



Loudon-Monroe HR Association Labor and Employment Law Seminar :
Navigating Difficult Reasonable Accommodation Issues Under the ADA

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April 18, 2024



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Introduction



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ADA Basics



- **EE has a Disability**
- **EE is Regarded as Having a Disability**
- **EE has a Record of Disability**



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More ADA Basics



- **Qualified for the Job?**
 - **The Job Description**
- **Direct Threat of Harm**
- **Undue Hardship**



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What is a Reasonable Accommodation?



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The RA Interactive Process

- 1. RA in Current Job**
- 2. RA in Open Job, Same Level**
- 3. RA in Open Job, Lower Level**
- 4. LOA Analysis (FMLA Overlap)**



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Individualized Assessment



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Trends in Disability Accommodation Issues

- **Physical v. Mental Emotional Issues**
- **Addiction**
- **Suicide**
- **Workplace Violence**



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Reasonable Accommodations Challenges



- **Notice Issues**
- **Medical Information**
- **Effective Communication**
- **Common Sense Decision-Making**



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Reasonable Accommodations Challenges



- **Confidentiality**
- **Documentation**
- **No Retaliation!!!!**



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How Do We Go Forward?



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Conclusion



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Thank you!

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