



School of Human Resources and Labor Relations

# Disability Awareness 101

Accommodations for Employees

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Stacy Hickox, Esq.

[hickoxs@msu.edu](mailto:hickoxs@msu.edu)

Michigan State University



# Agenda

- Why accommodate?
- Coverage of Americans with Disabilities Act (ADA)
- Reasonable Accommodations for Employees with Disabilities

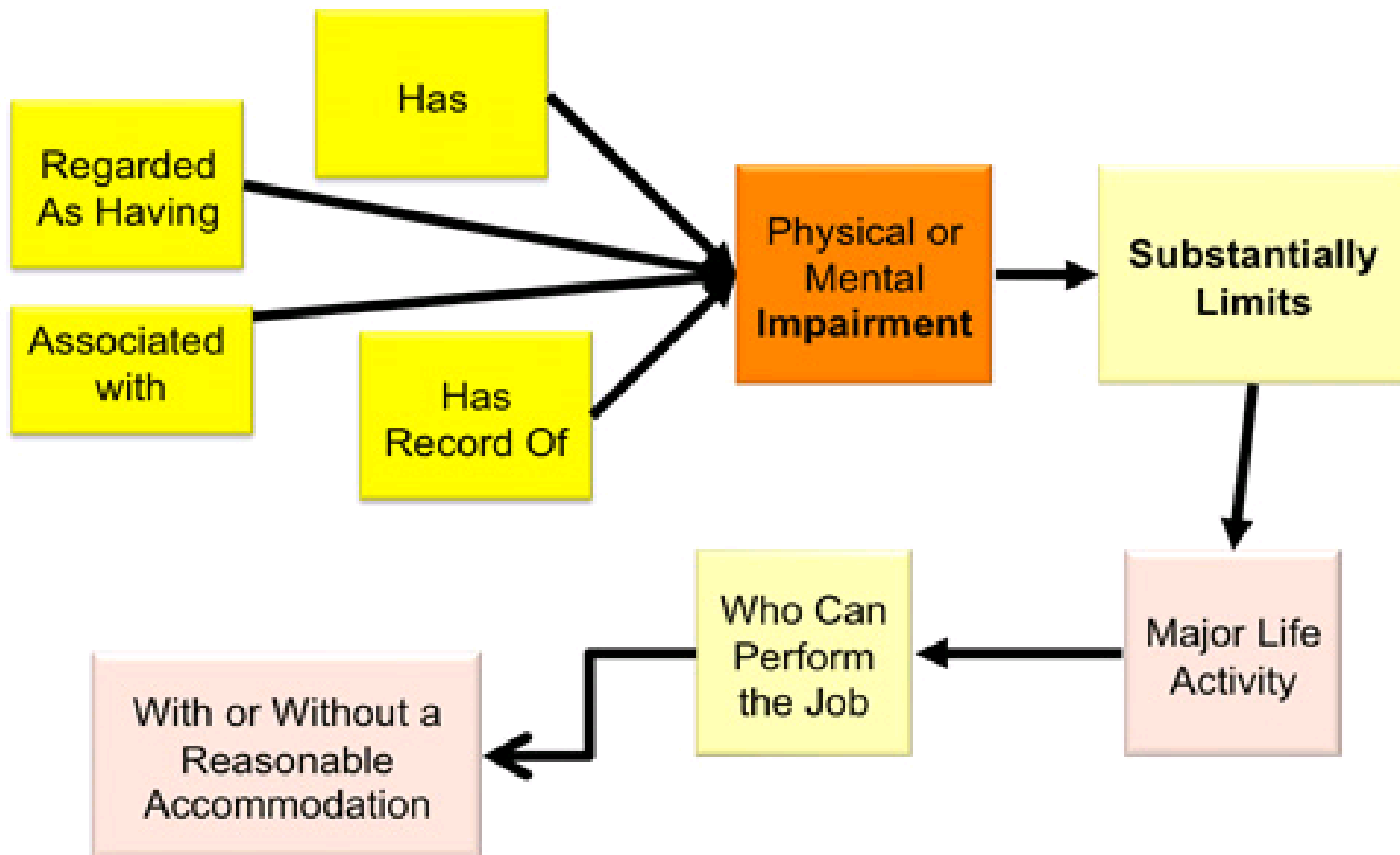


# Why offer accommodation?

- Required by Americans with Disabilities Act (ADA)
- Lower unemployment among people with disabilities
- Widens pool of available talent



