



# ADA REASONABLE ACCOMMODATIONS

**SUPERVISORY  
TRAINING**

SPRING 2022

THE OFFICE FOR  
PEOPLE WITH  
DISABILITIES

AND

THE OFFICE OF  
EQUAL EMPLOYMENT  
OPPORTUNITY/  
AFFIRMATIVE ACTION

# AGENDA

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## AMERICANS WITH DISABILITIES ACT

- ADA LAW AND OBLIGATIONS
- A QUALIFIED INDIVIDUAL WITH A DISABILITY
- DEFINITION OF AN INDIVIDUAL WITH A DISABILITY
- ESSENTIAL FUNCTIONS OF A POSITION
- WHAT IS A REASONABLE ACCOMMODATION?
- REASONABLE ACCOMMODATION REQUEST PROCESS
- ADA AND COVID-19



**Disabled**

**What's The Definition?**



**disable**

**verb**

dis·able | \ dis-'ā-bəl , diz-'ā- \  
disabled; disabling \ dis-'ā-b(ə-)lɪŋ , diz-'ā- \  
-

Definition of *disable*

*transitive verb*

1 a: to make ineffective or inoperative

b: to impair physically or mentally : to cause **disability**

2: to deprive of legal right, qualification, or capacity

**Disable Definition & Meaning - Merriam-Webster**





Who is doing the disabling?

Who is doing the enabling?



**enable**

verb

en·able | \ i-'nā-bəl \

**enabled; enabling** \ i-'nā-b(ə-)lɪŋ \

**Definition of *enable***

transitive verb

**1a:** to provide with the means or opportunity training that *enables* people to earn a living

**b:** to make possible, practical, or easy a deal that would *enable* passage of a new law

**c:** to cause to operate software that *enables* the keyboard

**2:** to give legal power, capacity, or sanction to a law *enabling* admission of a state

<https://www.merriam-webster.com/dictionary/enable>

**able**

**adjective**

\ 'ā-bəl \

### **Definition of *able***

**1a:** having sufficient power, skill, or resources to do something

**b:** having the freedom or opportunity to do something

**c:** having a quality or nature that makes something

**-able**

**adjective suffix**

### **Definition of *-able***

**1:** capable of, fit for, or worthy of (being so acted upon or toward)

For those of you interested in the idea behind the Social Model of Disability and the philosophy of verbs coming before nouns.

<https://www.scope.org.uk/about-us/social-model-of-disability/#:~:text=The%20social%20model%20of%20disability%20is%20a%20way%20of%20viewing,by%20their%20impairment%20or%20difference>

<https://dissidentsphilosophy.forumotion.com/t108-which-came-first-the-noun-or-the-verb>



Who's doing the enabling?

We are.



# INTRODUCING THE AMERICANS WITH DISABILITIES ACT

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# AMERICANS WITH DISABILITIES ACT

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- ❖ AN EMPLOYER **MUST** PROVIDE A QUALIFIED INDIVIDUAL WITH A DISABILITY A **REASONABLE ACCOMMODATION**, UNLESS TO DO SO WOULD CAUSE AN UNDUE HARDSHIP.
- ❖ A **QUALIFIED** INDIVIDUAL WITH A DISABILITY IS SOMEONE WHO **SATISFIES ALL THE REQUISITE SKILL, EXPERIENCE, EDUCATION AND OTHER JOB-RELATED** REQUIREMENTS OF THE EMPLOYMENT POSITION, AND WHO WITH, OR WITHOUT A REASONABLE ACCOMMODATION, CAN PERFORM THE **ESSENTIAL FUNCTIONS** OF SUCH POSITION.



# WHO IS PROTECTED BY ADA?

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## **1. AN INDIVIDUAL WITH A DISABILITY IS A PERSON WHO HAS:**

- A PHYSICAL OR MENTAL IMPAIRMENT THAT **SUBSTANTIALLY LIMITS** ONE OR MORE **MAJOR LIFE ACTIVITIES**;
- A RECORD OF SUCH AN IMPAIRMENT; OR
- IS REGARDED AS HAVING SUCH AN IMPAIRMENT.

