

Workplace Accommodations & Adjustments

Employees with disabilities may be the largest “diversity” segment of the workforce—20 percent of the US population has a disability and an estimated 20 percent of US workers will develop a disability that lasts a year or more during their careers. Understanding the benefits of accommodations and workplace adjustments plays a large role in creating effective long-term disability employment and workforce retention strategies.

What you need to know

Title I of the Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee meeting the defined **threshold** definition, unless such accommodation would impose an **undue hardship** on the employer.

The ADA does not require that an applicant inform an employer about the need for a reasonable accommodation at any particular time. Some applicants choose to inform an employer during the application process after they better understand the job and its requirements. Some choose to wait until they have a job offer. However, it is the applicant’s or employee’s responsibility to make the request. This request may be formal or informal, verbal or written, and is simply a request for some type of change.

Threshold Considerations:

- The individual has or had an impairment that “substantially limits a major life activity” and they presently need an accommodation.
- Major life activities include, but are not limited to, walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks.
- Employers have the right to request medical documentation to support the request for a reasonable accommodation.

Undue Hardship Considerations:

- The nature and cost of the accommodation poses “significant difficulty or expense”.
- Resources available to the employer overall will be considered (not just individual division or department).
- Significant business disruption; fundamentally alters the nature or operation of the business.

In a recent study conducted by the Job Accommodation Network (JAN) employers reported:

- No cost or low cost for accommodating employees with disabilities
 - » Over half of accommodations (57%) were made at no cost
 - » Of the 36% that required a one-time cost, the typical cost was \$500
 - » Only 4% said the accommodation resulted in an ongoing, annual cost to the company
 - » Only 1% said the accommodation required a combination of one-time and annual costs
- Accommodations are effective
 - » 73% of employers reported the accommodations provided were either very effective or extremely effective.
 - » The student consistently showed that the benefits employers receive from making workplace accommodations far outweigh the (low) cost.

Examples of Reasonable Accommodation

- Sign language interpreters and readers
- Assistive technology and modification of equipment or devices
- Modified work schedules
- Job restructuring (swapping or eliminating marginal functions)
- Changing supervisory methods (not changing supervisors)

- Allowing a job coach on the job
- Telework/telecommuting
- Reassignment to a vacant position (must be provided by employer as accommodation of last resort if available without undue hardship)

Actions Never Required by Employers as Reasonable Accommodation

- Lowering production or performance standards
- Excusing violations of conduct rules that are job-related and consistent with business necessity
- Removing an essential function
- Monitoring an employee's use of medication
- Providing personal use items
- Changing someone's supervisor (though changing supervisory methods may be required)
- Actions that would result in undue hardship (i.e. significant difficulty or expense)

"How can I help?"

A major goal in business is to attract, hire and retain talented employees. When an applicant or employee discloses a disability, the best way to begin the interactive accommodation request process is to simply ask "How can I help?". Listen to their request, make sure you understand it and involve the appropriate resources within your organization to make the accommodation.

Of the employers contacting JAN for assistance, 82% did so to retain or promote a current employee. On average:

- Employees had been with the company for seven years, including those who had just been given a job offer or who were newly hired;
- Employees had an average wage of \$15 for those paid by the hour or an average annual salary of about \$50,000;
- 54% of employees had a college degree or higher.

Source: The Job Accommodation Network (JAN) is a leading source of free, expert and confidential guidance on workplace accommodations and disability employment issues. JAN helps people with disabilities enhance their employability, and show employers how to capitalize on the value and talent that people with disabilities add to the workplace. JAN is a service of US Department of Labor's Office of Disability Employment Policy. For more information: www.askjan.org.