Accommodations Toolkit

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Job Accommodations: An Overview

Developing accommodations and supports is an integral part of assisting people with disabilities to find employment. Successful job development involves fitting the job to the person as much as fitting the person to the job. Therefore, employment professionals who work with people with disabilities need a basic knowledge of reasonable accommodations.

**What is a job accommodation?**

Making a job accommodation means modifying a job, job site, or the way in which a job is done so that the person with a disability can have equal access to all aspects of work. Job accommodations can enable people with disabilities to apply for jobs and perform essential job functions, be as productive as their coworkers, and accomplish tasks with greater ease or independence.

Here are just a few examples of common job accommodations:

* Purchasing screen reader software to help an employee with visual impairments review documents and access the Internet
* Removing an extra desk and bookcase from an office so that an employee in a wheelchair can turn around more easily
* Making a schedule adjustment to enable an employee to attend a standing weekly appointment
* Having a coworker remind an employee with intellectual disabilities when it’s time for lunch

Job accommodations can also allow people with disabilities to enjoy the same perks as their co-workers, such as access to the employee cafeteria or company-provided transportation.

**What is an assistive technology device?**

An assistive technology device is *an item, device, or piece of equipment* that enables a person with a disability to perform a task, or to do it better or more easily.

Assistive technology devices are often used as job accommodations. These devices can be relatively simple, inexpensive low-tech items from a retail store, such as a stopwatch for timing tasks or a whiteboard to list daily assignments. Or they might be highly sophisticated technology, such as specialized computer equipment and mechanical devices.

**What are essential functions and how are they determined?**

Essential functions are the basic duties that an employee must be able to perform, with or without accommodations. To decide if a function is essential, ask yourself:

* Does the position exist to perform that function? (e.g., a cashier’s role exists to exchange money with customers)
* What will the consequences be if this employee is not required to perform the function?
* How many other employees are available to perform the function?
* How much time have present or past employees spent performing this function?

Also look at the written job description and the terms of any collective bargaining agreements.

**What are the steps in developing job accommodations?**

1. **Identify accommodation needs.**

 First, identify the job tasks, job functions, etc. that a person with a disability cannot fully perform without some type of accommodation.
2. **Identify accommodation.**Next, identify the modification that will solve the problem. This can sometimes be simple and straightforward. Other times, this step requires extensive investigation and outside assistance.

Begin by discussing options with the individual with a disability. He or she may suggest an accommodation based upon life or work experience. Assuming that it is reasonable, it is then simply a matter of arranging for the accommodation.

If this consultation does not identify an appropriate accommodation, the employer may need to analyze the job and workplace more thoroughly, and research other options. The state vocational rehabilitation (VR) agency and other disability-focused organizations may help. In addition, a number of organizations provide free consultation service on accommodations (see the separate document “Job Accommodations Resources: Where to Get Help”).

Through the course of an analysis, consider all six categories of types of accommodations (see “Job Accommodation Categories” later in this document).

## Who pays for accommodations?

If the accommodation meets the criteria for a “reasonable accommodation” under the Americans with Disabilities Act, the employer must pay for any costs involved. A reasonable accommodation is one that does not pose an “undue hardship” on an employer. Here’s a good explanation of what a reasonable accommodation is:

http://www.ada.gov/workta.htm

However, there may be cases where the modification is not considered a reasonable accommodation, or where it doesn’t make sense for the employer to pay for equipment or assistive technology.

For example, if the employer pays for a piece of equipment or assistive technology as a reasonable accommodation, the employer owns it, and the individual with a disability may not be able to use it at home or take it to their next job. If the equipment is useful or necessary in a variety of settings, the person with a disability may wish to purchase it, even if it would be reasonable for the employer to pay.

For more on funding, see the separate document “Funding Assistive Technology and Accommodations.”

**When is an accommodation considered an undue hardship for an employer?**

“Undue hardship” means that an accommodation would be costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of a business. Among the factors considered are the nature and cost of the accommodation, the size of the business, and the impact the accommodation would have on the business as a whole.

