

Arizona Center for Disability Law

Protection and Advocacy System for Arizona

The ADA and Reasonable Accommodations

A Self-Advocacy Guide

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

This guide is available in alternative formats upon request.

THE ADA AND REASONABLE ACCOMMODATIONS

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A. Introduction to the Americans with Disabilities Act (ADA) and this Guide

1. Overview

Oftentimes, people with disabilities do not have an equal opportunity to work or advance in their employment. People with disabilities are often restricted in employment opportunities by many different kinds of barriers. Some face physical obstacles that either make it difficult or impossible to get into and around a workplace or to use equipment in the workplace. Some are excluded because they communicate differently than their co-workers. Still others are excluded because of rigid work schedules that do not permit flexibility for people with special needs because of a disability.

In other cases, people are denied opportunities, not because of actual barriers, but because of prejudice. These are the barriers in other people's minds: fears, stereotypes, presumptions, and misconceptions about job performance, safety, absenteeism, costs, or lack of acceptance by co-workers and customers.

On July 26, 1990, Congress passed the Americans with Disabilities Act (ADA), which provides major civil rights protections to individuals with disabilities. The intent of this federal law is to reduce barriers to people with disabilities and provide equal opportunities in employment, public accommodations, public services, transportation, and telecommunications. The various titles of the ADA affect many aspects of the lives of people with disabilities.

- Title I makes it unlawful to discriminate in employment against qualified people with disabilities.
- Title II makes it unlawful for state and local governments and their agencies to discriminate on the basis of disability in programs and services, including public transportation.
- Title III prohibits discrimination on the basis of disability in access and enjoyment of public accommodations and commercial facilities, such as hotels, motels, restaurants, professional offices, convention centers, stores, banks, museums, parks, schools, and recreational facilities.

- Title IV requires accessibility of telecommunication services to hearing impaired persons and other individuals with disabilities.

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the ADA. People with disabilities also have the right to bring private lawsuits against employers who discriminate against them if the individual first files a charge of discrimination with the EEOC within the time limits set out by the ADA. See the Center's guide, *How to Enforce the Employment Protections of the ADA*, for more information about filing a charge.

There are limits to the types of lawsuits an individual can file under the ADA. For example, the U.S. Supreme Court has ruled that private individuals may not sue state employers for money damages under the ADA. Individuals may still file charges of discrimination with the EEOC against their state employer for other relief, such as court orders to stop discrimination. The U.S. Government can still file lawsuits against states for violating the ADA.

2. How the Arizona Center for Disability Law Assists People with Disabilities

If you believe you have been discriminated against on the basis of a disability in employment or access to public services, public accommodations, public transportation, or telecommunication services, staff at the Arizona Center for Disability Law (ACDL) can provide you with information about the ADA and enforcing your rights. The ACDL is a non-profit, public interest law firm providing free advocacy, information and referral services, legal research, community legal education, and, in selected cases, legal representation to individuals with disabilities. The Center is the designated protection and advocacy system for Arizonans with a wide range of physical and mental disabilities. Assistance is provided for disability-related issues in established priority areas.

Information about the eligibility requirements and priorities is available from the Center on request. Assistance is provided according to program eligibility requirements, priorities, and staff availability. The ACDL has written this guide to provide the reader with information about the requirement of the ADA for employers to provide reasonable accommodations to qualified individuals with disabilities. The list of guides available through the Center about employment rights under the ADA includes:

- \$ *The ADA and the Job Applicant: Recruitment, Applications and Interviews*
- \$ *An Overview of the Employment Protections of the ADA*
- \$ *The ADA and Reasonable Accommodations*
- \$ *Drug and Alcohol Testing under the Americans With Disabilities Act (ADA)*
- \$ *How to Enforce Employment Rights Under the ADA*
- \$ *The Americans With Disabilities Act (ADA) and Medical Examinations*
- \$ *The ADA and Confidentiality of Medical Records*
- \$ *The ADA and Disability-Related Harassment*

These guides are not substitutes for legal advice. The ACDL recommends that persons obtain professional legal advice to resolve a legal dispute regarding discrimination on the basis of a disability. These guides are meant to provide people with disabilities with information and examples about the employment protections under the ADA.

3. When the Employment Protections of the ADA Apply

The ADA does not cover every employment situation between an applicant or employee and an employer. For the ADA to apply to an employment situation, each of the following has to be true:

- \$ the employer is a *covered employer*;
- \$ the employee or applicant has a *disability* according to the ADA;
- \$ the employee or applicant is *qualified* to perform the job; and
- \$ the employer *discriminates* against an applicant or employee *on the basis of disability*.

The terms "covered employer" and "disability" are discussed below.

a. Employers Covered by the Employment Protections of the ADA

The ADA applies to private employers with 15 or more employees and includes

- \$ employment agencies and labor unions.
- \$ a location or facility of a business with fewer than 15 employees whose total number of employees for the company in all locations and facilities combined equals 15 or more.

Other state and local laws may apply to persons with disabilities who are employed by smaller businesses. For more information, contact the ACDL or a private attorney.

The ADA applies to state and local governments and includes:

- \$ agencies, departments, and entities regardless of their size or number of employees, such as public schools, universities, libraries, museums, parks, and recreation facilities; police and fire departments; and social welfare offices
- \$ states, although employees (and applicants) cannot sue state employers in court for money damages. Individuals can still file charges of discrimination with the EEOC against their state employer. Individuals can also still sue to require state employers to take action or to stop discriminatory action. The U.S. government can still file lawsuits against state employers under the ADA. In addition, individuals can sue local governmental agencies, such as cities and counties, for money damages.

The ADA does NOT apply to the federal government, but it does apply to employees of the U.S. Senate. However, generally if a person with a disability works or applies for a job with the federal government, a federal agency, or a fully owned U.S. governmental corporation, there still might be protection. The Rehabilitation Act of 1973—another anti-discrimination law that offers employment protections for people with disabilities—might apply to jobs with the federal government, a federal agency, or a fully owned U.S. governmental corporation. For example, employees and applicants of the U.S. Department of Labor and civilian employees of the U.S. Department of Army are covered by the Rehabilitation Act. For more information about the Rehabilitation Act, contact the ACDL, an Equal Employment Opportunity Counselor for the federal agency, or a private attorney.

Title I (Employment) of the ADA does NOT apply to Indian Tribes. However, tribes may have their own affirmative action or anti-discrimination laws that address discrimination on the basis of disability. Some tribes have adopted laws or entered into agreements to abide by federal discrimination laws similar to the ADA. Contact a tribal legal office for more information about the tribal laws or agreements that may apply.

b. Applicants or Employees With a Disability

The ADA protects qualified individuals with a disability. Disability is defined under the ADA as:

- (1) a physical or mental impairment that substantially limits an individual in the ability to perform major life activities, such as:
 - \$ seeing \$ hearing \$ walking
 - \$ working \$ learning \$ thinking
 - \$ reading \$ lifting \$ concentrating
 - \$ reproducing \$ interacting with others \$ sleeping
 - \$ performing manual tasks in certain situations
 - \$ engaging in sexual relations
- (2) a history of a substantially limiting impairment, or
- (3) being regarded as having a substantially limiting impairment.

However, persons who are currently illegally using drugs are generally not considered disabled because of their drug use. A person is qualified under the ADA if s/he has all of the skills, education, and experience required for the position and is able to perform the essential functions of the job with or without reasonable accommodations. For more information about what these special terms mean, see the Center's guide, *An Overview of the Employment Protections of the ADA*.

