



# Employment Rights Helpline at Equip for Equality

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

## FACT SHEET: Job Restructuring as a Reasonable Accommodation

### I cannot do part of my job because of my disability. What should I do?

You should consider asking for **job restructuring** as a reasonable accommodation under the Americans with Disabilities Act (ADA). Under the ADA, employers must provide reasonable accommodations to employees with known disabilities. Job restructuring can be a reasonable accommodation under the ADA in certain situations.

### What is job restructuring?

Job restructuring is when an employer modifies your job by removing one or more job responsibilities.

### How do I know if my employer has to restructure my job?

Think about the specific job task that you cannot do. Is it an *essential* function of your job? An essential function is one that is extremely important. Or is the job task a *marginal* function of your job? A marginal function is one that is not very important. An employer is *never* required to remove an essential function as a reasonable accommodation. An employer *may* be required to remove a marginal function as a reasonable accommodation.

### How do I know if the particular job task is essential or marginal?

Use the following factors when evaluating whether a particular job task is essential or marginal:

- What does your employer think?
- What does your job description say?
- How much time do you spend doing this task?
- What would the consequences be if you didn't do this task?
- What does your collective bargaining agreement say (if you have one)?
- Did everyone who previously worked in your position do this task?
- Does everyone who currently works in similar jobs do this task?

### I am certain that the job function I cannot do is marginal. Does my employer have to remove it if I am a qualified employee with a disability?

Probably, unless your employer comes up with another accommodation idea that will work for you. Under the ADA, your employer has to give you an effective accommodation, but not necessarily the specific accommodation you request. You may also need to provide medical documentation to support your request if your disability is not obvious.

## Is there any risk in asking for a reasonable accommodation of job restructuring?

Yes. To be protected by the ADA, you have to be able to do the essential functions of your job with or without a reasonable accommodation. And remember, employers are not required to eliminate an essential job function. As a result, if you tell your employer that you cannot do a job task—and if your employer insists that the job task is essential—you may be telling your employer that you are not qualified to do your job.

However, there are ways to lower the risk.

- When discussing your request, don't speak in terms of absolute certainty. Instead of saying: "I cannot do this job task," say: "I am having a hard time doing this job task."
- You can also informally ask about the possibility of removing or substituting a job task before formally requesting the job task be removed.
- Consider discussing your request informally with a mentor or colleague in the workplace to get another opinion about whether the job task is essential.
- Consider whether you have the ability to seek reassignment as a reasonable accommodation, in case job restructuring is not possible. *See question about reassignment below.*

## I want to ask for job restructuring as a reasonable accommodation. What should I do?

*Before you make the request:*

- Think through the factors outlined on page 1 of this Fact Sheet to consider whether you think job restructuring would be reasonable for your position. These factors can also be found in the Employee Worksheet at the end of this Fact Sheet.
- Consider whether there are any new job tasks that you can take on to replace this job task; this can show your employer that you are willing to do work, but that you are having difficulty with a specific task.

*When you make your request:*

- Let your supervisor or human resource department know that you need a change at work because of reasons related to your disability or medical condition.
- Make your request in writing and use the phrase: "I am requesting a reasonable accommodation under the ADA." Use the Template Letter in this Fact Sheet.
- Keep a copy of your written request.
- Be prepared to provide reasonable medical documentation about your disability, and why job restructuring relates to your disability and would help you perform the essential functions of your job.

*After you make your request:*

- When you make a request for a reasonable accommodation under the ADA, you always have an obligation to engage in the interactive process. This means you have to be willing to discuss your request, as well as alternatives, with your employer.
- Engage in the interactive process in good faith.

**I cannot do a particular job task. However, this particular task is definitely essential. Do I have any options?**

Yes. You should consider whether the reasonable accommodation of reassignment would work for you. Please see the Employment Rights Helpline Fact Sheet about [Reassignment as a Reasonable Accommodation](#) to learn more.

**What are examples of job restructuring?**

Job restructuring, like all accommodations, must be considered on a case-by-case basis.

Here are *some* examples of situations where job restructuring was considered reasonable:

- An individual with epilepsy worked as a driver for a delivery service. Due to his epilepsy, he was prohibited by law from driving a commercial vehicle. His job required him to drive a commercial vehicle, but only 5% of the time. It would have been a reasonable accommodation to restructure his job to eliminate the requirement that he drive commercial vehicles. His employer could have removed this job task by making only a few small route adjustments, which were regularly made for other reasons. *Sullivan v. Spee-Dee Delivery Service, Inc.*, 2015 WL 5749814 (W.D. Wis. Sept. 30, 2015)
- A firefighter became blind in one eye. He could do his entire job except he could not drive the fire truck. His employer could have removed this job task. Driving the truck was not a specialized task, it was not a task that only a limited number of employees could perform, and his job description noted that it was something he “may” need to do, not “must” need to do. *Rorrer v. City of Stow*, 743 F.3d 1025 (6th Cir. 2014)
- An employee with social anxiety disorder worked as a deputy clerk for a courthouse. She experienced panic, stress and extreme nervousness when working at the front desk, but she was able to do the other job responsibilities. It would have been a reasonable accommodation to restructure her job to eliminate the requirement to work at the front desk because there were 30 other deputy clerks and fewer than 15% regularly worked the front desk and some never did at all. *Jacobs v. N.C. Administrative Office of the Courts*, 780 F.3d 562 (4th Cir. 2015)

**I have more questions about the reasonable accommodation process.**

Please see the Employment Rights Helpline Fact Sheet about [Requesting a Reasonable Accommodation](#) to learn more.

## TEMPLATE LETTER

### Requesting Job Restructuring as 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 to Remove Job Duty as a Reasonable Accommodation (JANE DOE)**

Dear Mr./Ms. (Human Resources):

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

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). As a result of my disability, I am having a difficult time performing the job function of \_\_\_\_\_ (list job function).

I believe that this job function is not essential to my position. I am writing to ask that this function be removed from my responsibilities as a reasonable accommodation under the ADA. I would be willing to have this function replaced with a job function that I am able to do, including \_\_\_\_\_ (add new job task).

If you are unable to grant this request, I ask that we engage in an interactive process to see if there are any other accommodations that would be reasonable and effective.

If you have any questions about accommodations under the ADA, 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)

your phone number/email

## EMPLOYEE WORKSHEET: Job Restructuring as a Reasonable Accommodation

Use this worksheet to evaluate whether the job task that you cannot do is essential or marginal. Remember, your employer does not need to remove any essential functions of your position.

Essential v. Marginal	
TASK:	
What does your employer think?	
What does your job description say?	
How much time do you spend doing this task?	
What would the consequences be if you didn't do this task?	
What does your collective bargaining agreement say (if you have one)?	
Did everyone who previously worked in your position do this task?	
Does everyone who currently works in similar jobs do this task?	

### Additional Factors to Consider:

1. What job tasks could you offer to do instead?

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2. If this job task is essential, are there any vacant positions that you are qualified to do that you could be reassigned to?

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3. Are there any other accommodations that would be effective?

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4. Can you get written documentation from a health care professional to support your request?

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## **DO YOU HAVE A QUESTION?**

Contact Equip for Equality's Employment Rights Helpline

**1-844-RIGHTS-9** (toll free)

844-744-4879 (toll free)

800-610-2779 (tty)

[employment@equipforequality.org](mailto:employment@equipforequality.org)

[www.equipforequality.org/employment](http://www.equipforequality.org/employment)

**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. The Employment Rights Helpline and these publications were made possible by a grant from the Chicago Community Trust. The contents of this publication are the sole responsibility of the authors and do not represent the official views of the grantors.

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