For example, let’s say an employee who uses a wheelchair gets hired by a business on the first and second floors of a building. A reasonable accommodation would be for the employer to make sure the person gets office space on the first floor, which is accessible. Another reasonable accommodation would be for meetings involving that employee to take place on the first floor.

However, installing an elevator between the floors might be considered an undue hardship for the business. So under the ADA, they might not need to do that if they are finding other ways to accommodate the employee’s needs.

**Who decides whether or not an accommodation would pose an undue hardship?**

The employer decides whether an accommodation poses an undue hardship. However, employers cannot simply state that they won’t provide an accommodation. ADA regulations require that they discuss requests for reasonable accommodations with the individuals making the requests. And if an individual feels that the employer has not made a sufficient effort to accommodate their needs, he or she can file a complaint with the Equal Employment Opportunities Commission:

http://www.eeoc.gov/employees/howtofile.cfm

**What alternatives must an employer explore if an accommodation poses an undue hardship?**

* If a particular accommodation would be an undue hardship, an employer must try to identify another accommodation that would not pose such a hardship.
* If cost causes an accommodation to be judged an undue hardship, an employer must consider whether an outside source, such as a VR agency or tax credit, can offset the cost. (See the separate document “Funding Assistive Technology & Accommodations” for information on state and federal tax credits and deductions.)
* The employer must also give the applicant or employee the opportunity to provide the accommodation or pay for the portion of the accommodation that is considered to be excessively expensive.

**Who is responsible for requesting an accommodation?**

The person with a disability is responsible for requesting an accommodation.

**Who is responsible for identifying an appropriate accommodation?**

Ultimately, the employer is responsible. Once a person with a disability has made a request, the employer must make a reasonable effort to identify a solution.

**When can an accommodation be requested?**

A job accommodation may be requested during the job application process, after a job offer is made, or at any time during the course of employment.

Employers are specifically prohibited by Title I of the ADA from asking job applicants about the presence of a disability. However, the employer may ask if the individual can perform specific job responsibilities and how the person would go about accomplishing those tasks, with or without an accommodation.

If an individual’s disability is readily apparent (e.g., she uses a wheelchair), the employer may ask how the person will perform specific job tasks that the employer perceives as potentially problematic given the nature of the disability.

Once an individual has requested an accommodation, an employer can ask for more specific information concerning the nature of an individual’s disability. However, the employer can only ask about information that pertains to the person’s workplace functioning.

For example, let’s say an employee discloses her epilepsy to ensure that her boss and coworkers will know how to respond in the event of a seizure.

Appropriate question for supervisor to ask: “So if you have a seizure while sitting at your desk, what’s the best thing for us to do?”

Inappropriate question for supervisor to ask: “So having epilepsy must be really stressful, huh? How did you feel when you first got diagnosed?”

**When is it best to request an accommodation?**

Requesting accommodations requires some level of disclosure concerning disability, so a number of variables must be considered.

Will the accommodation be needed during the interview/hiring process?

Is the accommodation needed immediately to perform job duties?

What will be the impact of making the request before getting hired, right after getting hired, or after one or more months of employment?

As always with disclosure issues, the job seeker’s wishes should be adhered to. Employment professionals should help guide the job seeker through the decision-making process, with consideration of the implications of disclosure and non-disclosure.

**What’s important to consider when deciding on when to identify an accommodation need?**

The law is clear: once a request has been made, it is the employer’s legal responsibility to identify a reasonable accommodation. However, practical realities may call for a different approach.

**Accommodation needed for application process**. If the individual needs an accommodation to apply for a position, it’s best to avoid approaching the employer with the attitude, “You need to find me an accommodation so that I can apply for this job.” Applicants can take the accommodation process as an opportunity to demonstrate their competence. It creates a positive impression when job applicants have a clear idea of what types of accommodations they need and how these can be arranged.

Such accommodations can be simple (an accessible office, materials in Braille) or more involved (a short-term job try-out in lieu of the traditional hiring routine). When asking for such accommodations, the job applicant should clarify to the employer how each accommodation will allow the employer to give the applicant equal consideration.

