



Reasonable Accommodation: Frequently Asked Questions

Frequently asked questions about requesting reasonable accommodation excerpted from the Equal Employment Opportunity Commission Enforcement Guidance. (www.eeoc.gov)

What is reasonable accommodation?

The term "reasonable accommodation" is defined only through examples of changes or modifications to be made, or items to be provided, to a qualified individual with a disability. A reasonable accommodation is adapting the job site or job functions to enable an individual with a disability to enjoy equal employment opportunities.

Who is an individual with a disability?

An individual with a disability 1) has a physical or mental impairment that limits one or more of the person's major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment.

Who is considered a qualified individual with a disability?

A qualified individual with a disability has the skills, experience, education, and other requirements of the job the individual holds or desires and can perform the essential functions of the position with or without reasonable accommodations.

Do requests for reasonable accommodation need to be in writing?

No. Requests for reasonable accommodation do not need to be in writing. Individuals may request accommodations in conversation, or may use any other mode of communication... Alternatively, an employer may ask the individual to fill out a form or submit the request in written form, but the employer cannot ignore the initial request. An employer also may request reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation. [The Division of Risk Management and Insurance Services recommends you contact our office for technical assistance.]

*Integrated Disability Management coordinates reasonable accommodation, stay at work/return to work, absence management, FMLA leaves, and Workers' Compensation. For more information on these programs or a copy of this document in an alternative format: Email: disabilitymanagement@lausd.net
Website: <http://reasonableaccommodation.lausd.net>*



What must an employer do after receiving a request for reasonable accommodation?

The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation. The employer may ask the individual relevant questions that will enable it to make an informed decision about the request. This includes asking what type of reasonable accommodation is needed.

May an employer ask an individual for documentation when the individual requests reasonable accommodation?

Yes. When the disability and/or the need for accommodation is not obvious, the employer may ask the individual for reasonable documentation about his/her disability and functional limitations. The employer is entitled to know that the individual has a covered disability for which s/he needs a reasonable accommodation. [The Division of Risk Management and Insurance Services recommends you contact our office for technical assistance. Medical information is protected and must remain confidential.]

Are there situations in which an employer cannot ask for documentation in response to a request for reasonable accommodation?

Yes. An employer cannot ask for documentation when: 1) both the disability and the need for reasonable accommodation are obvious, or 2) the individual has already provided the employer with sufficient information to substantiate the s/he has an ADA disability and needs the reasonable accommodation requested.

If an employer has provided one reasonable accommodation, does it have to provide additional reasonable accommodations requested by an individual with a disability?

If an employer has provided one reasonable accommodation, does it have to provide additional reasonable accommodations requested by an individual with a disability? The duty to provide reasonable accommodation is an ongoing one. Certain individuals require only one reasonable accommodation, while others may need more than one. Still others may need one reasonable accommodation for a period of time, and then at a later date, require another type of reasonable accommodation. If an individual requests multiple reasonable accommodations,

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s/he is entitled only to those accommodations that are necessitated by a disability and that will provide an equal employment opportunity. An employer must consider each request for reasonable accommodation...

Does an employer have to change a person's supervisor as a form of reasonable accommodation?

No. An employer does not have to provide an employee with a new supervisor as a reasonable accommodation. Nothing in the ADA, however, prohibits an employer from doing so. Furthermore, although an employer is not required to change supervisors, the ADA may require that supervisory methods be altered as a form of reasonable accommodation. Also, an employee with a disability is protected from disability-based discrimination by a supervisor, including disability-based harassment.

Must an employer withhold discipline or termination of an employee who, because of a disability, violated a conduct rule that is job-related for the position in question and consistent with business necessity?

No. An employer never has to excuse a violation of a uniformly applied conduct rule that is job-related and consistent with business necessity. This means, for example, that an employer never has to tolerate or excuse violence, threats of violence, stealing, or destruction of property. An employer may discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.

Is an employer relieved of its obligation to provide reasonable accommodation for an employee with a disability who fails to take medication, to obtain medical treatment, or to use an assistive device (such as a hearing aid)?

No. The ADA requires an employer to provide reasonable accommodation to remove workplace barriers, regardless of what effect medication, other medical treatment, or assistive devices may have on an employee's ability to perform the job. However, if an employee with a disability, with or without reasonable accommodation, cannot perform the essential functions of the position or poses a direct threat in the absence of medication, treatment, or an assistive device, then s/he is unqualified.

Must an employer ask whether a reasonable accommodation is needed when an employee has not asked for one?

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Generally, no. As a general rule, the individual with a disability -- who has the most knowledge about the need for reasonable accommodation -- must inform the employer that an accommodation is needed. However, an employer should initiate the reasonable accommodation interactive process without being asked if the employer: (1) knows that the employee has a disability, (2) knows, or has reason to know, that the employee is experiencing workplace problems because of the disability, and (3) knows, or has reason to know, that the disability prevents the employee from requesting a reasonable accommodation. If the individual with a disability states that s/he does not need a reasonable accommodation, the employer will have fulfilled its obligation.

Is it a reasonable accommodation to make sure that an employee takes medication as prescribed?

No. Medication is not a reasonable accommodation. Employers have no obligation to monitor medication because doing so does not remove a workplace barrier. Similarly, an employer has no responsibility to monitor an employee's medical treatment or ensure that s/he is receiving appropriate treatment because such treatment does not involve modifying workplace barriers. It may be a form of reasonable accommodation, however, to give an employee a break in order that s/he may take medication, or to grant leave so an employee may obtain treatment.

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