# WHAT IS AN IMPAIRMENT?

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- **PHYSICAL IMPAIRMENT**

- ANY MEDICAL DISORDER, CONDITION, DISFIGUREMENT, OR LOSS AFFECTING ONE OR MORE BODY SYSTEM SUCH AS NEUROLOGICAL, MUSCULOSKELETAL, SPECIAL SENSE ORGANS, RESPIRATORY (INCLUDING SPEECH ORGANS), CARDIOVASCULAR, REPRODUCTIVE, DIGESTIVE, GENITOURINARY, IMMUNE CIRCULATORY, HEMIC, LYMPHATIC, SKIN AND ENDOCRINE SYSTEMS

- **MENTAL IMPAIRMENT**

- ANY DEVELOPMENTAL, COGNITIVE OR PSYCHOLOGICAL DISORDER SUCH AS INTELLECTUAL DISABILITY, ORGANIC BRAIN SYNDROME, EMOTIONAL/MENTAL ILLNESS, AND CERTAIN LEARNING DISABILITIES

*IMPAIRMENTS ARE DETERMINED WITHOUT REGARD TO ANY MEDICATION OR ASSISTIVE DEVICES THE INDIVIDUAL MAY USE.*

# “MAJOR LIFE ACTIVITIES”: ACTIVITIES THAT A PERSON WITHOUT A DISABILITY CAN PERFORM WITH LITTLE OR NO DIFFICULTY

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- WALKING
- HEARING
- SPEAKING
- BREATHING
- SEEING
- SLEEPING
- SITTING
- STANDING
- LIFTING
- BENDING
- REACHING
- WORKING
- READING
- LEARNING
- CONCENTRATING
- CARING FOR ONESELF
- INTERACTING WITH OTHERS
- PERFORMING MANUAL TASKS



## SUBSTANTIALLY LIMITS

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AN IMPAIRMENT IS A DISABILITY IF IT *SUBSTANTIALLY LIMITS* THE INDIVIDUAL FROM PERFORMING ONE OR MORE *MAJOR LIFE ACTIVITIES*. IT DOES **NOT** MEAN THE PERSON WITH A DISABILITY CANNOT PERFORM THE ACTIVITY AT ALL. **THAT IS NOT A REQUIREMENT.**

## TEMPORARY IMPAIRMENTS

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TEMPORARY IMPAIRMENTS DO NOT BY THEMSELVES DETERMINE WHETHER A PERSON HAS A DISABILITY UNDER ADA. THE BASIC QUESTION IS WHETHER AN IMPAIRMENT “SUBSTANTIALLY LIMITS” ONE OR MORE MAJOR LIFE ACTIVITIES.

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## UNDUE HARDSHIP

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- AN ACTION THAT IS “EXCESSIVELY COSTLY, EXTENSIVE, SUBSTANTIAL, OR DISRUPTIVE, OR THAT WOULD FUNDAMENTALLY ALTER THE NATURE OR OPERATION OF THE BUSINESS.”
- THE EMPLOYER IS ALWAYS IDENTIFIED AS THE ENTIRE COMPANY SUCH AS THE COUNTY AND NOT WHETHER IT WOULD CAUSE UNDUE HARDSHIP TO JUST A DEPARTMENT.
- GRANTING A REASONABLE ACCOMMODATION DOES NOT PRECLUDE AN EMPLOYEE FROM REQUESTING SUBSEQUENT ACCOMMODATIONS WHENEVER THEIR HEALTH OR THEIR DUTIES CHANGE UNLESS THERE HAS ALREADY BEEN MADE A DECISION ABOUT THE SAME REQUEST.

