



Making Your Job Work for You

How to Ask Your Employer For An
Accommodation That You Need

Arizona Center for Disability Law
Self-Advocacy Guide

This guide will answer these questions:

- 1 What is a reasonable accommodation?
- 2 How do I ask an employer for an accommodation that I need?
- 3 What does an employer look at when deciding whether to make a reasonable accommodation?
- 4 What can I do if an employer says “NO” when I ask for an accommodation?



1 What is a reasonable accommodation?

As a person with a disability, you may need an employer to make certain changes to a work place or situation in order to ensure that you have an equal chance of getting a job and keeping a job. Asking an employer to make a change when you are applying for a job or while working at a job so you can do your job and enjoy the same benefits and conditions of employment, is often called asking for a reasonable accommodation.

Here are some examples of changes or reasonable accommodations that people with disabilities can ask for:



Issue: Sylvia is a cook's assistant. She is a person with mental retardation. Sylvia does a great job of helping out with menu items that she knows, but she has trouble when she has to learn new menu items.

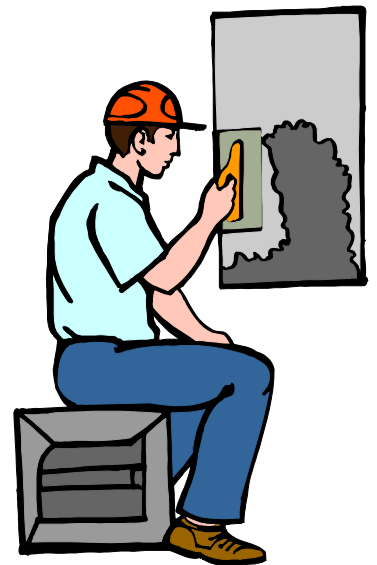
Possible Accommodation: The restaurant where Sylvia works could give her a job coach to help her learn new items on the menu.

Issue: Sheryl applies to be an office manager for a large company. Sheryl uses a wheelchair and the building where the company is holding the interview has steps leading into it and does not have a ramp.

Possible Accommodation: The company could agree to move the interview to a building that has a ramp so that Sheryl could take part in the interview.

Issue: John is a maintenance worker at a school. John has severe dyslexia and has trouble following the principal's written daily list of duties.

Possible Accommodation: The principal could give John a small pocket tape recorder and then record each day's list of duties on tape for John.



Issue: Tim is hired as a secretary. He has epilepsy and is not able to drive because he could have a seizure while driving. Sometimes, his boss needs him to deliver a report.

Possible Accommodation: Another co-worker in the supply room could be asked to run the errand while Tim covers the supply room during the errand.



Issue: Sam has a mental illness. He works as a stock person in a grocery store. Sam needs to go to a group counseling session one time per week during work hours.

Possible Accommodation: Sam could ask for a modified work schedule where he leaves 2 hour early but comes in 2 hour early on Wednesdays.

Issue: Derek is a produce worker in a grocery store. He is deaf and uses American Sign Language. He must call vendors and place orders for fresh fruits and vegetables, but he cannot use a telephone.

Possible Accommodation: His employer could install a Text Telephone (TTY), so Derek could make calls to vendors.

Issue: Megan is a lawyer and was just hired at a law firm. She is blind and uses a service animal. The law firm is having its annual employee awards dinner at a hotel that has a no animal policy, including service animals.

Possible Accommodation: The employer could tell the hotel that they will not have their dinner there unless they allow Megan's service animal or they could move the dinner to another hotel.



Issue: Sandra wants to apply for a job at a local grocery store. The store has computer kiosk that people can use to fill out a job application. Sandra is a person with mental retardation. She cannot read the instructions on the computer screen.

Possible Accommodation: The store could give Sandra a paper application or they could offer to have someone read the questions off of the computer and then key in answers for her.



Issue: Dennis is a receptionist with a hearing impairment. He uses a hearing aid but also needs a telephone amplification device for the telephone to hear callers.

Possible Accommodation: His employer could purchase the telephone amplification device as an accommodation.

Issue: Alberta is visually impaired. Her employer holds a safety training and gives the employees a written hand-out at the training.

Possible Accommodation: Alberta's employer could provide a large print version for Alberta.

These are just some examples of possible accommodations. If you need a different accommodation than any of the ones above, you may still ask your employer. If you do not know what type of accommodation you need to be able to do the job, there are lots of people who can help you think of accommodations. See the list of resources for accommodations that is at the end of this guide.

2 How do I ask an employer for an accommodation that I need?



- 1) You can always just tell your employer that you need an accommodation, but it is better to put it in writing. Write a letter to your employer asking for the change or accommodation that you need. Use the sample letter on pages ____ of this guide to help you write the letter. If you need help, call the Arizona Center for Disability Law's Employment Advice Line at 520-327-9547 (voice/TTY, Tucson) or 1-800-922-1447 (voice/TTY, statewide). Put a date on the letter. Keep a copy for yourself.
- 2) If you know exactly what you need, such as one of the accommodations listed above, then ask for it. If there is more than one type of change that the employer could make to help you, let the employer know about all of the different ways to help you.
- 3) If you do not know exactly what you need, ask for help. A list of places that may be able to help you decide what kind of an accommodation you need is on pages ____ of this guide.
- 4) If you have a job description, look at your job description and review the requirements or essential functions of the job to make sure that you can carry out all of the tasks of the job with accommodations.
- 5) Talk to your employer about the accommodation that you need. Discuss your limitations and let your employer know how the change or accommodation that you are requesting would help you do your job.

