



Building High-Performance,  
High-Culture Companies

## Accommodation Requests: An Employer's Guide

*Presented by Scott Mastley, SPHR*  
*smastley@threadhcm.com*





# About Thread

At Thread, we revolutionize the workplace by seamlessly blending people and technology, ensuring businesses thrive through enhanced efficiency and engagement. Unlike others, we offer a harmonious integration of full-service payroll, HR, benefits, and time management solutions, all while prioritizing employee-centric approaches for tangible growth and success.

With Thread, businesses gain a partner dedicated to navigating the complexities of workforce management with personalized, robust support and a national platform that never compromises on treating you with the utmost care.



This program has been approved for 1 (HR (General)) recertification credit hour toward aPHR™, aPHRi™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through the HR Certification Institute. and the Society for Human Resource Management.

A follow-up email with your credit codes will be provided after the session.

# Agenda

- **What are accommodation requests?**
- **Who and what qualifies? (Case Studies)**
- **How do I respond best? (Templates)**
- **What other considerations are there?**

# Types of Requests



## ADA Requests

- Schedule changes
- Breaks
- Physical expectations
- Leave of Absence
- Transferring duties
- Interpreter/reader
- Modifying Layout
- Adjusting Essential Function

## Religious Requests (EEOC)

- Breaks to pray
- No work on Saturday
- Clothing Requests
- Birth Control related

## Other Requests (EEOC)

- Gender Identity and use of bathrooms

# The Interactive Process

## Managers work with HR

- Have a conversation
- Review the position, essential duties and physical requirements
- Discuss challenges affecting performance
- Explore a range of potential reasonable accommodations to help remove or minimize the challenges
- If needed, get relevant medical information and supporting documentation
- Document conversation, options, offered accommodation, and get agreement to try it
- Check in regularly to assess effectiveness



# What is the Americans with Disability Act (ADA)?

- Federal law that protects **qualified individuals with disabilities** from employment discrimination and requires employers to **provide reasonable accommodations** unless doing so would create an **undue hardship**
- Prohibits an employer from retaliating against an applicant or employee for asserting his rights under the **ADA**
- Applies to employers with **15 or more employees** but some states cover employers with less employees



# Who is a “Qualified Individual”?



The applicant or employee must:

- Satisfy job requirements for education, experience, skills, licenses, and any other job-related qualifications; and
- Be able to perform tasks essential to the job, with or without reasonable accommodation



# How are Essential Functions Determined?

- Is the task necessary to perform the job?
- How frequently is the task performed or how much time is spent performing the task?
- Can the task be redesigned or performed in another manner?
- Can the task be reassigned to another employee?





# How are Essential Functions Determined?

In addition to a written job description, the EEOC will consider as evidence:

- Actual work experience of present or past employees in the job
- Time spent performing a function
- Consequences of not requiring that an employee perform a function



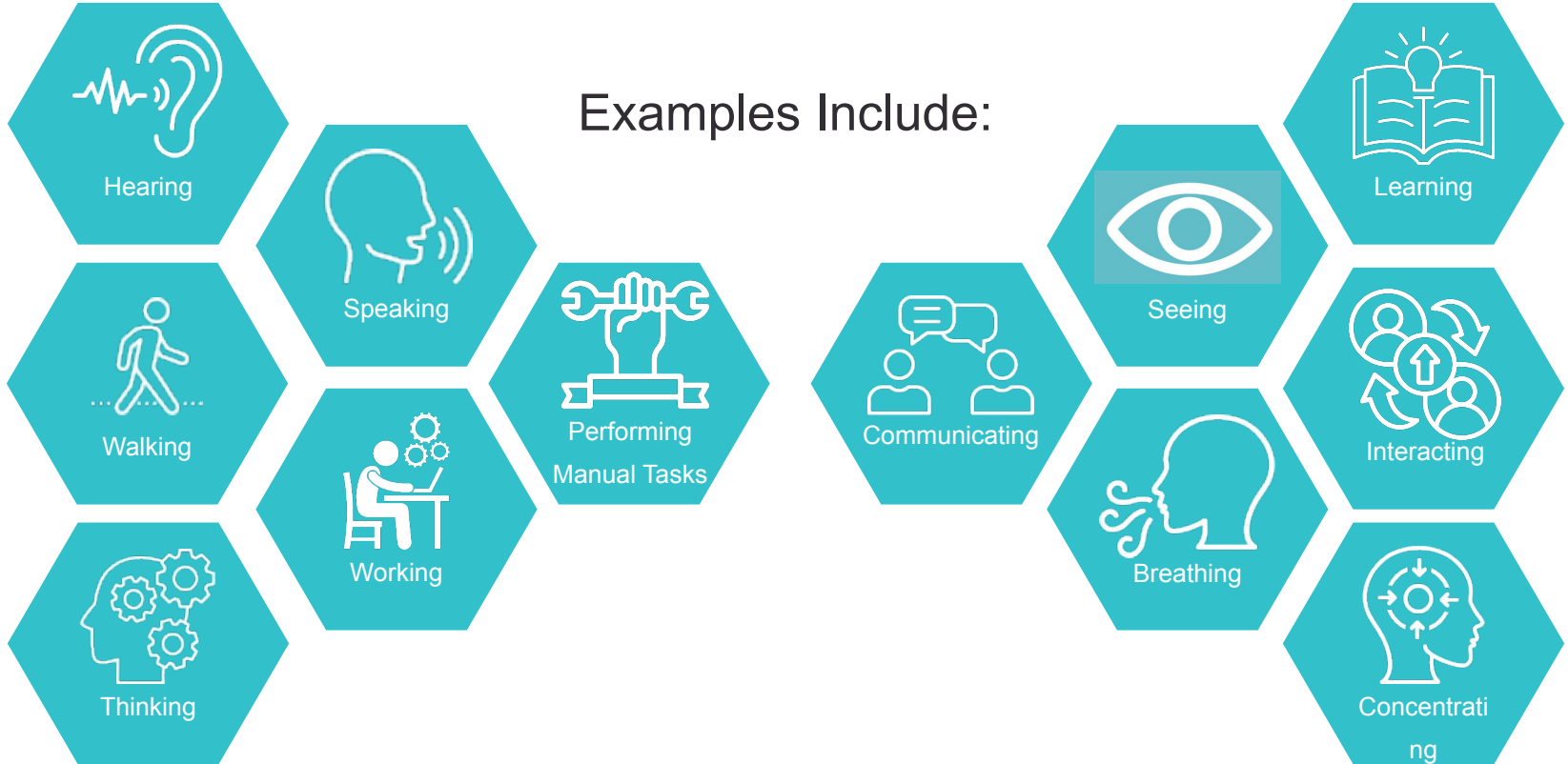
## What is considered a disability?