# ADA Protection of Applicant or Employee





# Substantial Limitation

- Decisions must be determined case by case
- Comparison with members of **general population**
- Limitation must be more than temporary  
BUT Intermittent limitations may be covered
- Mitigating measures not considered

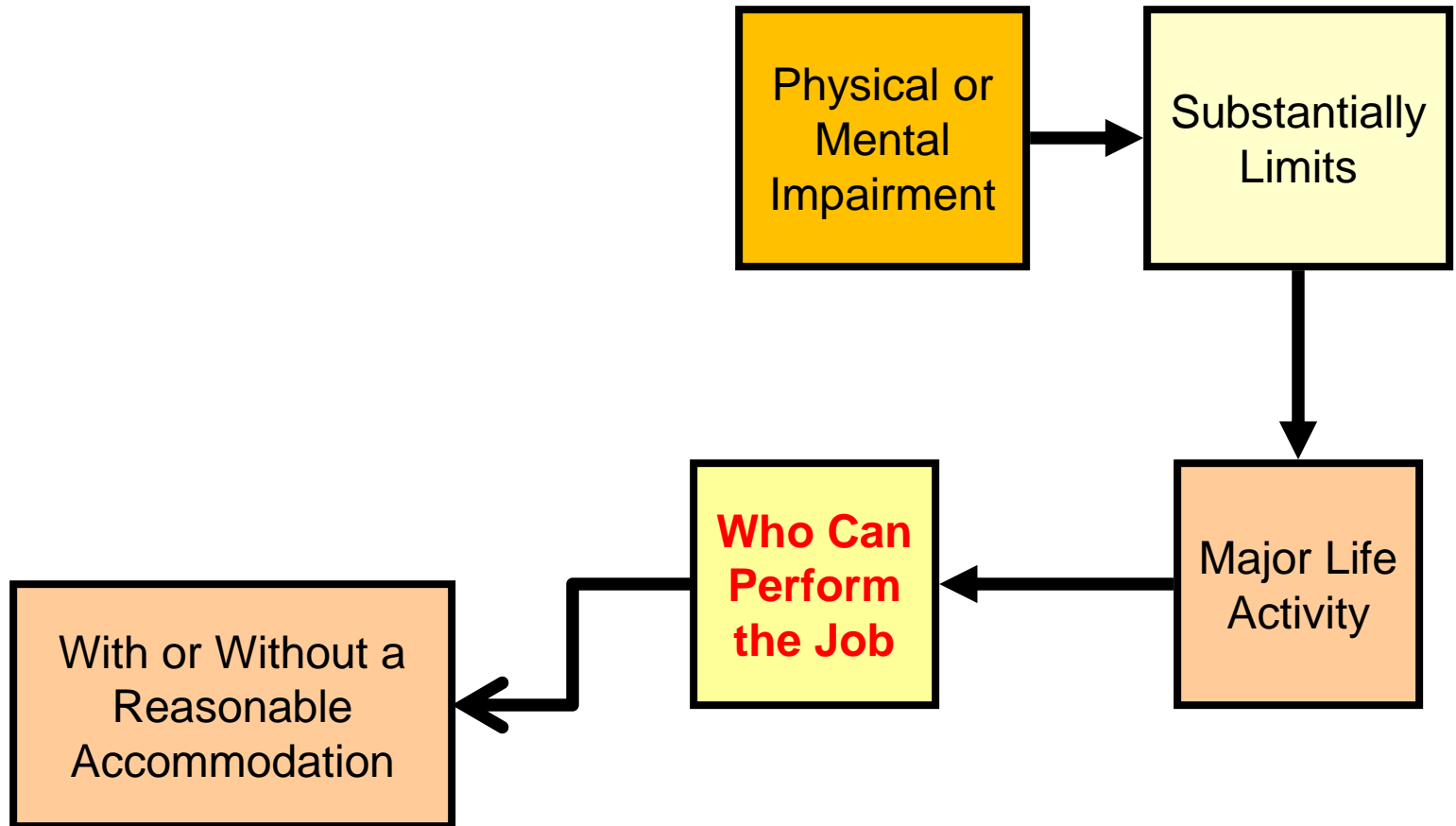


# Verifying Substantial Limitation

- No questions about disability before job offer is extended
- Employer can request medical documentation to support request for accommodation
- Be sure to ask for release to talk to employee's health care provider



