

PRAIRIE VIEW A&M UNIVERSITY



**ADA ACCOMMODATIONS FOR
EMPLOYEES**

***Interactive Process Guide for
Supervisors & Managers***



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INTRODUCTION

The Americans with Disabilities Act (ADA) requires covered employers to provide effective, reasonable accommodations for employees with disabilities. To help determine effective accommodations, the Equal Employment Opportunity Commission (EEOC), recommends that employers use an “interactive process,” which simply means that employers and employees with disabilities who request accommodations work together to come up with accommodations.

According to the EEOC, the interactive process is not always required under the ADA. In many instances, the appropriate accommodation is obvious, and therefore it is not necessary to go through a step-by-step process. For example, if an employee who uses a wheelchair requests that his desk be placed on blocks to elevate the desktop above the arms of the wheelchair and the employer complies, an appropriate accommodation has been requested, identified, and provided without the need for a formal process.

However, when an accommodation is not obvious, an appropriate accommodation is best determined through a flexible, interactive process. As part of this process, the EEOC recommends that employers:

- Analyze the particular job involved and determine its purpose and essential functions;
- Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability and how those limitations could be overcome with reasonable accommodation;
- In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
- Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer.

Initiation of the “interactive process” begins with receipt of the accommodation request.

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1. RECOGNIZING AN ACCOMMODATION REQUEST

The interactive process starts with an accommodation request from an employee with a disability, so it is important for supervisors/managers to be able to recognize a request. According to the EEOC, an individual may use “plain English” and does not need to mention the ADA or use the phrase “reasonable accommodation” when they are requesting an accommodation.

Therefore, any time an employee indicates that he/she is having a problem and the problem is related to a medical condition, the supervisor/manager should consider whether the employee is actually making a request for accommodation under the ADA.

The EEOC (Reasonable Accommodation and Undue Hardship (EEOC Guidance)) provides the following examples:

- **Example A:** An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing."
- **Example B:** An employee tells his supervisor, "I need six weeks off to get treatment for a back problem."
- **Example C:** A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office.
- **Example D:** An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting a reasonable accommodation. He does not link his need for the new chair with a medical condition.

Tips

- **Always use caution:** If a supervisor/manager is not sure whether an employee has requested an accommodation, the supervisor/manager should ask the employee to clarify what is being requested and why.
- **Act quickly:** Once an accommodation request is identified, the supervisor/manager should respond immediately and contact the University ADA Coordinator to respond to the request, this is the beginning of the "interactive process." Unnecessary delays in processing an accommodation request can violate the ADA.

2. GATHERING INFORMATION

Once an accommodation request has been received by the ADA Coordinator, the information will be gathered from the employee and their medical physician necessary to process the request.

Necessary information includes documentation of the employee's disability and their need for accommodation.

In some cases, the employee's disability and need for accommodation are obvious, and no additional information will be required. For example, if an employee who recently started using a wheelchair indicates that he needs a ramp to get into the workplace, the disability and need for accommodation are obvious.

However, in other cases the individual may know that he/she is having difficulty, but may be uncertain about the exact cause or possible solution.

- **For example:** If an employee with a non-visible disability indicates she is having trouble completing her work tasks because of his/her disability, the supervisor/manager does not have enough information to provide effective accommodations. The supervisor/manager needs to refer the employee directly to the ADA Coordinator or University designee to discuss what limitations are interfering with their job performance based on their medical condition that they consider to be defined as a disability and what specific work tasks are at issue. Information related to an employee's medical condition or history should never be discussed with an employee's supervisor/manager.

Although the employee who requested the accommodation is often the best source of information about the disability and possible accommodations, submission of required medical documentation should never be submitted to their supervisor/manager but directly to the ADA Coordinator or University designee.

The important thing for supervisors/managers to remember is not to ask for too much information but instead, refer the employee to the ADA Coordinator as soon as they are made aware of the employee's request.

Under the ADA, when an employee requests an accommodation and the disability and need for accommodation are not obvious, then the University/ADA Coordinator or designee will request medical documentation to help determine whether the employee has a disability and needs the requested accommodation and information to help process the accommodation request.

