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.

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

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

Questions and Answers - Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act

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

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

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.

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.