# Applicant OR Employee must be otherwise qualified





# General Qualifications for an Employee

General duties that can be deemed essential:

- 1) Regular **attendance**
- 2) No current **illegal** drug use
- 3) No **direct threat** to employee or others



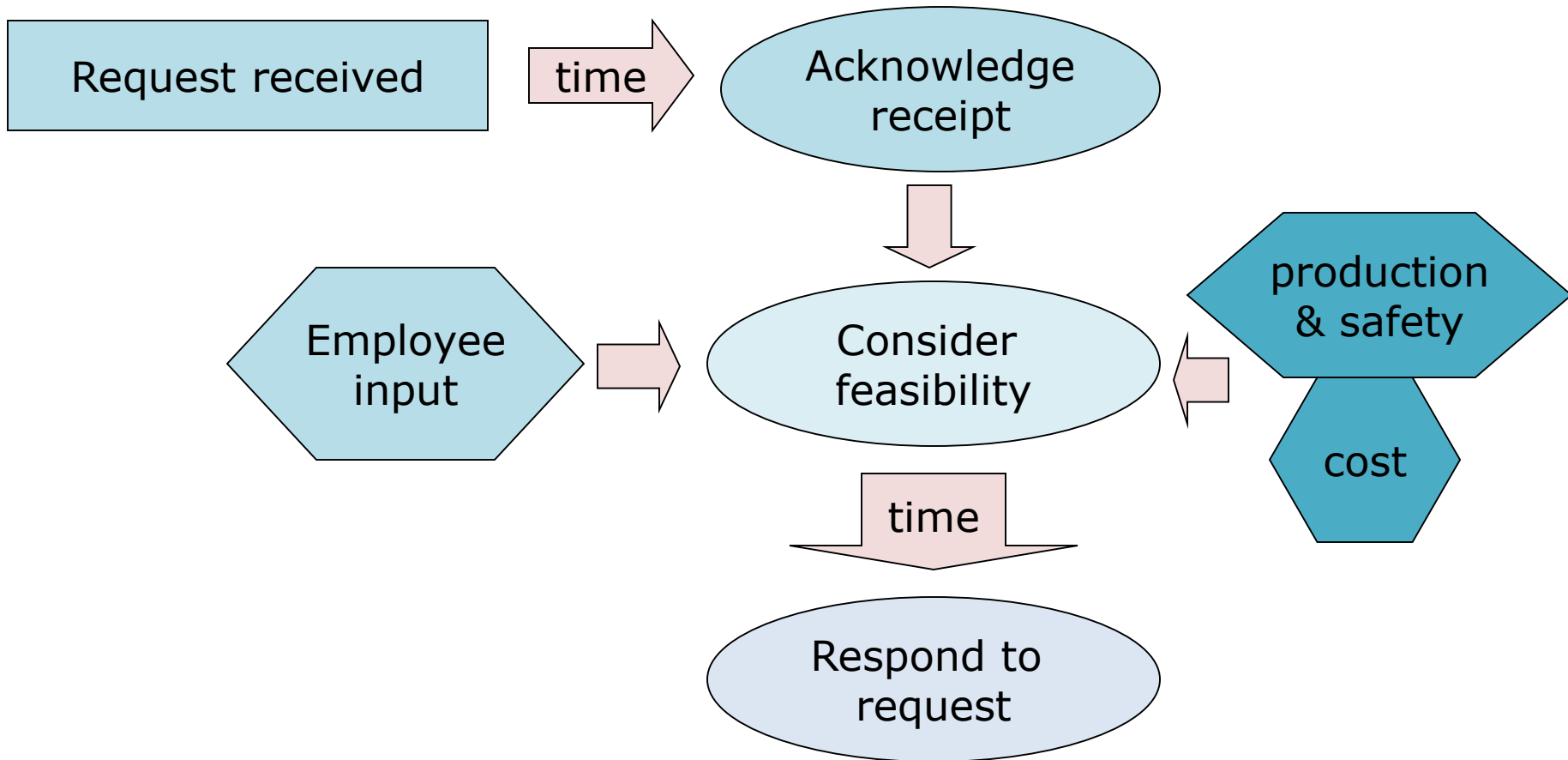


# Duty to Accommodate

- Available to applicants or employees with a disability
  - As defined by ADA
  - Otherwise qualified for position
- Duty to engage in interactive process
- Employer only needs to provide *reasonable* accommodations
- Employer excused if accommodation would cause *undue hardship*



