

Steps to a successful ADA accommodation.

Americans with Disabilities Act (ADA) administration.

A checklist for employers.

The 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." New York Life Group Benefit Solutions sends the ADA accommodation form to the employee once NYL GBS is made aware that an accommodation has been requested.

Gathering information

The employee returns the completed ADA accommodation request Form to NYL GBS. NYL GBS will provide the form to the appropriate employer contact, and may provide recommendations to the employer to consider as the employer engages in the interactive process.

Accommodation options

After receiving recommendations from the Vocational Coach, the employer begins the interactive process with its employee. The ADA is not a one-size-fits-all law. Since every situation is unique, the employer should assess each request individually.

The interactive process

The employer should meet with the employee and discuss the barriers the employee is experiencing in performing his/her job. During this process, the employer and employee should work together to determine what reasonable accommodations may be provided to assist the employee in performing the essential functions of the job.

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/her right to a reasonable accommodation under the ADA.

The ultimate decision for the accommodation lies with the employer who must communicate the decision to approve or deny the request to the employee.

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.

Choosing an accommodation

After engaging in the interactive process with the employee, the employer needs to decide which reasonable accommodation to provide. The employer should consult their legal counsel to confirm that any accommodation is reasonable and does not impose undue hardship on the employee. If vocational assistance is required, NYL GBS is available to assist with the implementation.

Implementing the accommodation

Once a decision is made, the employer can engage NYL GBS's Vocational Coach for recommendations in implementing the accommodation.

Monitoring the accommodation

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

A change in need

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

New York Life Group Benefit Solutions does not provide legal advice and does not engage in the ADA interactive process with individuals requesting reasonable accommodations. This information does not constitute legal advice or a legal opinion on any specific facts or circumstances. You are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. New York Life Group Benefit Solutions assumes no responsibility for any circumstances arising out of the use, misuse, interpretation, or application of any information supplied in this publication.

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