Workplace Accommodations: Are they Different?

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ADA Coordinator & 504 Compliance Officer
We ask you to join us in creating a culture that reflects…

Access and Inclusion

and

Civility and Respect

…this week and in all aspects of our organization.
Who is a Qualified Individual?

Does the person meet the necessary pre-requisites (education, credentials, experience, qualifications)?

Can the person engage in the effectively engage the central/essential tasks, activities, with reasonable accommodations if needed?
Reasonable Accommodation/Modification:

• Rationally related to the impacts of the disability

• Assists in the effective participation (performance) of the essential tasks

• Makes it possible for an individual with a disability to engage in a program or employment opportunity
When Are Accommodations Reasonable?

Addresses an impact of the disability
  • Manner, Condition & Duration

Does not create a fundamental alteration (negate essential job functions)
  • Comparable experience, performance or productivity
Does not create a Direct Threat

• Title II & III self
• Title I self or others
• Likely, imminent, significant & can not be substantially reduced with accommodations

Does not create an Undue Burden (Hardship)

• Administrative
• Financial
Documenting Disability

Ask For What You Need

– Impairment
– Impact relevant to work tasks
– Supports request
Fundamental Alteration

• Mission & goals in syllabus & Curriculum documents
• Transfer agreements
• Accreditation Requirements
• Licensure Requirements
• Input from Faculty and Department
• Wynne based process for determination
Essential Elements & Functions?

• The “fundamental or core goals” of the program or position
• The purpose and outcome, rather than the manner in which job tasks is performed
• Unique responsibilities or skills
• Not marginal functions or duties added for convenience.
Evidence For Essential Functions

• Preexisting written job descriptions
• Amount of time spent on the task
• Consequences of the reduction/elimination
• Experience of current or former incumbents including evaluations
• The employer judgment with rational basis
• Terms of a collective bargaining agreement
• Certification or licensure requirements
Employment Context Considerations

• HR decision making processes
• Bargaining units
  • Tenure
• Interaction with FMLA
  • ADMs
• Productivity and hardship
• Reassignment
SCENARIOS
Respiratory Therapist

• Hired for neonatal unit
• Disclosed need after hire for a amplified stethoscope, which was provided
• 3 years later tried to call off sick on the phone as required but could not communicate due to hearing difficulty
• Asked to be allowed to evaluate patients tactiley
Anxiety/PTSD

• Teaches on campus
• Can’t come to campus due to anxiety related to an earlier FML claim and related complaint
• Requests all asynchronous courses
• Diagnosis of anxiety disorder
• Low stress environment
• Supervisor is the trigger

• Diagnosis of stroke
• Low stress environment
• Deadlines and pace of work
What’s Cooking?

• Eating Disorder
• Sensitivity to food smells
• No food that smells in work area and break room
Social Anxiety

• IT trainer
• Receives a poor annual review
• Documentation states should not have to talk to anyone at work.
New Tricks

• In a role that has moved to online processing
• Documentation states “can not learn new skills or processes”
Allergies & Asthma

• Clerical/insurance processing role
• Impacted by building
• Impacted by climate
• Requests to Telework from Florida
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Session Evaluation

• Your feedback helps shape future programming.

• Thank you for attending!