



Employment Rights Helpline at Equip for Equality

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

FACT SHEET: Supervisor-Related Accommodations

I have a disability and am having a hard time working with my supervisor. Does the Americans with Disabilities Act help me?

Maybe. The Americans with Disabilities Act (ADA) says employers need to give reasonable accommodations to employees with known disabilities. Reasonable accommodations are changes to the workplace or how you do your job that helps you as an employee with a disability.

Learn more about [Requesting Reasonable Accommodations Under the ADA](#).

Can I ask for a new supervisor as a reasonable accommodation under the ADA?

Generally, no. Changing to a new supervisor is generally not a reasonable accommodation under the ADA.¹ The Equal Employment Opportunity Commission (EEOC) says:

An employer does not have to provide an employee with a new supervisor as a reasonable accommodation. Nothing in the ADA, however, prohibits an employer from doing so. Furthermore, although an employer is not required to change supervisors, the ADA may require that supervisory methods be altered as a form of reasonable accommodation. Also, an employee with a disability is protected from disability-based discrimination by a supervisor, including disability-based harassment.

EEOC, [Enforcement Guidance on Reasonable Accommodations and Undue Hardship Under the ADA](#) (question 33).

If changing supervisors is not a reasonable accommodation, what should I do?

The EEOC shares three ideas. Think if any of these ideas could work for you.

Idea 1. Do you think your employer might *agree* to change your supervisor, even though it does not *have* to?

Employers are allowed to do more than the ADA requires. In some situations, your employer might also think it would be a good idea to change your supervisor.

Ask yourself: *Is there any chance that my employer would change my supervisor or move me to a new position even if it is not legally required?*

¹ *Weiler v. Household Finance Corp.*, 101 F.3d 519, 526 (7th Cir. 1996).

If yes: Consider asking your employer to change your supervisor or move you to a different position with a different supervisor.

Next steps: The tricky part here is deciding how to ask – and how to make sure that it does not impact your relationship with your supervisor. You could explore this idea by talking to your Human Resources (HR) department and say something like:

- I love working here and I love my job. I am having some difficulty with my supervisor because of my disability. I am committed to working it out, but I also wanted to ask whether there might be any opportunities to move to a different supervisor (or position under a different supervisor). I think this might be the best move for me and the company and I would like to look into what my options are under the ADA. If it is not possible, I understand, but wanted to ask.

Idea 2. Ask, as a reasonable accommodation, for your supervisor to use specific “supervisory methods” as a reasonable accommodation under the ADA.

Although it is not a reasonable accommodation to change supervisors, it may be a reasonable accommodation for your supervisor to change their practices and how they work with you to better accommodate you as a disabled employee.

Examples include:²

- Having weekly meetings to set goals or expectations for the week
- Providing timely feedback, including positive praise and reinforcement
- Providing instructions or feedback in an accessible way (such as by email)
- Write down expectations in a clear way
- Plan strategies to deal with problems if they come up
- Do not require employees attend work-related social events

Ask yourself: *Are there changes my supervisor could make that would help our relationship?*

If yes: You might want to ask for these changes, as a reasonable accommodation.

Next steps: Do some thinking about how to make the request and who to make the request to. This request could be seen as personal to your supervisor so you should consider how you think your supervisor might respond.

- **How to make the request:** You can use the sample letter at the end of this Fact Sheet. Depending on how you think your supervisor will respond and your comfort level, you could ask for a meeting or phone call to discuss the request (either before or after sending the formal request).
- **Who to make the request to:** Generally, you can request accommodations from your supervisor or from your HR department. (Read your employee handbook which might have more information.) Again, depending on how you think your supervisor will respond,

² These suggestions can be found in the Job Accommodation Network document, [Changing a Supervisor as an Accommodation Under the ADA](#)

if you are comfortable doing so, you might consider asking your supervisor first (possibly CCing HR) instead of going to HR directly. If you are not comfortable asking your supervisor, you can go to HR directly with your accommodation request.

Idea 3: Ask for a new supervisor to resolve any ongoing harassment or discrimination.

Although it is not a reasonable accommodation to change supervisors, it may be a reasonable response to complaints about disability-based harassment.

Ask yourself: *Why am I having a hard time with my supervisor. Is my supervisor harassing me? Discriminating against me? Not giving me accommodations that were approved?*

If yes: You could ask to be moved to a new supervisor to resolve the problem.

Next steps: Look at your employee handbook to see if there are instructions about what to do if you believe that you are being harassed or discriminated against. If so, follow those instructions. Usually, you can file a complaint with HR. In your complaint, be specific about why you think you are being harassed or discriminated against. You could also add that you are asking to be moved to a new supervisor as a way to resolve the problem.

Learn more about [Addressing Disability Harassment](#).

Could I ask to change positions for other disability-related reasons?

Yes, though there are some risks of doing so. Reassignment – or a job transfer – to a vacant position that you are qualified to do can be a reasonable accommodation under the ADA. *If there is another disability-related reason that you would like to transfer (other than escaping your supervisor), you could ask for reassignment under the ADA.*

You should think carefully about making this request as there are some risks of asking for reassignment, which is considered the accommodation of last resort. Learn more about [Reassignment as a Reasonable Accommodation](#).

Where can I learn more?

- Job Accommodation Network: [Changing a Supervisor as an Accommodation Under the ADA](#)

SAMPLE LETTER

Requesting Supervisory Changes as a Reasonable Accommodation

DATE

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

Human Resources Department

Employer's Address

**Re: Request for changes in supervisory methods as a reasonable accommodation
(YOUR NAME)**

Dear Mr./Ms. (Human Resources):

I work as a (Job Title) and have been in this position since (Date).

I have a disability (be more specific, if comfortable) and, as a result, am requesting certain changes to the workplace so that I can effectively do my job.

Specifically, I am asking for the following accommodations:

- (Example: Weekly meetings with my supervisors to talk about my supervisor's expectations for the week. This will help me because)
- (Example: Directions given in writing. This will help me because)

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

If this accommodation is not possible, it would be helpful if you could explain why so that we can continue an interactive process.

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

Sincerely,

(Your Name)

(Your phone number/email)



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/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.

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