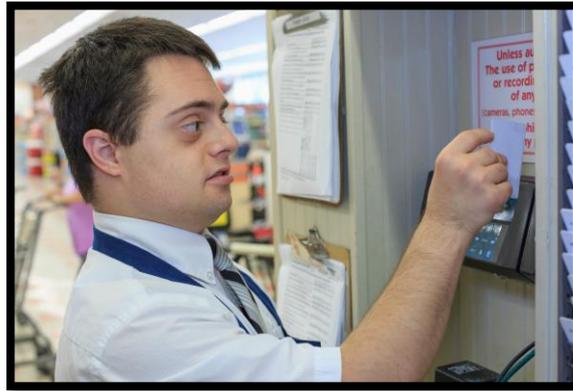


## **REASONABLE ACCOMMODATIONS AT WORK**



### **Are you having difficulty at work because of your disability? You may want to ask for a reasonable accommodation!**

A reasonable accommodation is any change or adjustment to a job, work environment or job application process that would allow a person with a disability apply for a job, perform a job or enjoy equal access to employee benefits. There are a variety of laws, both state and federal, that protect the rights of individuals with disabilities to request and receive reasonable accommodations.<sup>1</sup>

Examples of reasonable accommodations include:

- Screen readers or screen magnifiers for those who are visually impaired
- Amplified telephones for those who are hard of hearing
- Physical changes to your workplace, such as an accessible parking space, a specialized chair or an ergonomic keyboard
- In some work environments, modifying your work schedule.

### **Do I need a reasonable accommodation?**

If you are having difficulties performing the essential functions of your job due to your disability and you think a reasonable accommodation may help you to perform them, you should consider asking. Essential functions are the duties you are required to perform in your position. They are often listed within your “job description” or in the help wanted advertisements employers post for the position.

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<sup>1</sup> Although there are many federal and state laws pertaining to reasonable accommodations, most follow the definitions used in the Americans with Disabilities Act (ADA). For consistency and convenience, this fact sheet uses the ADA definitions.

## **How do I ask for a reasonable accommodation?**

To obtain a reasonable accommodation for your disability you only need to tell your employer that you need an adjustment or change because of your disability. You do not need to fill out any special forms or releases to your treatment providers, although it may help speed the process to use an accommodation request form if your employer has one. A doctor's note can be helpful, but it is not needed to start the process. An employer may ask for medical documentation to verify that there is a disability related need for your requested accommodation or to have more information about what your needs are. Although a request does not need to be in writing, it is always helpful to have a written record of your request.

## **When should I ask for a reasonable accommodation?**

Talk to your employer as soon as you think you may need a reasonable accommodation. You should not wait until you receive a warning or a negative review to ask for one.

You can also ask for a reasonable accommodation before you start a job. If you already think you will need an accommodation, it is best to have it set up before you start. An employer cannot rescind a job offer if you ask for an accommodation.

## **What should my employer do after I ask?**

Once you make your request, your employer should start a discussion with you regarding what options there are for reasonable accommodations. It may take several discussions with your employer before an accommodation can be set up.

## **How do I (or my employer) learn more about what reasonable accommodations would work for me?**

If your treatment provider does not know what accommodations you need, he or she can refer you to an occupational therapist, a person who specializes in helping people to improve their functioning. You and your employer can also look at the website for the Job Accommodations Network (JAN) ([www.askjan.org](http://www.askjan.org)) an organization that provides free confidential guidance to employers and employees regarding workplace disability accommodations. JAN is also happy to speak with employees and employers who are looking to include reasonable accommodations in the workplace.

If you are a client of the Office of Rehabilitation Services (ORS), Rhode Island's vocational rehabilitation agency, they may be able to help you with resources for accommodations and evaluations. They may also be able to help pay for some of the costs.

## **Can my employer refuse to provide the reasonable accommodation that I requested?**

An employer may refuse a specific accommodation if it is an undue hardship. What an undue hardship would be varies from employer to employer and considers such factors as the cost of the accommodation to the employer, the size of the company, the impact on the functions of the company and the impact on the other employees. It is also not just limited to the cost of the accommodation; an accommodation may also be an undue hardship if it is unduly extensive, substantial or a fundamental alteration to the operation of the business. If an employer can

demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

If an employer is claiming providing an accommodation would be an undue hardship or fundamental alteration, they should offer an alternative accommodation that would meet your needs.

### **Can my employer offer something else as an accommodation?**

If an employer cannot provide the requested reasonable accommodation, it should offer another type of accommodation. If there is a reason that the accommodation your employer is offering would not work for you, then you should provide your employer with information as to why that accommodation would not work.

You and your employer may have to discuss several options before you find one that fits your needs and your employer can provide. This process is called “the interactive process” and is considered part of requesting a reasonable accommodation.

### **What should I do if my employer refuses to discuss or provide a reasonable accommodation?**

Your employer has an obligation to discuss your request for reasonable accommodation. If your employer refuses to discuss your request, you may have the right to file a complaint.

There are a variety of federal and state laws that may cover your employer. You can contact our office or an employment law attorney to learn more about what your rights might be. Depending on the size of your employer and the laws that apply to them, your deadline to file may be short, so you should try to speak to attorney as soon as possible.

## **RESOURCES**

### **Disability Rights Rhode Island**

33 Broad Street, Suite 601

Providence, RI 02903

401-831-3150 (voice)

401-274-5568 (fax)

### **Rhode Island Bar Association**

(401) 421-7799

<https://ribar.com/LRS/Referral.aspx>

### **Volunteer Lawyers Project**

(401) 421-7758 or 1-800-339-7758

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