



REASONABLE ACCOMMODATION – EMPLOYMENT

Title I of the Americans with Disabilities Act (ADA) requires employers with fifteen or more employees to provide a qualified individual with a disability a reasonable accommodation unless doing so would cause the employer undue hardship.

WHO IS A QUALIFIED INDIVIDUAL?

Under Title I of the ADA, a qualified person with a disability is one who satisfies the primary requirements of the position and who can perform essential functions of the job with or without reasonable accommodations. To be eligible for reasonable accommodations, the person must have a disability and be qualified for the position that he or she seeks or holds.

WHAT IS A REASONABLE ACCOMMODATION?

Under the ADA, a reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. Whether an accommodation is reasonable in a particular case involves an analysis of the facts of the particular situation, including the cost of the accommodation and the employer's ability to pay for it. There are three categories of reasonable accommodations:

1. Changes to a job application process;
2. Changes to the work environment, or to the way a job is usually done; or
3. Changes that enable an employee with a disability to enjoy equal benefits and privileges of employment (such as access to training).

HOW CAN I REQUEST A REASONABLE ACCOMMODATION?

If you need an accommodation, you should tell your employer (1) that you have a disability, (2) how your disability interferes with your ability to do your job functions, and (3) what accommodations you need in order to do your job functions. You may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation." Requests for a reasonable accommodation do not need to be in writing. However, it is better practice to put your request in writing so you have a record of it.

WHAT SHOULD MY EMPLOYER DO FOLLOWING MY REQUEST FOR AN ACCOMMODATION?

1. Verify your disability
2. Identify essential job functions that require accommodations
3. Identify a variety of accommodations to reduce and/or remove barriers and increase productivity
4. Determine cost-effectiveness of each accommodation
5. Implement the most appropriate accommodation with the least economic hardship
6. There is no specific amount of time that employers have to respond to an accommodation request, but they should respond as quickly as possible. Your employer should also discuss your request with you (“engage in an interactive process”) in order to best meet both your needs and the needs of your employer. Unnecessary delays in responding or implementing an accommodation can result in a violation of the ADA.

WHEN IS AN ACCOMMODATION NOT “REASONABLE?”

An accommodation is not reasonable if:

- It requires the elimination of an essential job function
- It results in lower production standards
- It involves the provision of a personal use item (such as a hearing aid or wheelchair) or
- It would result in an “undue hardship” to the employer

WHAT IS CONSIDERED AN UNDUE HARDSHIP FOR AN EMPLOYER?

An employer never has to provide a reasonable accommodation that causes undue hardship, meaning significant difficulty or expense. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive or disruptive, or those that would fundamentally alter the nature or operation of the business.

Depending on the facts of your situation, Disability Rights New York may be able to assist you with your employment issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.

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