



County Technical Assistance Service

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Reasonable Accommodation Definition

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Reasonable Accommodation Definition

Reference Number: CTAS-2019

A reasonable accommodation is making an adjustment to a job or work environment that enables a qualified employee with a disability to perform the essential job functions. It may also be necessary for an employer to make a reasonable accommodation so that a qualified applicant can participate in the application process. Reasonable accommodations help ensure that qualified individuals with disabilities have rights and privileges equal to those of nondisabled employees. Included in these rights are equal access to information communicated in the work place and access to training programs. 29 C.F.R. § 1630.2(o).

A reasonable accommodation will remove a workplace barrier for an individual with a disability. Workplace barriers include physical objects as well as policies and procedures.

Many disabilities are not obvious and even when a disability is obvious, the individual may not need a reasonable accommodation to perform essential job functions. Reasonable accommodations are provided on an individual basis. An employer's obligation to provide a reasonable accommodation applies only to known physical or mental disabilities. An employer should inquire about the need for a reasonable accommodation when—

- The employer knows the employee has a disability.
- The employer suspects a disability is the cause of unsatisfactory job performance.
- The employer knows a disability prevents the employee from requesting a reasonable accommodation.

If the employee with the disability states that a reasonable accommodation is not needed, the employer has fulfilled its obligation.

When a request for a reasonable accommodation is made, it is up to the employer to determine the appropriate accommodation. There are three categories of reasonable accommodations—

1. Modifications or adjustments to the job application process.
2. Modifications or adjustments to the work environment so an individual with a disability can perform the essential functions of a job.
3. Modifications or adjustments to the work environment so an individual with a disability can enjoy equal benefits and privileges.

42 U.S.C. § 12111(9)(A).

The following are examples of reasonable accommodations:

1. Job restructuring (shifting minor responsibilities to others, altering when/how a task is performed).
2. Making existing facilities regularly used by employees readily accessible.
3. Providing additional unpaid leave, when it is not an undue hardship. Paid leave is not required, and an employer is not required to grant leave when it can make another accommodation that will allow the employee to keep working, such as a temporary transfer to another position.
4. Modified or part-time schedule.
5. Modifying workplace policy.
6. Re-assignment to a vacant position – The employee must be qualified for the position. The employer is not required to create a new job or bump an employee out of a position. The employer does not have to offer a promotion. The re-assignment should be to a position that has equal pay and status, but if a comparable position is not vacant the employer may assign the employee to a vacant position with lower pay if the employee meets the job qualifications.

42 U.S.C. § 12111(9)(B).

An employer can not require an employee with a disability to accept a reasonable accommodation if the accommodation is not requested or needed. However, if an employee with a disability turns down an accommodation needed to perform the essential functions of the job, they may be considered not qualified for the job.

Examples of things that are not considered reasonable accommodations include—

1. Elimination of a primary job responsibility (an "essential function" of the position).
2. Lowering production standards (but an employer may be required to make accommodations to allow disabled employees to meet the standards).
3. Providing personal use items such as wheelchairs, eyeglasses, hearing aids or similar devices.

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