Removing a Job Task — “Job Restructuring as a Reasonable Accommodation”

This fact sheet answers:

• What Can I Do if I Cannot Do Part of My Job Because of My Disability?
• What Is Job Restructuring?
• Is There Any Risk in Asking for a Reasonable Accommodation of Job Restructuring?
• And More
What Can I Do if I Cannot Do Part of My Job Because of My Disability?
You should think about 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 changes your job by taking away one or more of your tasks.

How Do I Know if My Employer Has to Restructure My Job?
Think about the specific 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 task a marginal function? 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?
The following factors help decide if a 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 happens 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?

If I Know the Job Task 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 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 remove 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.

There are ways to lower the risk, including:

- When making 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 casually ask about the possibility of removing or switching a task before formally requesting the job task be removed.
- You could talk about 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 questions about reassignment below.

**How Do I Ask for Job Restructuring as a Reasonable Accommodation?**

**Before you make the request:**

Think about what you read so far and use the worksheet at the end of this fact sheet to decide if you think job restructuring would be reasonable for your job.

Think of 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 have a hard time with a specific task.

**When you make your request:**

Let your supervisor or human resources department know that you need a change at work because of reasons related to your disability or medical condition.

Ask in writing or email and use the phrase: “I am requesting a reasonable accommodation under the ADA.” Use the Sample Letter in this Fact Sheet. Keep a copy of your request.

Be ready to give some medical documentation about your disability.

Be ready to say why job restructuring relates to your disability and how it would help you perform the essential functions of your job.

**After you make your request:**

When you ask for a reasonable accommodation under the ADA, you must always engage in the interactive process. This means you have to be willing to talk about your request, as well as alternatives, with your employer.

Engage in the interactive process in good faith.
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 not allowed by law to drive 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.

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.

I Have More Questions About the Reasonable Accommodation Process.
Read CAP’s “Requesting a Reasonable Accommodation” fact sheet to learn more.

Do I Have Options if the Task I Cannot Do Is Essential?
Yes. Think about whether the reasonable accommodation of reassignment would work for you. See CAP’s “Reassignment as a Reasonable Accommodation” fact sheet to learn more.
SAMPLE LETTER
Asking for Job Restructuring as a Reasonable Accommodation
Copy this letter and use it to ask for a reasonable accommodation

DATE

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 (NAME)

Dear Mr./Ms. (Human Resources):

I work 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.

Sincerely,
(Your Name)

your phone number/email
Employee Worksheet
Job Restructuring as a Reasonable Accommodation

Use this worksheet to think about if 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.

<table>
<thead>
<tr>
<th>Essential v. Marginal</th>
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</tr>
</tbody>
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Additional Factors to Consider:
1. What job tasks could you offer to do instead?

2. If this job task is essential, are there any vacant positions? Are you qualified those jobs?

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

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

Have More Questions?
Call Independent CAP at Equip for Equality.

855-ILCAP-25 (855-452-2725)
cap@equipforequality.org
www.equipforequality.org/cap