

Diversity Tip Sheet

Reasonable

Accommodation

Working With Employees with Disabilities

The ADA

The Americans with Disabilities Act prohibits employers from discriminating against qualified applicants or employees with substantially limiting impairments. Employers are required to provide reasonable accommodations for applicants and employees unless doing so would impose undue hardship on the operation of the business and require significant difficulty or expense.

Definition

Reasonable accommodations are any changes or adjustments to a job or work environment that permit qualified applicants or employees with a disability to participate in the application process, perform the essential functions of a job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodations may include acquiring or modifying equipment, job restructuring, modified work schedules, reassignment to an existing but vacant position, providing readers and interpreters, adjusting or modifying policies or training materials, making existing facilities accessible to individuals with disabilities, and similar accommodations.

EEOC

The Equal Employment Opportunity Commission provides assistance to employers in complying with the ADA. The Commission provides educational materials, resource directories, training programs, and alternative dispute resolution. For more information about how the EEOC can help your company, contact:

Equal Employment Opportunity Commission
1801 L St NW
Washington, DC 20507
202-663-4900
800-800-3302 (TDD)

Local Assistance

SEMCIL also provides training, educational materials, consulting services, on-site assessments, and technical assistance in complying with the ADA. For more information about how SEMCIL can help your company, contact:

SE Minnesota Center for Independent Living
1306 7th St NW
Rochester MN 55901
507-285-1815
semcil@sparc.isl.net

FAQ

Question: If I have several qualified applicants for a job, does the ADA require that I hire the applicant with a disability?

Answer: No. You may hire the most qualified applicant. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of that disability.

Question: One of my employees has a broken arm that will heal but is temporarily unable to perform the essential functions of his job as a mechanic. Is this employee protected by the ADA?

Answer: No. Although this employee does have an impairment, it does not substantially limit a major life activity if it is of limited duration and will have no long term effect.

Question: Am I obligated to provide a reasonable accommodation for an individual if I am unaware of her physical or mental impairment?

Answer: No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations.

Question: When must I consider reassigning an employee with a disability to another job as a reasonable accommodation?

Answer: When an employee with a disability is unable to perform her present job even with the provision of reasonable accommodations. The requirement to consider reassignment applies only to employees and not to applicants. You are not required to create a position or to bump another employee in order to create a vacancy. Nor are you required to promote an employee with a disability to a higher level position.

Question: If I contract for a consulting firm to offer a training course for my employees and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, am I liable under the ADA?

FAQ, Cont.

Answer: Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly.

Question: What if an applicant or employee refuses to accept an accommodation that I offer?

Answer: An employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified for the position. In that event, the employer's obligation is satisfied.

Question: Does the ADA cover people with AIDS?

Answer: Yes.

Question: Can I consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?

Answer: The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the workplace. A direct threat means a significant risk of substantial harm.

Examples

Problem: Glare on the computer screen caused fatigue in a person with an eye disorder.

Solution: An antiglare screen was purchased. Cost: \$39

Problem: A person with a learning disability worked in the mail room and had difficulty remembering which streets belonged to which zip codes.

Solution: A rolodex card system was created with street names filed alphabetically with the corresponding zip codes. This helped the employee increase his output. Cost: \$150

Problem: An insurance salesman with cerebral palsy had difficulty taking notes while talking on the telephone.

Solution: Her employer purchased a headset for the phone. Cost: \$49.95

Problem: A company wanted to hire a clerk who could not access the vertical filing cabinets from her wheelchair.

Solution: They moved the files into lateral filing cabinets and hired her. Cost: \$450

Examples, Cont.

Problem: A person had a condition which required two-hour rest periods during the day.

Solution: The company changed her work schedule to allow her longer breaks, although she worked the same number of hours. Cost: \$0

Problem: An employer wanted a short individual to drive a heavy loading machine. His legs did not reach the brake pedals.

Solution: The machine was fitted with special seating. Cost: \$1200

31% of accommodations cost nothing.

50% cost less than \$50.

69% cost less than \$500.

89% cost less than \$1000.

More Ideas

The Job Accommodation Network is a free consulting service designed to increase the employability of people with disabilities by providing workplace accommodation solutions. Call JAN at 800-526-7234 or go to www.jan.wvu.edu to view an extensive list of accommodation suggestions.