

# Job Accommodation: 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. Staff working with people with disabilities should understand the legal and practical matters concerning reasonable accommodations and employment.

## What is a job accommodation?

According to the US Department of Labor, a job accommodation is “an adjustment to a job or work environment that makes it possible for an individual with a disability to perform their job duties. Accommodations may include specialized equipment, modifications to the work environment or adjustments to work schedules or responsibilities.”

Job accommodations can assist people with disabilities to:

- apply for jobs
- perform essential job functions
- increase productivity
- accomplish tasks with greater ease or independence

Job accommodations can also allow people with disabilities to enjoy equal benefits of a position as anyone else, such as access to the employee cafeteria.

## What is assistive technology?

Assistive technology is a type of accommodation that consists of a tangible item, device, or piece of equipment that enables a person with a disability to perform a task. Assistive technology can range from simple, low-cost, “low tech” items available from a retail store to highly sophisticated technology, such as specialized computer equipment and mechanical devices available from vendors specializing in assistive technology.

## How do you develop job accommodations?

There are two main steps in developing job accommodations:

1. **Identifying the accommodation needs:** The first step is identifying what areas of a job (tasks, job functions) a person with a disability cannot fully perform without some type of accommodation.
2. **Identifying the accommodation(s):** The next step is identifying the actual accommodation that will enable the person with a disability to perform a task, perform a job function, and/or have equal access to an aspect of employment. This can sometimes be a fairly simple and straightforward process with obvious solutions. Other times, this step requires extensive investigation and outside assistance. The Job Accommodation Network is a comprehensive resource that provides support for developing accommodations.

## Who pays for accommodations?

When there are costs involved in a job accommodation that require the purchase of equipment or assistive technology or alterations to a workspace, we must identify funding. If the accommodation meets the criteria for a “reasonable accommodation” under the Americans with Disabilities Act (ADA) (described in the next section), the employer must pay for any costs involved. However, there may be cases when the accommodation is not considered a “reasonable accommodation”, or when it does not make practical sense for the employer to pay for equipment or assistive technology (such as when the individual wishes to take a piece of assistive technology with them when they change jobs).

## What are an employer's responsibilities for providing job accommodations?

Employers must provide accommodations and pay any costs involved to any qualified job applicant or employee if the accommodation is considered "reasonable" under the ADA. A reasonable accommodation is one that does not pose an "undue hardship" on an employer.

**Undue hardship** means an accommodation would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors considered are:

- the nature and cost of the accommodation
- the resources and size of the business
- the type of business, including composition, functions, and structure of the workforce
- the impact the accommodation would have on the facility and business as a whole

## 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 will not pose such a hardship.
- If cost causes the undue hardship, an employer must consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions.
- The employer must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

## How do we determine essential functions?

Essential functions are the basic job duties an employee must be able to perform, with or without reasonable accommodation(s). Factors to consider in determining if a function is essential include:

- whether the reason the position exists is to perform that function
- the number of other employees available to perform the function
- the degree of expertise or skill required to perform the function

Sources to reference when determining an essential function include:

- written job description
- actual work experience of present or past employees in the job
- time spent performing a function
- consequences of not requiring an employee perform a function
- terms of a collective bargaining agreement

## Who is responsible for requesting an accommodation, and when can it be requested?

The employee with a disability is responsible for requesting an accommodation. The employee with a disability may request a job accommodation 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 about the presence of disability. However, the employer may ask if the individual can perform specific job responsibilities and/or how the person would go about accomplishing those tasks, with or without an accommodation.

If an individual's disability is visible (e.g., an individual uses a wheelchair), the employer may ask how the person with a disability will perform specific job tasks that the employer perceives

as possibly problematic given the nature of the individual's disability. Once an individual has requested an accommodation, an employer can ask for more specific information about the nature of an individual's disability. The employer may require medical documentation.

## **Who is responsible for identifying appropriate accommodation(s)?**

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

## **What type of process should an employer go through to identify an accommodation?**

Frequently, when a person with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The employer should begin by discussing potential accommodations with the applicant or employee. The individual may suggest an accommodation based on their own 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, an employer may need to take a more thorough analysis of the job and workplace and research accommodation options. An employer may choose to do such an analysis on its own but may also wish to bring in outside expertise. The state vocational rehabilitation agency and state or local organizations representing or providing services to individuals with disabilities may be able to assist. Through the course of an analysis, the employer should consider all six categories of types of accommodations (listed on the last page).

## **What is the best approach for job seekers in seeking accommodations with employers?**

It is best to develop accommodations in a spirit of cooperation, not conflict. In an effort to build positive relationships with employers for long-term success, it is best for job seekers and their advocates to approach the concept of reasonable accommodation as a joint problem-solving exercise with many possible solutions to any one problem. However, if circumstances warrant it, job seekers and staff should gently remind employers that providing reasonable accommodations is not a "favor" to the potential employee, but rather something that the law requires of the employer.

In reality, employers accommodate the needs of all workers, through the provisions of desks, chairs, work tools, supplies and other workplace tools. These "accommodations" enable employees to perform the tasks of their job and/or to perform them in a more efficient way. When a person with a disability is requesting accommodations, they are not asking for anything more than what the employer provides to all other employees — the "tools" to effectively perform their job.