# WHAT IS A REASONABLE ACCOMMODATION?

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A MODIFICATION OR ADJUSTMENT TO A JOB, THE WORK ENVIRONMENT, OR THE WAYS THINGS ARE USUALLY DONE THAT ENABLES A QUALIFIED INDIVIDUAL WITH A DISABILITY TO ENJOY AN EQUAL EMPLOYMENT OPPORTUNITY; TO ATTAIN THE SAME LEVEL OF PERFORMANCE; OR TO ENJOY EQUAL BENEFITS AND PRIVILEGES OF EMPLOYMENT AS ARE AVAILABLE TO AN AVERAGE SIMILARLY-SITUATED EMPLOYEE WITHOUT A DISABILITY.

## BASIC PRINCIPLES OF REASONABLE ACCOMMODATION

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IT MUST BE REASONABLE TO BOTH EMPLOYER AND EMPLOYEE.

THE OBLIGATION APPLIES ONLY TO AN ACCOMMODATION THAT REDUCES BARRIERS TO EMPLOYMENT RELATED TO A DISABILITY, AND NEED NOT BE THE BEST ACCOMMODATION AVAILABLE, AS LONG AS IT IS EFFECTIVE FOR THE PURPOSE.



Humpty Dumpty Sat on a Wall.

Why?


Where?

Humpty Dumpty Had a Great Fall.

How did he or she fall?

All the King's Horses and All the King's  
Men Couldn't Put Humpty Together  
Again.

Why did they even try?





**Convergent thinking** requires analyzing and integrating data to formulate an answer. There is only one correct answer for questions at this level. ("Which is the better temperature setting for a home freezer:  $-2^{\circ}$  Celsius or  $-2^{\circ}$  Fahrenheit?")

**Divergent thinking** requires a response using independently generated data or a new perspective on a given topic. There is more than one correct answer for such questions. ("Write two different equations for which -5 is the solution. One should be a one-step equation, and the other should be a two-step equation.")

**Evaluative thinking**, the highest question level in this taxonomy, deals with matters of judgment, value, and choice. ("What should be done to improve our health care system? Explain your answer.")

Sara, an employee who's been working successfully, is sharing with you, her supervisor, that she's experiencing more anxiety. She's asking for accommodations to ensure she continues to be successful.

Take 4 minutes and 19 seconds to brainstorm with your tablemates about providing accommodations for this employee.

### **Rules for brainstorming:**

Divergent Thinking

No judging

Be wild

Listen, react and build

One person at a time

Quantity not quality – until evaluation

# REASONABLE ACCOMMODATION REQUEST GUIDE

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# REQUESTS FOR A REASONABLE ACCOMMODATION:

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- GENERALLY, IT IS THE RESPONSIBILITY OF THE INDIVIDUAL WITH A DISABILITY TO INFORM THE DEPARTMENT OF THE NEED FOR AN ACCOMMODATION.
- SUPERVISORS SHOULD NOT ASK AN EMPLOYEE IF THEY NEED A REASONABLE ACCOMMODATION.
- ANY REQUEST FOR A CONSIDERATION OR ACCOMMODATION IN THE WORKPLACE DUE TO A MEDICAL REASON IS A REQUEST FOR A REASONABLE ACCOMMODATION UNDER ADA. THE PERSON DOES NOT HAVE TO SAY THE MAGIC WORDS.

# REQUESTS FOR A REASONABLE ACCOMMODATION:

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- AN EMPLOYEE MAY REQUEST A REASONABLE ACCOMMODATION AS SOON AS THEY KNOW IT IS NECESSARY. THIS CAN OCCUR WHENEVER AN INDIVIDUAL'S HEALTH OR JOB DUTIES CHANGE.
- EMPLOYEES CAN REQUEST MULTIPLE ACCOMMODATIONS WHENEVER THE NEED FOR AN ACCOMMODATION PRESENTS ITSELF.
- IT IS AT THE EMPLOYEE'S DISCRETION IF AND WHEN THEY **DISCLOSE** A DISABILITY OR A NEED FOR AN ACCOMMODATION.
- HOWEVER, JOB PROTECTION FROM ADA BEGINS WHEN A DISABILITY IS KNOWN TO THE EMPLOYER.

