



Employment Rights Helpline at Equip for Equality

SELF-ADVOCACY ASSISTANCE ★ LEGAL ADVICE ABOUT EMPLOYMENT RIGHTS ★ SAMPLE LETTERS & FORMS ★ REFERRALS

FACT SHEET: Requesting a Reasonable Accommodation

What is a reasonable accommodation?

A reasonable accommodation is any change in the work environment or in the way things are customarily done that enables you, as a person with a disability, to enjoy equal employment opportunities.

Reasonable accommodations generally fall within three categories:

- Changes to the application or interview process
- Changes to the work environment that enable you to perform the essential functions of your job
- Changes that enable you to access the benefits and privileges of employment

What are examples of reasonable accommodations?

There are endless examples of potential workplace accommodations. Common examples include:

- Making an existing workplace accessible (installing a ramp, widening a doorway)
- Providing qualified readers or interpreters (ASL interpreters for important meetings)
- Job restructuring (removing marginal tasks)
- Part-time or modified work schedules (permitting a flexible schedule)
- Leave (providing unpaid leave in addition to FMLA or sick leave)
- Providing or changing equipment (installing computer software, such as JAWS)
- Modifying testing requirements, training materials, or policies (providing additional training)
- Reassignment (transferring to a vacant position for which you are qualified)
- Working from home

When should I request a reasonable accommodation?

You may request a reasonable accommodation at any point during your employment once you know that you need a change in your job due to your disability.

- You do not need to request a reasonable accommodation during a job interview.
- If possible, request a reasonable accommodation before your job performance begins to suffer. It is difficult to ask for an accommodation to address past performance issues.

I don't know what accommodation to ask for. What should I do?

It is a good idea to identify an accommodation or two that might work for you and your employer.

- One helpful resource is the Job Accommodation Network (JAN). JAN has fact sheets specific to almost every disability and limitation that includes accommodation ideas. JAN also has technical assistance specialists that can brainstorm solutions with you.
<https://askjan.org>

Does my employer have to give me the accommodation I ask for?

It depends. Here are a few important concepts to keep in mind:

- Preferred v. effective accommodation: Your employer is required to provide you with an effective accommodation, not necessarily your preferred accommodation. If there are many possible ways to accommodate you, your employer can choose the cheapest or easiest, so long as it is effective. As you negotiate with your employer, be open to other possibilities. If your employer's alternate accommodation would not be effective, explain why.
- Undue hardship: Your employer is not required to provide an accommodation that would pose an undue hardship, which is defined as a significant difficulty or expense. There is no specific standard for what constitutes an undue hardship; instead, this determination is made based on an individualized basis. Some factors to consider are: (1) the cost of the accommodation needed; (2) your employer's financial resources; and (3) the impact of the accommodation on your employer.
- Personal services or devices: Your employer does not need to provide personal services or devices. For instance, if you need a hearing aid for use both in and out of the workplace, that hearing aid is a personal device and your employer is not required to provide it. However, some devices may seem personal but are still considered accommodations, such as a specialized phone to help you hear in the workplace. This is not a personal device because you only need it in the workplace.
- Removing essential functions: Your employer does not need to remove any particular task or duty, if that task or duty is an essential function of your position.

I need a reasonable accommodation. What do I do?

Your first step is to request the reasonable accommodation.

- Let your supervisor(s) or human resource department know that you need a change at work because of reasons related to your medical condition. You may make this request initially to whomever you are most comfortable with.
- Make your request in writing and use the phrase: "I am requesting a reasonable accommodation under the ADA." This helps create a clear record of your request and helps your employer know that your request should be taken seriously. If you prefer to have a conversation in person or by phone first, that is perfectly fine. Just be sure to follow-up in writing confirming the conversation.
- Use the template letter at the end of this fact sheet.

What happens after I make my request?

You and your employer should engage in the **interactive process** to determine what accommodation(s) would be effective to address your needs. If your employer does not immediately approve your request, you can expect the following:

- Your employer may request limited medical documentation.
- Your employer may ask clarification questions about your disability, functional limitations, and needs to help identify an effective accommodation.
- Your employer may want to consult with others knowledgeable about your position.

Does my employer have the right to ask for medical documentation?