B. A Reasonable Accommodation Is . . .

In certain situations, an employer has a duty to provide reasonable accommodations to employees with disabilities. A reasonable accommodation is any change in the work environment or the way things are usually done that gives an individual with a disability an equal employment opportunity. Types of reasonable accommodations include but are not limited to:

- \$ *Changes to a building or work location to make the area accessible and usable by an individual with a physical or mental disability*
- \$ *job restructuring: exchanging marginal duties between co-workers*
- \$ *part-time or modified work schedules*

- \$ *flexible leave policies*
- \$ *acquiring or modifying equipment or devices*
- \$ *adjusting or modifying examinations, training materials, or policies*
- \$ *providing qualified readers and interpreters*
- \$ *altering when or how an essential job function is performed*
- \$ *permitting use of accrued paid leave or unpaid leave for necessary treatment*

A person with a disability may be able to benefit from another law that relates to leave. The Family and Medical Leave Act (FMLA) requires employers with 50 or more employees to provide up to 12 weeks of job-protected accrued or unpaid leave for treatment of a serious health condition to employees who have been employed for at least 12 months. Contact the U.S. Department of Labor, Center staff, or a private attorney for more information about the FMLA.

- \$ *employer assistance getting to and from an inaccessible job site*
- \$ *reassignment to a vacant position.*

In considering reassignment as an accommodation, an employer:

- \$ must first look to positions that are comparable in terms of hours, pay, etc.;
- \$ may look to less comparable positions if there are no vacancies in comparable positions;
- \$ may be required to look to *light duty* positions if there are no vacant regular duty positions open or expected to be open in a reasonable time, regardless of whether the disability is work-related. An employer is NOT required to create a light duty position for an employee with a disability. Although the ADA is unclear on this point, an employer may also be required to convert a temporary light duty position into a permanent position as an accommodation if the action does not create an undue hardship for the employer;
- \$ must reassign to a position that is now vacant or is expected to be

- open within a reasonable time in the near future;
- \$ does NOT have to reassign the person to a position that is a promotion;
- \$ does NOT have to create a new position;
- \$ probably does NOT have to bump another employee; and
- does NOT usually have to alter its seniority system if it conflicts with an employee's request for an accommodation.

The list of reasonable accommodations is only limited by the creativity of the employer and employee or applicant as well as ideas of outside resources. Designing accommodations is a very individualized process. Accommodations will vary depending on the unique needs of the employee or applicant and the special circumstances of the job duties and employer. Not all people with the same disabilities will have the same limitations or the same degree of limitation. Ideas for different kinds of generic accommodations for different types of disabilities or limitations can be found in the Appendix.

The ADA does not require an employer to always accommodate a person—even an existing employee—with a disability. For example, if the accommodation is too burdensome for the employer, it may not be required. If the person's disability changes and causes greater limitations that make him/her unable to perform the essential functions of his/her job even with an accommodation and there are no vacant positions for which s/he is qualified, an accommodation is not required.

1. Examples of Reasonable Accommodations

The following are examples of reasonable accommodations according to type:

CHANGES TO A BUILDING OR WORK LOCATION TO MAKE THE AREA ACCESSIBLE AND USABLE BY AN INDIVIDUAL BECAUSE OF A PHYSICAL OR MENTAL DISABILITY

Sheryl is hired as an office manager. The desk in her office is too low for her wheelchair to fit under. A possible accommodation would be to place bricks or some other material under the desk legs to create more room for the wheelchair or buy her a different desk with adjustable height.

Albert has severe arthritis. He may need a reserved parking space close to the office where he works as an accommodation.

James suffered a traumatic brain injury. He has worked as an engineer in an office where many individuals have desks in a large room. Since his accident, some noise and visual distractions can make it difficult for him to perform his job duties. Possible accommodations include construction of a cubicle he can work in, use of headphones, or use of a white noise generator (which is a machine that reduces background noise).

JOB RESTRUCTURING: EXCHANGING MARGINAL DUTIES BETWEEN CO-WORKERS

Tim is a secretary who has epilepsy and is not able to drive because his seizures are not yet controlled by medication. Occasionally, his boss needs him to deliver a report. Another co-worker in the supply room could be asked to run the errand while Tim covers the supply room.

PART-TIME OR MODIFIED WORK SCHEDULE

Jane, who works as a stock person in a grocery store, has a mental illness. Jane needs to go to a group counseling session, which only occurs during working hours, one time per week. As an accommodation, Jane has asked for a modified work schedule where she leaves **2** hour early but comes in **2** hour early on Wednesdays.

FLEXIBLE LEAVE POLICIES

Megan is a lawyer recently hired in a law firm who is blind and uses a service animal for mobility. When her service animal dies, she must get another service animal and go to a training center with it for a week. The employer has a leave policy that no employee can take leave during the three-month probationary period. The employer may need to make an exception to the policy as a form of accommodation for Megan.

Other examples of leave policy that may be needed as an accommodation for a disability include time off for surgery and recuperation, hospitalization for a psychiatric condition, inpatient or outpatient drug or alcohol treatment, repair of equipment, or training on how to use assistive technology.

ACQUIRING OR MODIFYING EQUIPMENT OR DEVICES

Dennis is a receptionist with a moderate hearing impairment. He uses a hearing aid but also needs a telephone amplification device for the telephone to hear callers. His employer will probably need to purchase the telephone amplification device.

Anthony is a schoolteacher with limited use of his arms due to rheumatoid arthritis. He needs a lazy Susan on his desk to keep the materials he frequently uses close at hand. He also needs a music stand to place heavy textbooks on so that he doesn't have to hold them, but can simply turn the pages.

ADJUSTING OR MODIFYING EXAMINATIONS, TRAINING MATERIALS, OR POLICIES

Elizabeth has Post-Polio Syndrome and is hired as a part-time sales consultant, for which she is required to attend a full-day training seminar. She is unable to work full-time because of limited endurance and fatigue caused by her condition. She may need to attend two half-day training sessions as an accommodation.

Alberta is visually impaired. Her employer holds a safety training and gives the employees a written hand-out summarizing important information. Alberta's employer will probably need to provide a large print version for Alberta.

PROVIDING QUALIFIED READERS AND INTERPRETERS

Jesse is deaf. He will need an interpreter when he is granted an interview for a position as a research assistant for a professor.

ALTERING WHEN OR HOW AN ESSENTIAL JOB FUNCTION IS PERFORMED

Brittany has a learning disability and Attention Deficit Disorder. She works as an insurance adjuster. Her duties include data entry of information she obtains from new customers, sales work, writing up policies, and investigating claims. Because of her disability, data entry is difficult if she does not do it early in her day when her concentration is at its best. One possible accommodation is to allow her to do the data entry in the morning and her other job duties during the rest of the day.

Joyce is employed as a secretary in a large office. After removal of a brain tumor, she has had difficulty remembering whether or not she has completed assigned tasks. A possible reasonable accommodation would be for her supervisor to prepare a written list of daily tasks that Joyce could "mark off" as completed. If other memory problems exist, giving instructions in different formats—such as written, visual diagrams, or verbal instructions—may be helpful.

Since his stroke, George has had difficulty with his orientation to his surroundings. Although he has made a good recovery, he and his employer were concerned about his ability to return to work delivering mail and packages throughout the plant. The following accommodations were made. He was given a map that also contained written instructions as to his typical mail route. Colored tape was affixed to the floor to show the way to various areas of the plant (i.e., red tape from the mail room to the machine shop, black tape from the mail room to the administrative offices, etc.). With these simple accommodations, George was able to successfully return to work.

PERMITTING USE OF ACCRUED PAID LEAVE OR UNPAID LEAVE FOR NECESSARY TREATMENT

Dwayne is a waiter who has been diagnosed with cancer. He needs four weeks of leave for chemotherapy and recuperation. Dwayne has two weeks of paid leave that he has not used. Dwayne's employer may offer him an accommodation of using his two weeks paid leave and offering him two weeks of unpaid leave. Dwayne might also be entitled to leave under the FMLA. *See* the previous section for a discussion of FMLA leave.