**Accommodation needed for a positive hiring decision**. Part of the hiring process is convincing an employer that the candidate can perform the tasks of a job. Hiring is a subjective process, based on the perceptions and impressions of the employer.

How a candidate asks for an accommodation can affect how competent and positive they seem to the prospective employer. For example, contrast these two approaches:

 “I can do this job, but you’ll have to figure out how (by finding me an accommodation).”

“I can do this job and here’s how I can do it (via this accommodation I’ve identified).”

The second approach creates a much better impression in the eyes of the hiring manager.

**Need for training on assistive technology**. If the accommodation is a piece of equipment that requires some training (e.g., a voice-activated computer), a person with a disability may need to receive training prior to applying, in order to demonstrate competence. Again, the job applicant increases the chances of being hired when they can demonstrate that they have not only identified an accommodation, but are trained to use it.

**What is the best approach for job seekers when seeking accommodations?**

Accommodations are best developed in a spirit of cooperation, not conflict. Positive relationships with employers are necessary for long-term success on the job. Approach the process as a joint problem-solving exercise with many possible solutions.

However, if circumstances warrant it, job seekers and employment staff should gently remind employers that providing reasonable accommodations is not a favor to the potential employee, but is required by law.

Accommodations occur all the time, even when disabilities are not present or disclosed. For example, employers accommodate workers’ need for a comfortable workspace by providing them with a desk, a chair, and a computer terminal. These accommodations enable employees to perform the tasks of their job more efficiently.

When a person with a disability requests accommodations, that’s all she’s asking for: the tools to effectively perform the job.

**What are the options if an employer refuses to provide a reasonable accommodation?**

If an employer will not provide an accommodation, even after negotiation and advocacy, the job applicant or employee should determine why not. If the individual disagrees with the employer’s opinion that the accommodation poses an undue hardship, support them to take these steps:

1. Consult with the legal advocacy organization in your state. Find your local Protection and Advocacy Agency at http://www.ndrn.org/en/ndrn-member-agencies.html
2. If it appears that the employer has not met their obligation to provide reasonable accommodations, the job applicant or employee may wish to determine options for legal action, including filing a complaint with the EEOC or state anti-discrimination board (http://www.eeoc.gov/employees/index.cfm). The EEOC has mediation services that may be able to assist in reaching a solution. *Taking legal action should only be pursued in the rare instances where all other options for reaching a win-win solution have been exhausted.*

**Job Accommodation Categories**

Accommodations are often thought of as physical equipment or changes. However, they can include a wide range of other modifications. When resolving task barriers, discuss these six categories (specified in the Americans with Disabilities Act) with the employer and employee.

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| **TYPE** | **DEFINITION** | **EXAMPLES** |
| **Job Restructuring** | Adjustments to work procedures or to the order in which tasks are usually performed | * Change work schedule
* Rearrange order in which tasks are done
* Decrease number of non-essential job duties
 |
| **Assistive Device** | Objects that help an employee do the job or complete tasks with greater ease or independence | * Mechanical reacher
* Electric stapler
* Magnifying lens
* Non-skid material/surface
* Voice-activated computer
 |
| **Training** | Teaching methods that help an employee to learn or re-learn job duties | * Use a map to orient new employees
* Supply large print instructions
* Demonstrate a different way to perform a task
 |
| **Personal Assistant** | Person who helps an employee with job duties, work routines, or work-related aspects of a job | * Interpreter assists with communication
* Co-worker helps with a task
* Mentor provides training or support
 |
| **Building Modification** | Alterations to the physical environment that allow safe and equal access to facilities | * Lever to turn round door knob
* Raised letters on elevators and signs
* Flashing lights on fire alarms and telephones
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| **Job Reassignment** | Temporary or permanent task transfers between co-workers or sharing jobs with other employees | * Swap task with co-worker
* Job share with co-worker
* Reassign task to another employee
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Funding Assistive Technology and Accommodations

There are a variety of options available for funding assistive technology, equipment, and accommodations needed to perform job tasks. Employment professionals may offer basic guidance, or be extensively involved in arranging for funding. This will depend on the level of services being provided to the individual, the complexity of the individual’s situation, and how much time is available to obtain funding.

