulty reading files due to a vision impairment caused by multiple sclerosis. His employer purchased a stand magnifier and added task lighting to his workstation.”
 - “TDDs (Telecommunication Devices for the Deaf) make it possible for people with hearing and/or speech impairments to communicate over the telephone.”
 - “A timer with an indicator light allowed a medical technician who was deaf to perform laboratory tests.”
 - “A blind receptionist was provided a light probe which allowed her to determine which lines on the switchboard were ringing, on hold, or in use. (A light-probe gives an audible signal when held over an illuminated source.)”
 - “A person who had use of only one hand, working in a food service position, could perform all tasks except opening cans. She was provided with a one-handed can opener.”
 - “Purchase of a light-weight mop and a smaller broom enabled an employee with Down syndrome and congenital heart problems to do his job with minimal strain.”
 - “A phone headset allowed an insurance salesman with cerebral palsy to write while talking to clients.”

Modifying Policies

This reasonable accommodation includes modifying a workplace policy such as dress code, attendance, leave, work schedule, probationary periods, fragrance, no-animals, no-food/drink at the workstation,

telework, training, and testing. Here are some examples of reasonable accommodations for modifying policies:

- This example is from the EEOC guidance: “An employer has a policy prohibiting employees from eating or drinking at their workstations. An employee with insulin-dependent diabetes explains to her employer that she may occasionally take too much insulin and,” to “avoid going into insulin shock, she must immediately eat a candy bar or drink fruit juice. The employee requests permission to keep such food at her workstation and to eat or drink when her insulin level necessitates. The employer must modify its policy to grant this request, absent undue hardship. Similarly, an employer might have to modify a policy to allow an employee with a disability to bring in a small refrigerator, or to use the employer's refrigerator, to store medication that must be taken during working hours.”
- These examples are from JAN:
 - Provide accessible training locations,
 - Provide training materials in alternative formats, and
 - Modify a no-animal policy so an employee with low vision or who is blind can use their service animal at work.

Providing Readers, Scribes, and Interpreters

This reasonable accommodation includes providing a qualified reader, qualified scribe, or a professional sign language interpreter. Here are some examples of reasonable accommodations from JAN for providing these services:

- “Jonas, an applicant for a firefighter’s job in a large city, has a learning disability that limits his ability to read competently when required to do so under time constraints, such as in a testing environment. He asks for a reader as an accommodation for the application test. Solution: Since the first test Jonas will be required to take is one that strictly measures knowledge, his request for a reader is approved.”
- “A municipality recently hired a code inspector who is deaf. The city decided to provide an interpreter for training and a cell phone with texting to use when working in the field. The inspector was able to inspect buildings and enforce the building codes with these accommodations.”

Providing Reassignment

This reasonable accommodation involves reassignment to a vacant position and is considered when an employee with a disability is not able to perform the job’s essential functions, with or without a reasonable accommodation, because of the disability. This accommodation requires the employee be qualified for the vacant position. Reassignment is considered the reasonable accommodation of “last resort” and employers are encouraged to first determine if a reasonable accommodation exists that enables the employee to perform the essential functions of his or her current position. The vacant position should be an equivalent position for pay, status, and benefits. Employers who are considering reassignment as a form of reasonable accommodation are encouraged to review the EEOC document titled “[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA.](#)” Here are some examples from the EEOC guidance for providing reassignment:

- “After being injured, a construction worker can no longer perform his job duties, even with accommodation, due to a resulting disability. He asks you to reassign him as an accommodation to a vacant, higher-paid construction foreman position for which he is qualified. You do not have to offer this reassignment because it would be a promotion.”
- “The host responsible for escorting diners to their seats at one of three restaurants operated by your business can no longer perform the essential functions of her position because a disability requires her to remain mostly sedentary. However, she is qualified to perform the duties of a vacant cashier position, which has the same salary, at one of your other restaurants. You must offer her a reassignment to the cashier position at the other restaurant as a reasonable accommodation.”

UH Assessment

Under Title I, covered employers are required to provide reasonable accommodations to qualified applicants and employees, unless doing so causes an undue hardship. An undue hardship means an accommodation is too costly or too difficult to implement. Determining an undue hardship must be based on an individualized assessment of the current situation. Here are the factors the EEOC guidance advises to consider when assessing undue hardship:

- “nature and cost of the accommodation”,
- “overall financial resources of the facility making the reasonable accommodation; the number of employees employed at this facility; the effect on expenses and resources of the facility”,
- “overall financial resources, size, number of employees, and type and location of facilities of the employer (if the facility involved in the reasonable accommodation is part of a larger entity)”,
- “the type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer”, and
- “the impact of the accommodation on the operation of the facility”.

