

COMPLIANCE @ WORK



advancing workplace rights, safety & health, and accessibility in the legislative branch

What is reasonable accommodation?

As a supervisor, do you know what to do if an employee begins to suffer from migraine headaches and asks for intermittent leave? As an employee, do you know what modifications your employing office could make to your workspace after a surgery? Do you know how to request a “reasonable accommodation,” or even what one is?

A reasonable accommodation is assistance or changes to a position or workplace that will **enable an employee to do his or her job** or enjoy the same privileges as those without a disability.

What are examples of these changes?

- Adapting telephone/computer equipment
- Providing special furniture
- Modified work schedule and/or option for teleworking
- Redistributing or reallocating marginal job functions to others
- Breaks to check health, take medicine, etc.

Once a reasonable accommodation is requested, the employer should engage in the interactive process to find an effective reasonable accommodation in a timely manner.

What is the interactive process?

The interactive process is a dialogue that identifies the individual’s limitations and potential appropriate accommodation.

An individual simply telling the employing office about the need for an adjustment at work because of a medical condition triggers the obligation of the office to investigate further. Nothing formal is required to initiate the interactive process.



“Preventing Disability Discrimination in the Congressional Workplace” training is available online: www.compliance.gov

The employing office can ask for more information, such as a doctor’s note with recommendations for reasonable accommodation or other medical documentation and records.

Even if the initial request for an accommodation isn’t feasible, the employer still must engage in a dialogue with the employee.

“Managers sometimes worry that the accommodation could be perceived as special treatment. It’s not. It’s the law.”

The Congressional Accountability Act extends to legislative branch employees the rights and protections established by sections 102 through 104 and 107(a) of the Americans with Disabilities Act of 1990 (“ADA”) related to disability discrimination.

The Americans with Disabilities Act protects people from job discrimination because of a disability. An employee is entitled to disability protection when there is:

1. an actual disability (a physical or mental impairment that substantially limits a major life activity),
2. when there is a record of a disability, or
3. when they are regarded as disabled, even if the employee does not actually have a disability.



Unless it would cause an undue hardship,* an employing office must provide reasonable accommodation to a disabled employee or job applicant.

*** Undue Hardship - Accommodation would be too difficult or expensive based on the employing office’s size, financial resources, its type and number of facilities, and business needs and operations. An office can’t avoid providing an accommodation just because it costs money or will cause some difficulty.**

CHECKLIST FOR EMPLOYERS

- ✓ Listen to the employee and respectfully discuss concerns
- ✓ Identify essential functions of job
- ✓ Identify functional limitations of employee
- ✓ Determine if medical documentation is necessary as part of the process
- ✓ Determine all reasonable accommodations possible and then narrow to those that are effective and meet the needs of both employer and employee
- ✓ After the accommodation has been made, continue to monitor for effectiveness

CHECKLIST FOR EMPLOYEES

- ✓ Explain the request for accommodation
- ✓ Identify essential functions of job
- ✓ Articulate functional limitations
- ✓ Obtain medical documentation if necessary as part of the process
- ✓ Understand that there may be some negotiation required to meet your needs and those of the employer
- ✓ After the accommodation has been made, continue to monitor for effectiveness

Questions? Call the OOC at 202-724-9250. This publication is provided for educational purposes, and does not constitute legal advice.