

Title I of the Americans with Disabilities Act of 1990 requires an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment.

Under the ADA, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered.

Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning.

Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

When should an accommodation be requested?

An individual with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. The ADA does not preclude an employee with a disability from requesting a reasonable accommodation because he or she did not ask for one when applying for a job or after receiving a job offer.

It is in the employee's interest to request a reasonable accommodation before performance suffers or conduct problems occur.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, religion, sex, age, national origin, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

In compliance with the Americans with Disabilities Act, the Oklahoma Department of Transportation will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please call the office of the ADA/504/508 Coordinator or Oklahoma Relay at 1-800-722-0353, no later than 72 hours before any scheduled event.



ADA/504/508 Coordinator
Civil Rights Division
200 N.E. 21st Street
Oklahoma City, OK 73105
Phone: 405-521-4140
Cell: 405-924-5540
Fax: 405-522-2136
Relay: 1-800-722-0353



Oklahoma Department of
Transportation

**REASONABLE
ACCOMMODATIONS
UNDER THE
AMERICANS
WITH
DISABILITIES ACT**

Requesting a Reasonable
ACCOMMODATION



What is a Reasonable Accommodation?

Title I of the Americans with Disabilities Act of 1990 requires an employer to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment.

Reasonable Accommodations are any changes in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodations:

- * modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- * modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- * modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

FMLA / ADA

Qualified individuals with disabilities covered under the ADA must also meet the FMLA qualification requirements of at least 12 months of total employment and at least 1250 hours worked in the prior 12 months to be eligible for FMLA leave. FMLA allows for a maximum of 12 work-weeks of unpaid leave in a 12-month period. A qualified individual with a disability would be entitled to more than 12 weeks of unpaid leave as a reasonable accommodation if the leave would not impose an undue hardship on the employer's business.

Under the ADA, an employer may offer an employee a reasonable accommodation other than the leave that has been requested, as long as it is effective. However, if the individual is eligible for FMLA leave and has a serious health condition that prevents him/her from performing an essential job function, s/he has the right to take a leave of up to 12 workweeks in 12 months, even if s/he could continue working with a reasonable accommodation. While the FMLA does not prevent an employee from accepting an alternative to leave, the acceptance must be voluntary and uncoerced.

WORKERS COMPENSATION / ADA

The ADA does not require an employer to provide a reasonable accommodation for an employee with an occupational injury who does not have a disability as defined by the ADA. However, nothing in the ADA prohibits an employer from making a workplace modification that is not a required form of reasonable accommodation under the ADA for an employee with an occupational injury in order to offset workers' compensation costs.

REQUEST PROCESS

In the event that a qualified individual with disability would like to request a reasonable accommodation, the request process is as follows:

1. Anyone seeking a reasonable accommodation should submit a verbal request and/or written request using the Department's Reasonable Accommodation Form (Form RA-01 Part A). Copies of this form may be printed from the Department's website or a copy may be obtained by contacting the ADA/504/508 Coordinator.
2. The completed form will then be submitted to his or her immediate supervisor. The form must also include any available documentation supporting the stated need based upon a disability.
3. The supervisor will contact the applicant or employee within 10 business days after the request is made to begin the interactive process and to ask for additional documentation, if necessary.
4. The complainant will be notified on the decision regarding the request within 30 days of receipt of the request.

All reasonable accommodations must be put in place within 90 days of the final decision and will be re-evaluated after a 30 day trial period.

