



Requesting a Reasonable Accommodation under the ADA

Note: This information does not constitute legal advice. The law is constantly changing and application of the ADA depends on the specific circumstances of each case. Consult an attorney when faced with legal issues.

When can I request an accommodation?

- You can request a [reasonable accommodation](#) at any time during the job application process or during your employment. You can request an accommodation during your employment even if you did not ask for one when you were applying for the job.
- It is best to request an accommodation as soon as you discover that there is a workplace barrier that is or will prevent you, due to a disability, from competing for job, performing a job, or gaining equal access to employment benefits.
- It is best to ask for an accommodation before your job performance suffers because employers do not have to rescind disciplinary measures that were instituted before the employer knew about your disability.

How do I request an accommodation?

- It is the employee's responsibility to inform the employer of her need for accommodation.
- In order to request accommodation, you must let your employer know that you need an adjustment or change at work for a reason related to a disability. You may have a friend or family member make an accommodation request on your behalf if necessary.

- It is best to make your request in writing. However, you are not required to do so. You may make a verbal request for accommodation, but it is ideal to have this in writing.
- It is best to state that you are requesting accommodation under the Americans with Disabilities Act (ADA) but you are not required to mention the ADA or to use the term "reasonable accommodation." You must convey to the employer that you need an adjustment because of your disability.
- You can use plain English to make your request. You do not need to use any special words or phrases.
- It is best to send your request for an accommodation to Human Resources if your company has one. You may also want to discuss your request with your supervisor. If you work for a very small organization without an HR department, send it to your supervisor and the director/owner.
 - It is up to you how many people you choose to disclose your private medical information to, but the more people who are copied on your request, the harder it is to ignore.
- In your request, you should identify yourself as a person with a disability, identify the specific problems you are having at your job because of your disability, articulate your ideas for accommodation, request your employer's accommodation ideas, and request that your employer respond.
- It is best to have documentation of your disability on hand and to attach it to your accommodation request to help show that you are a person with a disability, but this is not absolutely necessary. Do not delay your request simply because you do not have the documentation. Make the request first, and then obtain the medical documentation.

What information do I have to disclose when requesting an accommodation?

- You must inform your employer of your disability. Your employer is not obligated to provide accommodations if it is unaware of your disability. Generally, this requires that you let your employer know that you have a disability and need an accommodation to perform your job because of your disability.
- You should inform your employer that you have a disability when you make your request for accommodation. You can limit the medical information that you initially give to your employer when you are requesting the accommodation.
- Some employers may not ask for any more information.
- The employer has the right to request additional medical information when an employee requests an accommodation, unless the disability and need for accommodation is obvious.
 - For example, an employee who uses a wheelchair requests the employer install a ramp to access the offices where the employee works. In that circumstance the employer does not need additional information to show the employee has a disability under the ADA or more information about the nature of the disability related to the requested accommodation. It is obvious that the employee's mobility is substantially limited and that the requested accommodation would enable him to do his job by accessing the offices.
- When the disability or need for accommodation is not obvious, an employer may require that the employee provide additional medical information about your disability.
- Upon request, you should provide medical information about your impairment that is narrowly focused on your job related limitations.

- If you do not provide additional medical information when your employer requests it, your employer can deny your request for accommodation.
- The employer may ask specific questions related to the accommodation request.

Best Practices

- Document everything. Submit your accommodations request in writing with a date and the name of the recipient(s). Follow up every verbal conversation about your request with an email summarizing what was discussed. Save copies of emails and other documents you send and receive regarding your accommodations request.
- Have an open and collaborative approach to the process. Your request for an accommodation is the first step in the [interactive process](#). The purpose is to engage in a dialogue with your employer about your needs and their resources to find an accommodation that will enable you to perform the essential functions of your job without imposing an undue burden on your employer.
 - You are entitled to a reasonable accommodation, but you are more likely to get an accommodation and more quickly if you have a collaborative rather than adversarial tone. Perhaps your employer can think of a solution that had not occurred to you.
 - Note that you are entitled to a reasonable accommodation, but not to any one accommodation that you prefer. If more than one effective accommodation is available, the employer gets to choose which one to implement.
- Be prompt and responsive to your employer's requests for information. If you do not provide requested documentation, you are not entitled to an accommodation.

- If you have an idea of the kind of accommodation you need, suggest it. If you need ideas on possible accommodations, the Jobs Accommodation Network has an excellent database and technical assistance on workplace accommodations at www.askjan.org.
 - If anyone else in your workplace performing similar tasks¹ already receives this kind of accommodation, then it is very likely the accommodation is reasonable. For example, the company allows other administrative employees to work on an adjusted schedule to pick up their children after school, and you are requesting an adjusted schedule to avoid driving at night due to a visual impairment.
- Be sure to clearly tie your accommodations request to your disability. You want your employer to understand that you are requesting this adjustment because of a physical or mental impairment, not merely because it would be more convenient. Generally this is obvious, but it is not always communicated well.
- Follow up with your employer if they are taking several weeks or months to respond to you. There is no definitive time limit, but the employer must engage with you in the [interactive process](#) in good faith. Do not let your work suffer while you are waiting to hear back.
- Remember the 180 day time limit to file a complaint starts from the date your employer denied your request for an accommodation. Several courts have held appealing the denial or requesting reconsideration does not start the clock again, but making a new request for an accommodation and again being denied your request may start the clock again.

¹ But this comparison is less useful if the accommodated person works a substantially different job. For example, if a retailer's accountant is allowed to work from home several days a week, it might not necessarily show that working at home is also a reasonable accommodation for the retailer's floor sales associate whose job requires serving customers.

- If your employer refuses to respond to you, simply says, "no," without further engaging in the interactive process, or denies what you believe to be a reasonable request, you may file a complaint with the EEOC, PHRA, or Pennsylvania Commission on Human Relations. [Please follow this link for more information](#) in filing a complaint. If you are in the greater Philadelphia area and are in need of legal advice or representation, you can find the [application for free legal services here](#).
- See the sample accommodations request form on the following page.
- Your employer may not fire or demote you because you requested a reasonable accommodation under the ADA. This is called retaliation and it is [a prohibited discriminatory practice](#).

Sample of a request for reasonable accommodation

Date of Letter

Your name

Your Address

Employer's name

Employer's address

Dear (Supervisor, Manager, or Human Resources),

In the body of your letter include the following:

- Identify yourself as a person with a disability
- State that you are requesting accommodation under the ADA
- Identify the specific problems that you are having at your job
- Articulate your ideas for reasonable accommodations
- Request that your employer share their accommodation ideas
- Refer to attached medical documentation if needed
- Ask that your employer respond to your request within a reasonable time

Sincerely,

Your signature

Your name

CC: [Any additional people, such as a direct supervisor, you choose to send your request to]

If you feel that it is needed, attach medical information to your letter to show that you are a person with a disability and to document your need for an accommodation.