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3. EXPLORING ACCOMMODATION OPTIONS

Once the ADA Coordinator or University designee has identified the employee's limitation that is causing a problem and has identified what that problem is, then the ADA Coordinator or University designee is ready to explore accommodation options as part of the interactive process. At this step, supervisors/managers should be open to new ideas and new ways of doing things. This is the time to brainstorm and consider what might work.

Again, the employee who requested the accommodation is a good place to start so supervisors/managers should always invite the employee to suggest accommodations.

If more accommodation ideas are needed, the ADA Coordinator or University designee can ask the employee's medical provider for ideas – in some cases medical professionals are able to suggest effective accommodations based on their review of the employees job description and essential functions.

In other cases, they may not be able to suggest ideas, but may be able to say whether ideas under consideration will help overcome the employee's limitations.

And if still more ideas are needed, then the ADA Coordinator or University designee will consult with outside resources such as Job Accommodation Network (JAN), vocational rehabilitation, and disability-related organizations.

4. CHOSING AN ACCOMODATION

Once accommodation options have been explored through the ongoing "interactive process" that includes the ADA Coordinator or University designee the employee and the supervisor/manager, a determination will be made as to what accommodations can be implemented. If there is more than one option, the supervisor/manager should consider the preference of the employee. However, the supervisor/manager gets to choose among effective options and can choose, for example, the lowest cost accommodation.

Sometimes supervisors/managers are not sure whether an accommodation will work and are afraid if they try it out they will be locked in forever. This is not the case – the university has the freedom to implement accommodations on a trial basis and stop them if they do not work. During the process of implementing a trial accommodation the approval documentation will indicate that the accommodation is being tested for a specific period of time and what actions would occur if the accommodation was not working effectively. This approval document for a temporary accommodation is signed by the University, employee and supervisor/manager. That way, no one is surprised when the accommodation is revisited down the road.

5. IMPLEMENTING THE ACCOMMODATION

Once an accommodation has been agreed upon by all parties in the "interactive process" (ADA Coordinator, Employee, Supervisor/Manager) it is time to implement the accommodation. This step is very important to the success of an accommodation. If equipment is involved, then it needs to be properly installed and the employee needs to be trained in its proper use.

If the accommodation involves a schedule change or policy modification, then certain managers or supervisors may need to know of the change to effectively implement it.

If the accommodation involves an outside service, someone needs to make sure the service is provided promptly and effectively. If the accommodation is a reassignment, then the employee may need time to acclimate to the new job.

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6. MONITORING THE ACCOMMODATION

An important but often forgotten part of the ongoing **"interactive process"** is monitoring accommodations after they are in place. In some cases, an accommodation stops being effective for various reasons such as the employee's limitations change, workplace equipment changes, the job changes, the workplace itself changes, or the accommodation becomes an undue hardship for the employer.

Because changes occur, the ADA Coordinator or University designee may need to periodically check on the ongoing effectiveness of accommodations. If equipment is involved in the accommodation, someone may need to be assigned to perform maintenance or upgrades as needed. The most important way to monitor accommodations is to encourage ongoing communication. Employees who are receiving accommodations need to understand that they should let their supervisors/managers know if there are changes or problems with the accommodation and who specifically to contact— ADA Coordinator or University designee.

Tips:

- **Maintain the accommodation:** Equipment will not function forever without maintenance so when equipment is part of an accommodation, supervisors/managers need to make sure the equipment is properly maintained.
- **Encourage ongoing communication:** For any workplace issue, ongoing communication is the key to success. The same is true for accommodations – supervisors/managers should encourage employees to communicate any issues they have with their accommodations directly to the ADA Coordinator or designee.

For Additional information on ADA Accommodations for employees and the **Interactive Process** for supervisors and managers, feel free to contact:

- LaToya Douglas, ADA Coordinator
- Office of Equal Opportunity at: EO@pvamu.edu;
Telephones: (936) 261-1792 or 1744
- **Employee ADA Accommodations website:**
<https://www.pvamu.edu/hr/employee-ada-accommodations/>

An Online TAMUS training module available by signing into SSO.tamus.edu ~ (TrainTraq)

- **Course # 2111125 | "ADA for Supervisors and Faculty"**