- Under the ADA, a person has a disability if he has a physical or mental impairment (ongoing or temporary) that substantially limits a major life activity
- Also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment



# What is a Major Life Activity?

Examples Include:



# Reasonable Accommodation?

A modification or adjustment to a job, the work environment, or the way things usually are done that provides a qualified individual with a disability an equal employment opportunity.





- Accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.
- Employer not required to lower quality or production standards or to provide glasses or hearing aids

## **What is 'Undue Hardship'?**

# Responding to Requests

# The Interactive Process

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## 5 Common Mistakes

1. Not realizing that a request for an accommodation has been made
2. Permitting front-line supervisors and managers to evaluate accommodation requests
3. Delaying a response to an accommodation request
4. Discontinuing the interactive process because a reasonable accommodation is not obvious
5. Inadequately documenting the entire accommodation process



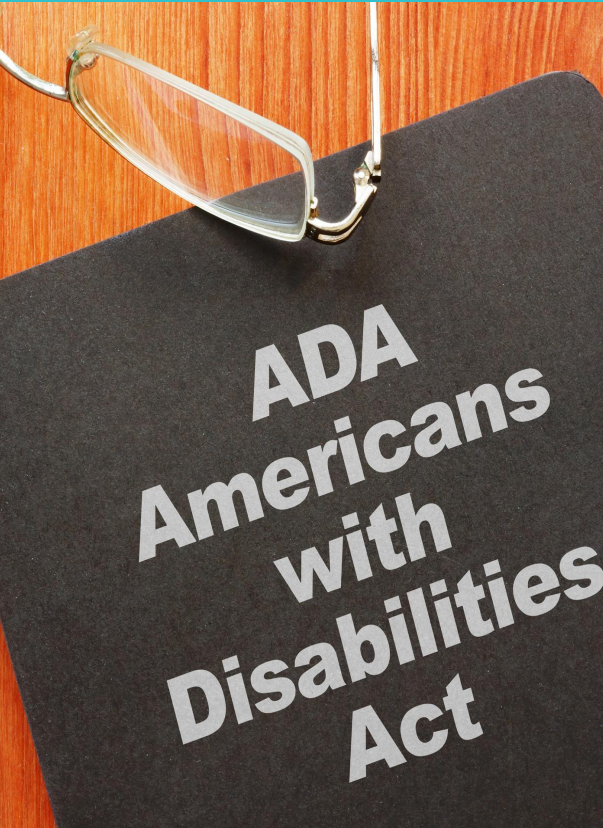
# Equal Employment Opportunity Commission



EEOC enforces federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.



