

# ADA and the interactive process.

Americans with Disabilities Act (ADA) administration.

The interactive process is the cornerstone of the Americans with Disabilities Act (ADA). It focuses on the crucial communication between the employer and the employee to help ensure an effective, reasonable accommodation is made.

## Effectively engaging in the interactive process

Here are some practical recommendations for engaging in the interactive process:

### › Recognize an accommodation request

In most cases, the interactive process starts with an employee – or someone on their behalf – making an accommodation request. The employee doesn't have to mention the ADA or use the phrase "reasonable accommodation." All the employee needs to do is give enough information to put the employer on notice of the need for an accommodation. When an accommodation request is made, the employer should immediately respond. Unnecessary delays can violate the ADA.

### › Gather information

The employer needs to know what the employee's limitations are and what work tasks or functions are impacted by the disability. The employer is entitled to medical evidence to substantiate the disability and support the need for an accommodation. Without this information, the employer does not have to provide the accommodation.

The employer may require supporting documentation from the employee's health care provider. Any information the employer requests, however, must be related to performing the essential functions of the job.

### › Explore accommodation options

After collecting the necessary medical and job information, the employer should meet with the employee and explore reasonable accommodation options. The ADA is not a one-size-fits-all law. Since every situation is unique, the employer should assess each request individually.

For example, two employees with the same job and medical condition may require two different accommodations. It depends on how each one experiences their medical condition, as well as how each individual performs their job.

### › Select an accommodation

After exploring the accommodation options, the employer needs to decide which one to implement. If there's more than one option, consider which accommodation the employee prefers. Ultimately, selecting the accommodation is the employer's choice. Remember, all that's required is that the accommodation be reasonable. An accommodation that poses undue hardship or significant difficulty or expense on the business may not be reasonable.



### › Implement an accommodation

If the accommodation involves new equipment, it must be properly installed and the employee should be trained on its use. If the accommodation involves a schedule change, then managers and supervisors need to be made aware of the change. If the accommodation involves an outside service, the service should be provided quickly and effectively. Employers should also remind managers that retaliation against employees who request or receive accommodations is illegal.

### › Monitor the accommodation

Employers should periodically check in on the effectiveness of the accommodation. An accommodation can stop being effective over time, for reasons including:

- A change in the employee's limitations
- Workplace equipment changes
- Job changes or other workplace changes

### › A change in need

If an employee's condition changes and requires a new or additional accommodation, the employer should engage in the process again.

### › Communication is key

The interactive process involves good faith participation by both the employer and employee. If an employee chooses not to engage in this process, then the employee may be impacting his or her right to a reasonable accommodation under the ADA.

### › Document the process

Always document the interactive process. Keep detailed records including dates, conversation details, accommodations made, and reasons why any accommodations were not made. Any documentation relating to an ADA request should be managed confidentially and separately from an employee's personnel file.

**If you need support, we can help. Our masters-level vocational rehabilitation counselors can evaluate the facts and provide guidance on appropriate accommodations.**

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