

Returning to Work

Requesting Reasonable Accommodations



You may be wondering, “How can I go back to work now that I have a spinal cord injury/disorder? **People keep telling the key is reasonable accommodations. What are reasonable accommodations?**”

Reasonable accommodations are **adjustments to the job application process that allows you to be considered for a position you want and for which you are qualified**. This might include, for example, moving the interview to an accessible location. Reasonable accommodations **also include modifications or adjustments to the work environment or the way you perform the work** that enables to perform the essential function of a job for which you are qualified. This might include for example, using a voice recognition and dictation program for your computer’s word processing program, if you have difficulty using your arms and hands to perform at a certain speed on a keyboard. Finally, reasonable accommodations **include modifications or adjustments that allow you to have equal opportunity** to the benefits of employment enjoyed by others. This might include access to the company gym or cafeteria.

Your right to reasonable accommodations comes from the Americans with Disabilities Act and/or the Rehabilitation Act. The Americans with Disabilities Act applies to employers with 15 or more employees. (Some state or local laws may require accommodations for employers with

fewer than 15 employees.) The Rehabilitation Act applies to employers who contract with the federal government for \$10,000 or more per year, or employers who benefit from federal funds, such as federal grants, or Medicare funding, for example. These disability laws try to level the playing field so that people with disabilities have equal opportunity to employment – a key part of which are reasonable accommodations.

If you need a reasonable accommodation to return to your job or to take a new job, you have to make a request for accommodations. You and your employer will need to discuss the reasonable accommodations that can address your issues and enable you to perform the essential functions of your job, as part of a required interactive process. You may need some outside advice from an occupational therapist as to the kind of accommodations that can help you accomplish the essential functions of your job. Your state's vocational rehabilitation agency can also provide assistance in this area.

What are essential functions? Essential functions are the fundamental job duties of the position - the functions that the individual who holds the position must be able to perform with or without reasonable accommodations, in order to do the job. Sometime a function is essential because the position exists to perform the function, i.e. a proofreader must be able to proofread. Sometimes a position is essential because only 1 or 2 people perform the function. A function may be essential because of the expertise required to perform it, such as programing a computer or landing an airplane.

For example, suppose you want to return to your desk job after your spinal cord injury. You can do all of the essential functions of your position but your office is a little small for a wheelchair to navigate. You don't think your wheelchair will fit under your desk. You are also concerned that sitting all day will contribute to skin break down. In this example, first you request reasonable accommodations from your employer. Next, you and your employer enter into an interactive process, and together you realize there are several areas that you need to address with reasonable accommodations. You may need a larger office with more room for your wheelchair. Raising the desk so you can work at your desk from your wheelchair can be as easy as putting it up on some bricks. Once you get a larger office, it can accommodate a standing frame to allow you relief from the pressure of sitting all day. Another option to look into is a sit-to-stand desk that might be added to your workspace to allow you to work while in the standing frame.

Are there limits to the ADA's reasonable accommodations requirements? Employers that do not want to provide a reasonable accommodation must show that providing the accommodation is an undue hardship. Undue hardship considers the size and nature of the business, including the financial resources of the business, and the nature

and cost of the accommodations. This is not an easy burden for employers to meet.

Most accommodations come with little or no cost to the employer. Some accommodations, such as changing a workplace policy to allow your service animal to accompany you to work, come at no cost. Some accommodations made for a person with a disability, such as figuring how to eliminate bending from a task, benefits everyone by decreasing the risk of back and other injuries to other non-disabled workers. Other accommodations that you may need to accommodate your spinal cord injury may increase the production rate or decrease the number of keystrokes for all employees.

Some examples of reasonable accommodations include:

- Installing a ramp to allow access to the workplace
- Modifying a workplace policy to allow a service animal
- Adjustments to one's work schedule to accommodate transportation needs
- Providing an accessible parking space
- Making the restroom accessible
- Flexible or modified work schedules

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unitedspinal.org/pathways-
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Resources for more information on Reasonable Accommodations

Employees' Practical Guide to Requesting and Negotiating Reasonable Accommodation Under the Americans with Disabilities Act – From the Job Accommodations Network (JAN)

<https://askjan.org/publications/individuals/employee-guide.cfm>

Reasonable Accommodations in the Workplace – from the National ADA Network

<https://adata.org/factsheet/reasonable-accommodations-workplace>

Accommodations – from the U.S. Department of Labor Office of Disability Employment Policy

<https://www.dol.gov/odep/topics/accommodations.htm>

Types of Reasonable Accommodations – from the District of Columbia (D.C.) Office of Disability Rights. <https://odr.dc.gov/book/manual-accommodating-employees-disabilities/types-reasonable-accommodation>

Reasonable Accommodation Process – from the District of Columbia (D.C.) Office of Disability Rights <https://odr.dc.gov/book/manual-accommodating-employees-disabilities/reasonable-accommodation-process>

Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act – from The U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/policy/docs/accommodation.html>