

# JAN

Job Accommodation Network

Practical Solutions • Workplace Success

## Accommodation and Compliance Series

# Accommodation and Compliance Series: Five Practical Tips For Providing And Maintaining Effective Job Accommodations

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## **JAN'S Accommodation and Compliance Series**

### **Introduction**

Accommodation refers to any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. JAN provides five practical tips for providing and maintaining effective job accommodations.

#### **Why Provide Job Accommodations?**

- **Attract Good Employees**
- **Retain Experienced Workforce**
- **Comply with the ADA**

There are many reasons for employers to provide job accommodations for all employees. In times of labor shortages, employers can attract good employees by offering accommodations such as flexible scheduling, work at home opportunities, job sharing, and ergonomic workstations. Also, providing such accommodations can help employers retain an experienced workforce by improving the overall morale of the workplace. And finally, providing job accommodations allows employers to meet their legal obligations under title I of the Americans with Disabilities Act (ADA) and similar state laws.

A study conducted by JAN not only confirms the benefits of providing accommodations, but also shows that providing accommodations is not costly. More than half the employers surveyed report that there was no cost for providing an accommodation and the rest of the employers surveyed reported a typical cost of \$500. Although there are many benefits that result from providing job accommodations, some employers are not sure how to do so. The following information provides some helpful tips for employers who want to improve their ability to provide and maintain effective job accommodations.

#### **Tip 1. Develop Written Policies and Procedures**

##### **Why?**

- **Awareness**
- **Consistency**
- **Documentation**

Employers should consider developing written accommodation policies and procedures. Written policies and procedures can help make sure that all employees are aware of the policies and procedures, help insure consistency when processing accommodation requests, and help document employers' efforts to provide effective accommodations.

Some things to consider when developing written policies and procedures include:

- **Try to Keep Them Flexible and Simple.** If the goal is to make it easier to provide effective job accommodations, policies and procedures that are overly rigid, technical, or complicated are not very useful. Employers should try to develop flexible policies and simple procedures when possible.
- **Be Sure to Appoint a Responsible Person or Persons.** Often times employees request accommodations but no one acts on the request – it gets passed around from one person to another with no one taking responsibility. Employers should decide who will be responsible for implementing and overseeing accommodation policies and procedures. It can be one responsible person, a team, or even individual supervisors or managers – the right approach may vary from workplace to workplace, but the important thing is to make someone responsible.
- **Inform Everyone.** Policies and procedures will not be effective unless everyone knows about them. Employers should make sure to inform all employees, including supervisors, managers, and staff, about them.

For information on sample policies, procedures, and forms, go [here](#).

## **Tip 2. Train All Managers and Supervisors How to Recognize and Respond to an Accommodation Request**

### **Why?**

- **ADA Compliance**
- **Effective Use of New Policies and Procedures**

No matter who will actually be responsible for processing accommodation requests, all managers and supervisors need to know how to recognize a request, especially from an employee who might be protected by the ADA. One of the main reasons employees file complaints under the ADA is that the employer did not respond to an accommodation request. The problem is often that a supervisor or manager did not recognize the request. Employers also need to let managers and supervisors know what to do once a request is received to make sure the request is processed.

In addition to complying with the ADA, employers who want to benefit from providing accommodations for all employees and who go to all the trouble of developing policies and procedures, will want to make sure the policies and procedures are used effectively. Training everyone how to recognize and respond to a request will help accomplish this.

### **How?**

So, how can supervisors or managers be trained to recognize and respond to accommodation requests? When requesting an accommodation, employees only need

to use plain English and do not have to mention the ADA or use legal terminology such as the phrase "reasonable accommodation." In general, all an employee needs to say is that she needs "an adjustment or change at work for a reason related to a medical condition." So, any time an employee indicates that a medical condition is causing a problem, a supervisor or manager should treat it as an accommodation request until a definite determination is made. If there is any doubt about whether a request was made, managers and supervisors should consult with the person or persons responsible for accommodations.

In addition to recognizing a request for accommodation, employers should make sure that all managers and supervisors know the policies and procedures for how accommodation requests will be processed. If the employer appointed a responsible person, that person should be notified immediately. If managers and supervisors are responsible for processing accommodation requests, they should be trained how.

Employers should also remember that if some accommodations are available to all employees as a matter of policy, employees with disabilities should not have to jump through unnecessary hoops to get those accommodations, even if needed because of a disability.

Whatever policies and procedures are in place, employers should always respond quickly to an accommodation request and keep employees informed about the status of their requests.

### **Tip 3. Have a Process for Determining Effective Accommodations**

#### **Where to Begin?**

- **Employee**
- **Employee's Medical Provider**
- **Other Resources**

Employers may have difficulty figuring out how to determine effective accommodation options for employees with disabilities. One of the best places to start the process is with the employee who requested the accommodation. Often the employee knows what is needed and can suggest effective options.

