

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Monitoring Reasonable Accommodations

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition or topic and provides information about the condition or topic, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

Interactive Accommodation Process

The Americans with Disabilities Act (ADA) requires covered employers to provide effective, reasonable accommodations for employees with disabilities. There is no *required* process for providing accommodations under the ADA, but it is recommended that employers engage in what is known as an “interactive process” to collaboratively explore accommodation solutions with individuals with disabilities who request accommodations. Private employers have the freedom to develop their own policies and procedures for implementing the interactive process. There is no standard procedure.

Employers who wish to draft their own policies and procedures will benefit from reviewing the Equal Employment Opportunity Commission's (EEOC) own [procedures for providing reasonable accommodations](#) for individuals with disabilities, as well as the agency's [Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures under Executive Order 13164](#).

Another practical resource that can be useful to employers when engaging in the interactive process is JAN's six-step sample *Interactive Process*. This process can be found at [AskJAN.org](#) under [A to Z By Topic: Interactive Process](#). Briefly, the steps in the process include:

- Step 1: Recognizing an Accommodation Request
- Step 2: Gathering Information
- Step 3: Exploring Accommodation Options
- Step 4: Choosing an Accommodation
- Step 5: Implementing the Accommodation
- Step 6: Monitoring the Accommodation

Monitoring Accommodations

The final step in JAN's Interactive Process, *Monitoring the Accommodation*, is frequently disregarded after an accommodation has been implemented. It is worth noting that as important as it is to explore, choose, and implement accommodations, it is equally as important to ensure that accommodations continue to be effective after implementation. Accommodations can stop being effective for various reasons, such as: the employee's limitations change, workplace equipment changes, the job changes, the workplace itself changes, or the accommodation becomes an undue hardship for the employer to continue to provide.

Because changes occur, employers may need to periodically check on the ongoing effectiveness of accommodations. If equipment is involved in the accommodation, someone may need to be assigned to perform maintenance or upgrades, as needed. The most important way to monitor accommodations is to encourage ongoing communication. Employees who are receiving accommodations should be encouraged to communicate with the employer when there are changes or problems with an accommodation, and should know who to contact for assistance.

When monitoring accommodations, keep in-mind that accommodations must be effective in meeting the needs of the individual. In the context of job performance, this means that a reasonable accommodation enables the individual to perform the essential functions of the position. Similarly, a reasonable accommodation enables an applicant with a disability to have an equal opportunity to participate in the application process and to be considered for a job. Finally, a reasonable accommodation allows an employee with a disability an equal opportunity to enjoy the benefits and privileges of employment that employees without disabilities enjoy (EEOC, 2002).

Keep these tips in-mind when monitoring accommodations:

- **Check on effectiveness.** As things change in the workplace, accommodations may need to also change so employers should periodically check the effectiveness of accommodations.
- **Maintain the accommodation.** Equipment will not function forever without maintenance. When equipment is part of an accommodation, employers need to make sure the equipment is properly maintained.
- **Encourage ongoing communication.** For any workplace issue, ongoing communication is the key to success. The same is true for accommodations. Employers should encourage employees to communicate any issues they have with their accommodations.

- **Restrict medical inquiries.** Inquiries should focus on the effectiveness of the accommodation, as opposed to details related to the medical impairment. For information about medical inquiries and the ADA, see JAN's [A to Z by Topic: Medical Exams and Inquiries](#).
- **Document findings.** If the accommodation remains effective, make a note of it. If changes are necessary, explore, choose, and implement changes, and document actions taken to resolve the situation.

Sample Form for Monitoring Accommodations

There is no standard process for monitoring accommodations. Sometimes employers are unaware of the types of questions or concerns that may need to be addressed. It can be useful to follow a checklist or use a form to guide and document the process. JAN has developed a **sample** form to be used as a guide when monitoring accommodations. This form may be customized to gather information relevant to each unique situation. Please note that this sample form is to be used as a guide only and is not legal advice. If legal advice is needed, contact a legal service.

[See below for form]

SAMPLE FORM FOR MONITORING ACCOMMODATIONS

JAN offers the following *sample form* as a tool to assist in the interactive accommodation process. For additional information about the interactive process, contact JAN directly to speak with a consultant, or visit AskJAN.org.

A. DOCUMENTING CURRENT ACCOMMODATIONS

What accommodations have been implemented to enable the employee to perform essential job duties or enjoy equal benefits or privileges?

When were the current accommodations implemented (month, day, year), and who was responsible for implementation?

What is the cost, if any, of providing the current accommodations? One-time cost or on-going?

What department or agency is responsible for the cost?

B. EVALUATING CURRENT ACCOMMODATIONS FOR EFFECTIVENESS

The accommodations are in effect:

- Always
- As-needed
- Never

For example, employee works from home as-needed, has a flexible schedule three days per week, or uses assistive technology daily. If frequency is not clearly defined here or employee indicates *Never*, please explain:

If equipment or software was provided, was the employee trained in the use of that equipment or software?

- Yes
- No

Does the employee report that the training was sufficient to meet his/her needs?

- Yes
- No

If no, explain:

If a service (e.g., interpreter, reader, CART) was provided, does the employee report that the service is meeting his/her needs? Who is responsible for arranging the service?

If workstation equipment was provided, is it being used effectively and properly? Explain any issues in using workstation equipment.

Are the accommodations currently enabling the employee to perform essential job functions? Explain.

If applicable, explain how accommodations have enabled the employee to improve his/her performance/conduct.

What difficulties, if any, does the employee experience when engaging accommodations (i.e., equipment does not work, scheduling needs not met, harassed by management, etc.)?

Is the employee currently requesting additional or alternative accommodations?

Yes

No

If yes:

- What job function(s) is s/he having difficulty performing?

- What employment benefit(s) is s/he having difficulty accessing?

- What limitation(s) is/are interfering with his/her ability to perform the job or access an employment benefit?

Explain what new accommodations are being requested and how the employee, or his/her representative, believes the accommodations will assist the employee.

Describe the *employee's perception* of how well accommodations have worked.

C. RECOMMENDATIONS

Current accommodations have been found to:

- Be effective for the purpose
- Require adjustments
- Be ineffective for the purpose
- Require additional accommodations to be effective

Explain.

The employee should:

- Maintain accommodations "as is"
- Continue with current accommodations but with adjustments
- Discontinue current accommodations
- Receive alternative accommodations

Explain.

If new or additional accommodations are required:

Does equipment need to be ordered or a service purchased?

Yes

No

If yes, who will order, etc.?

Will training be required?

Yes

No

If yes, who will provide the training?

Who should be notified of any change in accommodations (i.e., manager, HR, DPM, etc.)?

Do any additional steps need to be taken?

When will accommodations be fully implemented?

Date:

If maintenance is required, when will it occur?

Date:

Are accommodations being provided on a trial basis?

Yes

No

If yes, when will the trial period end?

Date:

SIGNATURES

Employer Representative:

Date: _____

Employee:

Date: _____

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