EMPLOYER ASSISTANCE GETTING TO AND FROM AN INACCESSIBLE JOB SITE

Keith, who uses a wheelchair, applied for and obtained a job in a mall. Although the store is accessible, the route from the mall to the store is not. The employer may need to work with management of the mall to provide a ramp or have someone assist Keith to get to the store.

Delia is a lawyer who works in a law firm downtown in a large city. She has a mobility impairment where she can only walk short distances. Because of the lack of accessible parking near the office, she must park at least 4 blocks away. Delia asks her employer for a reserved parking space near the law office as an accommodation.

REASSIGNMENT TO A VACANT POSITION

Paul works for a hotel resort as a limousine driver. He becomes unable to drive following a traumatic brain injury. Paul uses his leave to recuperate and wishes to return to work, but is still unable to drive. Because he can no longer perform the driving even with an accommodation, he may need to be reassigned to a vacant position. He is qualified for a position as a bell captain, a maintenance worker, and a groundskeeper, all of which are vacant. In all likelihood, the company must reassign Paul to one of these positions as an accommodation.

2. Examples of Unreasonable Accommodations

The following are examples of requested accommodations that some courts have found to be unreasonable:

- \$ waiting indefinitely for an employee's disability to be treated or corrected (however, remember FMLA and accrued leave may give an employee a lengthy time for treatment or recuperation);
- \$ providing a smoke-free building for an employee who is allergic to smoke and works on the 12th floor;
- \$ hiring an additional employee to handle the workload of the individual with the disability (This is different than hiring an interpreter, reader, or in some cases, an aide to assist a person with a disability, which are all forms of reasonable accommodations.);
- \$ permitting an employee with alcoholism to show up for work under the influence of alcohol, to drink alcohol, or to engage in alcohol-related misconduct;
- \$ converting a temporary light-duty position into a permanent light-duty position;
- \$ lowering production standards;
- \$ excusing an employee with an emotional or psychiatric disability for unacceptable work behavior, such as aggression or threatening behavior;
- \$ creating a light duty position when an employer does not have an existing light duty program;
- \$ working at home (but see the discussion below); and
- \$ excusing a person's disability-related absences that are frequent and unpredictable.

If you need an accommodation that falls into one of these categories, you may wish to consider whether there are different accommodations that would allow you to perform the essential functions of your job.

Alicia works in an office where she does word processing. Her employer expects Alicia and her co-workers to complete 6 to 8 jobs per day. Alicia is less efficient in the afternoon because the decreased effectiveness of her medication for Attention Deficit Disorder. Rather than asking if this standard can be lowered for her, she may ask for an accommodation of a modified schedule that permits her to begin working earlier in the day or to be moved to an office cubicle in a less noisy part of the building.

If there are no accommodations that would work, an employee may always ask for one of the accommodations listed above because employers may agree to make greater accommodations than the ADA requires.

Juan is a waiter at a restaurant and obviously could not work at home because of the nature of his job. Alberta, a catering sales representative at the same restaurant, may be able to work at home part-time to accept business calls about inquiries from prospective customers and ordering food. However, she would need to be at the restaurant to set up for events.

C. When An Employer Must Provide a Reasonable Accommodation

1. General Requirements

An employer must make a reasonable accommodation to the *known* physical or mental limitations of a qualified applicant or employee with a disability unless the employer can show that the accommodation would cause an undue hardship on the operation of its business.

2. Three Reasonable Accommodation Situations

There are three situations in an employment setting where an employer might be required to provide an employee with an accommodation:

- **During the application or interview stage**

Steven has a visual disability. He needs someone to read the application form and write his responses or to be able to turn in a prepared resume rather than an application to apply for the position.

- **In the workplace**

Shannon has AIDS. She may need to change her work hours one day per week to go for medical treatment.

- **For enjoyment of equal benefits and privileges of employment**

Employees with disabilities must have access to lunchrooms, employee lounges, restrooms, meeting rooms, and other employee-provided or sponsored services such as health programs, transportation, and social events. Without such accommodations, an employee with a disability may have no opportunity to enjoy equal benefits and privileges of employment.

Martha uses a wheelchair. She needs the microwave oven in the lunchroom placed on a lower table for use during lunch and breaks.

Michael is deaf. His employer is planning an awards dinner to honor employees, including Michael, who have contributed to the workplace. His employer needs to provide an interpreter for the event to accommodate Michael.

The employer's duty to provide reasonable accommodations is ongoing and may arise any time that a person's disability or job changes.

Sandy is a receptionist who has arthritis. Sandy needs an accommodation of a headset to limit the use of her arm to hold the phone. Later, the company changes the receptionist duties to include extensive typing. She cannot type as much as is required because of her disability. The employer is obligated to consider whether there is a vacant position for which she would be qualified for reassignment.

D. Employer's Considerations

1. Factors Employers Consider

A reasonable accommodation must always take into consideration two factors:

- the specific abilities and functional limitations of a particular applicant or employee with a disability; and
- the specific functional requirements and essential functions of a particular job.

In considering an accommodation, the focus should be on the abilities and limitations of the individual to perform a specific task or particular position and not on the name of the disability or a particular physical or mental condition.

The employer is responsible for posting notices for job applicants and employees of its obligation to provide accommodations for otherwise qualified individuals with a disability.

2. Limits on Employer's Duties to Accommodate

Employers do not have to provide accommodations in all circumstances. Here are some limitations:

- An employer is NOT required to lower quality or production standards to make an accommodation.
- An employer is generally NOT obligated to provide personal items as accommodations, such as wheelchairs, eyeglasses, or hearing aids. But, there may be exceptions to this general rule. For example, Joe uses a manual wheelchair at home and in his personal life. At work he is required to travel extensively through a large factory. His employer may need to provide a power wheelchair at work.
- § An employer is NOT required to provide an accommodation if it will pose an undue hardship on the operation of its business.
- § An employer is NOT required to hire an individual who poses a "direct threat" to the health or safety of him or herself or others.

To be considered as a "health or safety risk," the "direct threat" must pose a "significant risk of substantial harm." Risk of harm must be based on valid medical analysis or other objective evidence, and not on speculation. If a safety risk can be reduced by a reasonable accommodation, an employer must provide the accommodation and NOT discriminate against the individual.
- § The employer's obligation to provide reasonable accommodations applies only to those accommodations that reduce barriers to employment related to a person's disability; it does not apply to accommodations that a disabled person may request for some other reason.

The EEOC Technical Assistance Guide offers this example: an employee whose job requires driving loses her sight. Reassignment to a vacant position that does not require driving would be a reasonable accommodation, if the employee is qualified for the position with or without an accommodation. However, if a blind computer operator working at an employer's Michigan facility requested reassignment to a facility in Florida because he prefers to work in a warmer climate (which is not required for his medical condition), it would not be a reasonable accommodation required by the ADA since the accommodation requested is not related to the disability.

Karen is a mother of a child with AIDS. Her son becomes ill and she needs leave to be able to help take care of him. Karen is not entitled to a reasonable accommodation of use of unpaid leave under the ADA because she is not seeking leave for her own disability. *However, the FMLA may apply to offer her leave and job protection during the leave.*

3. Providing an effective accommodation

A reasonable accommodation need not be the "best" accommodation available, but it must be an "effective" accommodation. The accommodation must offer an equal opportunity for the person with the disability to be considered for a job, to perform the essential job functions, or to enjoy equal benefits and privileges of the job.

Ramon is a financial planner at a financial services company. He needs a reader to read correspondence and other paperwork. If Ramon's secretary could perform the reading duties in addition to her other duties, a full-time reader would not be necessary under the ADA.

