

Member Conference 2021

Understanding Reasonable Accommodations

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Agenda

- What is a Reasonable Accommodation (RA)?
- Your Rights & Your Program's Rights
- Types of RAs
- Undue Hardship and Denial of RA Request
- Q&A

What is a Reasonable Accommodation?

- Request to alter workplace policy to accommodate a medical condition or disability
 - Must be tied to disability
- Goal is to remove workplace barriers to help members effectively perform service duties
- What it is not: a change to the fundamental nature of the program
 - Change to policy, not program
- Usually easy for your program to implement
- Applies to both applicants and enrolled members

What is a Reasonable Accommodation?

- Disability: a mental or physical impairment that substantially limits major life activities (ADA)
- Reasonable: defined by the program depending on the available resources (EEOC)
 - The accommodation can be costly, time consuming, and difficult to implement and still be reasonable
- A member or applicant is qualified if they can successfully perform the service duties with or without accommodation

Your Rights & Your Program's Rights

- Starting the conversation
 - Responsibility to initiate the conversation falls on you
 - Verbal requests are valid, does not have to be in writing
 - Can be requested at any time, not just upon being offered a position
 - Can request multiple accommodations (as long as they're all tied to a disability and workplace barrier)
- Examples
- You must provide sufficient documentation if applicable
 - If the disability is not immediately obvious (ex: wheelchair)
 - Documentation must state scope and nature of the disability - what workplace barrier needs to be overcome?

Examples - Requesting a RA

“I’m having trouble getting to work at my starting time because of side effects from my medication.”

“I need some time off work for treatment for a back problem.”

“I need a new office chair since my current one makes me very uncomfortable.”

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Your Rights & Your Program's Rights

- Program Responsibilities
 - Must recognize the request and act upon it in a reasonable amount of time
 - Can request documentation on the nature of the disability and how a change to a workplace policy would accommodate it
 - Must be HIPAA compliant
 - Must explore all accommodation options before a denial of the request
- Evaluating the Accommodation
 - Check in to make sure the accommodation is effective
 - Example - efficacy of an accommodation

Examples - Requesting Documentation

A member shows their supervisor a note from their doctor stating they have asthma and are requesting an air filter to be installed at the office.

A member says they are having trouble reaching tools due to a shoulder injury.

A member in a wheelchair requests a bigger desk, as the current one does not fit with the dimensions of the wheelchair.

Your Rights & Your Program's Rights

- What if you don't know of an appropriate accommodation?
 - Consult with a medical professional
 - Job Accommodation Network (JAN)
 - Brainstorm with your supervisor or program director
- Your program should have a request process in place

Types of Reasonable Accommodations

1. Service Restructuring: altering when/how a service duty is performed
2. Modified Schedule: changing weekly or hourly schedule
3. Modified Workplace Policy
4. Reassignment
5. Leave

Undue Hardship & Denial of a Request

- Causing significant difficulty or expense that would alter the nature of the program
- Denial Considerations:
 - Must consider all accommodation options
 - Must consider all funding sources (including Serve Colorado)
 - Determined based on program's available resources - case by case
- Your program is responsible for proving undue hardship, and must if they deny a request

Examples - Undue Hardship

A member requests an adjustment in his work schedule to start at 8am instead of 7am due to a disability. This member works with three others who cannot do their service duties without the requesting member present.

A member with cancer is undergoing chemotherapy and as a result, is fatigued with her current workload. The program transfers three of her marginal duties to another member.

Q&A Session

Additional Resources

- Job Accommodation Network Website: <https://askjan.org/>
- Guidance from AmeriCorps: [Reasonable Accommodation](#)
- [Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA | US EEOC](#)
 - Specific examples related to employment

Contact Us

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