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

As noted, requesting accommodations requires some level of disclosure about disability, and as with any issue related to disclosure, the decision as to when to request an accommodation is subject to many variables. Consider the following factors:

- Is the accommodation needed as part of the interview/hiring process?
- Is the accommodation needed immediately to perform job duties?
- What will be the impact of making the request:
  - » before hiring?
  - » immediately after?
  - » waiting a month or more?

As always with disclosure issues, we should adhere to the job seeker's wishes. However, part of

the staff counseling role is to assist the job seeker through the decision-making process about if and when to request an accommodation, while considering the implications of disclosure and non-disclosure.

## **Is it a good idea to wait until the hiring process and leave it up to the employer to identify an accommodation?**

No. The law is clear. Once a job seeker requests an accommodation, it is the employer's legal responsibility to identify a reasonable accommodation. However, some practical realities may modify this approach. Here are some situations that may warrant a different approach:

- **When a job seeker identifies the need for a reasonable accommodation for the application process**

Given the subjective nature of the hiring process, if the individual is going to need an accommodation as part of the application process, it's probably best to have a clear idea of the type of accommodations the job seeker needs and how to arrange these accommodations. This can help create a positive impression with the employer. For example, the job seeker may ask to have a sign language interpreter, ensure the job interview location is physically accessible, request application materials in Braille, or ask for a situational assessment or short-term job try-out in lieu of the typical interview or testing process. In asking for such accommodations, the job applicant should be clear to the employer about how the accommodation(s) will allow the employer to give equal consideration to the individual as a job applicant.

- **When a job seeker identifies the need for a reasonable accommodation for a positive hiring decision**

For everyone, part of the hiring process is convincing or proving to an employer that they can perform the tasks of a job. Again, remember that hiring is a subjective process, based on the employer's perceptions and impressions. An employee with a disability who needs an accommodation is probably best served by the approach of "I can do this job and here's how I can do it (with the accommodation I've identified)." It is much more difficult to get an employer to make a positive hiring decision with the approach of "I can do this job, but you'll have to figure out how (by finding me an accommodation)."

- **When a job seeker needs training on assistive technology**

In cases where the reasonable accommodation is a piece of equipment or assistive technology that requires some training (e.g., speech-to-text- software), a person with a disability may need to have training on using a piece of equipment prior to applying for a position so they may demonstrate that they can perform the essential functions of a position. As in the previous point, the job applicant also increases the chances of a positive hiring decision by being able to demonstrate to the employer they have not only identified an accommodation but are trained on how to use it.

- **When the job seeker wishes to own the assistive technology equipment**

If the employer pays for a piece of equipment or assistive technology as a reasonable accommodation, the employer owns it, and the person with a disability may not be able to take it with them to their next job. If the equipment or assistive technology is something the employee may be able to use in a variety of work settings, they may wish to purchase it themselves, even if it would be reasonable for the employer to pay for it.

## Job Accommodation Categories

Accommodations are often thought of as equipment or modifications to structures. However, accommodations include a wide range of options. The ADA mentions six distinct categories of job accommodations. It is helpful to consider all six categories with the employer and employee when discussing methods of resolving task barriers. Consider possible solutions from each category.

TYPE	DEFINITION	EXAMPLE
<b>1. Job Restructuring</b>	Adjustments to work procedures or to the order in which tasks are usually performed	<ul style="list-style-type: none"> <li>• Change work schedule</li> <li>• Rearrange the order in which tasks are done</li> <li>• Decrease number of non-essential job duties</li> </ul>
<b>2. Assistive Device</b>	Objects that help an employee do the job or complete tasks with greater ease or independence	<ul style="list-style-type: none"> <li>• Mechanical reacher</li> <li>• Electric stapler</li> <li>• Magnifying lens</li> <li>• Non-skid material</li> <li>• Communication device</li> </ul>
<b>3. Training</b>	Teaching methods that help an employee learn or re-learn job duties	<ul style="list-style-type: none"> <li>• Use a map to orient new employees</li> <li>• Supply large print instructions</li> <li>• Demonstrate a different way to do a job duty</li> </ul>
<b>4. Personal Assistant</b>	Person who helps an employee with job duties, work routines, or work-related aspects of a job	<ul style="list-style-type: none"> <li>• Interpreter assists with communication</li> <li>• Co-worker helps with a task</li> <li>• Mentor provides training or support</li> </ul>
<b>5. Building Modification</b>	Alterations to the physical environment that allow safe and equal access to facilities	<ul style="list-style-type: none"> <li>• Lever to turn round doorknob</li> <li>• Raised letters on elevators and signs</li> <li>• Flashing lights on fire alarms and telephones</li> </ul>
<b>6. Job Reassignment</b>	Temporary or permanent task transfers between co-workers or sharing jobs with other employees	<ul style="list-style-type: none"> <li>• Swap task with co-worker</li> <li>• Job-share with co-worker</li> <li>• Reassign task to another employee</li> </ul>



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