

Manager Fact Sheet: Managing Employee Reasonable Accommodation Requests

December 2011

Introduction:

This fact sheet provides guidance to executive branch managers and HR professionals in managing employee reasonable accommodation requests.

The Americans with Disabilities Act (ADA) of 1990, as amended, and the **Montana Human Rights Act (Title 49)** prohibit discrimination against qualified individuals with disabilities in recruitment, hiring, promotion, demotion, layoff and return, compensation, job assignments, job classification, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, and other terms, conditions, and privileges of employment.

The ADA requires employers to provide reasonable accommodations to qualified applicants and employees with disabilities to:

- 1) participate in the employment selection process,
- 2) perform the essential functions of a position, or
- 3) enable the employee to enjoy equal benefits and privileges of employment.

The employer does not have to provide the requested accommodation if it would result in an undue hardship on the employer.

The [Montana Code Annotated, Title 49, Chapter 3, Governmental Code of Fair Practices](#), states, absent an undue hardship, failure to provide a reasonable accommodation to an otherwise qualified person with a physical or mental disability that needs an accommodation is discrimination.

Policy:

Executive branch agencies must follow the reasonable accommodation procedures outlined under the [Administrative Rules of Montana \(ARM\) 2.21.4101 et seq.](#)

Recommended Tools and Resources:

The State Human Resources Division has compiled a non-exhaustive list of tools and resources to assist state agencies in fulfilling federal and state requirements in providing reasonable accommodations to otherwise qualified applicants and employees with disabilities. The state's ADA coordinator is also available to assist agency ADA coordinators, managers, and human resource professionals in processing accommodation requests.

➤ Job Accommodation Network

- ✓ [Employers' Practical Guide to Reasonable Accommodations under the ADA](#)
- ✓ [The Job Accommodation Process](#)
- ✓ [The Interactive Process](#)

- ✓ [Sample Accommodation Related Forms](#)
- ✓ [Medical Inquiry in Response to an Accommodation Request](#)
- ✓ [Sample Medical Inquiry Form](#)

➤ **Equal Employment Opportunity Commission**

- ✓ [Enforcement Guidance - Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act](#)
- ✓ [Enforcement Guidance - Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act](#)
- ✓ [Questions and Answers - Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act](#)

- ✓ [Five Practical Tips for Providing and Maintaining Effective Job Accommodations](#)
- ✓ [Employees' Practical Guide to Negotiating and Requesting Reasonable Accommodations under the Americans with Disabilities Act](#)
- ✓ [Do's and Don'ts of Disclosure](#)

➤ **Office of Disability Employment Policy**

- ✓ [The Job Accommodation Process: Steps to Collaborative Solutions](#)
- ✓ [Accommodation Solutions at Your Fingertips](#)
- ✓ [Investing in People: Job Accommodation Situations and Solutions](#)

Closing:

Contact John Pavao, State ADA Coordinator, at (406) 444-3984, or jpavao@mt.gov, if you have any questions or need assistance with reasonable accommodations under the ADA.

Additional Tools and Resources:

➤ **Equal Employment Opportunity Commission**

- ✓ [Applying Performance and Conduct Standards to Employees with Disabilities](#)
- ✓ [Job Applicants and the Americans with Disabilities Act](#)

➤ **Job Accommodation Network**

- ✓ [Accommodation Ideas by Disability, A-Z](#)
- ✓ [Searchable Online Accommodation Resource](#)

Alternative accessible formats of this Fact Sheet will be provided on request. Persons who need an alternative format should contact the State Human Resources Division, Department of Administration, 125 N. Roberts St., PO Box 200127, Helena, MT 59620-0127. Telephone 406-444-3871. Those using a TTY may call through the Montana Relay Service at 711.