

Initiating the Interactive Process for The Americans with Disability Act (ADA) and The Americans with Disabilities Act Amendment Act (ADAAA) Fact Sheet

(UAMS, Office of Human Resources)

A “**qualified individual with disabilities**” is an employee or job applicant who meets all legitimate skill, experience, education and other requirements of a position and can perform the **essential functions** of the position with or without reasonable accommodation.

Under ADA and ADAAA, an individual has a disability if he/she:

- Has a physical or mental impairment that “substantially limits” a major life activity.
- Has a “record” (past history) of an impairment.
- Is “regarded” as having an impairment without reference to any “mitigating measures” available to the employee.
- Has an impairment that is episodic or in remission and would substantially limit a major life activity when active.
- Is associated with an individual with a disability.

Forms:

- **DOL Request for Reasonable Accommodation** - *This form is maintained within the Office of Human Resources (Employee Relations).*
- **Medical Inquiry Form for a Reasonable Accommodation Request** - *A copy of the employee’s job description must be included with this form. – This form is maintained within the Office of Human Resources (Employee Relations)*

Step 1

An employee is eligible to apply for an ADA accommodation upon hire. *Note: An employee does not have to mention ADA or use any “trigger” words like “reasonable accommodation” to initiate the process.*

- The process of finding available options for “reasonable accommodations” should be initiated by first contacting Employee Relations.
- Employee Relations will then provide guidance regarding the need for an ADA Interactive Meeting and, where appropriate, will forward the DOL Request for Reasonable Accommodation form to the manager to ensure the DOL form is completed by the employee.

Step 2

Once the employee has completed the DOL form, the following must be provided to Employee Relations with the completed DOL form:

- Copy of current Position Description for the employee’s position
 - *NOTE: The Position Description should include physical requirements for the position.*
- Completed Medical Inquiry Form from employee’s physician.

NOTE: While the law does not require the form be returned within a certain timeframe, it is reasonable to allow at least 15 days for the employee to submit all information. If additional time is needed by the employee, please allow for this time.

Step 3

- Employee Relations will review all information received from the employee, department representatives, and outside agencies to determine available options for “reasonable accommodations”.
- Employee Relations will then conduct an **ADA Interactive Meeting** with the employee and manager to document agreed upon accommodations. This document will become binding between all parties unless there is a need to revisit the agreement.