If an accommodation results in an undue hardship, the interactive process should continue to determine if another accommodation exists that is effective and reasonable. When an employer is assessing the cost of an accommodation, Congress intended for employers to consider their net cost after applying outside funding sources or tax benefits they are eligible to receive. Here are some examples of outside funding sources:

- Assistive Technology Industry Association. “[AT Resources Funding Guide](#)”
- Internal Revenue Service. “[Tax Benefits for Businesses Who Have Employees with Disabilities](#)”
- Job Accommodation Network’s [Article on Funding](#)
- Opportunities for Ohioans with Disabilities services for eligible Ohioans with disabilities:
 - To learn about Vocational Rehabilitation: <https://ood.ohio.gov/wps/portal/gov/ood/>
 - For individuals to apply for services: <https://www.oodworks.com/>
 - To review services for employers:
<https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers>

The employee requesting an accommodation should be given the option to pay the portion of the accommodation that is determined to be an undue hardship after a proper assessment of effective accommodations is made and available funding sources are applied. Here is an example of undue hardship from the EEOC guidance:

- “A convenience store clerk with multiple sclerosis requests that he be allowed to go from working full-time to part-time as a reasonable accommodation because of his disability. The store assigns two clerks per shift, and if the first clerk's hours are reduced, the second clerk's workload will increase significantly beyond his ability to handle his responsibilities. The store determines that such an arrangement will result in inadequate coverage to serve customers in a timely manner, keep the shelves stocked, and maintain store security. Thus, the employer can show undue hardship based on the significant disruption to its operations and, therefore, can refuse to reduce the employee's hours. The employer, however, should explore whether any other reasonable accommodation will assist the store clerk without causing undue hardship.”

As a reminder, when an employee with a disability is not able to perform the essential functions of the job, with or without a reasonable accommodation, due to the disability, reassignment to a vacant position should be considered.

Confidentiality

During the interactive process, all personal and medical information obtained must be kept confidential. This includes information received through accommodation requests, discussions, disability-related inquiries, medical examinations, and documentation. The EEOC indicates medical information should be kept in separate medical files apart from general personnel files, whether stored in physical filing cabinets or in electronic databases. Here are some examples of circumstances when medical information may be shared with designated parties:

- Necessary information may be shared with employees responsible for facilitating reasonable accommodations when handling safety and emergency situations,
- Information specific to the proper implementation and use of a reasonable accommodation may be shared with designated supervisors, and
- Information requested for a compliance investigation or to assess an insurance claim, such as a workers' compensation claim, may be shared with designated parties.

Communications

At times, coworkers may ask their supervisors about the reasonable accommodations they notice a colleague receiving in the workplace. Because the ADA prohibits employers from disclosing an employee's disability, the supervisor is not permitted to tell the coworker the colleague has a disability or is receiving a reasonable accommodation. Instead, what the employer may consider is providing training for supervisors on confidentiality guidelines and how to respond to these types of questions. According to the EEOC guidance, here are examples of how the employer or supervisor may respond:

- Emphasize the employer's policy of assisting any employee who encounters difficulty at work,
- Explain that these types of situations are personal, and it is the employer's policy to follow confidentiality guidelines, and

- Reassure the coworker that his or her privacy would be respected in a similar situation.

A best practice is to be proactive and provide ongoing training for all employees on the laws the employer is required to follow, including the right to reasonable accommodation for qualified employees with disabilities. Here are examples of important topics to address in this training:

- Employer’s specific reasonable accommodation process,
- Contact information for making a request for accommodation, and
- Confidentiality rules regarding personal and medical information.

In addition, it is important to educate all employees on disability awareness. One of the ways OOD can support your efforts is through our no-cost training provided by our Business Relations Team. OOD offers training on disability awareness and disability etiquette. These trainings provide information geared toward making everyone feel more comfortable and included. For more information, please visit the links below:

- Business Relations Team: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/business-relations-team/>
- No-Cost Training Program for Your Business: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/employer-resources/no-cost-disability-etiquette-and-awareness-training>
- Disability Etiquette Training archived webinar: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/employer-resources/06-disability-etiquette-training>

Conclusion

Opportunities for Ohioans with Disabilities (OOD) appreciates your interest in identifying solutions and resources to support a workplace that is diverse and inclusive of employees with disabilities. Each employee with a disability, each employer, and each workplace is unique and because of this, the effective strategy to create a work environment that is accessible and inclusive will be unique. We hope the information shared in this learner’s guide and webinar are helpful in supporting your efforts.

Resources

Introduction to RA and UH

- American Psychiatric Association. “[What is Mental Illness?](#)”
- Centers for Disease Control and Prevention. “[CDC: 1 in 4 US adults live with a disability](#)”
- Job Accommodation Network. “[Benefits and Costs of Accommodations](#)”
- Northeast ADA Center. “[The Small Business at Work Toolkit](#)”
- U.S. Department of Labor’s Office of Disability Employment Policy. “[Accommodations for Employees with Psychiatric Disabilities](#)”
- U.S. Equal Employment Opportunity Commission. “[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)”

Requesting an RA

- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Job Accommodation Network. "[Toolkit: Tools for Supervisors and Managers](#)"
- Northeast ADA Center. "[The Small Business at Work Toolkit](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

Documentation of Disability

- Job Accommodation Network. "[Sample Forms](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

