

Reasonable Accommodations under the Americans with Disabilities Act

WORKPLACE SPOTLIGHT



OVERVIEW

Schools, training centers, and workplaces need to be prepared to help people with disabilities to have the same opportunities to succeed that people without disabilities have. To help make opportunities available to people with disabilities, reasonable accommodations are sometimes required.

What is a Reasonable Accommodation?

Under the Americans with Disabilities Act (ADA), a reasonable accommodation is defined as:

... any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

[From the ADA.gov website](http://www.ada.gov/q&aeng02.htm)
(<http://www.ada.gov/q&aeng02.htm>)

Employers should be prepared to provide reasonable accommodations as early as the job seeker's application process. The ADA protects the rights of people with disabilities to all phases of employment, including benefits such as employer-sponsored events. In short, the ADA wants to be sure that job seekers and employees with disabilities can take advantage of every opportunity that an employer offers.

It is the responsibility of the job seeker or employee to request a reasonable accommodation.

Employers should develop and communicate an affirmative action plan to inform job seekers and employees of their rights to request reasonable accommodations during both the job application process and in employment.

Reasonable accommodations can only be provided if the job seeker or employee discloses that he or she has a disability and asks for an accommodation. The job seeker or employee must also be qualified to do the job.

Accommodations are provided to meet the individual job seeker's or employee's needs in the context of the job. The job seeker or employee should work with the employer to determine the accommodation that is most appropriate. The process is intended to be a cooperative effort.

Employers may fear that the cost of accommodations will be high or that accommodations will interfere with the operations of the employer or other employees. In fact, many accommodations are free or cost very little.

continued...





*In short,
the return on investment made in an
accommodation is typically high.*



For example, if an employer has a strict policy restricting animals from the employer's office building, then the accommodation may be to allow a service animal that helps an employee. Or, an employee with low vision may benefit from using screen magnification software to read and write documents on his or her computer. Software like this is

included with modern computers, and more sophisticated screen magnification software is only a few hundred dollars.

Employers are not required to provide accommodations if providing the accommodation will cause an undue hardship. An undue hardship is "an action requiring significant difficulty or expense." Determining whether or not an accommodation causes an undue hardship is done on a case-by-case basis. Even in cases where a claim of undue hardship is valid, the employer should work to identify another accommodation that will reduce this burden or give the employee the opportunity to help to finance the accommodation. As mentioned above, though, accommodations are often free or inexpensive.

[The Job Accommodation Network surveyed employers](https://goo.gl/1K00JM) (https://goo.gl/1K00JM) and found that 58% of accommodations provided by employers cost nothing. Only 4% said that accommodations created an ongoing cost for the company. Employers also said that a typical accommodation cost them around \$400.

Employers also report that accommodations are effective 74% of the time. And better yet, employers found that making an accommodation helped them to keep valued employees, helped the employees to be more productive, and eliminated cost associated with training a new employee.

In short, the return on investment made in an accommodation is typically high. Making accommodation planning a part of the hiring and retention planning process really is a win-win for employers and job seekers with disabilities.

ADDITIONAL RESOURCES

Read more about [reasonable accommodations](http://www.ada.gov/ada_title_III.htm) (http://www.ada.gov/ada_title_III.htm) from the Department of Justice FAQ.

Learn about the [Job Accommodation Network](http://askjan.org), (http://askjan.org) which helps employers and employees to identify reasonable accommodations.

Learn about [Oklahoma ABLE Tech's Assistive Technology Demo and Loan](http://oec.okstate.edu/loan/) (http://oec.okstate.edu/loan/) which lets people try assistive technology devices before they buy.

Learn about [Oklahoma ABLE Tech's Financial Loans](http://goo.gl/MkXnYw) (http://goo.gl/MkXnYw) for Assistive Technology purchases.

Learn more about the Supplemental Security Income Work Incentives through the Social Security Administration from [ABLE Tech's Funding Manual](http://goo.gl/UqdE8j) (http://goo.gl/UqdE8j).



AT Law Spotlight is provided courtesy of:
Oklahoma ABLE Tech at Oklahoma State University
okabletech.okstate.edu | abletech@okstate.edu