

The Employers' ADA Handbook

Session 2 Reasonable Accommodations and Undue Hardship

What is Reasonable Accommodation (RA)?

A change in the hiring process or workplace that removes a barrier and enables an individual with a disability to access equal employment opportunities. Applies to the hiring process, job performance, and conditions and benefits of employment.

What is a request for RA?

- A request from an applicant or employee with a disability that is related to a medical condition or disability.
- May be communicated in the individual's preferred form of communication and does not have to reference the ADA or use the term "reasonable accommodation."

Documentation of Disability

The employer may request documentation for the following reasons:

- To verify the individual has a disability under Title I of the ADA
- To identify the need for RA
- To describe how the disability impacts participation in work-related activities
- To identify how the RA will overcome the work-related limitation

The employer may not request documentation:

- If the disability and/or need for the accommodation is obvious
- If it's unrelated to the need for the RA at work

Interactive Process

When a request for RA is received, begin the interactive process promptly. This is a collaboration between the employee and the employer to identify an effective solution.

Confidentiality and the ADA

- All medical information obtained through the disclosure of a disability and providing reasonable accommodations are required to be kept confidential.
- Medical records should be stored separately from other personnel files.

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Examples of RAs

Accessible Environment	Provide an accessible path to workstations
Job Restructure	Permit a checklist for performing tasks
Flexible Schedule	Permit flexible working hours to attend a therapy appointment
Equipment	Provide a portable magnifier for reading product labels
Modified Policy	Permit food and drink at workstation to take with medicine
Services	Provide live captioning for trainings and lengthy meetings
Reassignment	When no RA exists to remain at the current position, consider reassignment to a vacant and equitable position

Assessing Undue Hardship

Undue Hardship occurs when an accommodation is too costly or difficult to implement. Determining Undue Hardship requires an analysis which considers:

- The cost and nature of the accommodation
- The employer's size, financial resources, and operation
- Whether the employer is part of a larger entity

Best Practice: Assess based on net cost and consider tax benefits!

How to Answer Questions about RA from Coworkers

It's not permitted to disclose a person's disability or reason for an RA. Ideas for how to respond include:

- Emphasize it's your policy to assist any employee who encounters difficulty at work
- Express these matters are confidential
- Assure the employee his or her privacy would also be respected

Best Practice: Train all employees on the laws you are required to follow!