

Supervisor Tool Kit - Workplace Accommodation

For employers who strive to have a diverse and inclusive workforce for people with disabilities, supervisors and managers play a key role. One of the most important roles they play is recognizing disability disclosures and requests for accommodations from the employees they supervise. According to research by Cornell University, employees with disabilities are at least 60% more likely to disclose their disability to a supervisor than to human resources. While in many workplaces, supervisors and managers are not responsible for managing the entirety of the interactive accommodation process, it is important for them to:

- ▲ Be disability aware and know the etiquette of disability,
- ▲ Recognize a request for an accommodation,
- ▲ Be familiar with company accommodation policies and processes particularly when it comes to the supervisor/managers responsibilities within this process, and
- ▲ Support human resources or the company's reasonable accommodation subject matter expert to implement and monitor accommodations.

Accommodation Process for Employees

The cornerstone for inclusive employment is providing reasonable accommodations for employees with disabilities. In general, employees have the responsibility to request an accommodation. However, supervisors and managers need to know whether they should ever ask an employee whether an accommodation is needed. According to the EEOC, "an employer may ask an employee with a known disability whether s/he needs a reasonable accommodation when it reasonably believes that the employee may need an accommodation. For example, an employer could ask a deaf employee who is being sent on a business trip if s/he needs reasonable accommodation. Or, if an employer is scheduling a luncheon at a restaurant and is uncertain about what questions it should ask to ensure that the restaurant is accessible for an employee who uses a wheelchair, the employer may first ask the employee. An employer also may ask an employee with a disability who is having performance or conduct problems if s/he needs reasonable accommodation."

Supervisors and managers need to know what to do when they suspect that an employee needs an accommodation – should they talk with the employee or contact the reasonable accommodation subject matter expert?

Timber Products Manufacturers Association



Americans with Disabilities Act

Most often, the accommodation process begins when employees with disabilities request accommodations because they have encountered challenges in performing their jobs or accessing benefits of employment such as participating in training or attending a holiday party. As mentioned, regardless of who processes accommodations, it's often the supervisors and managers who receive the initial accommodation request. Therefore, it's very important that they be able to recognize a request. Disclosure of a disability and a request for accommodation has two parts:

1. An employee has a medical condition, and
2. The medical condition is creating a challenge.

Examples of Accommodation from the EEOC

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

Continued on Next Page

These examples illustrate that it doesn't take much to put a supervisor or manager on notice that an accommodation might be needed and that the interactive process should begin or that the person who processes accommodations should be notified. The interactive process is simply an ongoing conversation between an employer and employee in order to discover or develop an effective accommodation – one that enables the employee with a disability to overcome the challenge at work. This conversation needs to accomplish two things:

1. Gathering the information necessary to make an accommodation, and
2. Demonstrating engagement in a good faith effort to resolve the workplace challenge with the employee.

Most often while supervisors and managers may receive a disclosure and request for an accommodation, they are not the ones who process the request. The accommodation process is most typically managed by a person or team steeped in knowledge of the ADA and disability.

However, once an accommodation has been determined, supervisors and managers may have the responsibility for supporting the implementation and monitoring of the accommodation. Under the ADA, information about an employee's request for accommodation and subsequent communications are only to be shared on an "as need to know" basis. Thus, medical and other information regarding how an accommodation was determined is not typically shared with supervisors and managers. However, they may still play a crucial role in ensuring the accommodation is implemented effectively and maintained over time.

For example, if equipment is involved, the supervisor or manager may need to make sure it's properly installed and the employee is trained in its use. If the accommodation involves a schedule change or policy modification, the supervisor or manager may need to determine how the change will affect work flow and make sure there is adequate coverage. If the accommodation involves an outside service, the supervisor or manager may need to make sure the service is provided promptly and effectively. If the accommodation is a reassignment, the supervisor or managers needs to make sure the employee has time to acclimate to the new job.

In addition, supervisors/managers can support the effective accommodation of an employee by:

- ▲ Making sure all necessary steps are taken to implement the accommodation. A good way to do this is to check to see if the accommodation is actually working.
- ▲ Communicating with human resources or the reasonable accommodation subject matter expert during the implementation of the accommodation.

Another important part of the interactive process is monitoring accommodations after they are in place. In some cases, an accommodation stops being effective for various reasons such as: the employee's limitations change, workplace equipment changes, the job changes, or the workplace itself changes. Because changes occur, supervisors or managers may need to periodically check on the ongoing effectiveness of accommodations. The most important way to monitor accommodations is to encourage ongoing communication. Employees who are receiving accommodations need to understand that they should let their supervisor or manager know if there are changes or problems with the accommodation and who specifically to contact.

Productivity Standards

Monitoring and maintaining productivity standards is an important part of the job of supervisors and managers. Under the ADA, employees with disabilities can be held to the same productivity standards as all other employees, but they may need accommodations in order to do so. When talking with any employee who is having difficulty meeting productivity standards, supervisors and managers need to be alert for accommodation requests. In many cases, employees may decide to disclose a disability at the time they are confronted with job performance problems. The following guidance from the EEOC provides information and practical suggestions for dealing with disclosures that occur during performance evaluations: <https://www.eeoc.gov/facts/performance-conduct.html>

Important to Note: Confidentiality

All personnel must respect employee confidentiality. Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process, is required by federal law.

All documentation must be kept in a file separate from an individual's personnel file. Non-medical information obtained during this process is shared on an as-needed basis with those involved in providing a reasonable accommodation.