# Types of Requests



## ADA Requests

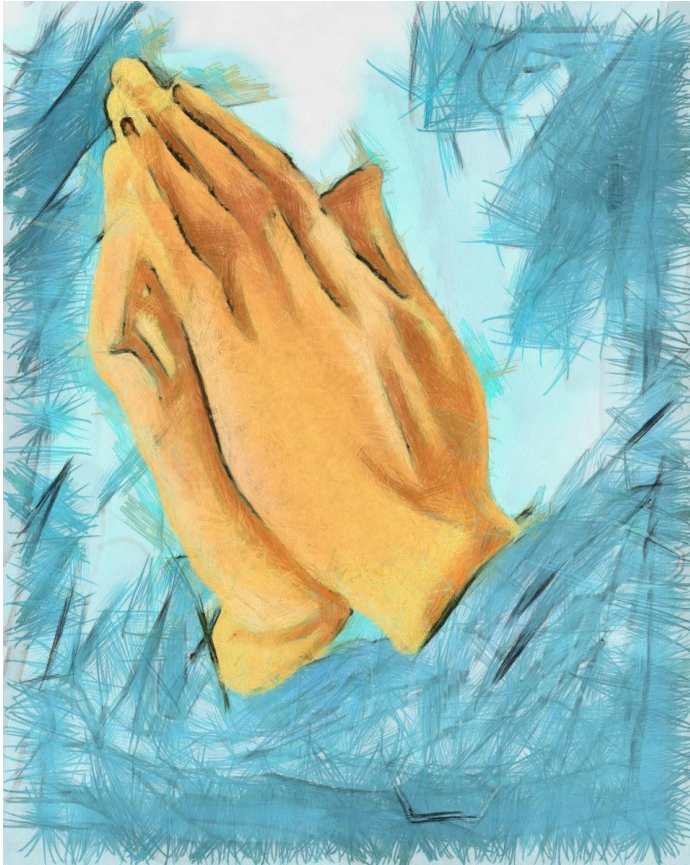
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Employers need to accommodate an employee's sincerely held religious beliefs or practices unless it would impose an undue hardship.

Can be "sincerely held" if newly adopted, not consistently observed or different from commonly followed tenets of the individual's religion.  
(defined very broadly)

Includes traditional religions (Christianity, Judaism, Islam, Hinduism, Buddhism) and new, uncommon beliefs that not part of a formal church or only held by a small number of people.

**A Catholic employee asks to change his schedule so he can attend church on Good Friday.**

**An Atheist needs to be excused from the religious invocation offered at the beginning of staff meetings.**

**A Seventh-Day Adventist won't work on Saturday, the Sabbath.**

**(An employee should not be forced to choose between her religion and her job)**

**An employee wears a hijab to work, but it's not standard uniform.**





## Burdens on Business

Examples of burdens: violating a seniority system; causing a lack of necessary staffing; jeopardizing security or health; or costing the employer more than a minimal amount.

If a schedule change would impose an undue hardship, the employer must allow co-workers to voluntarily substitute or swap shifts to accommodate the employee's religious belief or practice. If an employee cannot be accommodated in his current position, transfer to a vacant position may be possible.

Infrequent payment of overtime to employees who substitute shifts is not considered an undue hardship. Customer preference or co-worker disgruntlement does not justify denying a religious accommodation.

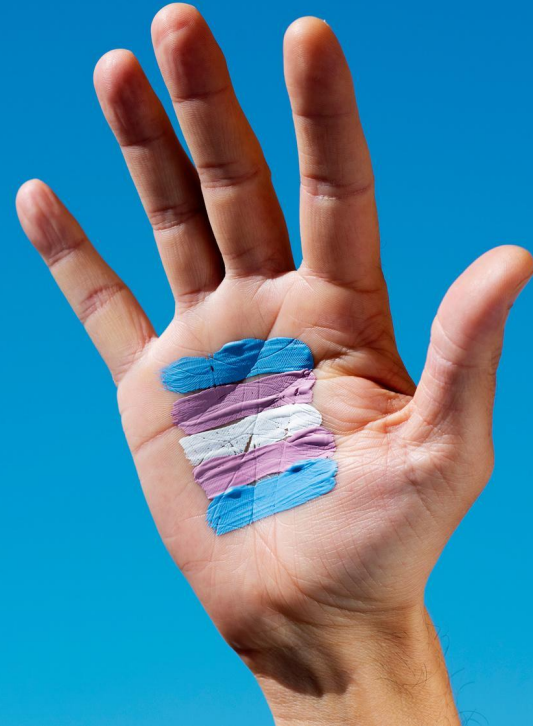
# Sexual Orientation and Gender Identity (SOGI) Discrimination



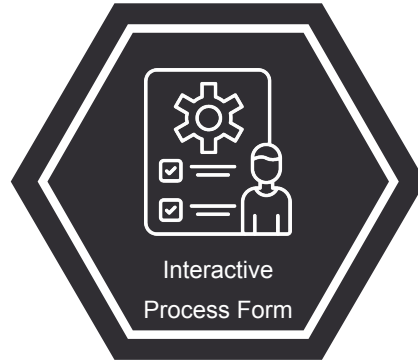
If an employer has separate bathrooms, locker rooms, or showers for men and women, all men (including transgender men) should be allowed to use the men's facilities and all women (including transgender women) should be allowed to use the women's facilities.

Prohibiting a transgender person from dressing or presenting consistent with that person's gender identity would constitute sex discrimination.

Employers also are not allowed to segregate employees based on actual or perceived customer preferences.



# Templates We'll Provide



**Thank you for your time,  
and thank you for being a  
great people leader!**

**Can I answer any questions  
for you at this time?**

**Scott Mastley, SPHR  
smastley@threadhcm.com**

A follow-up email with your credit codes, as  
well as today's resources, will be provided by  
the end of the day.

