



Remote Work as a Reasonable Accommodation:
No Blankets Allowed

Will begin at 2:00 PM Eastern Time

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Audio

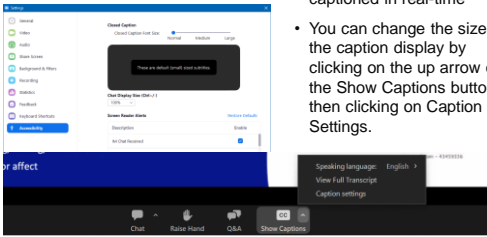
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- For the benefit of participants who are not able to see the presentation slides on the webinar platform, speakers will
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About Your Hosts...

TransCen, Inc.

- Improving the lives of people with disabilities through meaningful work and community inclusion

Mid-Atlantic ADA Center, a project of TransCen

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ADA National Network

- Ten regional centers provide guidance, training, and materials on the ADA
- **1-800-949-4232**
- ADAta.org



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• The Mid-Atlantic ADA Center, operated by TransCen Inc., provides information, guidance, and training the Americans with Disabilities Act (ADA). The information and/or materials provided are intended solely as informal guidance and should not be construed as legal advice. The Mid-Atlantic ADA Center is funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) (grant #90DPAD0008). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). These contents do not necessarily represent the policy of NIDILRR, ACL, or HHS, and you should not assume endorsement by the federal government.



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What Is Reasonable Accommodation?

An *individualized* **modification, adjustment, allowance, or provision** that facilitates an *equal employment opportunity* for a worker with a disability

- Applying for a job
- Performing essential job duties
- Accessing benefits and privileges of the job



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Reasonable Accommodation: Something Unique

Equal Treatment	Equal Opportunity Through Reasonable Accommodation
<p>• Example:</p> <ul style="list-style-type: none"> • All employees in certain job categories may work from home 2 days a week; none may work from home more frequently, regardless of whether essential job functions can be completely performed remotely 	<p>• Examples:</p> <ul style="list-style-type: none"> • Employees with disability-related needs may be able to work from home <ul style="list-style-type: none"> • 3-4 days a week • Full time • As needed

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This is Why the “Blanket” Approach Doesn’t Work!

• Reasonable accommodations must be **individualized**, based on the nature of ...

- The job
 - Application process
 - Essential functions
 - Benefits and privileges
- The specific limitations and needs of the individual applicant or employee with a disability



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It Starts with the Interactive Process

Applicant/Employee

- Makes request
- Provides medical documentation if needed
- If possible, offers accommodation ideas and options
- Implements
- Revisits if necessary



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Employer

- Reviews request
- Requests medical documentation if needed
- Determines disability
- Explores options, discusses with applicant/employee
- Decides on option(s)
- Implements
- Monitors, revisits if necessary



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Considering Requests for Telework

• Employers may need to allow workers with disabilities to telework (even if other workers are not allowed to do so)

- Does the individual ...
 - Have a disability?
 - Need to telework because of disability?
- Can the individual perform essential job functions remotely?



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Primary Consideration

If two accommodations would be effective, an employer may provide the one that is less costly or easier to provide, but "the preference of the individual with a disability should be given primary consideration"*

*Appendix to 29 CFR Part 1630 (Interpretive Guidance on Regulations to Implement the Equal Employment Provisions of the ADA)

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Accommodations Must Be Effective

- Employers may provide alternative accommodations, but they must be effective in ensuring equal opportunities (e.g., enable the individual to apply for a job, achieve performance levels comparable to others, earn bonuses, compete for promotions, access benefits or privileges of employment without unnecessary delays or difficulties)

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Limitations

- Reasonable accommodation is limited by undue hardship
 - **Significant** difficulty or expense
- Employers do not have to allow direct threat
 - **Significant risk of substantial harm** to health or safety of the individual or others **that cannot be eliminated or reduced by reasonable accommodation**

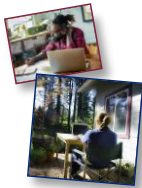
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Remember: An Accommodation Doesn't Have to "Stand Alone"

- Remote work may be combined with other accommodations to achieve effective outcomes
 - Adjusted or flexible schedules
 - Workplace accommodations (e.g., equipment, structural accessibility improvements)
 - Adjusted communication or supervisory methods
 - Time off



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