

WEBINAR & TELELEARNING SERIES



Negotiating Reasonable Accommodations

February 15, 2017

Presented by:



Genentech | Teva Pharmaceuticals | Acorda Therapeutics

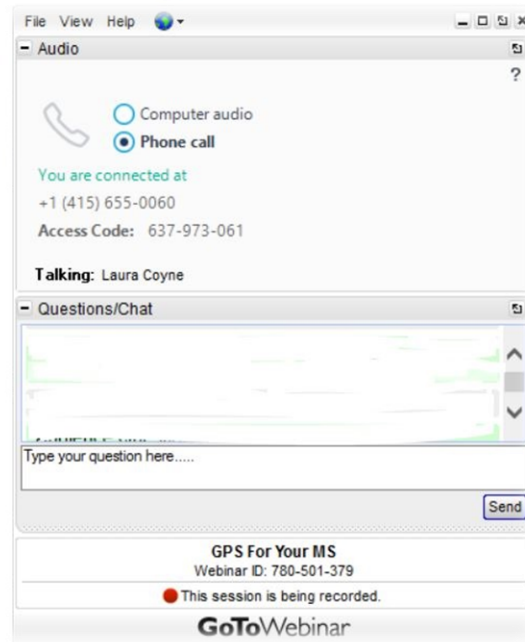


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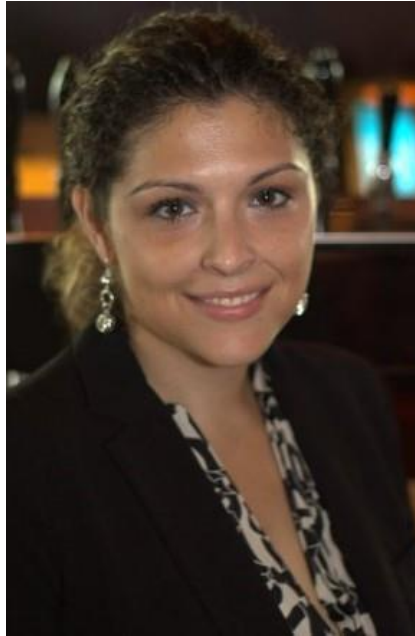
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What is the law? What are your rights?

- **Title I of the Americans with Disabilities Act of 1990 (the “ADA”)**
 - Requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship.
- **Federal law**
 - Protects you from discrimination *and* imposes a duty to accommodate
- **A covered employer must have at least fifteen employees.**
- **Some states and cities have enhanced protections.**

Given the requirements of the ADA, what is an employer's duty?

- **Unduly burdensome**

- An employer does not need to not provide the exact request if it is “unduly burdensome,” however, it *must* engage in an interactive process/dialogue in order to find a mutually agreeable solution.

What is a reasonable request and what is ‘unduly burdensome’?

A number of variables affect the “reasonableness” of a request, including:

- Size of the employer
- Cost of the request
- Needs of the business
- Essential duties of the position

Key Takeaway:

You must still be capable of performing the ‘essential functions’ of the job with *or* without the accommodation

The Equal Employment Opportunity Commission (EEOC)

Suggests a number of requests are generally considered reasonable, including:

- Making existing facilities accessible;
- Job restricting;
- Part-time or modified work schedules;
- Acquiring or modifying equipment;
- Changing tests, training materials, or policies;
- Providing qualified readers or interpreters; and
- Reassignment to a vacant position

Walking through the interactive process of requesting an accommodation

'Pre-step': Self-Assessment

Self-assess your limitations and the essential functions necessary to perform the job

Consider:

- *Are there accommodations that work?*
- *What has worked in the past?*
- *May need to go on disability/unpaid leave as opposed to accommodation*

Step 1: Making the Initial Request

How do you request an accommodation?

- In writing (more formal)
- Verbally (more informal)

Step 1: Making the Initial Request cont'd

Who do you contact? Who do you direct your request to?

- The short answer : It depends

Step 2: Share Medical Documentation (where necessary)

How much must be disclosed?

- Short answer: It depends

Step 3: Engage in an Interactive Dialogue

The conversation does not end after the request is made. You should go back and forth with your employer.

This may take the form of:

- E-mails exchanges
- Phone calls
- Meetings

Step 3: Engage in an Interactive Dialogue

What is the length of this ‘dialogue’?

- Short answer: It depends

Step 4: Memorializing an Accommodation

Should you get your accommodation in writing?

- Short answer: Yes

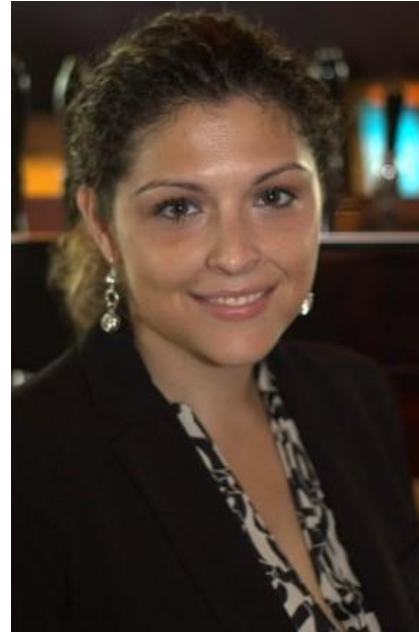
What's next?

- **Follow up**
- **Updated documentation from your doctor**
- **Interactive dialogue may be initiated again if accommodations were initially set as temporary**

Questions/Comments



Nina T. Martinez



**Magda Moncrief,
MBA, PHR, SHRM-CP**

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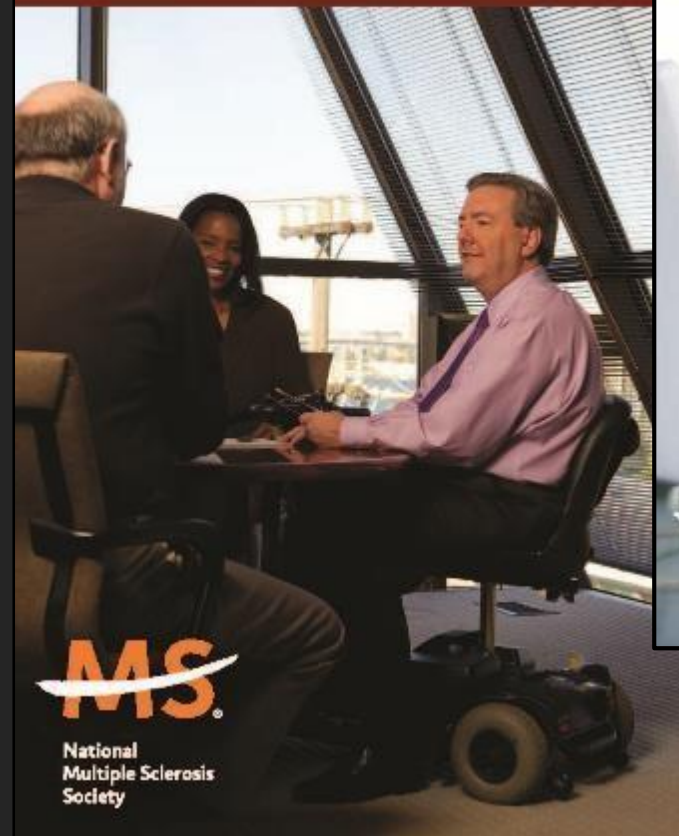
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National MS Society Benefits and Employment Services

If you have an employment-related question that was not answered during tonight's webinar, please feel free to email

EmploymentQuestions@nmss.org

or call 1-800-344-4867.

Thank you.

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February 28, 2017

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