

BY CAROLYN S. MAGURA

# What are “reasonable accommodations” and how does a person get them?

## Disability and working

**F**ederal law governs the “who, what, why, and how” of employing people with disabilities through the Americans with Disabilities Act (ADA). The federal government is concerned about us knowing our rights; they have a comprehensive Web site at [www.ada.gov](http://www.ada.gov).

The ADA provision that can make the most difference for a person with a disability is the one that requires employers<sup>1</sup> to provide “reasonable accommodations” to improve productivity on the job.

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1. As noted in the Society’s brochure **The Win-Win Approach to Reasonable Accommodations: Enhancing Productivity on Your Job**, the ADA is applicable to employers with 15 or more employees. However, smaller employers are also known to provide reasonable accommodations, if the request is properly presented.

## What is a reasonable accommodation?

A reasonable accommodation is any change or adjustment to a job, the work environment, or the way things are usually done that allows a person with disabilities to apply for the job and/or effectively perform the job’s functions.

To be protected under the ADA and receive a reasonable accommodation,

### Examples of accommodations for **HEAT SENSITIVITY:**

- Reduce work-site temperature
- Use cool vest or other cooling clothing
- Use fan/air conditioner at the workstation
- Allow flexible scheduling and flexible use of leave time
- Allow work from home during hot weather



you must be a qualified individual with a disability. Under the ADA, disability is defined precisely. You are regarded as having a disability if you have a physical or mental impairment that substantially limits a major life activity such as hearing, seeing, speaking, thinking, walking, breathing, or performing manual tasks. When working with your employer to establish reasonable accommodations to compensate for disability, there are key steps to follow.

### Two important ideas

1. Review your situation before your MS symptoms keep you from performing your essential job functions.
2. **Do not tell** your employer that you are disabled or that you will be needing reasonable accommodations until after you have completed the work outlined below.

#### Examples of accommodations for **FATIGUE/WEAKNESS:**

- Reduce or eliminate nonessential physical exertion
- Schedule periodic rest breaks away from the workstation
- Allow a flexible work schedule and flexible use of leave time
- Allow work from home
- Implement ergonomic workstation design
- Provide a scooter or other mobility aid if walking cannot be reduced



Here's why: The responsibility for defining the need for reasonable accommodations, what they would be, and how they would enhance your efficiency and effectiveness is yours. The determination as to whether the accommodations are reasonable and will be given to you is your employer's.

### First step: Identifying symptoms that may impair your performance

You need to establish that you can perform the essential functions of your job before asking for reasonable accommodations. You must be able to do the job you want or were hired to do, with or without reasonable accommodation. (Have a copy of your latest performance review on hand when you hold your discussion with your supervisor or HR officer.)

This requires writing a review of what your job is and how your MS is affecting performance. This is not pleasant to do; it requires a cool head and a good deal of determination. The two best resources to help accomplish this task are:

1. Your job description
2. The federal Job Accommodation Network (JAN), where there is a section dedicated to multiple sclerosis: [www.jan.wvu.edu/media/mult.htm](http://www.jan.wvu.edu/media/mult.htm) or 800-526-7234.

Using your job description, list the essential functions that must be accomplished in a column on the left. In the middle column, list all the physical, mental, and environmental requirements for successful work in your position. This means details about how much standing, walking, lifting, multi-tasking and the like are

## Examples of accommodations for **COGNITIVE IMPAIRMENT:**

- Provide written job instructions when possible
- Prioritize job assignments
- Allow flexible work hours
- Allow periodic rest periods to reorient
- Provide memory aids, such as schedulers or organizers
- Minimize distractions by changing workstation location or design
- Allow a self-paced workload
- Provide more structure



involved. In the third column, list exactly how your MS symptoms interfere with or impair performance of these activities.

### **Second step: Preparing your request**

The exercise above should clarify your difficulties and help you identify the accommodations you need. But you may need some additional help. The best resource, in addition to JAN, is your nearest Society office. You may need a referral to your state's vocational rehabilitation program or to an occupational therapist (OTs are experts in labor-saving techniques, gadgets that compensate for losses of ability and much more). You may need your chapter's own trained employment consultants. (In Portland, Oregon, that might be me!)

You may also need some help preparing yourself psychologically for the meeting with your supervisor or HR official.

Your request for accommodations needs to be specific. For example, if your problems on the job are caused by fatigue, you might ask for a parking place by the entrance; a short break each hour for hand, neck, and back exercises at your desk; and a place to nap before driving home.

### **Conclusion**

The key points are:

**1.** Be prepared to give information. Your employer may know very little about MS. A healthy dialog may alleviate many of the fears and uneasiness your employer may associate with disability. Your Society chapter can help with brochures and a new 14-minute video for employers that stresses the advantages of retaining or hiring a skilled employee with MS.

**2.** To be successful, you must prepare ahead of time and provide specific examples of accommodations that would help.

**3.** Once you work out reasonable accommodations, monitor your situation regularly. You may need to explore various accommodations especially if your condition fluctuates. If your condition changes, whether symptoms increase or decrease, address these changes with your employer (and your advisors) as soon as possible. ■



Carolyn S. Magura has assisted many people in successfully acquiring reasonable accommodations—as an employer herself and as a volunteer disability advocate in Portland, Oregon. Her Web site ([www.disabilitykey.com](http://www.disabilitykey.com)) includes blogs, charts, sample matrixes, and a wealth of additional helpful information on disability issues.