

# ADA accommodation assessment process

When an employee requests a change in their job responsibilities due to a disability, employers have many details to consider. Sedgwick can help.

One of the primary provisions in the Americans with Disabilities Act (ADA) is designed to protect qualified individuals from job discrimination based on disability. The ADA defines a disability as a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, walking, breathing, or performing manual tasks, among others. Title I of the law requires employers to engage in an interactive process to determine whether an employee can perform the essential functions of their job with or without an accommodation.

Establishing the accommodation can be a complex process depending on the employee's skills and training, as well as the extent of workplace or job modifications needed. The key to reducing risk under the ADA is to have standard procedures in place that will trigger the need for an interactive process review.

## Sedgwick has the experience you need

For nearly 20 years, we have been assisting employers with developing best practice disability and job accommodation programs. Our comprehensive ADA accommodation assessment process is designed for employees with long-term needs. We work with clients to develop integrated, customizable solutions while ensuring compliance. We seamlessly incorporate the assessment process with their existing absence and disability management programs, and support procedures that leverage the expertise of their human resources (HR) staff.

## We are here to help – start to finish

Sedgwick's team includes experienced customer service managers, medical experts and job accommodation specialists who are here to help you every step of the way. Our centralized case management services are flexible and can adapt if accommodation assessment requests exceed our estimates.

We provide telephonic claims intake and additional client support services through five national contact centers. We also provide services after-hours, and on weekends and holidays through our distributed operations.

Our quality assurance team regularly reviews a representative sample of new claim requests and service reports/contacts. We have detailed intake metrics and reporting capabilities to identify trends, utilization rates and call center performance. Sedgwick also records all inbound contact center calls for quality assurance and coaching, and to maintain a high level of customer service.

## Key steps to ensuring a successful program

### Starting the interactive process: capturing the request

The accommodation process typically begins when the disabled individual requests a change in the way they perform their job or they exhaust all job-protected leave while remaining absent from work. Employees and clients can submit a request by phone, online or by email/fax using a standard Sedgwick format. Your company will be assigned a dedicated toll-free number that is used to specifically identify you to the contact center customer service representative and calls are answered using a client-defined/customized greeting.

Once the request is submitted, our proprietary claims management platform will trigger action items, due dates and contact schedules through diaries ensuring requests are reviewed, communicated and decided upon promptly.

### Working with the physicians to certify the impairment

The next step in the accommodation process is to determine whether the individual is disabled as defined under the ADA, understanding and certifying the impairment, and confirming the need for an accommodation. A Sedgwick job accommodation specialist certified in vocational rehabilitation will set expectations with your employees and request reasonable documentation to evaluate whether

they can perform their job with an accommodation. Sedgwick will provide documentation to help the healthcare provider determine if the individual is disabled and whether the condition substantially limits a major life activity as described by the ADA. At this point, it is important to provide a job description outlining the essential tasks, so the provider can verify that the individual can perform their job with or without a reasonable accommodation.

### **Navigating through the interactive process**

Once Sedgwick has established with the healthcare provider that the person has an impairment making them unable to perform their essential job functions but could perform the functions with an accommodation, the job accommodation specialist will engage your ADA/HR team in an interactive process discussion with the disabled individual. At this time, the specialist will set expectations for the call with the disabled person, such as not discussing underlying medical conditions, focusing on limitations that prevent essential job functions, and helping them gain an understanding of any possible solutions/accommodations the employee feels may be available. This call is moderated by the job accommodation specialist.

### **Working together to determine the appropriate accommodation**

In some cases, the interactive process will yield more than one potential accommodation, so the next step in the process is to choose one that will allow the disabled person to do their job, such as modifying lifting tasks for a warehouse employee who injured his back.

An employer is only required to provide an effective and reasonable accommodation that meets the job-related needs of the individual. Thus, if one accommodation is less expensive or easier to provide, it will be acceptable as long as it allows the person to perform the job effectively. At the conclusion of the call, the job accommodation specialist will evaluate all suggestions by researching technical solutions and adaptive equipment, and discussing the feasibility with all key stakeholders. The employer or their designated contact should make the final determination whether or not a reasonable accommodation is necessary and can be provided.

### **Implementing the accommodation**

Once an accommodation is identified, the job accommodation specialist will communicate it to the employee in conjunction with a designated contact ensuring the accommodation is implemented as soon as possible. During the post-interactive process call, the job accommodation specialist will discuss the status of the request and outline next steps. In some cases, a reasonable accommodation may be unpaid leave and Sedgwick's disability or leave specialist will assist the employee with this process.

## **Our technology**

We manage all workers' compensation, non-occupational disability, absence plus accommodation and liability claims from the same platform in our claims system. It is also the central repository for accommodation request data, which enhances our efficiency. Access to real-time claim data can also provide front line managers with the work status information they need to manage their operations and maximize productivity. HR, policy and disability case managers, and other supervisors and managers can view a range of claim data based upon their need to know, and review and add notes, sign up for claim alerts, set follow-up diaries, run reports, query data fields and view all imaged claim documents.

## **The Sedgwick difference**

Our team has extensive experience creating disability programs for employers and we understand what it takes to make them successful for employees. Our ADA accommodation assessments can help:

- Enhance operational efficiency
- Keep requests timely and processes standard
- Reduce administrative costs and improve absence outcomes
- Reduce risk by triggering the need for an interactive process review
- House requests, reviews, documents and decisions under the same claim
- Provide a high quality employee experience

We also provide a separate accommodation program for employees who do not have a workers' compensation claim or an ADA-defined disability, but have experienced an injury outside the workplace, such as hurting their back while shoveling snow or spraining an ankle at the gym. We can help clients find or modify jobs to accommodate an employee's disability as opposed to having them take a leave of absence.

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To learn more about our ADA accommodation assessment process, contact:

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*To learn more about our integrated and customized solutions, visit [SEDGWICK.COM](https://www.sedgwick.com)*