

Reasonable Accommodations and the Interactive Process

The federal Americans with Disabilities Act (ADA) requires employers with 15 or more employees to provide reasonable accommodations to qualified applicants and employees with a disability, unless it could impose an undue hardship on the employer. Many states have similar requirements, some of which cover smaller employers. If an employee notifies you that they are having trouble getting work done because of a medical condition or disability, they may be asking for a reasonable accommodation. Such requests should be handled with care and in compliance with federal and state law, triggering what is called the interactive process. The exact nature of the interactive process will depend on how obvious the disability is, the limitations it imposes, and the type of accommodation required. The following flowchart can help guide employers when engaging in the interactive process.

Are both the disability and the needed accommodation obvious?	
YES	NO
<ol style="list-style-type: none">1 Implement the accommodation expeditiously.2 Check in with the employee periodically to make sure the accommodation is effective. If ineffective, work with the employee to consider other options.3 Ensure you have documented each step of the process thoroughly and retain all records in a confidential file, separate from the employee's personnel file.	<ol style="list-style-type: none">1 Discuss with the employee the nature, severity, and duration of the impairment; the activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the job. You may ask for supporting documentation.2 Once you have determined that the employee is entitled to an accommodation, identify an effective one. You may ask the employee for suggestions, and give their choice primary consideration, but you aren't required to select that accommodation if there's another effective accommodation that's preferable.3 Implement the accommodation expeditiously.4 Check in with the employee periodically to make sure the accommodation is effective. If ineffective, work with the employee to consider other options.5 Ensure you have documented each step of the process thoroughly including accommodations that were suggested but rejected, and the reasons why, and retain all records in a confidential file that is separate from the employee's personnel file.

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