Employer Case Studies: Best Practices in Reasonable Accommodation

ADA Audio Conference Series

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Featured Discussion Points

- Outreach/Recruitment Efforts
- Interactive Process for Accommodations
- Funding Accommodations
- Injury Management/Return to Work
- Labor Relations
- Staff Training

Outreach and recruitment efforts

- Identify and develop a relationship with the disability organizations, vocational rehabilitation agencies and other groups that can facilitate a connection with qualified individuals with disabilities (i.e. Projects with Industry, Business Leadership Network, State Vocational Agency, Local disability providers (Easter Seal, UCP, ARC, Goodwill Industries, etc.)

- Collaboration to design/host training programs that meet the needs of your organization with local vocation training programs in order to ensure a pool of qualified candidates when you are recruiting for positions
- Promote efforts to recruit/hire individuals with disabilities internally to encourage other units to hire people with disabilities.

Interactive Process for Accommodations

- Designation of an Accommodation Specialist and/or designated employee to address accommodation issues
- Use of forms to provide documentation of the need for an accommodation
- On-going communication between the employee and the accommodation specialist/designated employee

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- Research options for accommodations (use of internal/external resources such as JAN, DBTAC, etc.)
- Involvement of other parties (i.e. Supervisors, Managers, Union Representatives, etc.)
- On-going monitoring of the effectiveness of the accommodation

Funding Accommodations

- Centralized Accommodation Fund (for larger organizations)
- Shared Accommodation Program (Database of accommodations available and tracking when in use/not in use)
- Collaboration across units within an organization to identify expertise in relationship to use of consultants, purchasing entities, etc.

- Collaboration with other agencies when appropriate such as State Vocational Services, WIA Agencies, Veterans Agencies, etc.
- Consider options for "upgrades" and "Maintenance" when purchasing software or hardware.
  - Often the cost of maintaining equipment is hardest thing to manage and often not accounted for in decision making. Keeping current will allow it to work for employee but also be used by someone else in the future if needed.

Injury Management/Return to Work

- Presumption of Return to work unless there is some reason that it is not feasible for the employee
- Sustained communication with the injured worker
- Utilization of healthcare professionals who share an attitude of re-employment and swift recovery/return to work

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- Development of a strategic plan for return to work, including any reasonable accommodations/adjustments needed.
- Maintain current list of other positions and their tasks within the organization for consideration of reassignment if necessary
- Outside consultation when necessary. Use of rehab technologist, ergonomist, etc. to evaluate existing workstations and technologies utilized to identify potential areas for risk of injury, etc.
- Use of light duty/transitional work only when it can be meaningful and productive

Labor Relations

- On-Going communication with the stakeholders
- Maintain an expectation of re-employment
- Positive Labor Relations
- Creative and collaborative problem solving involving all parties
- Negotiated "return to work" Article within the collective bargaining agreement
  - Both employer and employee have obligations
    - Employer has obligation to identify other positions or tasks that an employee may be able to do or provides appropriate accommodations to enable the employee to continue in their current position
    - Employee has an obligation to make a conscientious attempt to achieve a normal rate of recovery and keep the period of temporary disability to a minimum

Staff Training

- Incorporate disability rights/ADA into all new employee training
- Train all supervisors/managers about the reasonable accommodation process
- Train all employees about the reasonable accommodation process
- Disability Awareness Training – existing employees and new employees
  - Availability of video's and/or pamphlets, etc.
- On-Line resource guides for Employees related to disability etiquette, reasonable accommodation, etc.

Best Practices of States

- Model for Large entities such as cities, large companies with multiple units/locations
- Lessons to be learned from them:
  - Creation/Adoption of Policy
  - Centralization of accommodation process/funding

Reasonable Accommodation Resources

- ADA and IT Centers
  - www.adata.org
- RRTC on Workplace Supports
  - www.worksupport.com
- Job Accommodation Network
  - www.jan.vcu.edu
- Equal Employment Opportunity Commission
  - www.eeoc.gov
- HR Tips
  - www.hrtips.org