



## **The Interactive Process**

**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.

### **How Does the Interactive Process Work?**

- After you have requested a reasonable accommodation from your employer, you and your employer should engage in an interactive process to explore accommodation options determine which accommodation is appropriate.

### **What is the purpose of the interactive process?**

- The purpose of the interactive process is to share information.
- The employer has information about what kinds of modifications are possible.
- The employee has information about his or her needs and abilities.
- By exchanging this information, the employer and the employee can determine the best way to accommodate the employee without imposing an undue burden on the employer.

### **How long does my employer have to respond to my request?**

- There is no specific amount of time that employers have to respond to an accommodation request. They should respond as quickly as possible.
- If there are unnecessary delays in responding to or implementing the requested accommodation, your employer has failed to provide the reasonable accommodation and may be in violation of the ADA.

### **What are my employer's obligations in the interactive process?**

- Once your employer receives your request for an accommodation, they may either implement the requested accommodation or initiate an informal interactive process with you to decide what form of reasonable accommodation is appropriate.
- If the employer has concerns about the difficulty or cost of implementing an accommodation, the employer must begin the interactive process to consult with you.
- In the interactive process the employer should:
  1. Consider the purpose of the job position and its essential functions;
  2. Consult with the employee to identify the job-related limitations caused by her disability and how those limitations could be overcome with an accommodation;
  3. Consult with the employee to discuss potential accommodations; and
  4. Consider the preference of the employee when selecting the accommodation
- During the interactive process, the employer may offer alternative reasonable accommodations and discuss their effectiveness with the employee.
- Ultimately, the employer can decide which reasonable accommodation to implement if there are multiple reasonable accommodations possible.

### **What are my obligations as an employee in the interactive process?**

- If your employer wishes to discuss your accommodation request, you must participate in the interactive process with your employer.
- If your employer initiates the interactive process and you fail to respond, your employer does not have to provide an accommodation.
- Your employer has the right to choose which accommodation will be instituted if multiple reasonable accommodations are available.

- If your employer offers you a reasonable accommodation that they have chosen and you refuse, you are not entitled to another reasonable accommodation of your choice. For example: an employee with a degenerative eye disease who insisted on an accommodation of working from home and refused to discuss other possible accommodations with his employer failed to engage in the interactive process.