# ORAL REQUESTS

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THE EMPLOYEE SHOULD MAKE AN ORAL OR WRITTEN REASONABLE ACCOMMODATION REQUEST AS SOON AS IT BECOMES APPARENT THAT IT IS NECESSARY.

IF A REQUEST IS ORAL, THE REQUEST SHOULD BE MEMORIALIZED VIA A MEMO, WITH A COPY TO THE REQUESTOR AND THE INDIVIDUAL ASSIGNED TO HANDLE ADA REASONABLE ACCOMMODATIONS WITHIN THREE (3) BUSINESS DAYS.


- **NOTE: DO NOT REVEAL MEDICAL DETAILS OTHER THAN TO THE PERSON ULTIMATELY RESPONSIBLE FOR GRANTING OR DENYING A REASONABLE ACCOMMODATION.**

## RECEIPT OF A REASONABLE ACCOMMODATION REQUEST

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- THE INDIVIDUAL RESPONSIBLE FOR HANDLING REASONABLE ACCOMMODATIONS WITHIN A DEPARTMENT SHALL ACKNOWLEDGE, IN WRITING, RECEIPT OF THE ACCOMMODATION REQUEST
- WHERE THE NEED FOR A REQUESTED REASONABLE ACCOMMODATION IS NOT APPARENT, THE DEPARTMENT MAY ASK AN EMPLOYEE TO PROVIDE MEDICAL DOCUMENTATION IN SUPPORT OF THE REQUEST.



The slide features a light gray background with a subtle gradient. In the top-left and bottom-right corners, there are several realistic-looking water droplets of various sizes, rendered with soft shadows and highlights to give them a three-dimensional appearance. The text is centered in the upper half of the slide.

Please think about the language of  
disability and disabled when reviewing  
the next couple of slides.

# DOES THE EMPLOYEE HAVE A DISABILITY?

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THE DEFINITION OF DISABILITY IS AN IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES. SO WHEN DETERMINING WHETHER AN EMPLOYEE HAS A DISABILITY, YOU NEED TO KNOW:

1. DOES THE EMPLOYEE HAVE AN IMPAIRMENT? IF YES,
2. DOES THE IMPAIRMENT AFFECT A MAJOR LIFE ACTIVITY? IF YES,
3. DOES THE IMPAIRMENT SUBSTANTIALLY LIMIT THE MAJOR LIFE ACTIVITY?

KEEP IN MIND:

- IF AN IMPAIRMENT IS ON THE EEOC'S LIST OF CONDITIONS THAT ARE VIRTUALLY ALWAYS DISABILITIES, GET THE DIAGNOSIS AND MOVE ON TO MAKING THE ACCOMMODATION.
- IF NOT ON THE LIST: CONSIDER HOW LIMITED THE EMPLOYEE WOULD BE WITHOUT ANY MITIGATING MEASURES.
- CONSIDER HOW LIMITED THE EMPLOYEE IS WHEN THE IMPAIRMENT IS ACTIVE.

# MEDICAL DOCUMENTATION

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- IN LIMITED CIRCUMSTANCES, MORE DETAILED MEDICAL DOCUMENTATION MAY BE REQUIRED TO DETERMINE WHETHER AN EMPLOYEE CAN PERFORM THE ESSENTIAL FUNCTIONS OF THE POSITION AND WHAT ACCOMMODATIONS MAY BE APPROPRIATE.
- HOWEVER, BECAUSE THE TYPE OF DOCUMENTATION THAT MAY BE REQUIRED IN THE CONTEXT OF A REASONABLE ACCOMMODATION REQUEST IS **NARROW AND FACT SPECIFIC**, DEPARTMENT OFFICIALS *SHOULD* CONSULT WITH THE OFFICE FOR PEOPLE WITH DISABILITIES BEFORE REQUESTING IT.

