



REASONABLE ACCOMMODATIONS & THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) of 1990 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” 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 are required to comply with the provisions of Title I of the ADA. The executive agencies of the federal government, Native American Tribes, and tax-exempt private membership clubs that are 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 impairments 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 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 to perform the function.
- 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 their 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 enables qualified people with disabilities 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 enables 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 of the job.
- Modifying the work schedule.
- Modifying the equipment or devices.
- Installing new equipment or devices.
- Providing qualified readers and interpreters.
- Appropriate modification of 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, hearing aids, etc.;
- Allowing anything 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.
- 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 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 employee's disability.
- Identify essential job functions that requires accommodations.
- Consult with the individual to identify a variety of accommodations to reduce and/or remove barriers and 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):**
800-526-7234 (voice/TTY) -- www.jan.wvu.edu
- **Virginia Commonwealth University, Rehabilitation Research & Training Center on Workplace Supports:**
804-828-1851 (Voice), 804-828-2494 (TTY),
<http://www.worksupport.com>
- **U.S. Equal Employment Opportunity Commission (EEOC):** 800-669-4000 (TTY); 800-669-6820 (TTY)
<http://www.eeoc.gov>
- **U.S. Department of Labor (written materials):**
written materials 800-959-3652 (Voice), 800-326-2577 (TTY); to ask questions: 202-219-8412 (Voice)
- **ADA Disability and Business Technical Assistance Centers (DBTACs):** 800-949-4232 (Voice/TTY)
<http://www.adata.org>
- **Registry of Interpreters for the Deaf (RID):**
301-608-0050 (Voice/TTY) -- <http://rid.org>
- **Rehabilitation Engineering Society of North America Technical Assistance Project:** 703-524-6686 (Voice), 703-524-6639 (TTY) -- www.resna.org
- **University of Michigan, Industrial and Engineering Department:** 734-763-3742 -- www.personal.umich.edu

Financial Assistance and Cost Sharing

- **Internal Revenue Service:** 202-622-606 (Voice)
www.irs.ustreas.gov
- **Rehabilitation Services Administration (RSA)**
www.gov/about/offices/list/osers/rsa/index.html



<http://www.worksupport.com>



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(804) 828-1851 VOICE; (804) 828-2494 TTY; OR (804) 828-2193 FAX**

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