

Appendix IV: Reasonable Accommodations and the ADA

The *Americans with Disabilities Act of 1990 (ADA)* requires most public and private employers to provide reasonable accommodations that enable qualified people with disabilities to perform the essential functions of their jobs. As the term “reasonable accommodation” implies, the accommodation must not constitute an undue hardship to the employer. This fact sheet provides definitions of key terms and procedures related to job accommodations under the employment provisions (Title I) of the *ADA*.

Who Is Covered?

Employers:

Public and private employers with 15 or more employees for 20 or more calendar weeks in a year are required to comply with the provisions of Title I of the *ADA*. The executive agencies of the federal government, Native American tribes and certain tax-exempt private membership clubs that are not labor organizations are not covered, but other federal, state or local disability-related non-discrimination laws may apply.

Applicants:

Individuals with a physical or mental impairment that substantially limits one or more major life activities are covered by Title I of the *ADA* when applying for employment. Major life activities may include walking, learning, seeing, working, hearing, speaking and caring for oneself.

Who Is a Qualified Applicant?

Under Title I of the *ADA*, a qualified person with a disability is one who satisfies the skill, experience, education and other job-related requirements of the position and who can perform essential functions of the job with or without reasonable accommodations. To be eligible for reasonable accommodations, the person must have a disability and be qualified for the position that he or she seeks or holds.

What Are Essential Functions?

Essential job functions are those fundamental job duties that the person must be capable of performing with reasonable accommodations, if needed. The following are some of the reasons a function may be considered essential:

- ✓ The position exists so that the function can be performed.
- ✓ There are a limited number of other employees available to perform the function or among whom the function can be distributed.
- ✓ The function is highly specialized, and the person in the position is hired for his or her special expertise or ability to perform it.

What Are Reasonable Accommodations?

Reasonable accommodations are modifications or adjustments to the job, work environment or to the way things are usually done that enable qualified people with disabilities to enjoy an equal employment opportunity. Broad categories of accommodations include changes to the job application process to ensure an equal opportunity to apply for employment, changes that enable an employee with a disability to perform the essential functions of a job and changes that enable an employee with a disability to enjoy equal benefits and privileges of employment (e.g., access to training).

Reasonable Accommodations May Include:

- ✓ Making existing facilities accessible to and usable by an individual with a disability.
- ✓ Restructuring the job.
- ✓ Modifying the work schedule.
- ✓ Modifying the equipment or devices.
- ✓ Installing new equipment or devices.
- ✓ Providing qualified readers and interpreters.
- ✓ Appropriate modification of the application and examination procedures and training materials.

Reasonable Accommodations Do Not Include:

- ✓ Eliminating a primary job responsibility.
- ✓ Lowering production standards that are applied to all employees.

- ✓ Providing personal use items, such as prosthetic limbs, wheelchairs, eyeglasses or hearing aids.
- ✓ Those accommodations that would be considered to be an undue hardship to the employer.
- ✓ Excusing a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity (e.g., an employer never has to tolerate or excuse violence, threats of violence, stealing or destruction of property).

What Constitutes an Undue Hardship?

An accommodation may be considered an undue hardship if it creates significant difficulty or expense to the employer. That is, an employer would not be required to provide an accommodation if it costs more than alternatives that are equally effective, requires extensive and disruptive renovations or negatively affects other employees or customers. Undue hardships are determined on a case-by-case basis. Factors to take into consideration when determining whether an accommodation constitutes an undue hardship are:

- ✓ The cost and nature of the accommodation;
- ✓ The overall financial resources of the facility;
- ✓ The overall financial resources of the employer;
- ✓ The type of operation of the covered employer; and
- ✓ The impact of the accommodation upon the operation of the facility.

What Should an Employee Do to Request an Accommodation?

The employee must let the employer know that he or she needs an adjustment or change at work because of a disability. Requests for accommodations can be made orally or in writing.

What Should an Employer Do Following a Request for an Accommodation?

The following are the steps an employer should take in response to an accommodation request:

- ✓ Verify the employee's disability.
- ✓ Identify the essential job functions that require accommodations.
- ✓ Consult with the individual to identify a variety of accommodations to reduce or remove barriers and to increase productivity.
- ✓ Implement the most appropriate accommodations, taking into account the preferences of the individual with disabilities.

Reasonable Accommodations Resources

Technical Assistance and Guidance

Job Accommodation Network (JAN)	1-800-526-7234 (voice/TTY)
	www.jan.wvu.edu
Virginia Commonwealth University, Rehabilitation Research and Training Center (RRTC) on Workplace Supports	804-828-1851 (voice)
	804-828-2494 (TTY)
	www.worksupport.com
U.S. Equal Employment Opportunity Commission (EEOC)	1-800-669-4000 (voice)
	1-800-669-6820 (TTY)
	www.eeoc.gov
U.S. Department of Labor, Office of Disability Employment Policy	1-866-633-7365 (voice)
	1-877-889-5627 (TTY)
	www.dol.gov/odep
ADA Disability and Business Technical Assistance Centers (DBTAC)	1-800-949-4232
	(voice/TTY)
	www.dbtac.vcu.edu
Registry of Interpreters for the Deaf (RID)	703-838-0030 (voice)
	703-838-0459 (TTY)
	http://rid.org
Rehabilitation Engineering and Assistive Technology Society of North America (RESNA), Technical Assistance Project	703-524-6686 (voice)
	703-524-6639 (TTY)
	www.resna.org/taproject
University of Michigan, Industrial and Operations Engineering Department	734-764-6473
	http://ioe.engin.umich.edu

Financial Assistance and Cost Sharing

Internal Revenue Service	202-622-6060 (voice)
	www.irs.ustreas.gov
Rehabilitation Services Administration	202-245-7488 (voice)
	www.ed.gov/about/offices/list/osers/rsa