Mary's company sends her to a seminar. She has a severe learning disability affecting her ability to read. She asks for the written materials that are used with the class to be provided on audiotape before the class so she can listen in advance. The other training participants are provided their materials two weeks before the class. The company tells Mary she can audiotape the training sessions rather than receive written materials. This is not an effective accommodation because the training sessions only highlight important information in the training materials.

4. Providing the extraordinary accommodation

In some cases, employers may be afraid to take extraordinary measures that go beyond the requirements of the ADA to accommodate employees or applicants because they may be afraid that they will have to go to those lengths in every case. Several courts that have looked at this question have found that simply because an employer takes extraordinary measures in one case, it is not legally required to repeat those measures in all later cases. To hold otherwise, the courts believe, would discourage employers from voluntarily bringing more people with disabilities into the workforce.

Yummy Burgers is a national fast-food chain that has a special program to employ and train people with moderate to severe mental retardation to perform one or two tasks. Generally, crew members must be trained and then rotate as needed in about eight different tasks. In this case, Yummy Burgers may be providing greater accommodations than the ADA requires.

Beware of the employer who claims that it does not discriminate because it hires people with disabilities. Even an employer who hires people with disabilities may discriminate against people with other disabilities or other people with disabilities who need accommodations. For example, an employer who has accommodated people with physical disabilities may fail to hire qualified people with mental disabilities; or an employer who has hired one deaf person who does not need an interpreter in his job may refuse to hire another person who is deaf because she will need an interpreter. This is still discrimination!

E. Steps for Identifying and Providing a Reasonable Accommodation

The following is a set of steps that the EEOC set forth for use by employers and employees with disabilities to use to determine the necessity of an accommodation.

1. Notice of Employer's Accommodation Obligation

Employers have the following obligations to notify employees of their rights to receive accommodations under the ADA:

- The employer is responsible for notifying job applicants and employees of its obligation to provide accommodations for otherwise qualified individuals with disabilities.
- Employers are required to post notices containing the provisions of the ADA, including the reasonable accommodation obligation, in employment offices and other common places where employees and applicants can readily see them. The EEOC provides posters to employers for this purpose.

2. Employee Request or Employer Inquiry for Accommodation

A "qualified individual with a disability" may request an accommodation or the employer may ask an employee whether he or she needs an accommodation. However, the employees or applicants with a disability who need an accommodation are responsible for letting their employer know that they need an accommodation. Although the employee or applicant is not required to use the "magic words" of ADA and accommodation, a person making the request should ask for an ADA accommodation to ensure that there is no confusion.

The ADA does not require that the accommodation request be in writing; however, it is better to do so, to date the request, and to keep a copy. These steps will make it easier to later prove that the employee/applicant made the request if a dispute arises. If an employer does not have a form for requesting accommodations, the employee/applicant may write his/her own accommodation request. A sample form is in the Appendix of this guide.

The applicant or employee with a disability should make a specific accommodation request. If the applicant or employee knows of several possible accommodation(s) s/he believes would be reasonable and effective, s/he should make a list of alternative accommodations. If the applicant or employee does not know the accommodation that would be effective, s/he may look to outside resources for assistance as well as the assistance of the employer. A list of resources is in the Appendix of the guide.

3. Documentation of the Need for an Accommodation

If an applicant or employee requests an accommodation and its need is not obvious, or if the employer does not believe that the accommodation is needed, the employer may request documentation of the individual's functional limitations to support the request. The ADA requires both the employer and the employee to act in *good faith* in the accommodation process. Both the employee and the employer must cooperate in providing information necessary to design accommodations. An employer may ask for written documentation from a doctor, psychologist, rehabilitation counselor, occupational or physical therapist, independent living specialist, or other professional with knowledge of the person's functional limitations.

Tip for obtaining accommodations. Employers need to be reasonable about their requests for documentation from qualified professionals. Giving short deadlines for providing documentation is an example of not acting in good faith. Providing a *specific* release of documentation is usually recommended rather than a *general* release of information of all medical information. A form that can be used as a guide by the rehabilitation or medical personnel providing the documentation is in the Appendix of the guide. Employers need to know enough information to verify that the individual has a disability and needs accommodations because of the disability. *Before signing a general release, an employee or applicant should get legal advice.*

4. Evaluation of the Particular Job to Determine its Purpose and Essential Functions

Evaluation of essential job functions outlined in a position's "job description" is helpful in reexamining the specific job to determine or confirm the position's essential functions and requirements.

5. Discussion with the Individual with Disability about Specific Physical or Mental Abilities and Limitations

An appropriate accommodation may not be easily identified by the employer or the individual alone. The employer may not know enough about the individual's functional limitations in relation to specific job functions. Likewise, the individual requesting the

accommodation may not know enough about the equipment being used or about the job duties or worksite to suggest an accommodation. The employer and individual with a disability should work together in "*partnership*" to identify the appropriate accommodation. They should discuss:

- \$ the barriers to job performance in meeting the essential job functions of the position; and
- \$ possible effective solutions through accommodations.

If the employer and employee/applicant cannot identify an effective and reasonable accommodation, technical resources are available to assist in doing so. There are many free and low cost resources for employees and employers listed in the Appendix.

Tip for obtaining accommodations. Keep in mind that if your employer does not assist you in coming up with possible accommodations, you should contact outside resources. It is unlawful for an employer to refuse to provide a reasonable accommodation for an otherwise qualified individual with a disability. According to courts interpreting the duty to accommodate, an employer does not generally violate the ADA by simply refusing to participate in the interactive accommodation process. An employer, however, probably does violate the ADA by withholding information the employee needs to determine if an accommodation will work. Employers take a big risk in not participating because they may not learn about workable accommodations. For the unwilling employer, employees and applicants should take the lead in listing possible accommodations, contacting outside sources, and asking the employer for any information needed to determine if an accommodation will work. The employees and applicants should put this information in writing and keep a copy to later prove that they requested accommodations.

6. Right to Refuse

An employee may refuse an accommodation offered by an employer. However, if the employer offers the employee an effective accommodation and the employee refuses it and his/her performance is substandard without the accommodation, the employer may lawfully give the employee a lower evaluation rating. An employee who cannot perform well without the effective accommodation s/he refuses may lawfully be fired. If an employer offers an effective accommodation that an employee does not want, the employee may be able to provide his/her own accommodation as an option. If an applicant or employee is offered an accommodation which s/he believes would be ineffective, s/he should explain in writing why the accommodation is *not* effective and why the alternative accommodation would be.

7. Giving the Employee or Applicant an Option of Providing an Accommodation that Would Otherwise Be Too Burdensome for the Employer

An employer is not required to provide an accommodation if it will impose an "undue hardship" on the operation of its business. "Undue hardship" is an accommodation that is: "excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business."

Factors to look at when deciding whether an accommodation is too burdensome are:

- \$ The nature and cost of the accommodation in relation to the size of the business.
- \$ The nature and cost of the accommodation in relation to the financial resources of the business.
- \$ The nature and cost of the accommodation in relation to the nature and structure of the employer's operation. An employer may consider the impact of an accommodation on the ability of other employees to do their jobs.
- \$ The impact of the accommodation on the specific facility providing the accommodation.

For example, the cost of providing specialized computer software needed by a person with cerebral palsy might be too high for a small bookkeeping firm, but not too costly for a large company or governmental agency.

An employer may not consider as "undue hardship" the fears, prejudices, or resentment toward an individual's disability. The employer must still provide the requested accommodation despite:

- \$ Negative impact on morale of other employees.
- \$ Complaints from a co-worker about a specific reasonable accommodation, such as a flexible work schedule.

§ "Disruption" due to employees' fears about, or prejudices toward, a person's disability.

For example, an employer refuses to hire a person with a disability who needs a part-time schedule not because the schedule would be too disruptive to the company's operations, but because her co-workers might resent that she has a part-time schedule. In this case, the refusal to accommodate violates the ADA.