## ANALYSIS OF JOB TO DETERMINE ITS PURPOSE AND ESSENTIAL FUNCTIONS:

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- UPON RECEIPT OF A REQUEST FOR REASONABLE ACCOMMODATION, THE DEPARTMENT, SHOULD EVALUATE WHAT CONSTITUTES THE ESSENTIAL FUNCTIONS OF THE POSITION. IDENTIFYING WHICH JOB FUNCTIONS ARE ESSENTIAL IS NECESSARY TO DETERMINE WHETHER AN EMPLOYEE WITH A DISABILITY IS A "QUALIFIED INDIVIDUAL WITH A DISABILITY" FOR THE POSITION IN QUESTION.

# ESSENTIAL FUNCTIONS

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ESSENTIAL FUNCTIONS ARE THE FUNDAMENTAL JOB DUTIES OF A POSITION, EXCLUDING MARGINAL FUNCTIONS.

A JOB FUNCTION CAN BE DEEMED AN ESSENTIAL FUNCTION FOR A VARIETY OF REASONS INCLUDING, BUT NOT LIMITED TO, WHETHER

- (1) THE POSITION EXISTS TO PERFORM THE FUNCTION;
- (2) A LIMITED NUMBER OF EMPLOYEES ARE AVAILABLE TO WHOM THE FUNCTION CAN BE ASSIGNED; AND/OR
- (3) WHETHER THE FUNCTION IS SO HIGHLY SPECIALIZED THAT IT MUST BE HELD BY AN EMPLOYEE SELECTED FOR THE ABILITY TO PERFORM THAT FUNCTION.

# CONSULTATION WITH THE EMPLOYEE; AN ONGOING, PROGRESSIVE AND INTERACTIVE PROCESS

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USING A **COLLABORATIVE, OPEN AND FLEXIBLE APPROACH**, THE DEPARTMENT AND THE EMPLOYEE SHALL DISCUSS:

- WHAT IS THE DISABILITY. IS IT COVERED BY ADA?
- WHAT KIND OF DOCUMENTATION DOES THE DEPARTMENT REQUIRE
- HOW THE DISABILITY CAUSES JOB-RELATED LIMITATIONS
- WHAT ARE POSSIBLE REASONABLE ACCOMMODATIONS
- WHAT IS THE EFFECTIVENESS OF EACH ACCOMMODATION IN HELPING THE INDIVIDUAL PERFORM THEIR ESSENTIAL FUNCTIONS

THE ACCOMMODATION TO BE PROVIDED MUST BE EFFECTIVE!

THE ACCOMMODATION TO BE PROVIDED MUST BE REASONABLE TO BOTH THE  
EMPLOYER AND THE EMPLOYEE!

## SELECT AND IMPLEMENT AN APPROPRIATE REASONABLE ACCOMMODATION:

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- IN A TIMELY MANNER, THE PERSON IN THE DEPARTMENT WHO HANDLES REQUESTS FOR REASONABLE ACCOMMODATIONS SHALL EITHER GRANT OR DENY, IN WRITING, THE REASONABLE ACCOMMODATION REQUEST OF THE EMPLOYEE.
- WHEN THE PROVISION OR IMPLEMENTATION OF A REASONABLE ACCOMMODATION **WILL TAKE MORE THAN TWENTY (20) WORKING DAYS**, THE STEPS TAKEN TO ORDER, SECURE OR CARRY OUT THE ACCOMMODATION MUST BE DOCUMENTED AND DISCUSSED WITH THE EMPLOYEE.



## DENIAL OF A REASONABLE ACCOMMODATION REQUEST:

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FAILURE TO COMMUNICATE THE STATUS OF A REQUEST WITH THE EMPLOYEE IN QUESTION FOR A PERIOD IN EXCESS OF 20 DAYS, MAY BE CONSIDERED A DENIAL OF A REASONABLE ACCOMMODATION.

