



Cambridge Health Alliance  
A COMMUNITY OF CARING

## Information sheet for ADA Accommodation Requests

### Purpose

The Reasonable Accommodation Request Form is to explore possible workplace accommodations for employees who request accommodations. The purpose of the form is to record accommodations requested and Cambridge Health Alliance's response, and to provide a means of reviewing such requests.

### Who is Covered

The Americans With Disabilities Act (ADA), 1990 prohibits discrimination against a qualified person with a disability in employment practices such as job application procedures, hiring, promotion, discharge, compensation, training, benefits, and other conditions of employment. The ADA also requires that employers provide reasonable accommodations to qualified individuals with disabilities. Under the ADA, a person is considered to have a disability if: (1) he or she has a physical or mental impairment that substantially limits one or more major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. In addition, the ADA protects individuals who have family, business, social, or other relationships or associations with persons who have known disabilities (such as a friend who has AIDS).

Temporary, non-chronic impairments of short duration, with little or no long term or permanent impact, are usually not disabilities. Such impairments may include, but are not limited to, broken limbs, sprained joints, concussions, appendicitis, and influenza.

### Reasonable Accommodations

It should be noted that in addition to compliance with the nondiscrimination provisions of the ADA, Cambridge Health Alliance is required to provide reasonable accommodations to the known physical or mental limitations of qualified persons with disabilities. A known disability is a disability that is either visible or made known by information volunteered by the person with the disability. A request for an accommodation should be initiated by the employee. A "qualified person with a disability" is a person who, with or without reasonable accommodations, is able to perform the essential functions of the position. It is a violation of the ADA to fail to provide reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability.

When a qualified individual with a disability requests an accommodation, Cambridge Health Alliance must make a good faith effort to provide an accommodation that is effective for the individual. Accommodations must be made on a case-by-case basis because the nature and extent of a disabling condition and the requirements of the job may vary. In many cases, an accommodation will be obvious and can be made without difficulty and at little or no cost. The department should consult with the employee as it considers the reasonableness of the requested accommodation.

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable

accommodation may include:

- Acquiring or modifying equipment or devices
- Job restructuring
- Part-time or modified work schedules
- Reassignment to a vacant position
- Adjusting or modifying examinations, training materials, or policies
- Providing readers and interpreters
- Making the workplace readily accessible to and usable by people with disabilities

## Assessing Reasonableness

When the employee with a disability requests an accommodation to assist in the performance of a job, the departmental unit, using a problem-solving approach, should:

1. Analyze the particular job involved and determine its purpose and essential functions (as distinguished from marginal functions).
2. Consult with the individual with a disability to determine the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
3. In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position.
4. Consider the preference of the individual to be accommodated and select the accommodation that best serves the needs of the individual and the employer.

In determining whether job functions are essential, departments should consider the following:

- A. In general. The term *essential functions* means the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.
- B. A job function may be considered essential for any of several reasons, including but not limited to the following:
  - i. The function may be essential because the reason the position exists is to perform that function.
  - ii. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
  - iii. The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to:

- a. The employer's judgement as to which functions are essential.
- b. Written job descriptions prepared before advertising or interviewing applicants for the job.
- c. The amount of time spent on the job performing the function.
- d. The consequences of not requiring the incumbent to perform the function.

- e. The terms of a collective bargaining agreement.
- f. The work experience of past incumbents in the job.
- g. The current work experience of incumbents in similar jobs.

Departments should analyze each request (as set forth in 1-4 above) and make a good faith effort to provide a reasonable accommodation to an individual covered by the ADA. If the department or employee needs assistance in assessing the essential job functions they may contact Human Resources Department at 617-591-4543. If the employee requesting accommodation(s) is covered by a collective bargaining agreement, departments may consult with Labor Relations at 617-591-4515 regarding the role of the union in relation to the potential accommodations.

It is not necessary to provide a reasonable accommodation if doing so would cause an *undue hardship*. Undue hardship means that an accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the department or unit. Among the factors to be considered in determining whether an accommodation would pose an undue hardship are the cost of the accommodation, the employer's overall size, overall financial resources, and the nature and structure of its operation. If a particular accommodation would pose an undue hardship, you must try to identify another accommodation that will not pose such a hardship. In assessing whether or not an undue hardship exists, the EEOC and other enforcement agencies will look at the resources of Cambridge Health Alliance as a whole.

