

***Best Practices Regarding Medical Inquiries
In Order To Determine Reasonable Accommodations For Employees***

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Soliciting Information From the Appropriate Professional

The employer can required the professional to have at least an adequate expertise in the employee's specific condition(s).

Information Should be Narrow in Scope

Make sure that the information the employer is seeking is **narrow in scope**. All the employer needs to learn from the professional is the following when the disability/medical condition and/or the need for the accommodation **is not known and/or obvious**.

1. Does the employee have a substantial limitation in one or more major activities or has a record of such an impairment. (Don't assume the professional knows what this means – include “*Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008*” at www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm). **Please note** that it is the employer’s responsibility to determine coverage after getting information from the appropriate professional and employee.
2. When the manifestations or symptoms of the medical condition/disability **come into contact with the job’s essential function(s)** or **employment benefit(s)** WHAT BARRIERS are created?
 - a. What is the duration of the impairment?
 - b. What **specific** disability symptoms are involved?
 - c. What essential functions or benefits are involved?
 - d. What are the particular barriers that are created?
3. What barrier removal (reasonable accommodation) suggested solutions can be implemented? If the professional is aware of an effective accommodation, then suggest it, but to not overstate the need for a particular accommodation, in case an alternative is necessary.

4. Let the professional know, that if at all possible, solutions should allow the employee to do the job. Solutions that will fundamentally alter the job should be of last resort.
5. If a leave of absence is required would it be continuous and/or intermittent (specify when and estimate how long leave will be needed).

Do NOT Ask For Unrelated Documentation and State That It Is NOT Wanted!

Documentation is sufficient if it:

- (1) describes the nature, severity, and duration of the employee's impairment, the activity or activities that the impairment limits, and the extent to which the impairment limits the employee's ability to perform the activity or activities; and,
- (2) substantiates why the requested reasonable accommodation is needed.

Other helpful information to include:

Let the appropriate professional know that their documentation is most likely to help if it explains, using plain language, the following:

1. The professional's qualifications and the nature of the relationship with the employee. A brief statement is sufficient.
2. State the nature of the employee's condition (as specified above), even if the employee is currently not experiencing symptoms (e.g., because of the use of mitigating measures or because the condition is in remission).
3. If the employee asks the professional not to disclose the specific diagnosis, it is sufficient to state the general type of condition or to describe how the condition's symptoms/manifestations substantially limits a major life activity.
4. If the symptoms of the condition come and go or are in remission, describe the limitations during an active episode.

Questions?

Call the **your** regional ADA Center hotline at 800.949.4232. To find **your** regional ADA Center go to www.adata.org. You can also contact the Job Accommodation Network at www.askjan.org.

The information herein is intended solely as informal guidance and is neither a determination of legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.