



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 ADA Title I provisions. The federal government, Native American Tribes, and tax-exempt private membership clubs are not covered.

Applicants: Individuals with physical or mental impairments that substantially limits functioning in one or more major life activities. Major life activities include:

- walking,
- seeing,
- hearing,
- speaking,
- learning,
- working, and
- self-care

WHO IS A QUALIFIED APPLICANT?

Under Title I of the ADA, a qualified person with a disability is one who satisfies the primary 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 primary duties which the person must be capable of performing, with reasonable accommodations if required. These functions must be developed and be officially written into the job description. Job descriptions must be given to all prospective employees and made available to all current workers. The following are reasons under which 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 to the job or to the way a job is performed that enables qualified people with disabilities to perform the essential functions of their positions. Broad categories of accommodations may include changes to: the job application process; the work environment; the way a job is usually done; and the work routine that enable an employee with a disability to enjoy equal benefits and privileges of employment (such as access to training).

Reasonable accommodations could include:

- restructuring of existing facilities,
- restructuring of the job,
- modification to work schedules,
- modification of equipment,
- installation of new equipment,
- provision of qualified readers and interpreters,
- modification of application and examination procedures and training materials, and
- flexible personal leave policies.

Reasonable accommodations DO NOT include:

- eliminating a primary job responsibility;
- lowering production standards that are applied to all employees;
- providing personal use items, as prosthetic limbs, wheelchairs, eyeglasses, hearing aids, etc.;
- anything that would be considered to be an undue hardship to the employer; and
- excusing a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity. For example, that 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 exceeds the bounds of practicality. 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, using the following criteria:

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

WHAT IS THE AVERAGE COST OF A REASONABLE ACCOMMODATION?

According to the Job Accommodation Network:

- 50% of accommodations cost less than \$500;
- 19% cost nothing at all;
- more than 80% cost less than \$1,000.

WHAT SHOULD AN EMPLOYEE DO TO REQUEST AN ACCOMMODATION?

The individual must let the employer know that he or she needs an adjustment or change at work for a reason related to a disability. Requests for accommodations can be done verbally or in writing.

WHAT SHOULD AN EMPLOYER DO FOLLOWING A REQUEST FOR AN ACCOMMODATION?

- (1) Verify employee's disability.
- (2) Identify essential job functions that require accommodations.
- (3) Identify a variety of accommodations to reduce and/or remove barriers and increase productivity.
- (4) Determine cost-effectiveness of each accommodation required by employee.
- (5) Implement the most appropriate accommodation with the least economic hardship.

REASONABLE ACCOMMODATION RESOURCES

Technical Assistance and Guidance

- Job Accommodation Network (JAN): 1-800-526-7234, <http://janweb.icdi.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: 1-800-669-4000 (TTY), <http://www.eeoc.gov>
- U.S. Department of Labor (written materials): 1-800-959-3652 (Voice), 1-800-326-2577 (TTY), to ask questions: (202) 219-8412 (Voice)
- ADA Disability and Business Technical Assistance Centers (DBTACs): 1-800-949-4232 (Voice/TTY), <http://www.adata.org/dbtac.htm>
- Registry of Interpreters for the Deaf: (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), <http://www.resna.org/hometa1.html>
- University of Michigan, Industrial and Engineering Department, (734) 763-3742, <http://www-personal.engin.umich.edu/~tja>

Financial Assistance and Cost Sharing

- Internal Revenue Service: (202) 622-6060 (Voice), <http://www.irs.ustreas.gov>
- Rehabilitation Services Administration (RSA) <http://www.ed.gov>



GIVE VIRGINIA COMMONWEALTH UNIVERSITY, REHABILITATION RESEARCH & TRAINING CENTER ON WORKPLACE SUPPORTS A CALL:

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



<http://www.worksupport.com>

Editor: Valerie Brooke, VCU-RRTC on Workplace Supports

Leslie Hortum, U.S. Chamber of Commerce

Contributors: Phil Rumrill, Jennifer Todd, & Howard Green

Layout & Design: Jeanne Roberts



VCU School of Education and Department of Physical Medicine and Rehabilitation is an equal opportunity/affirmative action institution and does not discriminate on the basis of race, gender, age, religion, ethnic origin, or disability. If special accommodations are needed, please contact Valerie Brooke at VOICE (804) 828-1851 or TTY (804) 828-2494. Funding for this product is provided by a grant (#H133B980036) with the National Institute on Disability and Rehabilitation Research (NIDRR) with the U.S. Department of Education, Washington, D.C.