

# The Group Solutions Sit-Down

## Workplace Disability Prevention Mini-Series: ADA Accommodations

### SUMMARY KEYWORDS

employers, ADA, employee, disability, accommodations, request, work, provide, law, reasonable accommodation, cost, share, absence, ergonomic, individual, job.

### SPEAKERS

Cassie Mills, Kristen Osburn

#### **Kristen 00:07**

Workplace injuries happen every day. From sprains, strains, and tears to migraines and chronic pain, workers in all occupations and industries are exposed to a broad range of injury risks. And each year, these risks leave millions of workers unable to do their jobs on a short-term or long-term basis. In fact, according to the National Safety Council, there were 105,000,000 days lost due to work-related injuries in 2019. Which cost businesses \$53.9 billion in wage and productivity losses alone. The good news is that through workplace disability prevention and identifying at-risk employees before a disability occurs, we can help prevent disabilities or reduce their severity and shorten the duration of an absence. I'm Kristen Osburn, a marketing strategist with New York Life Group Benefit Solutions. In this five part mini-series, I sit down with Cassie Mills, a certified rehabilitation counselor and ergonomic specialist with New York Life Group Benefit Solutions, to discuss workplace disability prevention and the key steps that employers can take to help their employees stay healthy and productive at work. In this episode, we'll be focusing on accommodations and the Americans with Disabilities Act.

Cassie, thanks for joining me again here on The Group Solutions Sit-Down!

#### **Cassie 01:39**

Thank you for having me.

#### **Kristen 01:41**

Okay, so Cassie, I actually remember hearing a lot about the ADA last year because I remember 2020 marked the 30th anniversary of the Americans with Disabilities Act. And I know the ADA was, and really still is, such an important civil rights law in our history. So I'm really excited for you to be sharing more with us on this topic.

And I'm hoping that maybe you can start by helping us understand more of exactly what the ADA entails.

### **Cassie 02:10**

Absolutely, Kristen. So like you said, the Americans with Disabilities Act, or the ADA for short, prohibits employers from discriminating against qualified applicants or employees who have disabilities. What this does is it guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life. To share just some background with you, the ADA was signed into law in 1990. And you're right, it is considered one of America's most comprehensive pieces of civil rights legislation. It actually was modeled after the Civil Rights Act of 1964, and is an equal opportunity law for people with disabilities. Then you might recall in 2008, the ADA was amended to allow more individuals to be protected. That amendment broadened the definition of disability to be recognized as a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population.

### **Kristen 03:15**

And I imagine then, Cassie, that under this law, there are probably specific processes and steps in place for employers to follow to help ensure that they are providing equal opportunity for people with disabilities. So tell me more about what this actually looks like and some of the accommodations that employers have to provide.

### **Cassie 03:37**

Sure, Kristen, so actually, the ADA does not specifically name all of the impairments that are covered, but it does outline some standard guidelines for employers looking at providing an accommodation, such as the accommodation has to be reasonable. It does not have to be the same as what the individual requested, it does not have to be the best option, nor does it have to be the most expensive. This process usually starts with an employee requesting an accommodation for disability, unless it's obvious. The request can either be verbal or written. As soon as the employer is notified of the request, that is when the interactive process starts, which simply means that employers and employees who have requested the accommodation work together to come up with the accommodation that will work best for them. Employers may also request documentation from a treating provider to establish an employee has a disability that qualifies for reasonable accommodation under the ADA, then the employers are required to work with the employee to provide a reasonable accommodation request. A reasonable accommodation request is any change in the work environment to help a disabled individual perform the essential functions of their job. These might include changes to an employer's existing facility, new or modified equipment. Providing qualified readers or interpreters, reassigning the employee to another position, or even a leave of absence. And I do want to kind of expand a little bit on the leave of absence... there may be times that the ADA can be used for, let's say, a potential extension of leave. And that might be in the process where an employee might not have FMLA, meaning they may have started relatively new to the company and don't have the full hours. So they may run out of FMLA, or they don't even have it to start with, so the ADA can be used for an employee to file for a leave of absence or an extension of leave if they still need to continue to be out.

### **Kristen 05:44**

Thanks, Cassie. That's helpful. And I know that anytime we get into the specifics surrounding a law, it can start to feel overwhelming and like there are just so many details to remember and nuances to understand. And especially for employers trying to keep track of it all. So I'm wondering, do you have an example that you can share with us about what this process and some of the steps you just outlined might look like to simplify and really bring things to life for us?

### **Cassie 06:11**

Sure, Kristen. So let's take an example of an employee named Barbara. She is a bank teller with multiple sclerosis, and it's difficult for her to stand long periods of time while she's at work. So Barbara, put in an ADA request for several accommodations to help wither fatigue, so that she is able to stay at work and take care

of herself while she's there. So under the ADA, these recommendations were made for enhancement to Barbara's workstation to help her better do her job. So these accommodations were a special stool to lean on to help her stand long periods of time, an anti-fatigue mat for her workstation to use while she was standing, and she was also allowed time to take breaks as needed. So as you can see these accommodations help Barbara improve her performance and stay at work and really enjoy her job. I think the key thing here is reasonable. That's the key word. I think often we think of accommodations, there's this idea that they're going to cost businesses, a lot of money. And employees oftentimes can feel like they don't want to be a bother. When in fact, according to the Job Accommodation Network, an ongoing study they've been doing since 2004, employers reported that high percentage 56% of accommodations costs absolutely nothing to implement. While the rest of accommodations they may had a typical cost of only \$500 dollars. And this \$500 dollar typical cost has been consistent across many years of the JAN survey. So as you can see, the cost for employers to implement these accommodations is significantly lower than that of say, an employee that has to go out on an extended leave because of their pain or injuries.

### **Kristen 08:03**

Wow, Cassie, had you asked me to guess how much the majority of accommodations cost for employers, I definitely would not have said \$0! That's actually fascinating. Blowing my mind a little bit. And honestly, that's also incredible and really promising for both employers and employees. Because ultimately, we really all want to make sure that everyone is able to be healthy and productive at work. So as we wrap up here, Cassie, I'm wondering if maybe you could share the key takeaways for employers to consider as they start to evaluate accommodations for their employees.

### **Cassie 08:41**

Absolutely. I think first and foremost is really to try not to make it more complicated than it has to be. I know that every employer hears ADA and kind of thinks that it's a scary thing. But really, the main thing is, I think, talking with your employee about what might help them and understand that most accommodations, really, like we said, cost absolutely nothing. And if they're not sure about a type of accommodation, because most employers a lot of times aren't sure what to provide, so reaching out to see if your disability carrier, health care insurance, or potentially employee health and wellness might have some sort of programs to help you and finding what type of accommodation is going to work best for that employee. And last, but not least, document, document, document. You can never have enough of you, as the employer, documenting your interaction with the employee and what has been done.

### **Kristen 09:42**

Wonderful. Well, Cassie, I know I learned a lot here in this episode, starting from a history lesson on the ADA to, you know, the many options employers and employees have related to reasonable accommodations. And that they don't cost as much as we might think! So thank you again for joining me on the show. It's always great to have you.

And listeners make sure you tune into the other four parts of our Workplace Disability Prevention Series, where Cassie is sharing more important things that we all need to know around musculoskeletal disorders, ergonomics, mental health, and migraines, as we continue our larger discussion on helping employees stay healthy and productive at work.

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