

ADA says employers must make reasonable accommodations

This Technical Update is the third in a series on Title I of the Americans with Disabilities Act of 1990 (ADA). Title I was designed to protect people with disabilities from employment discrimination. The ADA requires employers to make “reasonable accommodations” for a qualified individual with a disability.

What is a reasonable accommodation?

Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. For example:

- A deaf applicant may need a sign language interpreter during a job interview.
- An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels.
- An employee with cancer may need leave to have radiation or chemotherapy treatments.

When do I have to provide an accommodation?

You must provide a reasonable accommodation if a person with a disability needs one in order to apply for a job, perform a job, or enjoy benefits equal to those you offer other employees. You do not have to provide any accommodation that would pose an undue hardship.

What is undue hardship?

Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense, based on your resources and the operation of your business. For example, you do not need to provide an accommodation which would require a full time attendant to an employee.

Other limitations on the obligation to provide reasonable accommodation.

In addition to actions that would result in undue hardship, you do not have to do any of the following:

- Provide an employee with an adjustment or modification that would assist the individual both on and off the job, such as a wheelchair or eyeglasses.
- Remove or alter a job’s essential functions
- Lower performance standards
- Excuse violations of conduct rules necessary for the operation of your business

How does an employee ask for an accommodation?

An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. A request can be a statement in “plain English” that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition.

A family member, health professional, or other representative also may request a reasonable accommodation for an person with a disability.

What should I do when an employee requests an accommodation?

Once a reasonable accommodation is requested, you and the individual should discuss his/her needs and identify the appropriate reasonable accommodation. This is called the “interactive process.” If necessary, consult a disability expert for guidance. Where more than one accommodation would work, you may choose the one that is less costly or easier to provide.

For more information, contact CTSI at 303-861-0507.

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Technical Updates are available online at: www.ctsi.org

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