

# Information Sheet on Requesting an Accommodation Under the Americans w/ Disabilities Act (ADA)

**Please read this sheet before completing your request for accommodation**

*The ADA is a complex law and much of it has been defined by court cases since it was enacted in 1990. However, the following questions give you a general idea of what the law means for you, as an employee. The most important thing to remember about the ADA is that it is not a “one size fits all” statute. Decisions are made on a case by case basis based on each person’s type and degree of disability as well as the unique workplace situations of the employer. If you have specific questions you would like answered, call 602-506-1010, and press 5, then 2 for assistance.*

**1. Are you protected by the ADA?**

*If you have a disability and are qualified to perform a job, the ADA protects you from discrimination on the basis of your disability. The ADA, however, has its own unique definition of disability which may differ significantly from the definition used by social security or an insurance company.*

*The definition of “disability” under the ADA is a physical or mental impairment that substantially limits one or more major life activities.*

- 2. What does it mean to be a qualified individual? Qualified means that you meet the education and experience requirements of the job and can successfully perform all the essential functions of the position with or without accommodation.**
- 3. What is a reasonable accommodation? The ADA defines this term by example only, but basically it is any change in the workplace surroundings or in the way things are done that provides an equal employment opportunity for an individual with a disability. The decision on what accommodations are reasonable is made on a case by case basis and depends on many factors including the requirements of the job, the particular type of disability and the extent to which modifications or auxiliary aids are available without posing an undue hardship on the employer’s business.**
- 4. Does my employer have to accept my suggested accommodation? No, the employer does not have to accept your suggested accommodation. The employer may suggest and decide to give you a different accommodation than what you requested. However, the accommodation must be an effective one. This means that it must enable you to successfully perform the essential functions of your position, for example.**
- 5. What will happen with my request for accommodation? You will be contacted by an Employee Disability Specialist from the Employee Health Initiatives Department. You may be asked to provide more documentation from a medical professional. The Employee Disability Specialist will work with you and your department representative (generally the HR Liaison) to resolve your issue. There will be an interactive discussion where you and the employer can jointly discuss your request and whether it is a reasonable one based on the department’s business needs.**
- 6. Will my request and the discussion with management and/or HR be confidential? Yes, under the ADA, any information provided by you or your medical professional will remain confidential and is released only to those with a “need to know”—this could include the Employee Disability Specialist, and management of your department (including your supervisor). “Need to know” means that the supervisor must know, for example, what your restrictions are so that he/she can provide whatever assistance is reasonable and still meet the business needs of the area.**
- 7. What if I disagree with my department’s decision on my request? The regulations implementing the ADA say that the employer makes the final decision on the accommodation.**