



National Service Inclusion Project Fact Sheet

Requesting Documentation when reasonable accommodation is requested

When can a supervisor/program director request documentation needed for accommodation?

For the most part, it will be a case-by-case assessment for individuals with any type of disability when requesting reasonable accommodation. The purpose of the accommodation is to enable a qualified individual to perform the essential functions of his/her service position. Not everyone with a disability will need an accommodation.

Not all requests for reasonable accommodations require documentation.

If an individual in a wheelchair asks for blocks to help raise her desk, that's a request for accommodation and does not require documentation.

A request for documentation describing an individual's limitation or requested accommodation can be asked **after** a request for an accommodation is made. Usually documentation is requested when the disability or need for accommodation is not obvious. The requested documentation has to be from a qualified health professional. The purpose for requesting documentation is to prove that the service member has a disability as defined by the Americans with Disabilities Act (ADA) and Section 504 of Rehabilitation Act and needs the requested reasonable accommodation. At the same time, a request for documentation can only be asked if the individual requests a reasonable accommodation. This **does NOT** mean that the qualified health professional lets you know what the disability is or details about a person's medical background. The documentation can only request info to:

1. Describe the nature, severity and duration of the employee's/service member's impairment, the activity that the disability limits, and the extent to which the disability limits the employee's/service member's ability to perform the activity and
2. Substantiates why the requested reasonable accommodation is needed.*

Situations:

Case 1: A VISTA member has a significant learning disability. He attends numerous meetings to plan marketing strategies. In order to remember what is

discussed at these meetings he must take detailed notes but, due to his disability, he has great difficulty writing. The service member tells his supervisor about his disability and requests a laptop computer to use in the meetings. Since neither the disability nor the need for accommodation are obvious, his supervisor may ask the individual for reasonable documentation about his disability; the nature, severity, and duration of the limitation; the activity or activities that the disability limits; and the extent to which the disability limits the service member's ability to perform the activity or activities. The organization/agency also may ask why the disability necessitates use of a laptop computer (or any other type of reasonable accommodation, such as a tape recorder) to help the individual retain the information from the meetings.**

Case 2: An AmeriCorps member phones her program director on Monday morning to inform him/her that she had a medical emergency due to multiple sclerosis, needed to be hospitalized, and thus requires time off. The program director can ask the service member to send in documentation from her treating physician that confirms that the hospitalization was health-related and provides information on how long an absence from service site may be required.**

Steps to providing reasonable accommodation:

The first step when someone requests an accommodation is to engage in a dialogue to find out what is needed. Often times, individuals can describe specific accommodations to help them accomplish tasks. Sometimes individuals may not know what would help them perform their service functions. If the latter is true or the current accommodation is not working, then you can step in with resources. Job Accommodation Network (JAN) is a useful resource to look for accommodation ideas for different disabilities. Find it at <http://www.jan.wvu.edu/media/atoz.htm> and click on a disability, if you know what it is. Even if you do not know the disability, JAN can offer suggestions to help you think out of the box for accommodation ideas that can also be useful for those without disabilities as well. Please bear in mind that not all accommodations listed would be needed. Establish what is needed in order for the individual to fulfill the essential function of the position (or the main aspect of the job). A trial and error approach may be needed with different accommodations. The important thing to know is, according to the EEOC, that there is no specific amount of time that employer/organization has to respond to an accommodation request, but they should respond as quickly as possible. Unnecessary delays in responding or implementing an accommodation can result in a violation of the ADA (<http://www.jan.wvu.edu/EeGuide/iirequest.htm#Howlong>)

In terms of re-evaluating the performance once an accommodation has been put in place, does your office have a policy to evaluate your employee/service member's performances? This may require more frequent check-in, at least in the beginning to see if the accommodation is working. If the performance is not up to the standard expected, then you may need to evaluate if a different accommodation is needed or additional accommodation is needed, as long as the individual is qualified for the position to which s/he applied. You can always refer back to JAN for more ideas or contact NSIP. This link is a great resource for employer/organization on understanding making reasonable accommodation requests under the ADA, <http://www.jan.wvu.edu/EeGuide/iirequest.htm>

Again, these situations are case-by-case. If you want to talk in more detail, contact JAN or NSIP.

Resources:

- Job Accommodation Network (JAN)
<http://www.jan.wvu.edu/media/atoz.htm>

- Disability Business and Technical Assistance Center (DCTAC)
<http://www.adata.org/>

- National Service Inclusion Project (NSIP)
www.serviceandinclusion.org

*For more information on requesting documentations legally, review the Equal Employment Opportunity Commission (EEOC) website at <http://www.eeoc.gov/policy/docs/guidance-inquiries.html#7>

**adapted from material developed by EEOC,
<http://www.eeoc.gov/policy/docs/accommodation.html#requesting>



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Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 

NSIP is the training and technical assistance provider on disability inclusion for the Corporation for National and Community Service.