



THE AMERICANS WITH  
DISABILITIES  
ACT AMENDMENTS ACT

The Interactive Process

ADAMS AND REESE LLP

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### The Interactive Process

1. Used to determine reasonable accommodations;
2. Employer must act in good faith to explore possible accommodations;
3. Employee must also act in good faith to comply with any of the employer's reasonable requests.

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### Step 1: Recognize the Accommodation Request

1. When an employee indicates a problem related to a medical condition
2. Ex. Employee claims he/she is having a hard time concentrating, needs extra break time, etc.
3. Ex. Employee exhausts FMLA but needs more time off

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### Step 2: Gather Information

1. Employer should require that the employee provide documentation about the disability and any limitations from the employee's healthcare provider
2. Should ask about the nature and severity of the condition and the degree of impact of the condition on the employee physically and mentally



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### Step 2: Gather Information

1. Should ask the medical provider to describe how the condition limits the employee's ability to perform the essential functions of the job
2. Should ask the medical provider about the necessity for accommodations and how the requested accommodations will enable the employee to perform the essential functions of the job



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### Step 2: Gather Information

1. Should ask medical provider for suggested accommodations
2. Provide medical provider with a job description that includes the essential job functions



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**Step 3: Explore Accommodation Options Through Interactive Discussion**

- 1. Meet with the employee to interactively seek an effective accommodation that is reasonable and will allow the employee to perform the essential functions of the job
- 2. Unreasonable accommodations are not required to be provided




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**Step 3: Explore Accommodation Options Through Interactive Discussion**

- 1. If accommodation creates an undue hardship, accommodation is not required
- 2. Undue hardship: based on individual assessment of current circumstances that show a specific accommodation would cause significant difficulty or expense




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**Step 3: Explore Accommodation Options Through Interactive Discussion**

To determine an undue hardship, may consider:

- 1. The nature and cost of the accommodation
- 2. Financial resources of the school district
- 3. The structure and function of the workforce
- 4. The impact of the accommodation on the manner in which the school district provides services




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### Step 4: Making the Decision

1. If more than one accommodation is reasonable, the employer may choose
2. Does not have to be the best accommodation, only a reasonable accommodation
3. If no reasonable accommodation exists and the employee has exhausted his/her leave, the employee may be terminated



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**questions**



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