# Interactive Process Required





# What can be reasonable?

- Job Restructuring
  - Nonessential job duties
- Time Off/Leave
- Flexible Schedule
- Assistive technology or equipment

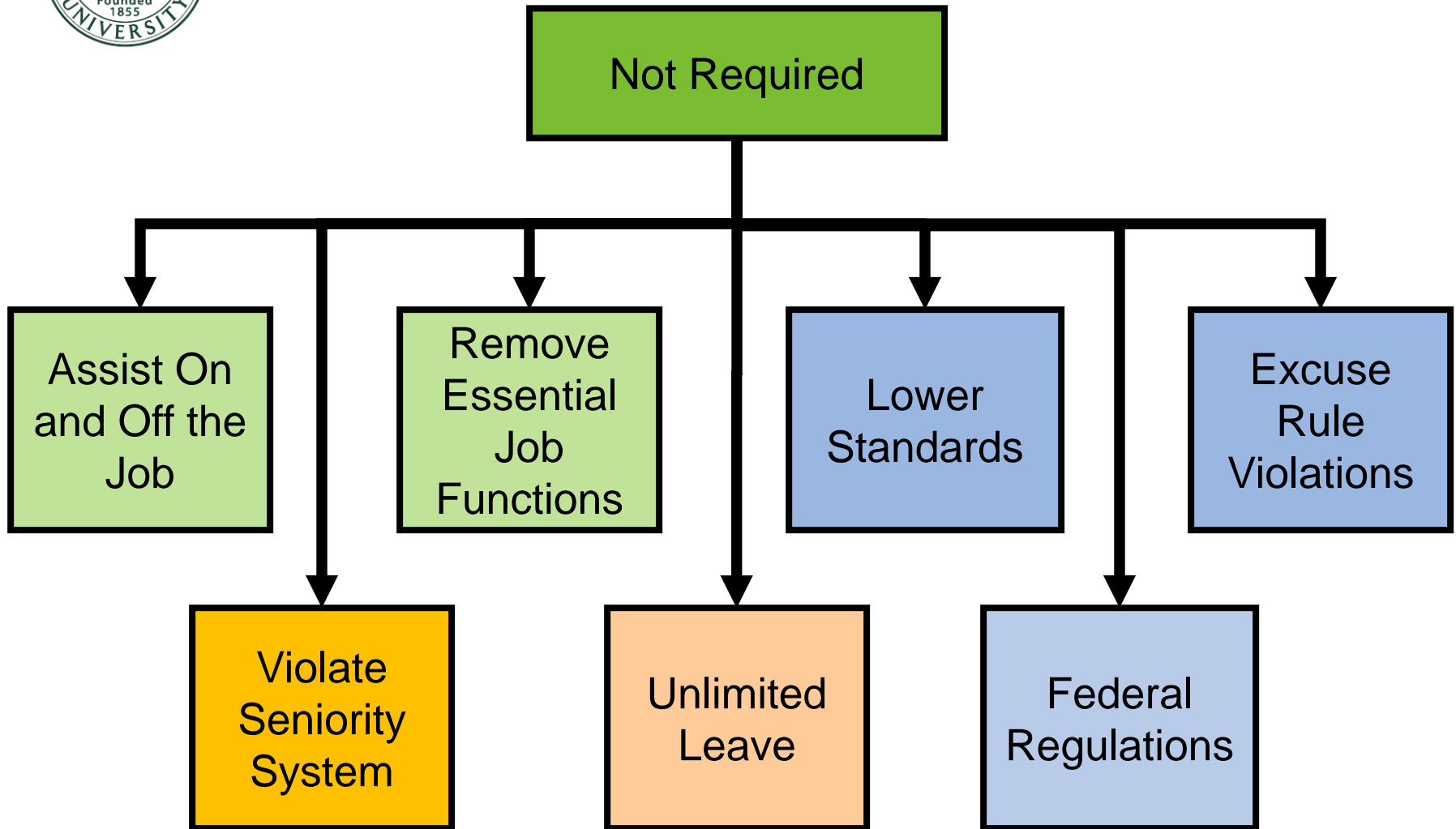


# Accommodations for Employees with Psychiatric Disabilities

- Supervision & job coaches
  - Communication of instruction
  - Tailor performance review
  - Tolerance of differences
- Coworker interaction
  - Address harassment
  - Contact & education can change behavior
- Employer need not “ignore” misconduct
  - But conduct standards should be job-related



