



Ten Reasonable Accommodations under the ADA

Federal rules apply to businesses with 15 or more employees and state rules apply to those with fewer than 15.

From a seminar by Rodolfo Hurtado EEOC, March 17, 2016 in Lewiston, Idaho

1. An employer cannot “discriminate on the basis of a disability” in any aspect of employment.
2. A Disability is a physical or mental impairment that substantially limits a major life activity or a record of such an impairment.
 - a. Examples: Blindness, deafness, use of wheelchair, autism, cancer, diabetes, epilepsy, AIDS, intellectual disabilities, major depression, and schizophrenia.
 - b. More: He experiences chest pain, difficulty breathing, or fatigue when walking short distances that most people could walk without experiencing such affects due to narrowing of blood vessels causing decreased blood circulation.
3. Qualified Individuals satisfy the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires. QIs can perform essential functions with or without reasonable accommodation. Employers are required to provide reasonable accommodations for QIs... unless the employer can show Undue Hardship.
4. Reasonable Accommodations are modifications or adjustments to a job, employment practice or work environment. RAs may also address employment barriers-Physical; Rigid Work Schedules; Policies or Procedures; Interpersonal Communications...
5. Reasonable Accommodation “Interactive Process” is usually initiated by a request from the employee for a modification of an aspect of work for a medical reason. The employer can request medical documentation which verifies ADA coverage and the medical need for the accommodation requested. Challenges with interactive process:
 - a. Cooperation from employee and medical provider.
 - b. Fair evaluation and decisions.
 - c. Leave of absence time period.
 - d. Reassignment issues.
6. Considerations for the employer under Undue Hardship: Nature of accommodation, Net cost of accommodation, Overall financial and other resources of employer, Impact of the accommodation on employer’s operation.

7. If the employer establishes that an employee is a “Direct Threat” to the health or safety of the employee or others, and the threat cannot be reduced or eliminated by reasonable accommodation, the employer can remove the employee from the position. Reassignment should be considered.
8. Medical and Disability related questions and exams are not allowed Pre-Offer and only Post-Offer if all new employees are examined and the exam is job related and consistent with business necessity.
9. Employers who have policies that require employees be “100% healed” before returning to work or “no restrictions” violate the ADA because the employer does not engage in the individualized assessment of the ability of the employee to perform his or her job with reasonable accommodation.
10. If the employer states that an employee is entitled to only so much medical leave and no more, and the employee gets terminated automatically at the end of the leave, the ADA may be violated because they don’t allow for extending the leave if it is not an undue hardship.

Note: We recommend consulting a qualified employment attorney for legal advice before taking any negative action with an employee who has made an ADA request.

Find out more: <https://humanrights.idaho.gov/Idaho-Law/Types-of-Discrimination/Disability>

Revised 6/25/2020