disabilityrights WISCONSIN
Protection and advocacy for people with disabilities.

Reasonable Accommodations for Employment:
Frequently Asked Questions

What is a reasonable accommodation?

A reasonable accommodation is any change in the work environment, or the way the things are customarily done, that enables a person with a disability equal access to employment during the hiring process and while on the job.

What are examples of reasonable accommodations?

Accommodations are always individualized and should be tailored to your specific needs. Some common reasonable accommodations include:

- Physical changes to your workstation
- Access to a sign-language interpreter
- Ensuring that an interview will occur in an accessible location
- An alternative or flexible work schedule
- Job restructuring (removing marginal tasks)
- Providing specialized computer software (such as JAWS)
- The ability to take extra breaks

How do I know what kinds of accommodations I might need?

The Job Accommodation Network ("JAN") offers free, expert guidance on workplace accommodations and disability employment issues.[1] JAN offers examples of specific accommodations that are commonly requested for various disabilities. It may also be helpful to gather suggestions from your doctor or other members of your healthcare and wellness team.

How do I request a reasonable accommodation?

You should make your request in writing and use the phrase: "I am requesting a reasonable accommodation under the ADA." That helps create a clear record of your request, and signals to your employer that your request should be taken seriously. You can also make your request in-person or over the phone; you should plan to follow up on these discussions with a written request.

What happens after I make my request?

After you make your request, you and your employer should engage in the **interactive process** to determine what accommodation(s) would effectively meet your needs. The interactive process may involve some back-and-forth discussion between you and your employer. If your employer does not immediately approve your request, you can expect the following:

- Your employer may request limited medical documentation to support your request. Your employer should not ask for access to your complete medical record.

[1] Visit www.askjan.org for more information.

- Your employer may ask for clarification about your disability, functional limitations, and needs to help identify an effective accommodation
- Your employer may want to consult with others knowledgeable about your position.

When should I request a reasonable accommodation?

You may request a reasonable accommodation at any point during your employment. If possible, request an accommodation before your job performance begins to suffer. It can be difficult to ask for an accommodation to address past performance issues.

Does my employer have to give me the accommodations I ask for?

Not necessarily. Here are some important concepts to keep in mind:

- Your employer is required to offer an effective accommodation; that may or may not be the specific accommodation you asked for. If there are several ways in which your needs may be accommodated, your employer may select the cheapest or easiest option, as long as it's effective. If your employer's alternative accommodation would not be effective, explain why. Try to remain open to alternatives.
- Your employer is not required to provide an accommodation that would pose an undue hardship. An accommodation that is significantly difficult to implement or expensive may pose an undue hardship.
- Your employer does not need to remove any job task or duty if that task or duty is an essential function of your job.

What do I do if my employer denies my request?

You should first ask why your request was denied and ask for a response in writing. Depending on the answer, you may be able to continue the interactive process. For example, if your employer says your request would pose an undue hardship, consider exploring alternative accommodations that may be less expensive or easier to implement.

You may be able to escalate your request within your organization. For example, if your supervisor denied your request, consider talking with Human Resources.

If your organization has an internal process for handling complaints, consider filing an internal complaint.

You can also file an external complaint with the Equal Employment Opportunity Commission ("EEOC")[2] or with the State of Wisconsin's Equal Rights Division[3].

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.

[2] For information on the EEOC, including how to file a charge, visit www.eeoc.gov.

[3] For information on filing a charge with Wisconsin's Equal Rights Division, visit www.dwd.wisconsin.gov/er/civilrights.

Resources

Further Information about Reasonable Accommodations

Name: Job Accommodation Network

Contact: askjan.org/contact-us.cfm

Phone: (800) 526-7234

Website: askjan.org/index.cfm

The Job Accommodation Network (JAN) is a source of free, expert, and confidential guidance on job accommodations and disability employment issues. They can provide guidance and technical assistance about job accommodation solutions, Title I of the Americans with Disabilities Act and related legislation, and self-employment and entrepreneur options for people with disabilities. Assistance is available over the phone and online.

Name: A to Z of Disabilities and Accommodations

Website: askjan.org/a-to-z.cfm

The Job Accommodation Network has an alphabetical list organized by disability, topic, and limitation. Each entry has more resources on ADA information, possible accommodation ideas, and more, which can provide a starting point for disability accommodations in the workplace.

Name: Employees' Practical Guide to Requesting and Negotiating Reasonable Accommodations Under the Americans with Disabilities Act

Website: askjan.org/publications/individuals/employee-guide.cfm

This publication provides guidance for employees to understand the Americans with Disabilities Act and how to request and negotiate reasonable accommodations in the workplace. It also has guidance regarding the most common issues that may happen during the process.

Name: Practical Guidance for Medical Professionals

Website: askjan.org/articles/Medical-Provider-Support-for-Accommodation-Request.cfm

This article provides guidance for medical professionals who are providing medical documentation in support of a patient's accommodation request.

Sample Letters

Name: How to Request an Accommodation: Accommodation Form Letter

Website: askjan.org/media/accommrequestltr.cfm

This form letter is an example of what can be included in an accommodation request letter when an employee is making a written request.

Name: Employee Accommodation Inquiry Letter

Website: askjan.org/publications/consultants-corner/Employee-Accommodation-Inquiry-Letter.cfm

This form letter is a sample letter that can be used to ask about the status of an accommodation request if the employer has not communicated back in a timely manner.

Name: How to Inform an Employer that an Accommodation is Not Effective and A Sample Letter

Website: askjan.org/articles/How-to-Inform-an-Employer-That-an-Accommodation-is-Not-Effective-and-a-Sample-Letter.cfm

This article provides guidance for employees in situations where an employer provides an alternative accommodation that they think is effective but is not effective in reality. There is also a sample letter showing what can be included in a letter that informs the employer that an accommodation is not effective.