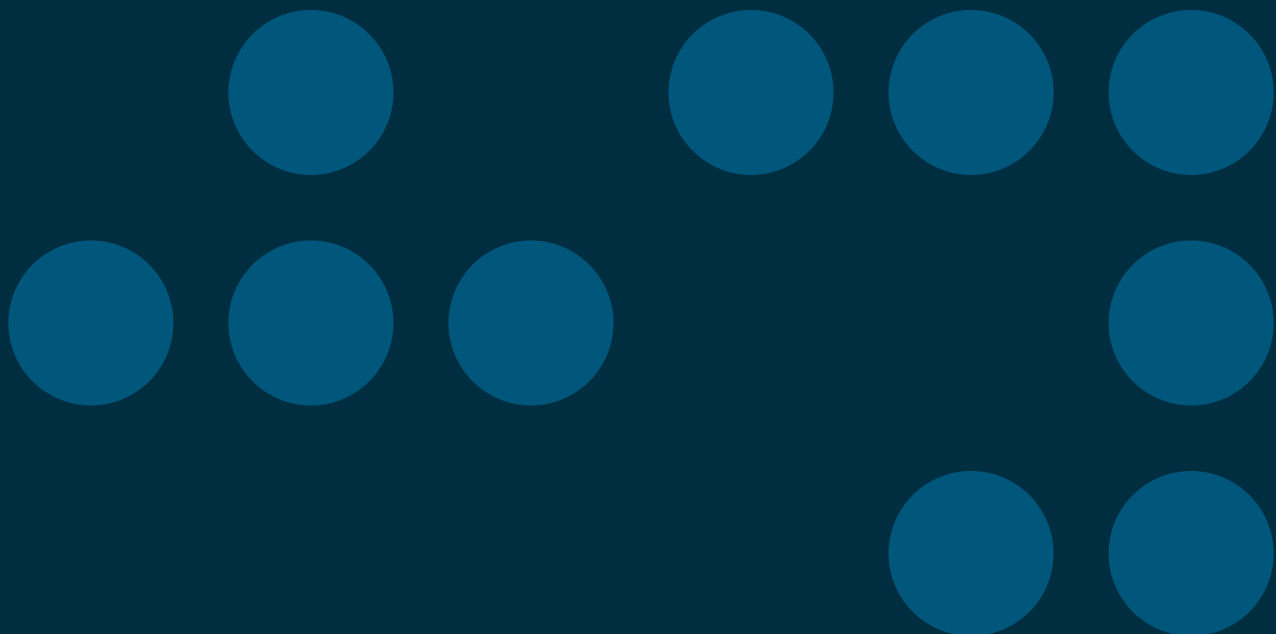


Navigating Workplace Accommodations

Leadership Council-Exclusive Resource



The Americans with Disabilities Act (ADA), signed on July 26, 1990, was the world's first comprehensive civil rights law for people with disabilities. The act prohibits discrimination against individuals with disabilities in all areas of public life, including employment. Title I of the ADA, which covers employment, applies to employers that have 15 or more employees. State and local laws may expand requirements for employers in their jurisdictions.

To this goal, the ADA requires that employers provide **reasonable accommodations** to individuals with disabilities that ensure equal opportunity in the application process and enable employees to perform the essential functions of their job.

Disability

Instead of providing a comprehensive list of disabilities, the ADA defines disability through three criteria:

- EITHER** Has a physical or mental condition that substantially limits one or more major life activities,
- **OR** has a history or record of such a condition,
- **OR** is perceived by others as having such a condition.

All individuals who meet one or more of these criteria are protected by the ADA. Examples of disabilities include but are not limited to alcohol/substance abuse disorder, cancer (past or present), gastrointestinal disorders, mental health conditions, and neurodivergence.



