

## Equal Employment Opportunity Commission's (EEOC) Providing Reasonable Accommodations in the Workplace Guidelines

*[Adapted from The ADA: Your Responsibilities as an Employer](#)*

### **Americans with Disabilities Act (ADA)**

Employers must make reasonable accommodations for qualified individuals unless the employer can show undue hardship.

#### ▶ **What is a reasonable accommodation?**

- Making existing employee facilities accessible to individuals with disabilities
- Job Restructuring - part-time or modified work hours
- Acquisition or modification of equipment
- Modifications in exams, training, material, or policies
- Provision of qualified readers or interpreters
- Reassignment to a vacant position

#### ▶ **What is "undue hardship"?**

- Significant difficulty or expense
- Takes into consideration the circumstances of the individual employer
- Must be assessed on a case by case basis

#### ▶ **How can an essential function be determined?**

- Position exists to perform a specific function
- Number of employees available to perform function, if only a few, then the function is essential
- Degree of skills or expertise required

#### ▶ **What documentation is required to validate essential functions?**

- Job description
- Amount of time spent on the job performing the essential function
- Consequence of not requiring the individual to perform the function
- Any collective bargaining agreements
- Work experience of past or current incumbents in position

#### ▶ **What does an employer NOT have to do?**

- Eliminate an essential function of the job
- Lower production standards
- Create a new job
- Provide personal use items (if also needed off the job)
- Provide personal use amenities (hotplate, refrigerator) if not provided to other employees
- Take on costs that would pose an undue hardship to the business

### **5 steps to determine reasonable accommodation:**

1. Job analysis/job description to confirm essential functions

*The information provided is not a substitute for legal advice where the facts and circumstances warrant. KPA recommends that users should always consult his or her own legal or other professional advisors and discuss the facts and circumstances that apply to the specific situation. The information provided through KPA webinars, resource guides, white papers or HR Support IS PROVIDED ON AN "AS IS, AS AVAILABLE" BASIS AND KPA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE INFORMATION PROVIDED.*



2. Consult with the individual to understand the precise limitations
3. Identify possible accommodations
4. Consider the preferences of the individual
5. Select and implement the accommodation(s) that are most reasonable for individual and the employer

*The information provided is not a substitute for legal advice where the facts and circumstances warrant. KPA recommends that users should always consult his or her own legal or other professional advisors and discuss the facts and circumstances that apply to the specific situation. The information provided through KPA webinars, resource guides, white papers or HR Support IS PROVIDED ON AN "AS IS, AS AVAILABLE" BASIS AND KPA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE INFORMATION PROVIDED.*