

How to ask for a Reasonable Accommodation at Work

What is a Reasonable Accommodation?

A reasonable accommodation is a change or adjustment to a job or work environment. This change permits a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, and/or to enjoy the benefits and privileges of employment as other employees without disabilities in similar situations.

Some examples of a reasonable accommodation are:

- **Modifications to a job application process:** A potential employee with a visual impairment can request a job application be sent electronically to them so they can utilize their computer speech software to read and complete the application.
- **Modifications to a workplace:** A qualified person who is deaf and works for a company that implements a policy requiring sales people to call clients can ask their employer for a reasonable accommodation in the form of a TTY, access to a relay service, or other technology allowing them to make sales calls similarly to employees who are not hearing impaired.
- **Modifications to architectural barriers:** If a qualified person who uses a wheelchair is hired in an office and the lunchroom has an entrance with two steps, the employee can request a reasonable accommodation of a ramp to the lunchroom.



- **Modifications to a schedule:** If a qualified person cannot work a shift beginning at 6AM due to the circumstances of their disability, they can request an accommodation of an afternoon shift.
- **Modifications to continuing educational testing:** A qualified person with a learning disability can request extended time on a certification, or a licensing test, from the testing agency and/or the employer.

Requesting an Accommodation

If you do ask for a reasonable accommodation, you should:

- Request the reasonable accommodation in writing (**see sample letter accompanying this factsheet**)
- Submit the accommodation request to your supervisor.
- Keep a copy of your reasonable accommodation request for your records.

Learn more at:

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

This fact sheet has general information. It is not intended as legal advice. Only an attorney can give you legal advice to help you with a problem or answer a question.

If an Accommodation Request is Denied

An employer is obligated by law to enter into an interactive process about your request for accommodation within a reasonable time frame. It is unlawful for an employer not to respond to a request for an accommodation. They are not required to grant the requested accommodation; however, they are obligated to enter into a discussion about it.

An employer can deny a reasonable accommodation if they believe it is an undue hardship. An “undue hardship” means a reasonable accommodation causes an employer significant difficulty or expense. Undue hardship is determined on a case-by-case basis. An example of an undue hardship might be an employer who runs a convenience store. An employee using a wheelchair requests that the store create larger access aisles. After researching construction costs, the employer says the accommodation would pose an undue burden. Instead, the employer offers the employee a job that does not require travel up and down the aisles.

If the undue hardship is justified, the employer must work with the employee to find an effective reasonable accommodation.

Retaliation and/or Coercion

It is unlawful to retaliate against, or coerce, any individual who has requested an accommodation, or raised an ADA compliance issue in their workplace (<https://www.eeoc.gov/laws/types/facts-retal.cfm>). It is unlawful to retaliate against, or coerce, an individual who has assisted, or encouraged, any other individual in their effort to seek protection under the ADA, or other nondiscrimination law.

According to USLegal.com, “retaliation” generally means the act of seeking revenge upon another. “Coercion” generally means to impose one’s will on another by means of force or threats.

Requesting Accommodations:

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

Requesting Accommodations for Federal Employees:

<https://www.dol.gov/oasam/programs/crc/dlms4-0306.htm#311>

For more information

If you have further questions, or would like more information in general, please contact Disability Rights Montana. Our services are offered statewide and free of charge.

Call 1-800-245-4743 or visit our office to speak confidentially with an Advocate. Office hours are Monday-Friday, 8:00 AM to 4:00 PM.



1022 Chestnut Street
Helena, Montana 59601
(800) 245-4743
(406) 449-2344
DisabilityRightsMT.org
Advocate@DisabilityRightsMT.org

Reasonable Accommodation Sample Letter

Date

Employer

Employer Address

RE: Reasonable accommodation for my disability

Dear **(Employer name)**,

I have worked for you for **(years/months/days)** as a **(job title)**. I am a qualified individual with a disability. By this I mean, I have a medical condition and I can perform the essential functions of **(job title)** with a reasonable accommodation. I am having trouble with the **(job title)** because **(list the problems you are having)** to help me perform the essential functions of this job, I need accommodations including, but not limited to, **(list accommodation/s needed)**.

I would like to meet with you to discuss these and any other accommodations that will enable me to best perform my job. Please let me know what, if any, additional information you may need from my health care provider in order to better understand my disability and the limitations it imposes.

Please contact me within two weeks **(list date)** to discuss this issue. Please keep this request of accommodation, as well as any medical information you may acquire, confidential, as required by federal law.

Sincerely,

(Your signature with name printed below it.)