# Funding by the Employer

The first funding source that should be considered is the employer. Employers are required to pay for assistive technology, equipment, and other accommodations, if the request meets the criteria for a “reasonable accommodation” under the Americans with Disabilities Act (ADA; see the separate document “Job Accommodations: An Overview” for more on this). Many employers see the cost of an accommodation as simply part of the investment needed to ensure a productive employee and to maintain a diverse workforce.

Employers’ costs can sometimes be offset by the Federal Government:

**ADA Small Business Tax Credit:** Businesses with 30 or fewer employees or $1,000,000 or less per year in total revenue can receive a tax credit for the cost of accommodations provided to an employee with a disability. This credit covers 50% of eligible expenditures up to $10,000 (maximum credit per year of $5000).

For additional information, contact the Internal Revenue Service (www.irs.ustreas.gov) and request publications 535 and 334, which cover ADA deductions & credits.

**WOTC & Welfare-to-Work Tax Credits:** Although not directly connected to accommodations, any employer can use these tax credits to help offset costs of assistive technology, equipment, or accommodations.

Work Opportunity Tax Credit (WOTC): WOTC is available to employers for hiring individuals from economically disadvantaged backgrounds. Employers can receive a tax credit of up to $2,400 per individual hired. Many people with disabilities meet the criteria for WOTC, including all recipients of Supplemental Security Income (SSI) and all clients of state vocational rehabilitation (VR) agencies.

Welfare-to-Work Tax Credit: If a person with a disability is a recipient of Temporary Aid to Needy Families at the time of hire, the employer can receive a federal tax credit for up $8,500 per individual hired.

Learn more about these tax credits on the U.S. Department of Labor’s website: www.doleta.gov/business/incentives/opptax/

# Non-Employer Options

In some cases, an accommodation may not be considered “reasonable” but may still be necessary or desired. Also, there are circumstances in which it does not make practical sense for employers to pay for a “reasonable” accommodation, such as:

* The individual with a disability needs to own a piece of equipment or assistive technology so that she can take it with her when changing jobs
* The individual needs to identify, acquire, and possibly be trained on a piece of assistive technology to increase the likelihood of being hired

The individual may pay for the accommodation out of pocket; however, there are a variety of other non-employer options. Some are fairly straightforward and quick; others require significant investigation and lead time.

* **Vocational Rehabilitation**
The state VR agency can pay for assistive technology, equipment, or other accommodations for individuals who qualify for VR services. If you work for a One-Stop Career Center (American Job Center), VR is a partner organization. So it makes sense to determine if VR can pay for the accommodation. Even if not, VR may also be able to identify other funding options.
* **Medical Insurance**

Many individuals with disabilities have health insurance through Medicare or Medicaid, which may pay for accommodations.

**Medicare** may pay for a piece of equipment or assistive technology for insured individuals, if the equipment is deemed medically necessary.

**Medicaid** may pay for a piece of equipment or modification if it is deemed medically necessary for a Medicaid recipient. The rules governing Medicaid vary from state to state.

Information is available from your local Medicaid and Medicare office (listed in the government pages of the phone book) or by contacting the Centers for Medicare and Medicaid Services (www.cms.gov).

**Private health insurance** may cover the cost of assistive technology or equipment. Individuals covered by private insurance should review their insurance policies and contact their insurance company to see if such devices are covered.

* **Social Security Work Incentives**

IRWE: Individuals who receive Social Security disability benefits (Supplemental Security Income, or SSI, and Social Security Disability Insurance, or SSDI) can use an Impairment Related Work Expense (IRWE) to help offset the cost of assistive technology or work accommodation. It is fairly quick and straightforward to arrange IRWEs.

PASS: Individuals receiving SSI can use a Plan for Achieving Self Support (PASS) to offset the entire cost of assistive technology, equipment, or accommodations. PASSes require an application process and typically take approximately 30 to 60 days to be approved. While PASSes are more complicated than IRWEs, PASS cadres (experts on the PASS program) are available to help.