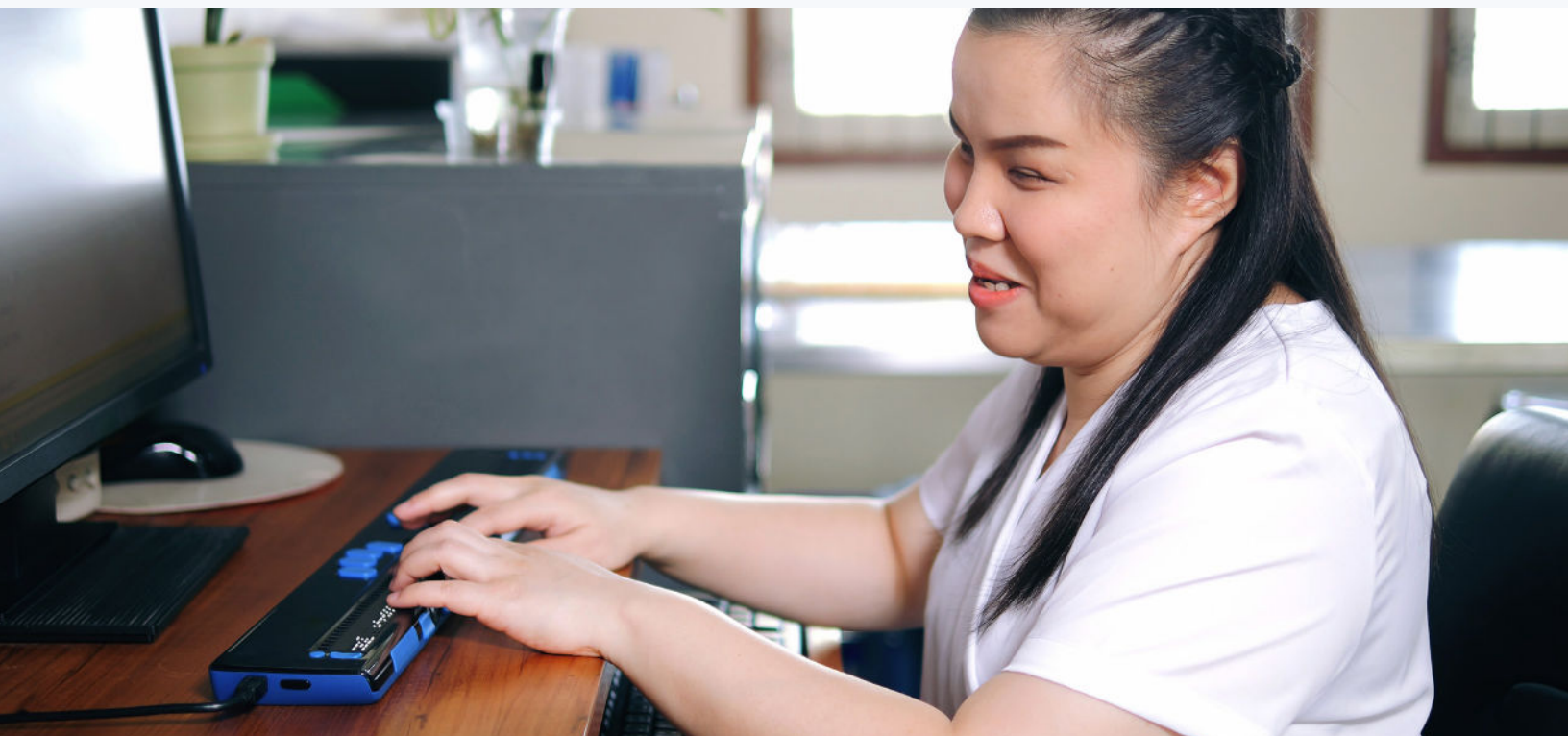
Reasonable Accommodation

An accommodation is defined as an adjustment to a job or work environment that enables an individual with a disability to perform their job equitably. It removes barriers that might prevent a person with a disability from effectively carrying out their job responsibilities. An accommodation is considered reasonable if it appears to be “feasible” or “plausible” and does not create undue hardship for the employer.

Interactive Accommodation Process

An interactive accommodation process involves an interactive exchange between the individual requesting an accommodation and the parties responsible for providing said accommodation. This is the process recommended by the Equal Employment Opportunity Commission (EEOC) for accommodations that are not immediately obvious.

An interactive accommodation process allows the employer to offer alternative suggestions for reasonable accommodation. It also gives the individual requesting an accommodation the opportunity to provide feedback, share their experiences, and suggest changes to the accommodation plan.



Undue Hardship

The term 'undue hardship' refers to situations where accommodating an employee's needs would pose significant difficulty or expense for the employer. Determining what constitutes 'undue hardship' involves considering various factors, such as the nature and cost of the accommodation in relation to the size, resources, and structure of the employer's operation.

Undue hardship does not only refer to cost – it also encompasses accommodations that are disruptive or fundamentally alter the business' nature or operation. It is important to note that 'undue hardship' considers a company's overarching size, resources, and structure, rather than focusing solely on individual departments.

Centralized Accommodations Fund

A Centralized Accommodations Fund is a company-wide fund used to cover the cost of accommodations for applicants and employees with disabilities. It is considered a best practice for hiring and retaining employees with disabilities in your workforce. Adopting a Centralized Accommodation Fund works by reducing the concern that granting a reasonable

accommodation will negatively impact a departmental budget, effectively reducing their operating budget. Because 'undue hardship' considers a company's overall finances rather than those of individual departments, implementing a Centralized Accommodations Fund helps safeguard accommodation decisions from ADA violations.

For more resources visit nod.org and sign in to the Leadership Council member portal.

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