If the employee does not know what accommodation is needed or if the employer wants to explore other options, another good resource is the employee's medical provider. With the employee's permission, the medical provider may be able to provide useful information about the employee's limitations and effective accommodation options.

If neither the employee nor the employee's medical provider can suggest effective accommodations, employers can contact outside resources such as JAN or use the sample process that begins on page seven of this document.

For information see: [Interactive Process](#) and [Temporary or Trial Accommodations](#).

## **Tip 4. Monitor and Update Accommodations**

### **Do Not Forget To:**

- **Monitor the Effectiveness of the Accommodation**
- **Update Periodically if Needed**
- **Keep the Lines of Communication Open**
- **Document Efforts**

Once you have successfully determined and implemented an accommodation, some accommodations may need to be monitored and periodically updated. For example, if the accommodation involved equipment, the equipment may need periodic maintenance. If the accommodation involved software that interfaces with an existing system, the software may need to be updated as the overall system is updated. If the accommodation involved a new method of doing things, the method may need to be modified as the workplace changes.

One of the best ways to monitor accommodations is to keep the lines of communication open with employees. Communication is important throughout the accommodation process, including the monitoring stage. Employees need to know that they can revisit an accommodation if needed before performance problems result.

Finally, employers may want to document their accommodation efforts. Documentation can be useful for new supervisors or managers or in case a dispute arises between the employer and an employee. Keep in mind that all documentation that contains medical information must be maintained in a confidential manner.

For more information go [here](#).

## **Tip 5. Train New Employees**

### **Remember To:**

- **Train New Managers and Supervisors**
- **Train New Employees**

Sometimes a new manager or supervisor decides to change the way things are done. If they do not know about accommodations that are in place, they may make changes that negatively affect these accommodations. While it is okay for a new manager or supervisor to make changes, if an accommodation for an employee with a disability is affected, a new accommodation may be necessary. New managers and supervisors need to be trained on the policies and procedures for job accommodations before a problem occurs.

In addition, employers need to remember to train new staff. Training new employees helps insure that accommodation policies and procedures will continue to be effective.

## Things to Keep in Mind

- Do Not Delay
- Consider Trial Period if Needed
- Know ADA Rules
- Keep the Employee Informed

There are several important things that employers should keep in mind as they go through this accommodation process. First, they should always remember to process an accommodation request quickly; unnecessary delays can result in a violation of the ADA.

Second, employers should keep in mind that they can use a trial period when they are not sure whether an accommodation will work. Many times employers cannot determine whether something will work unless they try it, but they are afraid they will get locked into an accommodation once they agree to it. A simple solution is to let the employee know that the accommodation will be implemented for a trial period and if it does not work, something else will be considered.

Third, although employers are free to do more than required under the ADA, they should know the ADA rules regarding reasonable accommodation to make sure they are doing at least what is required. The EEOC offers many practical guides for employers regarding ADA compliance on its [Website](#).

Finally, it is very helpful to keep employees informed throughout the accommodation process; employees who understand what steps the employer is taking and why certain decisions are made, are more likely to be satisfied with the outcome.

For more information, see: [Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act \(ADA\)](#) and [Employers' Practical Guide: Reasonable Accommodation During the Hiring Process](#).

## Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

**When a truck driver asked to have his service animal ride along on long hauls, the supervisor decided to give it a try on a temporary basis.**

This trial period was a success, and the driver and his service animal continued to successfully perform long hauls for the company.

**As a part of a mediation settlement, Company X had to contact the Job Accommodation Network (JAN) for ideas on accommodations.**

The judgement included the contact with JAN as a part of its new process for determining effective accommodations.

**A counselor with macular degeneration needed screen reading software to assist him with paperwork.**

The IT team installed the software, but it recently stopped working. After talking with the individual and the IT team it was apparent that the software was out of date. The HR manager noted the problems, had the IT team update the software, and required the IT team to submit a calendar of all software and its update status every quarter.

**A new HR manager decided to implement annual training on the Americans with Disabilities Act (ADA).**

She wanted all front line supervisors trained on how to recognize an accommodation request. Once a supervisor is aware of a need, the HR manager must be informed immediately.

**A new supervisor recently took over for the day shift of a convenience store.**

She decided to require all employees to work one weekend a month. An employee with multiple sclerosis had an accommodation in place that she couldn't work weekends, as she had physical therapy on Fridays and needed two consecutive days off to recover. After filing a grievance, the company changed its onboarding process so that it included updates on accommodations that are in place. The store manager decided to revert to the old scheduling process.

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