



California's Protection & Advocacy System

Reasonable Accommodations in the Workplace Fact Sheet

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Title I of The Americans with Disabilities Act (ADA) requires employers with 15 or more employees to provide qualified individuals with disabilities with reasonable accommodations. This fact sheet provides information about reasonable accommodations under Title I.

You should also be aware that there are other laws that protect the rights of qualified persons with disabilities from discrimination in an employment context other than Title I of the ADA. For example, state law, such as the California Fair Employment and Housing Act also protects qualified individuals with disabilities from discrimination in employment.

For more detailed information please see Disability Rights California's publication *Employment Rights Under the Americans With Disabilities Act*, available in English, Spanish, Korean, Chinese and Vietnamese at http://www.disabilityrightsca.org/issues/employment_pubs.html or upon request.

1. What is a reasonable accommodation?

Under the ADA, a reasonable accommodation includes modifications or adjustments that enable employees with disabilities to perform the essential functions of their job. Whether an accommodation is reasonable in a particular case involves an analysis of the facts of the particular situation, including the cost of the accommodation and the employer's ability to pay for it.

Some examples of possible accommodations include the following: allowing an employee to take time off from work for doctor's appointments or visits to a therapist; allowing an employee a flexible work schedule so

that the employee may work more hours on good days and fewer hours when necessary; restructuring the job description to eliminate non-essential functions; providing a wheelchair accessible work site, a sign language interpreter, or Braille materials; or simply educating and reshaping co-worker attitudes.

2. How do I ask for a reasonable accommodation?

If you need an accommodation, you should tell your employer (1) that you have a disability (unless your disability is obvious), (2) how your disability interferes with your ability to do your job functions, and (3) what accommodations you need in order to do your job functions. Although you may make your request orally or in writing, it is better practice to put your request in writing so you have a record of it. (For a sample reasonable accommodation letter please see our publication *Employment Rights under the ADA*, publication #5068.01, <http://www.disabilityrightsca.org/pubs/506801.htm>).

3. What documentation can my employer request?

If the need for an accommodation is not obvious (e.g. an employee uses a wheelchair), an employer can ask the employee for reasonable supporting documentation. This is documentation sufficient to establish that the employee has a covered disability and to establish the need for the accommodation the employee seeks. The documentation should be limited to what is relevant to the employee's request and not be a "blank check" to seek the employee's entire medical record.

4. Is my employer obligated to provide any accommodation that I request?

No. Once your employer knows about your need for an accommodation, he or she must engage in an interactive process with you to help determine what accommodations might be appropriate. Your employer does not have to provide the exact accommodation you are requesting, however, the accommodation provided must be effective. Employers must make reasonable efforts to determine the appropriate accommodation for you, by consulting with you and giving primary consideration to your preference.

The employer may select a less expensive alternative as long as it is appropriate and meets your needs.

5. Can an employer ever say “no” to my reasonable accommodation request?

Employers are not required to provide an accommodation if it would create an “undue hardship” on the employer. In general, the term undue hardship means an action requiring significant difficulty or expense, when considered in light of several factors including the nature and cost of the accommodation as well as the employer’s resources.

6. How can I work with my employer and protect my rights?

You should participate in the process of developing and implementing the accommodation. If you and your employer do not initially agree on the accommodation, you can offer your employer a referral to accommodation specialists such as the Job Accommodation Network (800 526-7234; <http://askjan.org>); or enlist assistance from a third party such as your Department of Rehabilitation Counselor (www.dor.ca.gov) or an advocate. You can also contact the Equal Employment Opportunity Commission (EEOC): www.eeoc.gov or the California Department of Fair Employment and Housing (DFEH): www.dfeh.ca.gov.

7. What can I do if my employer denies my request for reasonable accommodations?

You may file a Title I complaint with the EEOC either by telephone at (800) 669-4000; or visit its website for more information at <http://www.eeoc.gov>. In California, a complaint must be filed with the EEOC within 300 days of the discrimination. If the EEOC issues a right-to-sue letter (a letter saying you may file in court), you have 90 days to sue in US Federal District Court. You must receive a right-to-sue letter from the EEOC before filing an action under Title I in court.

If you want to pursue a legal remedy, you must file a charge of discrimination with the DFEH within one year from the date of the alleged discriminatory act. If you want to go to court, you must file a lawsuit in state court within one year of the date of a right-to-sue notice issued by DFEH.

If you think you may have an ADA complaint in addition to the Fair Employment and Housing Act complaint, you should file with the DFEH or the EEOC within 300 days, since the time line for filing an ADA complaint is 300 days.

If you have questions about your rights or how to file a complaint, you may contact Disability Rights California at (800) 776-5746.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.