



Tips and Tidbits
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Question: What is reasonable accommodation? What is Management's responsibility in terms of this requirement?

Title I of the Americans with Disabilities Act of 1990 reads in part: ".....an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities." Attaching "reasonable" to this definition educes the issue as to whether the requested accommodation is feasible or even possible. The fact that there may be questions as to whether the accommodation is attainable or even the existence of management staff within an organization that may not have intimate knowledge/sufficient experience in dealing with reasonable accommodation, does not excuse the organization from its responsibilities [when issues of this nature arise]. Providing reasonable accommodation is not a transitory practice nor is it optional; it is a *statutory* requirement. Reasonable accommodation became a statutory requirement largely due to the discrimination faced by individuals with disabilities.

Currently there are three categories of reasonable accommodation:

1. modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position if such a qualified applicant desires; or
2. modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position; or
3. modifications or adjustments that enable a covered organization's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities."

Generally, the onus is on the employee to inform Management if there is need for reasonable accommodation. Accordingly, it is not the duty of Management to go seek out individuals under the *assumption* that reasonable accommodation is needed. The extent of accommodation that Management may be required to employ regarding change/modification to the work environment or in how a job is performed can be significant. This may require some creativity, but if there are questions or concerns, the Equal Employment Opportunity (EEO) office can be contacted to provide guidance on achieving the desired outcome.

An employee does not have to be full time to derive the benefit of reasonable accommodation. Employee's status - part time, full time, or probationary - has no bearing on their eligibility/right to be accommodated.

Listed below are examples of how an organization may make accommodation possible:

- * making existing facilities accessible;
- * job restructuring;
- * part-time or modified work schedules;
- * acquiring or modifying equipment;
- * changing tests, training materials, or policies;
- * providing qualified readers or interpreters; and/or
- * reassignment to a vacant position

In all instances the accommodation provided must address the needs of the employee needing such, not just *any* accommodation. The desired result of reasonable accommodation is to allow the employee with a disability to be afforded and to experience the same benefits and opportunities of employment that employees who do not possess disabilities are able to experience. When this is put in the context of job performance, the accommodation allows for the employee to carry out the critical duties required by the position. In the application process, it allows for the individual with the disability, to be on equal footing with all other applicants when it comes to competing for the position.

For additional information, please contact your servicing Management-Employee Relations (MER) Human Resources Specialist at the Civilian Personnel Advisory Center.

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