



Employment: Requesting a Reasonable Accommodation

The Americans with Disabilities Act (ADA) prohibits discrimination against any qualified individual with a disability who can perform the essential function of the job with or without accommodations.

What employers must follow the ADA?

All private employers and employment agencies that employ 15 or more employees are covered by the ADA. Religious organizations are also included. State and local governments are also covered, no matter how many people they employ. The only employers not covered by the ADA are agencies of the United States government, corporations fully owned by the U.S. government, Indian tribes and private membership clubs.

What is a "disability?"

The ADA's definition of disability is;

- 1) a person who has a physical or mental impairment that substantially limits a major life activity such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;
- 2) a person who has a record of such an impairment; or
- 3) a person who is regarded as having such an impairment.

What does it mean to be "qualified?"

"Qualified" means you meet all of the employer's requirements to do the essential functions of the job. You have the education, experience, skills and any licenses needed.

What are the "essential functions" of a job?

"Essential functions" are the basic duties of the job. These are usually found in a job description. Generally, those duties not found in a position description are not considered "essential". If there is no job description available, you and your employer can define the essential functions by looking at

- 1) the amount of time spent performing the function;
- 2) the consequences of not requiring a person in this job to perform a function;
- 3) other people who presently do the job or who have done it in the past.

An employer cannot refuse to hire you or fire you from a current position because your disability prevents you from performing duties that are not essential to the job.

What is a "reasonable accommodation?"

A "reasonable accommodation" is any change or adjustment to a job, policy, or work environment. The accommodation is needed to allow an applicant or employee with a disability to participate in the job application process, to perform the essential functions of the job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An employer is required to provide a reasonable accommodation unless it would be an undue hardship. “Undue hardship” means that the accommodation would cost a lot, or make it very hard for the employer or company to function.

Examples of accommodations for many types of jobs can be found at the [Job Accommodation Network](#) or call 1-800-526-7234.

How do I ask for a reasonable accommodation?

Generally, it is your responsibility to tell your employer that you need an accommodation. Employers are required to provide a reasonable accommodation only if it has been requested.

Always ask for a reasonable accommodation **in writing**. There is an example of a letter you could use at the end of this article. Keep a copy of this request for your records.

If you do not know what accommodation would work, explain your problem and ask the employer to meet with you to help identify a reasonable accommodation.

Do I need any information to support my request for accommodation?

The employer might ask for medical information to prove you have a disability covered by the ADA. It may also be needed to know what kind of accommodation would work for you. Your employer may require you to take a medical examination if you request an accommodation because of disability.

Medical information relating to your disability or functional limitations can also include consultations with knowledgeable professional sources, such as occupational and physical therapists, and rehabilitation specialists.

All information about your medical condition must be kept in a separate file, not your personnel file. The medical information is shared with others only

on a “need-to-know” basis (i.e., a supervisor needing to know your work restrictions, for first aid or other safety reasons).

What happens after I ask for an accommodation?

The employer should respond. It might ask for more information about your disability or how you function. You can work with your employer to find an accommodation that would work for both of you. The employer does not have to provide the exact accommodation you request. It just needs to offer one that is reasonable.

Again, make sure you get the decision in writing. If the employer does not put it in writing, you should. Again, keep a copy for yourself.

This is a summary of the current laws. It is not a substitute for legal advice. For more information, talk with your lawyer or call Michigan Protection & Advocacy Service, Inc. at 1-800-288-5923 (Toll free) or 0-517-487-1755 (Collect).

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Sample Letter Asking for a Reasonable Accommodation

Dear Employer:

The Americans with Disabilities Act requires an employer to grant a reasonable accommodation requested by an employee who is a qualified individual with a disability.

As an employee who is a qualified individual with a disability, I am writing to request a reasonable accommodation in the form of [include what you need as an accomodation in order to do your job]

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Thank you for your cooperation.

Sincerely,

[Employee's name]