The terms of a collective bargaining agreement may be relevant in determining whether an accommodation would impose an undue hardship. Since both employers and unions are covered entities under the ADA, both should work together to develop collective bargaining agreements that do not have terms that discriminate against people with disabilities.

Usually, the fact that a requested accommodation violates a seniority system's rules renders the accommodation unreasonable. The exception to that rule is when a person bringing a lawsuit can show that special circumstances warrant a finding that the requested accommodation is reasonable in a particular case. If you need an accommodation that might conflict with a term of a collective bargaining agreement, you should check the agreement for a variance or exception for accommodations and seek legal advice.

8. Other Funding Sources.

If the only accommodation possible is too burdensome for the employer, there may be several options that remain available to provide the applicant or employee with the necessary accommodation. If one of the following sources is available to fund an accommodation, an employer may not refuse to allow the accommodation.

- a) *State Rehabilitation Services (RSA)*. A resource for employees and applicants with disabilities to consider is the Arizona Department of Economic Security - Rehabilitation Services Administration (RSA). This agency provides vocational rehabilitation services to people with disabilities to help them obtain, maintain, or advance in their employment. There are numerous ways in which RSA helps individuals with disabilities in the workplace. RSA can consult with employees and their employers about what types of accommodations to provide. RSA may be able to purchase personal devices an employer is not required to provide but

that an employee needs to work. RSA may be able to purchase equipment or devices or provide extended job coaching to an employee where an employer cannot provide the accommodations.

- b) *Industrial Commission Special Fund.* For people who have a disability caused by an industrial injury and cannot return to their previous job without an accommodation, the Industrial Commission's Special Fund may be used to fund retraining or equipment or devices needed as accommodations on the job. People who have serious job-related injuries who are not covered under the ADA may also use the Special Fund. Referrals to the Special Fund may be made by workers= compensation attorneys, vocational counselors, physicians, and private vocational service providers.

Steve worked in construction and installed wallboard. After a severe and permanent injury to his shoulders caused by the daily wear and tear of the job, he has too many physical limitations to continue this activity. The attorney handling his workers= compensation case referred him to the Special Fund which purchased equipment that raised the wallboard to the wall and held it in place while he used an automatic nail gun. With the use of the equipment, he can now perform his job within the physical limitations of his injury.

- c) *Miscellaneous.* Private insurance, as well as public medical programs, such as the Arizona Health Care Cost Containment System (AHCCCS) and Medicare, may fund some equipment or devices. Various community-based non-profit and charitable organizations may also have monies available.

9. Technical Assistance

Many sources of technical assistance are available to help employees and employers develop accommodations for people with different disabilities in various job situations. Many of these resources are free. For more information, see the list of Resources for Obtaining Information About Reasonable Accommodations in the Workplace for Employees and Applicants with Disabilities and Employers in the Appendix.

Appendix

Sample Lists of Generic Accommodations

For persons who are deaf or hard of hearing:¹

Communication needs for individuals will vary depending upon many factors, such as whether the individual is deaf or hard of hearing, uses American Sign Language (ASL), whether the individual became deaf after learning language, educational background, speech reading skills, complexity of communication taking place, and location of communication. The following accommodations are only a starting point and which ones are appropriate can only be determined after evaluating the above factors.

Inter- and Intra-Office Communication:

- \$ Ensure the availability of Text Telephones (TTs, also commonly referred to as TTYs), amplification devices, or other appropriate assistive listening devices (ALDs) to help facilitate communication between other employees or customers
- \$ Use state telecommunication relay services, where an intermediate person receives verbal information and types it to the person using a TT. The "800" toll free phone numbers for these services are listed in local phone directories
- \$ Consider E-mail for intra and interoffice communications
- \$ Provide visual or tactile pagers for communication, instructions, and as an alerting system
- \$ Share information via networked computers
- \$ Use computer notetaking
- \$ Try Fax machines for intra or interoffice, and customer communication

Safety:

- \$ Provide visual and auditory alerting devices on telephones and fire alarm systems

¹These accommodations are excerpts from publications prepared by the Program on Employment and Disability, New York State School of Industrial and Labor Relations (ILR), Cornell University, January 1994. Call the Center for a copy of ILR's mailing list.

Trainings and Meetings:

- \$ Ensure that all rooms used for meetings or training are adequately lighted
- \$ Utilize assistive listening devices such as FM, infrared, loop systems, and/or closed-captioning decoders in meeting and training sessions
- \$ Try real-time captioning for meetings and training sessions (simultaneously captioning as speaker speaks)
- \$ Caption video training materials
- \$ Use qualified and professional interpreters (oral and/or sign) when needed
- \$ Use notetakers in meetings and groups
- \$ Consider "communication cops" at meetings (someone who monitors the meeting to ensure that only one person speaks at a time)
- \$ Multiple strategies include use of professional interpreters (sign or oral), computers, ALDs, and other appropriate strategies

For persons who are blind or visually impaired:²

During the application and interview process:

- \$ Mail the application to the candidate who requests it
- \$ Offer written materials, including applications, training materials, etc., in an alternative format, such as audio-tape, large print, or Braille
- \$ Offer the walk-in applicant an opportunity to take the application, have someone help complete it, and return it by mail or in person
- \$ Offer the services of someone in the office to assist in completing the form
- \$ Ask if s/he needs directions if someone is driving
- \$ If the candidate is taking public transportation, indicate which stop is closest, then give directions from the stop

²See footnote #1

\$ Offer assistance from the reception area to your office by asking, "Would you like to take my arm?" If the person needs to, he or she will lightly grasp your arm just above your elbow and will follow one step behind you. Don't insist on helping, and certainly, don't push the person ahead of you. If the person uses a dog guide, the dog will follow you. Do not pet or distract the dog.

\$ If the individual has asked for assistance to the location, place the person's hand on the back of the chair where s/he will be sitting. Do not push the person into a chair.

Many reasonable accommodations do not have to be fancy or expensive.

\$ Dot of silicon on a knob, switch, or button permits a person to align controls on a machine.

\$ Wide felt-tip marker may make file folder labels readable.

\$ Braille labels on the soft drink machine give the braille user equal access to flavor choice.

\$ Different size strips of masking tape identify parts bins for production employees.

Computers can be modified to provide enlarged screen display, synthesized voice, or Braille output.

\$ Screen text enlargers use software to enlarge print on a computer screen up to several inches high.

\$ A tactile representation board allows a person with vision loss to touch a tablet and a synthesized voice reads the word that is at the corresponding point on the screen.

*For persons who have cognitive disabilities:*³

Recruitment, Job Application, and Interview process:

- \$ Simplify and minimize wording on the job application
- \$ Clarify and assist in completing information needed on the job application
- \$ Conduct a verbal interview to obtain job application information that may be more complex in nature and difficult to put in writing
- \$ Describe job requirements clearly, concisely, and simply; show the person the job
- \$ Adjust length of interview to maximize applicant's ability to remain attentive and decrease stress level
- \$ Interview in a quiet, informal, distraction-free environment
- \$ Use multiple formats to advertise job postings, such as newspaper and radio advertising

Job training:

- \$ Spend additional time in training the new employee
- \$ Break job tasks down into smaller steps that are clearly defined
- \$ Use very clear and basic language to provide job instructions
- \$ Develop a set routine in a job
- \$ Develop a consistent work sequence
- \$ Allow the employee to use alarm watches or timers
- \$ Develop pictures or diagrams showing job sequence to assist in learning tasks
- \$ Teach the employee with the disability how to follow the example of co-workers to learn work routines and appropriate work behaviors
- \$ Encourage co-worker involvement in ongoing support, if needed

³See footnote #1.