# Unreasonable Accommodations





## Reasonable Accommodation Exercise

- Julie Potter was Meijer deli employee who had muscular dystrophy
  - Walked with limp
- After 3 years, new supervisor transfers her to cleaning restrooms because she was slower than other deli employees
  - No discussion about changes to keep her in deli
  - Pay reduced, more difficult for her

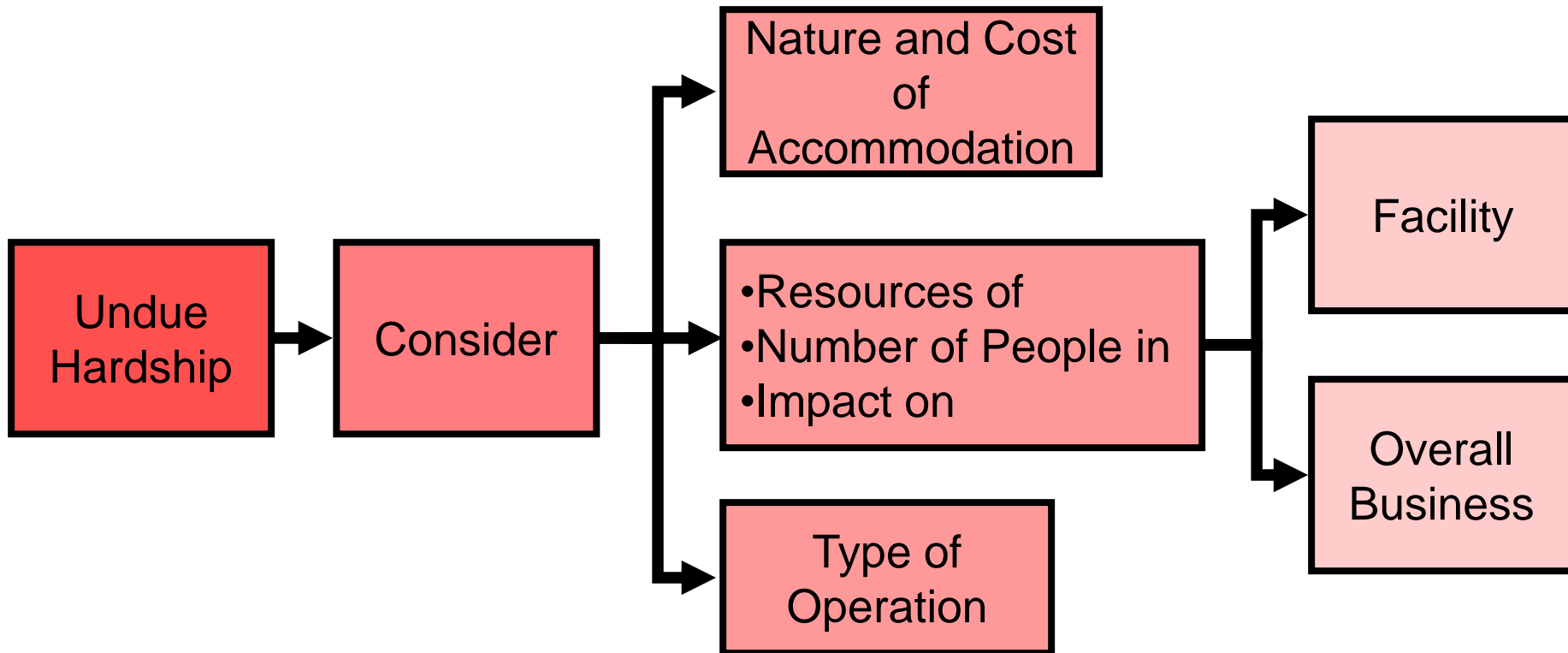


# Reasonable Accommodation Exercise

- What information would you need to know to determine if Potter was covered by the ADA?
- Did Meijer provide her with reasonable accommodations?
- What could Meijer have done differently?



# Undue Hardship Defense







# Return to Reasonable Accommodation Exercise

- How might Meijer show that accommodations for Potter would impose an undue hardship?



# Summary

- Only employees with a disability entitled to accommodation
  - Substantial limitation or record of
- Changes in work or schedule can be reasonable
- Some accommodations may impose an undue hardship on employer
- Questions?