Note: An employer may ask you to provide a written statement from someone such as your doctor, psychologist, rehabilitation counselor or physical therapist outlining why you need the accommodation that you have requested. If you are asked to sign a release of medical records, however, you should get some advice from the Arizona Center for Disability Law's Employment Advice Line or an attorney, if possible, before signing it. An employer is allowed to verify that you have a disability and need the accommodation because of your disability. An employer is not allowed to get more medical information than is needed to find that out.



3 What does an employer look at when deciding whether to make a reasonable accommodation?



When deciding whether or not to provide you with an accommodation, an employer will typically look at:

- Your abilities and limitations due to your disability
- The requirements or essential functions of the job

Remember:

- An employer is not required to lower quality or production standards to accommodate you.
- An employer is not required to provide an accommodation if it will cause “undue hardship” to the operation of the business. “Undue hardship” means that the accommodation would be very costly to the employer or would result in changes that would alter the nature or operation of the business.
- An employer is not required to provide an accommodation for a reason unrelated to your disability.
- An employer does not have to offer you the accommodation that you prefer but must offer you an effective accommodation. An effective accommodation is one that allows you to do the job or have an equal opportunity to apply for work or enjoy the benefits of work.

4 What can I do if an employer says “NO” when I ask for an accommodation?



There are a couple of things you can do if your employer refuses to provide you with a reasonable accommodation that you need to do your job.

- **Call the Arizona Center for Disability Law’s Employment Advice Line for help in understanding your choices.** The Center’s staff may be able to help you write or call your employer on your behalf.

You may also ask for help from an advocate, such as a job coach, job developer, vocational rehabilitation counselor, case manager or school transition counselor.



- **File a charge of discrimination.** If you believe that your employer has discriminated against you or treated you unfairly on the basis of your disability in refusing to provide you with the reasonable accommodation, you have the right to file a charge of discrimination with the Equal Employment Opportunity Commission or the EEOC.

For more information on how to file a charge, take a look at our guide titled, “Taking Action: How to File A Charge When You’ve Been Treated Unfairly Because You Have A Disability.” It is important to file a charge within 300 days of the date of the discrimination in order to later be able to file a lawsuit under the Americans with Disabilities Act.

If you have specific questions about whether to file a charge or how to file a charge, you can call the Arizona Center for Disability Law’s Employment Advice Line at 520-327-9547 (voice/TTY, Tucson) or 1-800-922-1447 (voice/TTY, statewide).

After filing a charge ask for mediation. Mediation is a process where a third person tries to help the employer and employee or applicant reach an agreement over a problem such as whether to provide an accommodation. Mediation is free to people who have filed a charge.

- **Look for other funding.** You can also try to find other sources to pay for that part of the accommodation that is too expensive for the employer to pay for alone:



Arizona Department of Economic Security - Rehabilitation

Services Administration: Agency that provides vocational rehabilitation (VR) services to people with disabilities. May help you figure out what type of accommodation you need or buy a specific device for you that your employer does not have to provide.

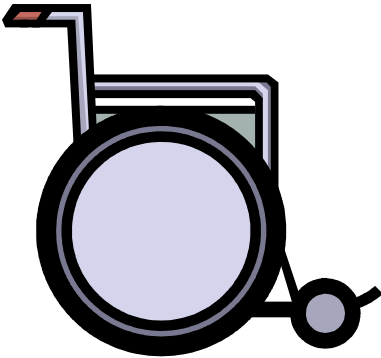
Example: An employer might provide an extended training period that is longer than usual for a person with mental retardation and then VR might supplement that training with a job coach.



Industrial Commission Special Fund: Fund that can help you if you have a disability due to an industrial injury and cannot return to work without an accommodation. The Special Fund may help pay for retraining or devices that you need.

Example: A person with a permanent disability due to a work-related injury might get a reassignment to a less demanding job. The Special Fund may pay for a piece of equipment to return to work.

Private insurance and public insurance programs such as the Arizona Health Care Cost Containment System (AHCCCS) and Medicare may also help pay for some devices.



Example: A person with multiple sclerosis that needs a wheelchair at work may get the wheelchair from her insurance plan, while the employer may pay for attachments, such as pockets and a tray to the chair to allow her to carry her work supplies and adapt it for her job.

If you have questions about this guide or other questions about your legal rights as a person with a disability, please write or call the Arizona Center for Disability Law at:

3839 North Third Street
Suite 209
Phoenix, AZ 85012
602-274-6287 (voice or TTY)
800-927-2260 (toll free)
602-274-6779 (fax)

100 North Stone
Suite 305
Tucson, AZ 85701
520-327-9547 (voice or TTY)
800-922-1447 (toll free)
520-884-0992 (fax)

center@acdl.com

To get a list of our trainings or look at other Center self-advocacy guides, visit our web site at www.acdl.com.

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

- This guide is available in alternative formats upon request.