

THE WICK LAW OFFICE, LLC
Benjamin E. Wick, Esq.
Licensed to practice law in Colorado, Maryland, and Utah
Tel. (720) 999-5390 Email. ben@wick-law.com

Requesting Reasonable Accommodations

For individuals with disabilities, a reasonable accommodation may be necessary to perform the essential functions of a job. This document provides an overview of the reasonable accommodation process.

Introduction

The Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA) require employers to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants, unless doing so would cause an undue hardship to the employer or, in certain specific circumstances, if the employee poses a direct threat in the workplace.

A reasonable accommodation is a change in the workplace to help a person with a disability apply for a job or perform the duties of a job. Reasonable accommodations vary greatly from person to person depending on a number of factors, including the type of disability, needs of the individual, and the duties performed in the position. Reasonable accommodations can include such things as changes in break times, specialized equipment, working remotely, changes in the method of communications, and time off. Where an employee can no longer work in a job because of a disability, the ADA may require the employer to reassign the employee to a vacant position.

How do I request a reasonable accommodation?

There are no specific words required to request a reasonable accommodation, nor does the reasonable accommodation request have to be in writing. The individual must request a change or adjustment to the workplace due to a medical condition. The phrase reasonable accommodation does not have to be used nor does the individual have to reference the ADA. A request for reasonable accommodation can be made by the employee or by someone acting on his or her behalf.

Can my employer ask for medical documentation to support my request?

An employer can request certain medical information or documentation that is related to the disability and reasonable accommodation. Requests for medical information must usually be limited to information about the functional limitations of the disability and need for reasonable accommodation. In most circumstances, requests for complete medical records or excessive medical documentation would be improper. Additionally, it would likely be improper for an employer to request documentation when the disability and need for reasonable accommodation are obvious or where the employee has already provided sufficient medical information about the disability and requested reasonable accommodation.

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What happens after I request a reasonable accommodation?

Once an accommodation request has been made, the individual and employer should engage in the interactive process to discuss the request and determine how to best implement it in the workplace. The interactive process should provide an avenue for an employee and employer to discuss the accommodation request. It is important to keep in mind that the accommodation request must be

reasonable and that the employee is entitled to an effective accommodation, not the accommodation of his or her choice. However, the employer cannot deny an accommodation simply because it does not want to provide it.

Conclusion

While the process of requesting a reasonable accommodation is fairly straight forward, the law surrounding reasonable accommodations and disability discrimination is quite complex, and is still evolving. Determinations of whether a reasonable accommodation will be provided often hinge on specific facts and factors relating to the essential functions of the position, the specific limitations of the disability, reasonable accommodation options, and the burden on the employer. This guide is not intended to provide a comprehensive list of all the factors or legal issues relating to reasonable accommodation requests. If you have been denied a reasonable accommodation or believe you have been discriminated against because of your disability, whether actual, perceived or because you have a record of a disability, you should contact an attorney experienced in handling claims arising under the ADA and ADAAA.