



Interactive Process

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Interactive Process

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Perhaps the most critical component of dealing with ADA is ensuring that employees and applicants are engaged in the interactive process and documenting that process. This can be an on-going process that may look like a series of conversations, meetings, correspondence, and hands-on problem solving. It may involve consulting with an ADA expert or checking with other employers to determine creative solutions to accommodating individuals with covered disabilities. It may involve observing the employee to determine what physical and spatial changes would best serve this individual. More often than not, the individual will have excellent suggestions as to what equipment or accommodations are needed to help the applicant/employee perform the essential job functions.

Employers don't want to be faced with a "she said/he said" situation in court. For this reason employers should document the interactive process carefully. Courts will almost always look first at the interactive process to determine if the employer acted in good faith by working with the individual to identify barriers to applying for or performing job duties as well as reviewing the individual's limitations to determine possible accommodations. Additionally, the interactive process is the best tool employers have to avoid liability for disability discrimination and the failure to provide reasonable accommodations. Most problems occur during the interactive process, which is completely avoidable in most cases by simply making sure you engage in dialogue with the individual.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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