



REASONABLE ACCOMMODATION Training

USAG FORT BLISS TEXAS
EEO OFFICE



Where Did the Term Come From?

- A 1992 Amendment to the Rehabilitation Act of 1973
 - Which came from the Americans with Disabilities Act



What Does the Term Mean?

- A workplace modification so the individual with a disability can:
 - Apply for a job; e.g., provide application form in large print
 - Perform the essential functions of the job; e.g., install screen magnification software on a PC
 - Enjoy the job benefits; e.g., rearrange work station to accommodate a wheel chair



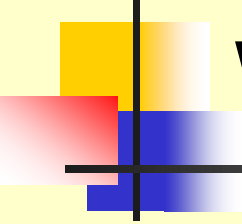
Who Does the Act Cover?

- Act protects **Qualified Individuals with Disabilities** from Employment Discrimination
 - What is a “disability”?
 - Who is a “qualified individual with a disability”?



Who Is an “Individual with a Disability”?

1. Has a physical or mental **impairment** that **substantially limits** one or more of the person’s **major life activities**;
2. Has a record of such an impairment;
or
3. Is regarded as having such an impairment



What Is an “Impairment”?

1. Has a physical or mental **impairment** that substantially limits one or more of the person’s major life activities

- A physical or mental disorder
- Not determined by use of medication or assistive device

“...one or more of the person’s major life activities” –

What is a “Major Life Activity”?

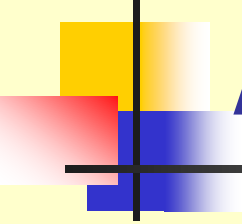
- A function that the average person can perform with little or no difficulty.
- Examples:
 - Walking
 - Speaking
 - Breathing
 - Performing manual task
 - Seeing
 - Hearing
 - Learning
 - Caring for oneself
 - Working



What Is “Substantially Limits”?

1. Has a physical or mental impairment that **substantially limits** one or more of the person’s major life activities

- Individual is unable to perform, or is significantly limited in his/her ability to perform, an activity compared to an average person



To Determine if Impairment Substantially Limits Major Life Activity, Consider:

- Its nature and severity;
- How long it will last or is expected to last;
- Its permanent or long-term impact, or expected impact



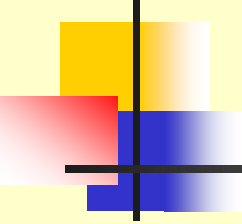
Effect of Impairment on That Individual's Life Activities

- Determination as to whether an individual is substantially limited must always be based on the **effect** of an impairment or condition of life of a **particular person**.



Are “Temporary Disabilities” Covered?

- How long an impairment lasts is **one** factor to be considered, **but** not by itself.
- Must look at the extent, duration, and impact of the impairment.



Record of a Substantially Limiting Condition

2. “Has a record of such an impairment”

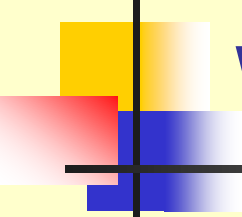
- Protects people having a history of a disability, whether or not they currently are substantially limited in a major life activity



Regarded as Having Substantially Limiting Condition

3. “Is regarded as having such impairment”

- Protects people who are **not** substantially limited in a major life activity **but** are perceived to have such a limitation



Who Is a “Qualified Individual with a Disability”?

“Act Protects **Qualified** Individuals with Disabilities from Employment Discrimination”

- Individual with a disability who “. . . satisfies the **requisite skill**, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, **with or without reasonable accommodation**, can perform the **essential functions** of such position.”

Step 1 -

Meet Prerequisites for Job?

- Education
- Work Experience
- Training
- Skills
- Licenses
- Certificates
- Other Job-Related Requirements

Step 2 –

Perform Essential Functions?

- Determine if individual can perform essential functions of the job with or without reasonable accommodation
 - Identifying “essential functions of the job”; and
 - Considering whether the person with a disability can perform these functions, unaided or with a “reasonable accommodation.”



When Is Reasonable Accommodation Applied?

- In three aspects of employment:
 - In application process; e.g. wheelchair accessibility to building
 - To perform essential functions of job; e.g., restructuring a job by redistributing marginal job functions
 - To enjoy equal benefits and privileges of employment
 - Equal access to lunchrooms, rest rooms, meeting rooms, etc.
 - Equal opportunities for advancement, training, etc.



Undue Hardship

- No change or modification is required if accommodation would impose an “undue hardship” on organization
- Is specific accommodation requiring significant difficulty or expense
- Is statutory limitation
- Determination is made on case-by-case basis



When Is Reasonable Accommodation Not Required?

- If person has not been determined to be a “qualified individual with a disability”
- If accommodation would impose an undue hardship on the organization
- When to do so would lower quality or production standards
- When accommodation would provide personal-use items; e.g., glasses, hearing aid, etc.



How to Request Reasonable Accommodation?

- Is responsibility of the applicant or employee with a disability to request a reasonable accommodation.

Employee Requests and Responsibilities



- May be made orally or in writing to first- or second-level supervisor or Disability Program Manager(EEO Office)
 - Suggest accommodation options
 - Relate to medical condition
- Participates in interactive process to clarify needs
- May need to provide medical documentation



Supervisor Responsibilities

- Receives reasonable accommodation request
- Engages in interactive process to clarify what employee needs
- Contacts Disability Program Manager (EEO Office)
- Maintains confidentiality
- Responds expeditiously
- Have employee and physician to complete RA Request Form



Disability Program Manager

- Located with EEO Office
- Phone: 915-568-3510
- Email: usarmy.bliss.imcom-central.mbx.eeo-concerns@army.mil



Conclusion

- Is fundamental statutory requirement
- Removes workplace barriers for qualified individuals with disabilities
- Is determined by facts of each particular case
- Is provided on a case-by-case basis