*For people with psychiatric disabilities:*⁴

(This section from "Accommodation Ideas for Persons with Psychiatric Disabilities" was divided into the following categories. Not all people with psychiatric disabilities will have these limitations or need all of these accommodations. People with different disabilities (such as learning disabilities and cognitive disabilities) with any of these limitations may also benefit from the following ideas.)

Maintaining energy levels during the workday:

- \$ Allow flexible scheduling
- \$ Allow longer or more frequent work breaks (but still require an 8-hour work day)
- \$ Provide additional time to learn new responsibilities
- \$ Provide self-paced workload
- \$ Provide backup coverage for when the employee needs to take breaks
- \$ Allow for time off for counseling
- \$ Allow for use of supportive employment and job coaches (often available through other agencies)
- \$ Allow employee to work from home during part of the day
- \$ Provide for job sharing opportunities
- \$ Allow part-time work schedules

Maintaining concentration:

- \$ Reduce distractions in the work area
- \$ Provide space enclosures or a private office
- \$ Allow for use of white noise or environmental sound machines
- \$ Increase natural lighting or provide full spectrum lighting

⁴These accommodations are excerpts from the publication, "Accommodation Ideas for Persons with Psychiatric Disabilities," Job Accommodation Network, A Service of The President's Committee on Employment of People with Disabilities. Call 1-800-DIAL-JAN for a list of publications.

- \$ Allow the employee to work from home and provide necessary equipment
- \$ Plan for uninterrupted work time
- \$ Allow for frequent breaks
- \$ Divide large assignments into small tasks and steps
- \$ Restructure job to include only essential functions

Staying organized and meeting deadlines:

- \$ Make daily TO DO lists and check items off as they are completed
- \$ Use several calendars to mark meetings and deadlines
- \$ Remind employee of important deadlines
- \$ Use electronic organizers
- \$ Divide large assignments into smaller tasks and steps

Working effectively with supervisors:

- \$ Provide positive praise and reinforcement
- \$ Provide written job instructions
- \$ Write clear expectations of responsibilities and the consequences of not meeting them
- \$ Allow for open communication to managers and supervisors
- \$ Establish written long term and short term goals
- \$ Develop strategies to deal with problems before they arise
- \$ Provide written work agreements
- \$ Develop a procedure to evaluate the effectiveness of the accommodation

Handling stress and emotions:

- \$ Provide praise and positive reinforcement
- \$ Refer to counseling and employee assistance programs
- \$ Allow telephone calls during work hours to doctors and others for needed support
- \$ Provide sensitivity training to co-workers
- \$ Utilize peer supports

Attendance issues:

- \$ Provide flexible leave for health problems
- \$ Provide a self-paced work load and flexible hours
- \$ Allow employee to work from home
- \$ Provide part-time work schedule

Changes in the workplace:

- \$ Recognize that a change in the office environment or of supervisors may be difficult for a person with a psychiatric disability
- \$ Maintain open channels of communications between the employee and the new and old supervisor in order to ensure an effective transition
- \$ Provide weekly or monthly meetings with the employee to discuss workplace issues and production levels

*For individuals in recovery from a drug or alcohol problem:*⁵

Work Accommodations:

- \$ A modified work schedule to permit an employee to pick up her daily methadone dosage or to attend an out-patient relapse prevention counseling session

⁵See footnote #1.

- \$ Job restructuring to relieve an employee of particular marginal tasks that may compromise recovery or be inappropriate in the early stages of recovery
- \$ Temporary reassignment of an employee in a safety-related position to a vacant non-safety sensitive position while he or she completes treatment
- \$ Unpaid leave to permit an individual with a current alcohol impairment to attend an in-patient treatment program

*For persons with attention deficit disorder:*⁶

- \$ Reduce distractions in the work space
- \$ Give instructions clearly - both orally and in writing
- \$ Break large tasks down into more manageable parts
- \$ Provide structure in long-term tasks (checklists, deadlines for each stage, periodic meetings with supervisors)
- \$ Provide frequent and specific feedback on meeting performance expectations
- \$ Provide extra clerical support
- \$ Make accessible audio and video equipment
- \$ Provide accommodations in examinations (extra time, quiet room, alternative format where appropriate) and in training programs (tape recorder, repetition, time for questions, supervised practice)
- \$ Provide modified work schedules and job restructuring

⁶These accommodations are excerpts from the publication, "Attention Deficit Disorder in the Workplace," National Center for Law and Learning Disabilities. Contact the Center for a list of other publications.

For persons who have physical disabilities (with limited mobility, use wheelchairs, or mobility aids):

- \$ Move clutter in hallways to give room for people to use wheelchairs or mobility aids
- \$ Install door knobs with levers rather than round knobs
- \$ Build or use portable ramps to ramp stairs
- \$ Provide reserved parking near the entrance/exit that person uses
- \$ Check lunchroom and make changes to ensure access
- \$ Make sure work area is large enough for wheelchair, including turnaround space
- \$ Plan training events and company social events in an accessible location
- \$ Install grab bar in the restroom and, if necessary, enlarge stalls

Remember, not all people with the same condition will need the same accommodations. These are ideas only. Each situation calls for an individual assessment.

**Optional Form for Employee or Applicant to Request Reasonable
Accommodation**

*Ask your employer if s/he has a form; if no form is available, use a memorandum or letter format.

TO: Human Resources Director

FROM: (Individual Requesting Accommodation)

RE: Americans with Disabilities Act Accommodation Request

DATE: (Date of Request)

I am employed by the company as a _____. I need an accommodation(s) to be able to perform my job duties because of a disability. I have the following condition: _____ . This condition affects me in the following way(s):

Based on my experience with my disability, I believe I need the following accommodation(s):

I would like to meet with you to discuss an accommodation plan that would include this accommodation(s) or other effective accommodations.

If you need any medical documentation regarding my condition or the need for accommodations, please let me know. Please keep this request and any subsequent medical documentation confidential as required by the Americans with Disabilities Act.

(I have attached some information about accommodations for your review.)

Sample Form for Employee or Applicant to Request Reasonable Accommodations

TO: Iman Charge, HR Director

FROM: Augusta T. Employee

RE: Americans with Disabilities Act Accommodation Request

DATE: September 20, 1996

I was recently hired by the company as a cashier sales associate at Bull's-eye Store in Tucson. I need accommodations to be able to perform my job duties because of a disability. I have a spinal cord injury. As a result, I use a wheelchair. I have full use of my arms, but cannot walk even short distances.

Based on my experience with my disability, I believe I need the following accommodations while working at Bull's-eye Store:

- modifications to my cashier station (i.e., lower the ledge on which the cash register rests and cut a bigger opening to accommodate my chair; if I am assigned to one station, it would eliminate the need to modify other stations); and
- provide a reaching device which costs about \$40.

If you need any medical documentation regarding my condition or the need for accommodations, please let me know. Please keep this request and any subsequent medical documentation confidential as required by the Americans with Disabilities Act.

I have attached some information from the Job Accommodation Network (JAN) about how cashier stations were modified by another chain of stores. You can call JAN for further information. It is a free resource for employers. Their telephone number is (800) 526-7234.

Optional Form to Use as a Guide When Seeking Documentation of Disability/Accommodation

The documentation should include:

- \$ the nature of the impairment
- \$ how the impairment substantially limits at least one major life activity. Examples of major life activities include, but are not limited to:
 - \$ hearing
 - \$ seeing
 - \$ lifting
 - \$ working (a wide class of jobs, not just a single job)
 - \$ performing manual tasks
 - \$ walking
 - \$ standing
 - \$ learning(do not evaluate "working" unless no other activity is limited)
- \$ a statement that the person needs an accommodation related to his/her disability
- \$ the type of accommodation needed or recommended (optional)

The documentation may be provided by a:

- | | |
|-----------------------------|---|
| \$ doctor | \$ independent living specialist |
| \$ psychologist | \$ other professional with knowledge of disability and functional limitations |
| \$ rehabilitation counselor | \$ physical therapist |
| \$ occupational therapist | |

_____ has the following physical/mental impairment: _____ . The impairment causes functional limitations in the major life activity(ies) of _____. S/he is impaired in the areas in the following ways:

S/he is a qualified individual with a disability. As a result s/he needs an accommodation(s) in the workplace because of his/her disability. I recommend the following accommodation(s).