- THE DEPARTMENT, UPON NOTIFICATION TO THE EMPLOYEE OF THE DENIAL OF A REQUEST MUST PROVIDE THE EMPLOYEE WITH A COPY OF EXECUTIVE ORDER NO. 3 OF 2009, ALONG WITH A COPY OF THE APPROPRIATE COMPLAINT FORM AVAILABLE AT [WWW.WESTCHESTERGOV.COM/EEO](http://WWW.WESTCHESTERGOV.COM/EEO).

# COMMON CONCERNS

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- A REQUEST CAN USE COMMON LANGUAGE. IT IS NOT NECESSARY TO SAY ADA OR REASONABLE ACCOMMODATION. **ANY CONCERN** BROUGHT TO A SUPERVISOR THAT INVOLVES A **HEALTH OR MEDICAL REASON** IS **BY LAW**, A REQUEST FOR A REASONABLE ACCOMMODATION.
- THE FIRST STEP IS AN INFORMAL, INTERACTIVE PROCESS WITH THE EMPLOYEE. **THE PERSON IN THE DEPARTMENT WHO HANDLES COMPLAINTS SHOULD INITIATE THIS.**
- WHEN? WHENEVER AN EMPLOYEE IS AWARE OF A LIMITATION AND WHENEVER AN EMPLOYEE'S HEALTH OR DUTIES CHANGE.
- AN EMPLOYER MAY REQUEST DOCUMENTATION UNLESS THE DISABILITY OR THE LIMITATION IS OBVIOUS OR IF DOCUMENTATION WAS PROVIDED BEFORE.

# FREQUENTLY ASKED QUESTIONS

## WHAT TYPES OF MEDICAL INFORMATION OR DOCUMENTATION MAY A DEPARTMENT REQUEST?

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A DEPARTMENT MAY REQUEST INFORMATION OR DOCUMENTATION REGARDING:

- **NATURE, SEVERITY AND DURATION** OF THE INDIVIDUAL'S IMPAIRMENT;
- ACTIVITY OR ACTIVITIES THE IMPAIRMENT LIMITS;
- **EXTENT TO WHICH THE IMPAIRMENT LIMITS** THE INDIVIDUAL'S ABILITY TO PERFORM THE ACTIVITY OR ACTIVITIES; AND/OR
- WHY THE INDIVIDUAL REQUIRES A REASONABLE ACCOMMODATION, OR THE REASONABLE ACCOMMODATION REQUESTED,

## ARE THERE RESTRICTIONS FOR HANDLING MEDICAL INFORMATION?

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YES. THE REHABILITATION ACT REQUIRES ALL MEDICAL INFORMATION BE KEPT CONFIDENTIAL. ALL THE MEDICAL INFORMATION OBTAINED BY A DEPARTMENT MUST BE KEPT IN FILES SEPARATE FROM THE INDIVIDUAL'S PERSONNEL FILE.

IN ADDITION, THE INDIVIDUALS WHO HAVE ACCESS TO THIS INFORMATION IN ORDER TO MAKE A DECISION ABOUT WHETHER TO GRANT A REQUESTED ACCOMMODATION MAY NOT DISCLOSE THIS INFORMATION EXCEPT AS FOLLOWS:

- SUPERVISORS AND MANAGERS WHO HAVE A NEED TO KNOW MAY BE TOLD ABOUT **NECESSARY RESTRICTIONS** ON THE WORK OR DUTIES OF THE EMPLOYEE AND ABOUT THE NECESSARY ACCOMMODATIONS BUT NOT THE MEDICAL INFORMATION;
- FIRST AID AND SAFETY PERSONNEL MAY BE TOLD IF THE DISABILITY MIGHT REQUIRE EMERGENCY TREATMENT;

## IS AN EMPLOYER REQUIRED TO PROVIDE THE EXACT REASONABLE ACCOMMODATION THAT THE EMPLOYEE WANTS?

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**NO.** THE EMPLOYER MAY CHOOSE AMONG VARIOUS REASONABLE ACCOMMODATIONS AS LONG AS THE CHOSEN ACCOMMODATION **IS EFFECTIVE** AT ELIMINATING THE WORKPLACE BARRIER.

