



Reasonable Accommodation

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

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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Reasonable Accommodation

Reference Number: MTAS-1065

Cities and towns that fall under ADA are required to make reasonable accommodations for those applicants and employees with disabilities. This is a critical component of ADA administration. Notably, there is always much discussion surrounding what "reasonable" means.

A **reasonable accommodation*** is a 'feasible' or 'plausible' change in the work environment or in the way things are usually done that result in equal employment opportunity for a qualified individual with a disability. An individual with a qualified disability is not entitled to the accommodation of his choice, but only to a reasonable accommodation under ADA.

*A modification or adjustment is "**reasonable**" if it "seems reasonable on its face, i.e., ordinarily or in the run of cases; "this means it is "reasonable" if it appears to be "feasible" or "plausible." An accommodation also must be effective in meeting the needs of the individual. In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position. Similarly, a reasonable accommodation enables an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job. Finally, a reasonable accommodation allows an employee with a disability an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy. <https://www.eeoc.gov/policy/docs/accommodation.html> [1]

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business. Some examples of reasonable accommodation include but are not limited to:

- Acquiring or modifying equipment or devices;
- Adjusting or modifying examinations, training materials, or policies;
- Change in work hours, shifts, or schedules;
- Division of tasks among employees: (i.e. allowing a bookkeeper who is deaf to trade phone duties with another employee in exchange for filing duties.)
- Job restructuring;
- Lowering shelves, chairs or raising furniture;
- Making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- Modifications of job tasks: i.e. allowing a blind office worker to substitute transcription and duplicating duties for proofreading and filing;
- Provide large-button touch-tone telephone for someone who has low vision or poor hand coordination;
- Providing a quiet room for someone who suffers from migraine headaches to rest for a few minutes after taking medication;
- Providing qualified readers or interpreters;
- Reassignment to a vacant position;
- Replacing handles or knobs to make opening and closing of cabinetry more accessible;
- Telecommuting;
- Allowing flexible use of leave;
- Providing closer parking;
- Dimming lights/ brightening lights;
- Time off and/or an extension of approved leave.

An employer is not required to lower quality or quantity standards to make an accommodation. Nor is an employer obligated to provide personal use items, such as glasses or hearing aids, as

accommodations. However, there may be limited circumstances where a personal use item is appropriate. Employers should be mindful about setting precedence, as the law does not require you to provide personal items as an accommodation under ADA. Keep in mind, the city should always have documented dialogue(s) with the individual requesting the accommodation.

When can an employer not provide a reasonable accommodation?

- If an employer is unaware of the need.
- If providing the accommodation would cause **undue hardship***

*The only statutory limitation on an employer's obligation to provide "reasonable accommodation" is that no such change or modification is required if it would cause "undue hardship" to the employer. "**Undue hardship**" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. The ADA's "undue hardship" standard is different from that applied by courts under Title VII of the Civil Rights Act of 1964 for religious accommodation. <https://www.eeoc.gov/policy/docs/accommodation.html> [1]

The employee or individual bears the burden of identifying a workplace barrier and communicating that to the employer. Once an accommodation is requested, the individual must also take responsibility for demonstrating how the accommodation assists him or her in performing the essential job functions. Employers are free to choose accommodations and can provide those less expensive or easier to obtain.

Recognizing an Accommodation Request

Reference Number: MTAS-1566

If you suspect a potential disability it is critical that you engage in dialogue asking employees if there is anything that the employer can do to help them perform in their jobs. This will often open the door for the employees to advise you of any potential disabilities covered under ADA. Employees and applicants do not have to use legal language such as "reasonable accommodation" when expressing workplace barriers and the need for an accommodation.

According to the EEOC, an individual may use "plain language" and need not mention the ADA or use the phrase "reasonable accommodation" when requesting an accommodation. A need may be indicated by an employee stating something such as "I am having trouble hearing customers due to my recent hearing loss, as a result of treatment for XYZ." This should be enough to prompt interactive dialogue and should be considered a request for an accommodation.

Links:

[1] <https://www.eeoc.gov/policy/docs/accommodation.html>

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.

Source URL (retrieved on 02/25/2020 - 6:47pm): <https://www.mtas.tennessee.edu/reference/reasonable-accommodation>



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