

REASONABLE ACCOMMODATION PROCESS GUIDE FOR VOCATIONAL REHABILITATION COUNSELORS

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Introduction

One of the most important requirements of the Americans with Disabilities Act (ADA) is that employers must make **reasonable accommodations** for the known physical or mental limitations of a qualified applicant or employee with a disability, unless the employer can demonstrate that the accommodation would be an undue hardship or pose a direct threat to the employee or other employees.

A vocational rehabilitation counselor can play an essential role in facilitating the interaction between an applicant/employee and an employer. The counselor can assist in building employer confidence that a qualified individual with a disability can perform the essential functions of a job with or without a reasonable accommodation. Accommodations must be considered on a case-by-case basis. This *Guide* provides a worksheet to use during the interactive process of reasonable accommodation consideration.

Resources for Reasonable Accommodation

Northwest ADA Center: 800-949-4232 (V); 425-771-7426 (TTY)
www.nwadacenter.org

Job Accommodation Network (JAN): 800-526-7234 (V); 877-781-9403 (TTY)
www.askjan.org

Equal Employment Opportunities Commission (EEOC): 800-699-4000 (V); 800-669-6820 (TTY)
www.eeoc.gov/policy/docs/accommodation.html

Department of Justice (Tax Incentives): 800-514-0301 (V); 800-514-0383 (TTY)
www.ada.gov/archive/taxpack.pdf

Reasonable Accommodation Worksheet

A. Individual (Employee/Applicant)

1. Does the individual meet the definition of disability under the ADA? yes no
2. What are the individual's skills, experience, education, certifications? _____

3. What are the individual's functional limitations caused by their disability? _____

4. What are some potential accommodations based on the individual's functional limitations? _____

B. Job Name and Qualifications

1. What are some potential options for employment? _____

2. Specific Job Name/Purpose: _____

3. Specific Job Qualifications (requisite skills, experience, education, other job-related requirements):

C. Pre-Employment Aspects

| Pre-Employment Aspects List any aspects of the pre-employment phase that may need modification, including testing, interview location, communication, etc. | Reasonable Accommodation Options Record accommodation considerations for pre-employment aspects that may need to be modified. |
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D. Essential Functions and Accommodation Considerations

Essential Functions of the Job

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Have fundamental job tasks been identified by the employer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do fundamental job tasks include quantity and quality requirements? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have behavioral requirements been identified? | <input type="checkbox"/> | <input type="checkbox"/> |

| CAN PERFORM | DIFFICULT TO PERFORM | Essential Functions of the Job • List fundamental job tasks • Include quantity & quality requirements • Identify behavioral requirements | Reasonable Accommodation Options • Record accommodation considerations for those essential functions that are difficult for the individual to perform. |
|--------------------------|----------------------------|--|--|
| <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | | |

Job Site Characteristics

| Job Site Characteristics List any characteristics of the job site that may need modification for the individual to perform the essential functions of the job. | Reasonable Accommodation Options Record accommodation considerations for job site characteristics that may need to be modified. |
|--|---|
| | |
| | |

E. Negotiating a Reasonable Accommodation

| | YES | NO |
|--|--------------------------|--------------------------|
| 1. Has the individual requested an accommodation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have fundamental job tasks been identified by the employer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is medical documentation needed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is the employer suggesting an accommodation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If so, does the accommodation seem to be appropriate and acceptable? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the employer claiming undue hardship for an accommodation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Has information about tax incentives been shared with the employer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Have outside resources been considered? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. After consideration of a reasonable accommodation, will the applicant/employee be able to perform the essential functions with or without an accommodation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Follow-up: Is the accommodation effective? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Follow-up: Have any changes occurred in ability, environment, or job duties? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Follow-up: Do additional accommodations need to be considered? | <input type="checkbox"/> | <input type="checkbox"/> |

Definitions

Definition of Disability

To be protected under Title I of the ADA, an individual must meet the definition of disability, that is, a person: 1) with a physical or mental impairment that substantially limits one or more major life activities, or 2) with a record of such a physical or mental impairment, or 3) who is regarded as having such an impairment.

Examples of major life activities include, but are not limited to: learning, thinking, concentrating, interacting with others, caring for oneself, speaking, performing manual tasks, walking, seeing, breathing, hearing, sleeping, working, etc. (Anyone who qualifies for Vocational Rehabilitation services meets this definition.)

Essential Functions

Essential functions of a job are tasks that are fundamental to the position, as opposed to marginal or occasional duties that may be performed by the worker. Factors for determining essential functions of a job include: 1) position exists to perform the function, 2) there are a limited number of employees among whom the function can be distributed, and 3) the function is highly specialized and requires the incumbent to have expertise or ability to perform the function.

Reasonable Accommodation Description

A reasonable accommodation is an adjustment to a job, the work environment, or the way things are usually done – productivity enhancements to allow the client to perform the job. The goal is to reduce or eliminate workplace barriers to enable a qualified individual with a disability to perform the essential functions of a job and enjoy equal benefits and privileges—to *bridge the gap between the maximum ability of the individual and the essential functions of the job*. The need to provide accommodations may occur at any stage of employment, such as application, retention, or return to work.

Since reasonable accommodations are determined on a case-by-case basis, there are many types of modifications, including: modifying the job, modifying a policy, modifying a facility, considering alternate placement options, using an alternative product or piece of equipment, modifying or designing a product, and obtaining a service.

Undue Hardship

The only limitation to an employer's responsibility to provide reasonable accommodation is that no modification is required if it would cause undue hardship to the employer. Undue hardship exists when an accommodation is difficult, expensive, disruptive, or when it would create a fundamental alteration, in other words, when an accommodation would change the nature of the business or the worker's job description so much that it would no longer resemble the original. Undue hardship is determined on a case-by-case basis by comparing nature and cost in relation to employer's resources and operations.

Direct Threat

An employer may require that an individual not pose a direct threat to the health and safety of himself or herself or other persons in the workplace. Direct threat: 1) means a significant risk of substantial harm that can't be eliminated or reduced by reasonable accommodation, 2) must apply to all applicants or employees and not just to individuals with disabilities, 3) must be made on a case-by-case determination, 4) must be based on the individual's present ability to safely perform the essential functions of the job.



Produced by Northwest ADA Center, funded by a grant from U.S. Department of Education,
National Institute on Disability and Rehabilitation Research
Grant Number H133A110015

Alternate formats available upon request.