THUS, AS PART OF THE INTERACTIVE PROCESS, THE EMPLOYER MAY OFFER ALTERNATIVE SUGGESTIONS FOR REASONABLE ACCOMMODATIONS AND DISCUSS THEIR EFFECTIVENESS IN REMOVING THE WORKPLACE BARRIER THAT IS IMPEDING THE INDIVIDUAL WITH A DISABILITY.

## MAY A DEPARTMENT REQUEST THAT AN INDIVIDUAL BE EXAMINED BY ITS OWN PHYSICIAN?

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- YES, BUT **ONLY IN CERTAIN CIRCUMSTANCES**. A DEPARTMENT MAY REQUEST THAT AN INDIVIDUAL BE EXAMINED BY ITS OWN PHYSICIAN **ONLY** IF THE INDIVIDUAL HAS PROVIDED INSUFFICIENT DOCUMENTATION TO SUBSTANTIATE THE EXISTENCE OF A DISABILITY AND THE NEED FOR A REASONABLE ACCOMMODATION.
- THE DEPARTMENT OF LAW SHOULD BE CONSULTED TO DETERMINE IF IT IS APPROPRIATE TO REQUEST AN EXAMINATION BY YOUR OWN PHYSICIAN.



## MAY AN EMPLOYEE WITH A DISABILITY REQUEST TO TELEWORK AS AN INFECTION-CONTROL STRATEGY DURING A PANDEMIC?

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- YES. THE EEOC HAS SAID THAT TELEWORK IS AN EFFECTIVE INFECTION-CONTROL STRATEGY THAT IS ALSO FAMILIAR TO EMPLOYERS AS A REASONABLE ACCOMMODATION.
- IN ADDITION, EMPLOYEES WITH DISABILITIES THAT PUT THEM AT HIGH RISK FOR COMPLICATIONS OF COVID-19 MAY REQUEST TELEWORK AS A REASONABLE ACCOMMODATION TO REDUCE THEIR CHANCES OF INFECTION DURING A PANDEMIC.
- HOWEVER, TELEWORK MAY NOT BE THE ONLY REASONABLE ACCOMMODATION THAT WILL BE EFFECTIVE AND OTHER ACCOMMODATIONS SHOULD BE DISCUSSED ON A CASE BY CASE BASIS.
- ONCE COVID IS NO LONGER A PANDEMIC, THE ACCOMMODATIONS CAN BE REEVALUATED.



IF THERE IS SOME URGENCY TO PROVIDING AN ACCOMMODATION, OR THE EMPLOYER HAS LIMITED TIME AVAILABLE TO DISCUSS THE REQUEST DURING THE PANDEMIC, MAY AN EMPLOYER PROVIDE A TEMPORARY ACCOMMODATION?


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- YES. GIVEN THE PANDEMIC, SOME EMPLOYERS MAY CHOOSE TO FORGO OR SHORTEN THE EXCHANGE OF INFORMATION BETWEEN AN EMPLOYER AND EMPLOYEE KNOWN AS THE "INTERACTIVE PROCESS" AND GRANT THE REQUEST ON A TEMPORARY BASIS.
- IN ADDITION, RETURN TO WORK POLICIES MAY RESULT IN MORE REQUESTS FOR SHORT-TERM ACCOMMODATIONS. EMPLOYERS MAY WISH TO ADAPT THE INTERACTIVE PROCESS - AND DEVISE END DATES FOR THE ACCOMMODATION OR GRANT IT ON A TRIAL BASIS - TO SUIT CHANGING CIRCUMSTANCES.



Knowing what you do now, join your tablemates and brainstorm again, this time for 3 minutes and 38 seconds about how to accommodate Sara.

Was it different this time? Why?



# MORE INFORMATION

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