To find out more, visit the Social Security Administration (SSA) website (http://www.ssa.gov/work) and look in the “work incentives” section. Contact information for PASS cadres is on the SSA web site. You can also call SSA at (800) 772-1213 to find out who your local PASS cadre is.

**Veterans Affairs**: If the individual with a disability is a veteran, or a dependent of a veteran, they may be eligible for funding from the U.S. Department of Veterans Affairs (VA). The VA is authorized by law to pay for devices and assistive technology for people with disabilities.

Contact your local VA office, listed in the government pages of the phone directory, or the national office at (800) 827-1000. Or visit the VA online: http://www.va.gov.

**Local Service, Charitable, Religious & Civic Organizations**: Funding may be available from local organizations. Although it can take some work to identify options, funding can then sometimes be obtained fairly quickly. Listings are often available from local community guides and phone books. An individual with a disability may belong to such an organization, or may have a connection (via a relative or neighbor) who can be useful in finding these funding resources.

**Private Foundations**: A wide variety of national, regional, and local private foundations can be sources of funding. Application procedures and application response time vary significantly.

Resources and assistance in identifying private funding sources is available from the Foundation Center (www.foundationcenter.org). Each state has a resource library on funding, called a “cooperating collection.” The Foundation Center has a list of cooperating collections for all states and territories.

Job Accommodations Resources: Where to Get Help

**Local and Regional Resources**

**State Assistive Technology Projects**

www.resnaprojects.org/nattap/at/stateprograms.html

Each state has a federally funded assistive technology program that can help identify local assistive technology ideas and resources.

**Disability and Business Technical Assistance Centers (DBTACs)**

www.adata.org/contact-us

The 10 federally funded regional DBTACs provide information to businesses and people with disabilities on accommodation and accessibility issues, as well as other ADA information.

**National Resources**

**ABLEDATA: The National Database of Assistive Technology Information**

www.abledata.com

A federally-funded project that provides information on assistive technology and rehabilitation equipment. This project’s web site contains a database of almost 40,000 products and devices. ABLEDATA information specialists will also provide in-depth help over the telephone.

# Alliance for Technology Access (ATA)

www.ataccess.org

ATA has a variety of resources, including a library, to help identify appropriate technology. Publisher of *Computer and Web Resources for People with Disabilities*, a comprehensive guide.

**National Public Website on Assistive Technology**

## Center for Assistive Technology and Environmental Access

Georgia Institute of Technology

www.assistivetech.net

Provides up-to-date information on assistive technologies, adaptive environments, and community resources. Has a comprehensive listing of assistive technology, and also specialists available to assist with questions.

Job Accommodation Network (JAN)

www.askjan.org

Federally funded free information and consultation service on job accommodations and related information. JAN’s website has a searchable online database (SOAR) which can be used to research accommodation options. JAN also has consultants available by phone who have instant access to the most comprehensive and up-to-date information about accommodation methods, devices, and strategies.

# National Business & Disability Council (NBDC)

www.viscardicenter.org

The NBDC is a resource for businesses on integrating individuals with disabilities into the workforce. Among their services is an information hotline to answer questions on accessibility issues.

**Prentke Romich Company**

www.prentrom.com

A manufacturer of augmentative communication devices for people with disabilities, the Prentke Romich website includes a guide for funding assistive technology.

Rehabilitation Engineering and Assistive Technology Society of North America (RESNA)

www.resna.org

A membership organization for those who are interested in how technology can help people with disabilities achieve their goals. RESNA has a variety of publications and resources. Its website includes a list of assistive technology professionals by state.

**Tech Connections**

www.techconnections.org

Tech Connections is a national dissemination project to increase the use of assistive technology with a particular focus on employment. Their website has a variety of information and resources, and their information and referral specialists are available to answer questions at no charge. Also has a monthly newsletter.

# Trace Research & Development Center

University of Wisconsin-Madison

www.trace.wisc.edu

The Trace Center engineers technological access solutions, and offers a variety of information and resources on assistive technology.