
ADA Accommodation's Checklist

Title I of the Americans with Disabilities Act (ADA) prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Please note, this checklist is not exhaustive and is intended as a starting point. You should always seek legal counsel to ensure full compliance with all aspects of the ADA. Don't want to manage this process in spreadsheets and checklists? [Disclo](#) can help!

1. Hiring Process:

Job Descriptions:

- Ensure that job descriptions focus on essential functions and do not exclude individuals with disabilities.
- Clearly define essential functions and separate them from marginal functions.

Application Forms and Processes:

- Ensure application forms are accessible to people with disabilities.
- Avoid asking disability-related questions; focus on the applicant's ability to perform the essential functions of the job.
- Clearly explain the process for an employee to request a reasonable accommodation during the interview.

Interviews:

- Train interviewers on ADA compliance and appropriate/inappropriate questions.
 - Ensure interview locations are accessible to candidates with disabilities.
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2. Facility Accessibility:

Accessibility:

- Ensure facilities are accessible to employees with disabilities.
- Regularly assess accessibility and address any issues.

3. Employee Policies and Training:

Anti-Discrimination Policies:

- Develop and implement policies prohibiting discrimination based on disability.
- Ensure employees are aware of these policies.

Training:

- Conduct regular training for all employees on ADA compliance and disability awareness.
- Provide additional training for HR staff and managers on identifying and handling accommodation requests and your anti-discrimination policies.

Laws:

- Stay up-to-date on all state and federal disability and pregnancy laws.
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4. Reasonable Accommodations:

Reasonable Accommodation Request Process:

- Document:** Have a clear process for employees to request reasonable accommodations, and ensure that it's well-documented.
- Acknowledge:** Promptly acknowledge receipt of any accommodation request.

Interactive Process:

- Initiate:** Engage in an interactive process with the employee to understand the specific needs and explore potential reasonable accommodations.
- Document:** Keep detailed records of all communications and steps taken during the interactive process.

Medical Information:

- Request:** If necessary, request relevant medical information to understand the nature of the disability and the need for accommodation.
- Confidentiality:** Store medical information separately from general personnel files and ensure confidentiality.

Identifying Reasonable Accommodations:

- Research:** Explore all potential reasonable accommodations and assess their effectiveness.
- Consult:** Consult with the employee and, if necessary, medical providers, to determine suitable reasonable accommodations.

Reasonableness and Undue Hardship:

- Assess:** Evaluate whether the accommodation is reasonable and whether it imposes an undue hardship on the operation of the business.
- Document:** Document the reasons for any determination that an accommodation would pose an undue hardship.

Implementing Accommodations:

- Implement:** Once a reasonable accommodation is agreed upon, implement it promptly.
- Communicate:** Ensure that all relevant staff members are aware of the accommodation (without disclosing the disability) if it affects work routines or interactions.

Training:

- Train Staff:** Train managers and staff on how to handle accommodation requests and interact appropriately with employees with disabilities.
- Educate:** Educate all employees on the company's commitment to ADA compliance and accommodating employees with disabilities.

Monitor and Adjust:

- Follow-up:** Regularly check in with the employee to ensure that the accommodation continues to be effective.
- Adjust:** Be prepared to adjust accommodations as needed, based on feedback and changing needs.

Denial of Reasonable Accommodation:

- Explain:** If denying a request, clearly explain the reasons to the employee.
- Explore Alternatives:** Work with the employee to explore alternative reasonable accommodations.

Recordkeeping:

- Maintain Records:** Keep detailed records of all reasonable accommodation requests, the interactive process, implemented accommodations, and any denials.
- Review:** Regularly review records to ensure ongoing compliance and identify any patterns or recurring issues.

Grievance Procedure:

- Implement:** Have a clear and accessible grievance procedure for employees to raise concerns or complaints about accommodations.
- Address Grievances:** Address any grievances promptly and thoroughly, and maintain documentation of the process and outcomes.

Policy Review and Updates:

- Review Policies:** Regularly review and update accommodation policies and procedures to ensure they reflect current law and best practices.
- Communicate Changes:** Communicate any changes in policies or procedures to all employees in an accessible format.

Legal Counsel:

- Consultation:** Regularly consult with legal counsel to stay updated on ADA requirements and address any complex accommodation issues.

5. Performance Management:**Evaluations and Advancement:**

- Evaluate employees based on their ability to perform essential job functions.
- Ensure employees with disabilities have equal opportunities for advancement.

Discipline and Termination:

- Base decisions on performance and conduct, not on an individual's disability.
- Ensure that disability was not a factor in the decision to discipline or terminate.

6. Communication:

Employee Communication:

- Communicate regularly with employees about ADA policies and procedures.
- Ensure that all communications are available in accessible formats

Legal Consultation:

- Regularly consult with legal counsel to ensure understanding of current ADA requirements and compliance.
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7. Procedures, Recordkeeping and Reviews:

Grievance Procedure:

- Implement a clear and accessible grievance procedure for ADA-related complaints.
- Investigate any complaints promptly and thoroughly.

Documentation:

- Maintain proper documentation of compliance efforts.
- Keep records of employee training, reasonable accommodation requests, and grievance procedures.

Regular Audits:

- Conduct regular audits to ensure ongoing compliance with ADA.
 - Update policies and procedures as necessary, based on audits and changes in law.
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This checklist is a guide and may not cover all the specific requirements for every business or organization. It is essential to stay updated on any changes to the ADA and to seek legal advice to ensure compliance. Visit www.disclo.com for more information on ADA requirements.

Seeking expert ADA accommodations support and software? [Get a demo today.](#)