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The Job Accommodation Process: Steps To Collaborative Solutions

Abstract
[Excerpt] A reasonable accommodation is any change in the work environment or in the way things are usually done that enables an individual with a disability to participate in the application process, to perform the essential functions (or fundamental duties) of a job, or to enjoy equal benefits and privileges of employment that are available to individuals without disabilities. Accommodations help employers not only hire new workers with disabilities, but also keep workers who may become disabled.

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THE JOB ACCOMMODATION PROCESS: STEPS TO COLLABORATIVE SOLUTIONS

ODEP
Office of Disability Employment Policy

Clearly, all employers want their employees to use the correct tools on the job in order to boost productivity and thereby the bottom line. For some employees, employers may find that workplace accommodations are necessary to maximize efficiency.

A reasonable accommodation is any change in the work environment or in the way things are usually done that enables an individual with a disability to participate in the application process, to perform the essential functions (or fundamental duties) of a job, or to enjoy equal benefits and privileges of employment that are available to individuals without disabilities. Accommodations help employers not only hire new workers with disabilities, but also keep workers who may become disabled.

The process for making such accommodations is no different in principle than implementing workplace procedures designed to build productive work environments. As with all such procedures, open lines of communication and clearly defined steps help to facilitate the process and achieve positive outcomes for both employers and employees.

STEPS TO SUCCESSFUL ACCOMMODATIONS

Notify Employees: Employers covered by the Americans with Disabilities Act (ADA) are required to post notices describing the employment provisions of the ADA. It is advisable for employers to have a process in place for facilitating accommodation requests and take steps to ensure that all employees are aware of and understand it.

Facilitate Requests: If an individual with a disability seeks an accommodation, generally he or she is responsible for informing the employer of the need. Individuals do not have to use the word "accommodation," but they must indicate that they have difficulty carrying out their tasks due to a disability.

Analyze Jobs: To facilitate the accommodation process, it is prudent for employers to develop and maintain a detailed description for each job that lists its essential functions and duties. Such descriptions should focus on a job, not a person. For example, a warehouse position may require that boxes be stacked on shelves. The essential function of this job is that boxes be stacked, not that a person lift boxes.

When developing job descriptions, all aspects of a job must be taken into consideration. In addition to specific tasks, descriptions should include details such as scheduling and location, equipment necessary to complete the job, any health and safety requirements, and conduct requirements. Consider the following example:

> Specific tasks for a receptionist's job may include answering and accurately directing phone calls, greeting and checking in visitors, and transcribing and filing documents. The receptionist must use a phone and computer. He or she must be available in the office lobby during regular office hours and be pleasant to callers and visitors.

If these are essential functions of the job, they should be included in the job description and accommodation process.

Identify Functional Limitations: When a reasonable accommodation is needed to perform essential job functions, the employer and employee should discuss the employee's functional limitations and

determine where they intersect with his or her duties. Again, the focus should be on a person's essential job tasks and the physical functions necessary to complete them, not his or her disability. Typically, such functions can be described in "I-N-G" action verbs: walking, pushing, reading. Again, using the receptionist's job as an example, consider the following:

> Perhaps the person hired for the position uses a wheelchair and cannot roll his or her wheelchair under the reception desk in the office lobby. Perhaps he or she has dyslexia and cannot accurately write down phone numbers in messages. Perhaps he or she has severe repetition motion syndrome and has difficulty typing.

It is important to identify the type of accommodations that might be available to allow this otherwise qualified individual to perform the specific tasks.

Determine Potential Accommodations: Sometimes, an employee with a disability is aware of the modifications he or she needs to perform certain tasks. Other times, devising an effective accommodation requires creative and collaborative thinking. It is important to remember that accommodations are not limited to adjustments to a physical work environment. They may involve changes to the way a job is done or structured, modified workplace policies and procedures, adjusted work schedules, swapping or eliminating marginal functions or perhaps even changes to corporate culture. Or, they may entail procuring assistive technology or services such as readers or interpreters.

> If the receptionist uses a wheelchair, potential accommodations may include elevating the desk on blocks, or putting in an adjustable height counter (which would also accommodate anyone else filling in), or remodeling to replace the desk with one that could be used with a wheelchair.
>
> For the worker with dyslexia, potential accommodations may include installing a voice mail system, or creating a color-coded phone directory and accompanying switchboard, or exchanging the job's phone-answering duties for another employee's tasks.
>
> If the person has repetitive motion syndrome, potential accommodations may include providing an ergonomically designed keyboard, or installing voice recognition software on a computer, or re-assigning duties, or allowing a job share with another employee.

Determine Reasonable Solutions: The ADA requires employers to provide reasonable accommodations for qualified applicants or employees with disabilities unless doing so would cause undue hardship. Undue hardship refers not only to financial difficulty, but also to accommodations that are unduly extensive or disruptive or would fundamentally alter the nature or operation of the business.

Determination of undue hardship takes into account the nature and cost of the accommodation, the business's overall financial resources, the number of persons it employs and the accommodation's impact on the business and its expenses and resources. When cost is a concern, an employer should explore whether funding is available from an outside source, such as a state rehabilitation agency.

Fellow employees' or customers' fears or prejudices do not constitute undue hardship.

Make the Accommodation: An employer has the final say on which accommodation is implemented, based on factors such as cost, effectiveness and business feasibility. However, accommodations work best when both the employer and employee participate in the process and the employee's needs and preferences have been taken into consideration in making the decision.

Monitor Effectiveness: Not all accommodations produce the desired outcome. If the accommodation is not working, the employer and employee should start the process again.

Like most sound management practices, the accommodation process is enhanced by collaboration. Moreover, by requiring employers and employees to work together and think creatively about how various tasks are accomplished, it may help uncover strategies that lead to a more positive and productive workplace for all employees.

HELP AVAILABLE

A number of resources can assist employers and employees during all stages of the accommodation process.

- The **Job Accommodation Network (JAN)** is a free, confidential service from the U.S. Department of Labor's Office of Disability Employment Policy that provides individualized accommodation solutions. It can be accessed at 1-800-526-7234 (V/TTY) or ***www.jan.wvu.edu***.

- The **ADA Technical Assistance Manual** on the employment provisions (Title I) of the ADA is available from the Equal Employment Opportunity Commission (EEOC) by calling 1-800-669-3362 (V) or 1-800-800-3302 (TTY).

- Ten regional **ADA & IT Technical Assistance Centers** sponsored by the U.S. Department of Education's National Institute on Disability and Rehabilitation Research provide ADA information, training and technical assistance across the nation. They can be contacted at 1-800-949-4232 (V/TTY) or ***www.adata.org/centers.htm***.

TAX BENEFITS

Three tax incentives are available to help businesses offset the costs of accommodations and improve employment opportunities for employees with disabilities.

- The **Small Business Tax Credit** (IRS Code Section 44, Disabled Access Credit) can be used by certain small businesses for architectural changes, equipment or services such as sign language interpreters.

- The **Architectural/Transportation Tax Deduction** (IRS Code Section 190, Barrier Removal) can be used by businesses of any size to make architectural and transportation modifications.

- The **Work Opportunity Tax Credit (WOTC)** benefits certain employers who hire certain targeted low-income groups, including Social Security Insurance recipients or certified vocational rehabilitation referrals.

For more information about these tax incentives, visit the U.S. Department of Labor Office of Disability Employment Policy's publications page, ***www.dol.gov/odep/pubs/publicat.htm***.

Sources: Job Accommodation Network
Equal Employment Opportunity Commission
Western Region Outreach Center and Consortia at Western Oregon University

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