Yes, if your disability and/or need for accommodation is not obvious, your employer can request medical documentation to confirm that you have a disability and that you need a reasonable accommodation.

- Your employer should not ask for a complete medical history. Requests should be narrowly tailored to your accommodation request.
- If your employer asks you to sign a release for all of your medical records, offer to provide a note from your doctor instead and/or narrow the scope of the release to information required to assess your accommodation request.
- Some employees find it helpful to provide documentation from a doctor with the initial request. There is nothing wrong with this, but your employer may have specific questions, so you may want to consider waiting to provide medical documentation so that you do not need to ask your doctor for additional letters.

Do I have to respond to my employer's follow-up questions?

Yes, so long as they are reasonable.

- The interactive process is a “two-way street” and places obligations on you as well as your employer. You might feel frustrated and not want to continue this discussion, but we encourage you to respond to all reasonable questions and requests. You want to do everything reasonable to continue to engage in the interactive process.
- Remember that the ADA encourages us to be creative, open-minded, and flexible. You are asking your employer to be all of those things when making changes to your job. Try to work with your employer to find a mutually agreeable solution.

How does the interactive process end?

Your employer will ultimately approve your request, deny your request, or offer an alternative.

What do I do if my employer denies my request?

- Continue the interactive process: Ask your employer why the request was denied and ask your employer for the denial in writing. Depending on the answer, consider whether there is room to continue with the interactive process. For instance, if your employer says that your medical support was not sufficient, you could obtain additional support. If your employer says your request would pose an undue hardship, consider alternatives.

- Escalate your request: You may be able to escalate your request within your organization. For instance, if your supervisor denied your request, consider going to Human Resources.
- File an internal complaint: Some employers have internal complaint processes. Union members can file complaints through their unions.
- File an external complaint: You can bring a complaint for failure to provide a reasonable accommodation. If you would like to pursue an employment discrimination case, the first step is to file a charge of discrimination with the Equal Employment Opportunity Commission or the Illinois Department of Human Rights. Please see the Employment Rights Helpline fact sheet about How to File a Charge of Discrimination to learn more.

Contact the Employment Rights Helpline (1-844-RIGHTS-9) or a private attorney to discuss your options.

Where can I learn more?

- EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act: www.eeoc.gov/policy/docs/accommodation.html
- Job Accommodation Network's Practical Guide to Accommodations: <https://askjan.org/Eeguide/index.htm>
- If your issue is about requesting reassignment or telework as reasonable accommodations, please see our Employment Rights Helpline Fact Sheets:
 - Reassignment as a Reasonable Accommodation
 - Telework as a Reasonable Accommodation



DO YOU HAVE A QUESTION?

Contact Equip for Equality's Employment Rights Helpline

1-844-RIGHTS-9 (toll free) or (844) 744-4879

800-610-2779 (tty)

employment@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Employment Rights Helpline seeks to empower individuals with disabilities to advocate effectively. This publication is made possible by funding support from The Chicago Community Trust, the U.S. Department of Health and Human Services, the Administration on Intellectual and Developmental Disabilities and the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; the U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. The contents of this publication are solely the responsibility of Equip for Equality and do not necessarily represent the official views of any of these agencies.

TEMPLATE LETTER

How to Request a Reasonable Accommodation

DATE (January 1, 2018)

METHOD OF DELIVERY (Email/U.S. Mail/Hand Delivered, etc.)

Human Resources Department
Employer's Address

Re: Request for Reasonable Accommodation for (Your Name)

Dear Mr./Ms. (Contact at Human Resources Department):

I work at _____(Company Name) as a _____(Your Job Title) and have been in this position since ____ (Date).

I am writing to request that you provide _____(list accommodation needed here) as a reasonable accommodation under the ADA. As you may know, I have a disability (you may list your disability here or wait for your employer to request documentation of your disability) and this accommodation would help me be successful at my job.

If you are unable to provide me with _____ (list accommodation needed here), I ask that we engage in the interactive process to determine whether there is an alternative effective accommodation.

If you have any questions, you can feel free to contact the Job Accommodation Network a 1-800-526-7234 or the Great Lakes ADA Center at 1-800-949-4232 for more information, free of charge.

Please contact me if you have any questions about my request. I would appreciate a written response to this letter. Thank you very much.

Very truly yours,

(Your Name)