Please keep this medical documentation confidential as required by the employment provisions of the Americans with Disabilities Act.

Signature of Professional and
Credentials

(Tear this sheet off and give to the professional providing the documentation regarding disability.)

Sample Use of Form for Documentation

Joseph Jones has a physical impairment consisting of a spinal cord injury. He has paraplegia resulting in paralysis of his legs, but does have full use of his arms and hands. The physical impairment causes significant functional limitations in the major life activity of walking. He is unable to walk and uses a wheelchair. Joseph Jones is an individual with a disability according to the definition of the ADA.

As a result, he will need some accommodations in the workplace because of his disability. Generally, he will need an accessible worksite and ramp into the building where his worksite is located. I am a vocational rehabilitation counselor who has worked with Mr. Jones. I would be able to come to the worksite and offer you some specific recommendations on how to make his worksite accessible. Enclosed are the federal accessibility guidelines for building a ramp and suggestions for desks that will accommodate Mr. Jones= wheelchair. Please keep this request and any subsequent medical documentation confidential as required by the Americans with Disabilities Act.

Call me at my office at 123-4567.

Sincerely,

Rebecca Smith,
Vocational Counselor

Financial Assistance to Employer for Accommodations

Several sources of financial assistance are available to help employers make accommodations and comply with ADA requirements.

- a) Tax Credit for Small Business. Under Section 44 of the Internal Revenue Code, a special tax credit is available for smaller employers up to \$5,000 per year for accommodations made in compliance with the ADA. The credit is available for one-half the cost of "eligible access expenditures" that are more than \$250 but less than \$10,250.

\$ An eligible "small business" includes one in which gross receipts are equal to \$1 million or less for the taxable year, or the business has 30 or fewer full time employees.

\$ Eligible "access expenditures" for which the tax credit applies includes accommodations under Title I and accessibility requirements for commercial facilities and places of public accommodation under Title III.

- b) Tax Deduction for Architectural and Transportation Barrier Removal. Under Section 190 of the Internal Revenue Code, any business may take a full tax deduction, up to \$15,000 per year, for expenses of removing architectural barriers or transportation barriers.

\$ Expenses covered include cost of removing barriers created by steps, narrow doors, inaccessible parking spaces, toilet facilities, and transportation vehicles.

\$ Both the "tax credit" and "tax deduction" are available to eligible small businesses.

(Tear this sheet off to give to a prospective employer or current employer when asking for an accommodation.)

Resources for Obtaining Information about Reasonable Accommodations in the Workplace for Employees and Applicants with Disabilities and Employers

Organization and contact information	National, regional, state or local organization	Types of services offered
<p>Job Accommodation Network (JAN) West Virginia University P.O. Box 6080 Morgantown, WV 26506-6080 tel: (800) 526-7234 (V/TTY) website: http://janweb.icdi.wvu.edu/ e-mail: bloy@wvu.edu</p>	National	<p>National toll free consulting service for employers and people with disabilities; Searchable Online Accommodation Resource (SOAR); Publications; and Information and Referral.</p>
<p>ADA Disability and Business Technical Assistance Center 6568 Old Dominion Drive McLean, VA 22101 tel: (800) 949-4232 website: www.adata.org/dbtac.html e-mail: adata@adata.org</p>	National	<p>Material Dissemination; Information and referral; and referral to local DBTAC.</p>
<p>Industrial Labor Relations Program on Employment and Disability (ILR) New York State School of Industrial & Labor Relations Extension Division Cornell University Ithaca, NY 14853-3901 tel: (607) 225-7727 (V) (607) 255-2891 (TTY) website: www.ilr.cornell.edu/ped/ e-mail: ilr_ped@cornell.edu</p>	National	<p>Provides dissemination of information including the publications listed in end of the chart.</p>
<p>National Association for Deafness 814 Thayer Avenue Silver Springs, MD 20910-4500 tel: (301) 587-1788 (V) (301) 587-1789 (TTY) website: www.nad.org e-mail: NADinfo@nad.org</p>	National	<p>Provides information about legal rights, including information about possible ADA accommodations in the workplace.</p>

<p>Boston University Center for Psychiatric Rehabilitation 940 Commonwealth Avenue West Boston, MA 02215 tel: (617) 353-3549 website: www.bu.edu/cpr/reasaccom/ e-mail: psyrehab@bu.edu</p>	National	<p>Provides information including publications about ADA accommodations in the workplace, focusing on accommodations for people with psychiatric disabilities.</p>
<p>Worksupport.com Virginia Commonwealth University-RRTC 1314 W. Main Street P.O. Box 842011 Richmond, VA 23284-2011 tel: (804) 828-1851(V) (804) 828-2494 (TTY) website: www.worksupport.com/ e-mail: jhgreen@atlas.vcu.edu</p>	National	<p>Provides information including publications about ADA accommodations in the workplace and research about employing people with disabilities.</p>
<p>Pacific Disability and Business Technical Assistance Center (PDBTAC) 2168 Shattuck Ave., Suite 301 Berkeley, CA 94704-1307 tel: (800) 949-4232(V/TTY) website: www.pacdbtac.org</p>	Regional	<p>Technical Assistance; Education and Training to employers in Arizona and other states in Pacific region; Material Dissemination; and Information and referral.</p>
<p>Arizona Technology Access Program (AzTAP) 4105 N. 20th Street #260 Phoenix, AZ 85016 tel: (602) 728-9532 (V) (602) 728-9536 (free) website: http://www.nau.edu/ihd/aztap TTY) (800) 477-9921 (Toll</p>	Statewide	<p>Provides dissemination of information about technology that allows people with disabilities to increase functioning and information and referral about available technology, including vendors of products.</p>
<p>Arizona Center for Disability Law 100 N. Stone Ave., Suite 305 Tucson, AZ 85701 tel: (520) 327-9547 (V/TTY) (800) 922-1447 (V/TTY) (520) 327-7754 (TTY) (866) 327-7754 (TTY) website: www.acdl.com e-mail: center@acdl.com</p>	Statewide	<p>Website contains a free guide: The ADA and Reasonable Accommodations which includes a generic list of accommodations for a variety of different types of disabilities available to download and print. ACDL does not consult or provide advice directly to employers, but the website resources are available for free to all.</p>

<p>Arizona Commission for the Deaf and Hard of Hearing 1400 W. Washington, Rm 126 Phoenix, AZ 85007 tel: (602) 542-3323 (V/TTY) (800) 352-8161 (V/TTY) website: www.achi.state.az.us/ e-mail: Stone_Deb@pop.state.az.us</p>	<p>Statewide</p>	<p>Provides information and referral as well as education and training about deafness and hearing impairments, including information about interpreter services in Arizona, vendors of assistive technology products for the deaf and hard of hearing, accommodations.</p>
<p>Arizona Department of Economic Security Rehabilitation Administration Services (see state government listing for the closest local office)</p>	<p>Statewide</p>	<p>Provides vocational rehabilitation including assistive technology and services, job coaching, etc. to people with disabilities who qualify for services. Qualified individuals with disabilities who are working and need accommodations or evaluations for accommodations may receive some of these services through RSA.</p>
<p>Arizona Easter Seal Society, Inc. AT Project 903 N. 2nd Street Phoenix, AZ 85016-1996 tel: (602) 252-6061 (Phoenix) (800) 626-6061 (outside Phoenix) website: http://aztec.asu.edu/easterseals/ e-mail: cesmith@inficad.com</p>	<p>Statewide</p>	<p>Provides training and assessment and information about assistive technology for people with disabilities, and provides disability awareness training to employers.</p>
<p>Dorothy Kret Associates Inc 2106 North 24th Street Suite A Phoenix, AZ 85008 tel: (520) 790-7677 website: www.dkajobs.com e-mail: dkajobs@azstarnet.com</p>	<p>Statewide</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>St Gregg and Associates 77 E. Weldon Street Suite 150 Phoenix, AZ 85014 tel: (602) 253-0152</p>	<p>Statewide</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>

