

Reasonable Accommodation An Effective Interactive Process All Employee Resource

The Interactive Process

When an employee (or applicant for employment) requests an accommodation, it triggers an obligation of the employer to either provide the requested accommodation or seek information to evaluate the need and feasibility of the request.

To help determine effective accommodations, the Equal Employment Opportunity Commission (EEOC), recommends that employers use an “interactive process,” which simply means that employers and those individuals with disabilities who request accommodations work together to come up accommodation solutions. It is intended as a good faith interaction between the parties – a back and forth of questions and information sharing relating to the limitations and capabilities of the requestor, the needs and constraints of the employer, and the range of possibilities to make it all work.

Failing to engage in an “interactive process” in appropriate circumstances can result in providing an accommodation that is ineffective, or improperly denying a reasonable accommodation. In many instances, an accommodation is obvious and feasible. Other times, the requested accommodation may be burdensome or not clearly connected to the disability. Sometimes, the requestor doesn’t have an accommodation in mind and instead, just knows that a disability is getting in the way of doing the job. And other times, an accommodation may cause the employer an undue hardship.

General Framework for the Interactive Process

When a reasonable accommodation is not obvious, an appropriate accommodation is determined through a flexible, interactive process. Consider the following general framework to avoid running afoul of the interactive process:

- Analyze the particular job involved and determine its purpose and essential functions meting out those functions which are not central to the role. And while a position description can be helpful in serving as a roadmap for conversation, keep in mind that job descriptions are not always a complete or accurate picture.
- Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual’s disability and how those limitations could be overcome with a reasonable accommodation. The interactive process should start with a dialogue that focuses on understanding the difficulties that the individual is facing as a result of the disability
 - How does the individual’s impairment interfere with performing the job?
 - What are the specific tasks that are being impacted? Are those tasks essential functions or marginal functions?
 - What is the effect of the disability on each particular task?

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- Identify and evaluate potential accommodations. Assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. Consider the preference of the individual and select and implement the accommodation that is most appropriate for both the employee and the employer without causing an undue hardship.
 - What are the possible accommodations that will enable the individual to perform their essential functions?
 - How will the specific accommodation enable the individual to perform their essential functions?
 - Are there other accommodation that would be more feasible for the agency?
 - Requesting appropriate medical documentation should be sought to facilitate the interactive process, not to replace it.
- Implement an identified accommodation promptly. On-going dialogue is especially important where implementation is delayed. Consider whether an interim accommodation is necessary until a more permanent accommodation solution can be implemented.
- Even after the accommodation has been agreed upon, the interactive process is not over. The accommodation should be monitored to ensure that it is satisfactory for both the employer and the employee. If an accommodation is no longer effective, promptly reengage in the interactive process.

Tips for an Effective Interactive Process

- ***Be genuine and open:*** Accommodations are about doing things differently to help overcome disability-related limitations, so keep an open mind when exploring accommodation solutions.
- ***Invite the requestor to suggest accommodations:*** The requestor may have some good accommodation ideas but may be hesitant to bring them up without being asked to do so.
- ***Encourage ongoing communication.*** For any workplace issue/concern, ongoing communication is the key to success. The same is true for accommodations – employers should encourage employees to communicate any issues they have with their accommodations.