

Keeping In Touch

For Supervisors

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Four Steps to Making Reasonable Accommodations

Under the Americans with Disabilities Act (ADA), an employee with a disability is protected against discrimination on the job. When requested by an employee, an employer is required to consider and implement reasonable accommodations that will permit the employee to perform the job. The ADA requires the employer to engage in an interactive process with the employee who requests an accommodation. The process is a collaborative one between the employer and the employee to identify and implement an appropriate accommodation.

There are four steps to the interactive process:

Step 1: Request for documentation

Before an accommodation can be fashioned that will meet the needs of the employee, it is necessary to know the precise nature of the disability and how it limits the employee's ability to perform the essential functions of her job. Documentation of the individual's limitations will allow the employer to determine how its processes, policies or job conditions may need to be changed to accommodate the limitations.

The employer is entitled to ask the employee for documentation that supports the existence of the claimed disability and the functional limitations he is experiencing. In addition, many employers find it useful to get a signed release that authorizes the employer to gather information directly from the employee's health care provider. While some employees may initially be reluctant to provide this information, employees seeking accommodation are expected to actively participate in the interactive process. A refusal to provide documentation or the requested release may indicate that the employee is not willing to work collaboratively with the employer.

Step 2: Job description review

The ADA does not require an employer to prepare or update job descriptions. However, job descriptions that include clarification of the essential functions of the job are essential in the reasonable accommodation process. The ADA defines a qualified individual with a disability as someone who, with or without reasonable accommodation, can perform the essential functions of the job. A written description of the essential functions of a job will be invaluable when determining whether an accommodation is required and, if it is, identifying an appropriate accommodation.

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Judith Cummings is a management consultant and corporate trainer for The Village Business Institute and the Employee Assistance Program. Judith's background includes more than 15 years of experience in human resources, management coaching, employment law and related issues.

Judith is a graduate of Concordia College in Moorhead, Minn., and the University of Minnesota Law School. Prior to coming to The Village, she served as legal counsel to state and local governments and as employment law counsel for a Fortune 500 company. As a human resources consultant, Judith has provided advice and training support for management for a variety of companies including Northwest Airlines, First Data Corporation, ConAgra, Mutual of Omaha, Nebraska Public Power and Wells Fargo.



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Step 3: Identifying accommodations

The employee is best able to identify accommodations that will allow her to perform her job, and should be directly involved in the efforts to identify or develop an appropriate accommodation. However, there may be a less costly alternative than the one suggested by the employee, and the employer has no obligation to provide the employee with her accommodation of choice. The employer need only provide an accommodation that allows her to continue functioning in her current job. Don't assume that expensive technical devices are always required.

Local resources to assist in finding accommodations include the Vocational Rehabilitation offices and various advocacy organizations. An employer may also contact the Justice Department's ADA hot line at (800) 514-0301 for accommodation suggestions.

Step 4: Document the process

The employer should document every step of the reasonable accommodation process. If the

employer's handling of an accommodation request is challenged, well-organized documentation will be very important.

Documentation should include:

- Written documentation of any oral requests made by the employee;
- Summaries of discussions about the nature of his disability and functional limitations;
- Information the employer relied on in determining that the employee wasn't disabled or that the requested accommodation wasn't reasonable or imposed an undue hardship;
- Information that the employee accepted the proposed accommodation;
- Information demonstrating that an alternative accommodation, if proposed, would be effective; and
- Correspondence between the employer and the employee, including requests for information and notification of the employer's findings (along with mailing receipts establishing that the documents were sent).

Critical Incident Stress Management

Critical Incident Stress Management (CISM) helps employers and employees more effectively cope with crises, both in the workplace and in the community. CISM is a debriefing process that helps normal people deal with abnormal situations such as accidental death, suicide, homicide, robbery, natural disasters or any other critical incidents.

The Village Business Institute offers a multi-dimensional Critical Incident Stress Management plan that integrates seven core components:

- Pre-crisis preparation
- Demobilization
- Defusing
- Critical incident stress debriefing (CISD)
- Individual intervention
- Family CISM
- Follow-up and referral

If a crisis impacts your employees, The Village Business Institute's fully trained CISM professionals will respond immediately to your call. Our toll free number is staffed 24 hours a day.



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