RA Process

- ADA National Network's website: <https://adata.org/national-network>
- Assistive Technology of Ohio. "[Device Lending Library](#)"
- Great Lakes ADA Center's website: <http://www.adagreatlakes.org/>
- Job Accommodation Network. "[Interactive Process](#)"
- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Job Accommodation Network's website: <https://askjan.org/>
- Northeast ADA Center. "[The Small Business at Work Toolkit](#)"
- Ohio Center for Autism and Low Incidence (OCALI). "[Lending Library](#)"
- Ohio Developmental Disabilities Council. "[Technology Lending Programs Guide](#)"
- Opportunities for Ohioans with Disabilities. "[Navigating the Reasonable Accommodation Process](#)"
- Opportunities for Ohioans with Disabilities' website: <https://ood.ohio.gov>
- Opportunities for Ohioans with Disabilities' website to apply for services: www.oodworks.com
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: A Primer for Small Business](#)"

RA Examples

- ADA National Network. "[The Americans with Disabilities Act Questions and Answers](#)"
- Job Accommodation Network. "[Deafness](#)"
- Job Accommodation Network. "[Policies](#)"
- Job Accommodation Network. "[Providing a Reader as an Accommodation](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- New England ADA Center. "[ADA Checklist for Existing Facilities](#)"
- Northeast ADA Center. "[The Small Business at Work Toolkit](#)"
- U.S. Department of Justice's Civil Rights Division. "[ADA Standards for Accessible Design](#)"
- U.S. Equal Employment Opportunity Commission. "[Applying Performance and Conduct Standards to Employees with Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Primer for Small Business](#)"

Assessing UH

- Northeast ADA Center. [“The Small Business at Work Toolkit”](#)
- U.S. Equal Employment Opportunity Commission. [“Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA”](#)

Confidentiality

- Job Accommodation Network. [“The JAN Workplace Accommodation Toolkit”](#)
- U.S. Equal Employment Opportunity Commission. [“The ADA: A Primer for Small Business”](#)

Communications

- U.S. Equal Employment Opportunity Commission. [“Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA”](#)

OOD's Business Relations Team – see map on final two pages

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 - **Counties served:** Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Greene, Hamilton, Highland, Logan, Madison, Miami, Montgomery, Preble, Shelby, Union, and Warren
 - **Career Development Specialist:** Dustin Schwab
 - **Colleges/Universities served:** Central State University, Miami University, University of Cincinnati, Wilberforce University, and Wright State University
- **Michael Hoag, Business Relations Specialist in Northeast Ohio**
 - **Phone:** 216-210-7584
 - **Email:** michael.hoag@ood.ohio.gov
 - **Counties served:** Ashtabula, Cuyahoga, Geauga, Lake, Medina, Portage, and Summit
 - **Career Development Specialist:** Kris Wray
 - **Colleges/Universities served:** Cuyahoga Community College, Kent State University, and The University of Akron
- **Kelly Jordan, Business Relations Specialist in Southeast Ohio**
 - **Phone:** 614-204-4951
 - **Email:** kelly.jordan@ood.ohio.gov
 - **Counties served:** Athens, Delaware, Fairfield, Franklin, Gallia, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Perry, Pickaway, Pike, Ross, Scioto, Vinton, and Washington
 - **Career Development Specialist:** Dustin Schwab
 - **Colleges/Universities served:** Columbus State Community College, Ohio University, and The Ohio State University
- **Ron Klonowski, Business Relations Specialist in East Central Ohio**
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 - **Email:** ronald.klonowski@ood.ohio.gov
 - **Counties served:** Ashland, Belmont, Carroll, Columbiana, Coshocton, Crawford, Guernsey, Harrison, Holmes, Jefferson, Knox, Licking, Mahoning, Morrow, Muskingum, Noble, Richland, Stark, Trumbull, Tuscarawas, and Wayne
 - **Career Development Specialist:** Dustin Schwab, Kris Wray
 - **Colleges/Universities served:** Central Ohio Technical College, Stark State College, and Youngstown State University
- **Jill Simpson, Business Relations Specialist in Northwest Ohio**
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 - **Email:** jill.simpson@ood.ohio.gov
 - **Counties served:** Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot
 - **Career Development Specialist:** Kris Wray
 - **Colleges/Universities served:** Bowling Green State University, Lorain County Community College, and The University of Toledo

Business Relations and Career Development Specialists Map

Business Relations and Career Development Specialists:

Northeast Area

Michael Hoag - BRS
 Kris Wray - CDS
 * Cuyahoga Community College
 * Kent State University
 * The University of Akron

Northwest Area

Jill Simpson - BRS
 Kris Wray - CDS
 * Bowling Green State University
 * Lorain County Community College
 * The University of Toledo

Southeast Area

Kelly Jordan - BRS
 Dustin Schwab - CDS
 * Columbus State Community College
 * Ohio University
 * The Ohio State University

Southwest Area

Cynthia Crews - BRS
 Dustin Schwab - CDS
 * Central State University
 * Miami University
 * University of Cincinnati
 * Wilberforce University
 * Wright State University

East Central Area

Ronald Klonowski - BRS
 Kris Wray - CDS
 * Stark State College
 * Youngstown State University
 Dustin Schwab - CDS
 * Central Ohio Technical College

 Colleges/ Universities