<p>United Cerebral Palsy of Central Arizona 321 West Hatcher, Suite 102 Phoenix, AZ 85021 tel: (602) 943-5472 website: http://www.ucpofaz.com/ e-mail: UCPofAZ@aol.com</p>	Statewide	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>WEDCO Employment Center Inc 5151 North 16th Street, Suite 124 Phoenix, AZ 85016-3919 tel: (602) 274-2605</p>	Statewide	<p>Provides job coaching.</p>
<p>The Centers for Habilitation 215 West Lodge Drive Tempe, AZ 85283 tel: (480) 838-8111 website: http://www.tch-az.com/ e-mail: info@tch-az.com</p>	Statewide	<p>Provides job coaching.</p>
<p>Westview Services Inc 4480 W. Peoria Ave. Suite 108 Glendale, AZ 85302 tel: (623) 854-9443 e-mail: dr_doyle@juno.com</p>	Statewide	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Goodwill Industries of Central Arizona Inc 417 N. 16th Street Phoenix, AZ 85006 tel: (602) 254-2222 website: www.goodwillaz.org e-mail: dcrews@goodwillaz.org</p>	Statewide	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Valley Center of the Deaf 3130 E. Roosevelt Phoenix, AZ 85008 tel: (602) 267-1921 (V/TTY) website: www.valleycenterofthedeaf.org/ e-mail: administration@valleycenterofthedeaf.org</p>	Local- Phoenix and Northern Arizona	<p>Provides sign language interpreters for a fee to individuals and businesses.</p>
<p>Community Outreach Program for the Deaf (COPD) 268 West Adams Tucson, AZ 85705 tel: (520) 792-1906 (V/TTY) (800) 234-0034 (V/TTY) website: www.azstarnet.com/~jschmid/copd.html</p>	Local- Tucson and Southern Arizona	<p>Provides sign language interpreters for a fee to individuals and businesses.</p>

<p>Arizona Bridge to Independent Living (ABIL) 1229 E. Washington St. Phoenix, AZ 85034 tel: (602) 256-2245 (V/TTY) (800) 280-2245 (V/TTY) website: www.abil.org/ e-mail: azbridge@abil.org</p>	<p>Local- Phoenix and Northern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities.</p>
<p>Gompers Center Inc. 6601 North 27th Avenue Phoenix, AZ 85017 tel: (602) 336-0061 website: http://gomperscenter.org e-mail: marjorie@gomperscenter.org</p>	<p>Local- Phoenix</p>	<p>Provides job coaching</p>
<p>The Yuma WORC Center Corp 256 South 2nd Ave. Suite A Yuma, AZ 85364 tel: (928) 782-9544 website: http://www.worc-pa.com/ e-mail: info@worc-pa.com</p>	<p>Local- Yuma Area</p>	<p>Provides job coaching</p>
<p>Technology Access Center of Tucson (TACT) P.O. Box 13178 4710 E. 29th Street Tucson, AZ 85732-3178 tel: (520) 745-5588 ext. 412 website: www.ed.arizona.edu/tact/index.htm e-mail: tactaz@aol.com</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Provides information and expertise about appropriate assistive technology to improve functioning of people with disabilities, including assistive technology in the workplace.</p>
<p>Direct Center for Independence 1023 N. Tyndall Tucson, AZ 85719 tel: (520) 624-6452 (V/TTY) (800) 342-1853 (V/TTY) e-mail: direct@azstarnet.com</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Provides workplace assessments for employers to determine possible appropriate accommodations and does reviews of policies and procedures for ADA compliance.</p>
<p>Tetra Corporation P.O. Box 50544 Tucson, AZ 85703 tel: (520) 622-4874 website: http://www.tetracorp.com/</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Community Psychology and Education Services 3575 E. Speedway Tucson, AZ 85716 tel: (520) 881-5392</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>

<p>Earnpower Labor Market Services 639 E. Speedway, Suite A Tucson, AZ 85705 tel: (520) 624-1240</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Our Place Clubhouse 66 E. Pennington Tucson, AZ 85701 tel: (520) 884-5553</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with psychiatric disabilities and provides job coaching.</p>
<p>David J. Boyle 2030 E. Broadway, #112 Tucson, AZ 85719 tel: (520) 792-6343</p>	<p>Local- Tucson and Southern Arizona</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>The Blake Foundation/SAGE 332 E. Convent Tucson, AZ 85701 tel: (520) 622-3933 website: http://www.blakefoundation.org/ e-mail: rjilg@theriver.com</p>	<p>Local- Tucson</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Tucson Association for the Blind 3767 E. Grant Rd. Tucson, AZ 85716 tel: (520) 795-1331 ext. 324 website: http://www.tabvi.org/ e-mail: reception@tabvi.org</p>	<p>Local- Tucson</p>	<p>Provides job coaching.</p>
<p>Labor Marketing Consulting Services Inc. 1661 N. Swan Road, Suite 140 Tucson, AZ 85712 tel: (520) 881-6160 website: http://www.fcb.org/projecti.htm</p>	<p>Local- Tucson</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching.</p>
<p>Tucson Indian Center 705 N. Main Street Tucson, AZ 85702 tel: (520) 884-7131</p>	<p>Local- Tucson</p>	<p>Consults with businesses about provision of reasonable accommodations for people with disabilities and provides job coaching. May be required to be a tribal member.</p>

Desert Survivors 1020 W. Starr Pass Tucson, AZ 85713 tel: (520) 884-8806 website: http://www.desert-survivors.org/ e-mail: bighorn@desert-survivors.org	Local- Tucson	Provides job coaching.
Freedom Scientific www.freedomscientific.com	National	Designs accessible informational kiosks.
First Wave, Inc. www.first-wave.com	National	Designs accessible informational kiosks.

*Publications available through ILR (listed on page 2):

- ' Accommodating the Allergic Employee in the Workplace
- ' Assistive Technology, Accommodations and the ADA
- ' Employing and Accommodating Individuals with Histories of Alcohol and Drug Abuse
- ' Employing and Accommodating with Spinal Cord Injuries
- ' Employing and Accommodating Individuals with Psychiatric Disabilities
- ' Working Effectively with People Who Have Diabetes
- ' Working Effectively with People Who Have Sustained a Brain Injury
- ' Working Effectively with People Who Are HIV Positive
- ' Working Effectively with People Who Are Deaf or Hard of Hearing
- ' Working Effectively with People Who Have a Learning Disability or Attention Deficit Disorder with Hyperactivity
- ' Working Effectively with People Who Have Cognitive Disabilities
- ' Workplace Accommodations for People with Multiple Sclerosis
- ' Workplace Accommodations for People with Musculo-skeletal Disabilities
- ' Workplace Accommodations for People living with Cancer

Additional websites with information:

U.S. Equal Employment Opportunity Commission - www.eeoc.gov

U.S. Department of Justice ADA Home Page -
www.usdoj.gov/crt/ada/adahom1.htm.

Architectural and Transportation Barriers and Communication Board -
www.access-board.gov/