The ADA permits an employer to require that an individual not pose a *direct threat to the health or safety* of the individual or others in the workplace. A direct threat means a significant risk of substantial harm. An employer cannot refuse to hire nor can it fire an individual because the employee poses a slightly increased risk of harm to himself or herself or to others. Nor can an employer refuse to hire or decide to fire a person based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to his or her health or safety or to that of others, you must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

## **Medical Information/Confidentiality**

In the context of assessing an accommodation request, a medical examination and/or medical documentation may be needed. Medical documentation is often needed to determine if the employee has a disability covered by the ADA and is entitled to an accommodation (i.e., has a permanent disability, as distinguished from temporary disability, that substantially limits one or more major life activities, affects the employee's ability to perform essential job functions, and is of sufficient severity) and if so, to help identify an effective accommodation.

Generally, in the context of an accommodation, medical inquiries related to an employee's disability and functional limitations are permissible and may include consultations with knowledgeable professional sources, such as doctors, occupational and physical therapists, rehabilitation specialists, and organizations with expertise in adaptations for specific disabilities. The Human Resources Department is Cambridge Health Alliance unit charged with collecting medical documentation.

Because the Reasonable Accommodation Request Form may contain information that is considered of a medical nature, and may constitute a medical record under the ADA, the form is to be handled confidentially and is not to be made a part of the employee's personnel file. The department head or supervisor is responsible for making sure that the Reasonable Accommodation Request Form, when completed by either the department or the employee, is forwarded to the Human Resources Department. Any copies of the form kept within the department must be maintained confidentially either in a separate locked file, away from the employee's personnel file, or in one to which there is restricted access. The form or information from the form should only be made available to those administrators who need to know the information in order to assess the reasonableness of the accommodation requested or to actually

provide the accommodation. Only that information concerning an employee's ability to perform the essential functions of the job should be obtained and considered in determining the appropriateness of the accommodation. An employing unit may not use information obtained from an employee medical examination or inquiry to discriminate against the employee in any employment practice.

After the form is forwarded to the Human Resources Department, the request for accommodation will be reviewed to determine whether the department's desire to modify or deny the accommodation is reasonable before a final decision is made. If either party is dissatisfied with the decision reached by the ADA Coordinator, the dissatisfied party may appeal to the Chief Executive Officer.

## Whom to Contact

If you need assistance in assessing the reasonableness of a requested accommodation, locating auxiliary aids, or have general questions about the ADA and the Rehabilitation Act, please contact the Human Resources Department. If you have additional general questions about aspects of accessibility having to do with buildings, parking, transportation, telecommunications, employment or access to programs, you may contact the Human Resources Department at 617-591-4510.

## Accommodations for the Public

Accommodations must also be made to members of the public who attend Organization-sponsored events. The sponsoring department is responsible for accommodating the needs of the participants. This means conducting events in accessible locations and may mean providing sign-language interpreters, printed material in Braille, or alternative formats such as audio recordings if requested in advance. Departments should include the accommodation statement in publications inviting participation in Organization-sponsored events. The accommodation statement is as follows:

***Cambridge Health Alliance encourages qualified persons with disabilities to participate in its programs and activities. If you anticipate needing any type of accommodation or have questions about the physical access provided, please contact the department manager or the ADA Coordinator in advance of your participation or visit.***

If you have questions about the ADA or issues relating to compliance with the ADA and interpretation of its provisions, such as the obligation to provide reasonable accommodations, please contact the Human Resources Department at 617-591-4510.

## Funding

Funding for accommodations or auxiliary aids or services will be handled as any other expenditure is handled. The employing unit is responsible for funding the accommodation or auxiliary aids or services; if the unit believes it has insufficient funds, it must seek additional resources through the Disability Fund. Lack of resources at the unit level will not be a sufficient reason in most instances for failing to provide a reasonable accommodation.

Requests for accommodations by employees and members of the public for access to organization services and activities must be assessed in a similar manner and will be handled, as a fiscal matter, as are employment accommodations.

## **Educational Programs**

To assist departments in understanding the implications of the ADA, staff in Human Resources are available to offer educational programs. Please contact Human Resources for more information.

The Cambridge Health Alliance is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by Organization policy or by state or federal authorities. The Cambridge Health Alliance does not discriminate against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, or veteran status. Direct all inquiries regarding the non-discrimination policy to:

Cambridge Health Alliance  
230 Highland Avenue, 2<sup>nd</sup> floor  
Somerville, MA 02143  
617-591-4510

This publication is available in alternative media on request. Please contact 617-591-4510.