


2017

## Accommodating invisible illnesses and disabilities in the workplace

Elizabeth Simmons  
*University of Northern Iowa*

Copyright ©2017 - Elizabeth Simmons

Follow this and additional works at: <https://scholarworks.uni.edu/hpt>

 Part of the [Disability Law Commons](#), and the [Labor and Employment Law Commons](#)

*Let us know how access to this document benefits you*

---

### Recommended Citation

Simmons, Elizabeth, "Accommodating invisible illnesses and disabilities in the workplace" (2017). *Honors Program Theses*. 304.

<https://scholarworks.uni.edu/hpt/304>

This Open Access Honors Program Thesis is brought to you for free and open access by the Honors Program at UNI ScholarWorks. It has been accepted for inclusion in Honors Program Theses by an authorized administrator of UNI ScholarWorks. For more information, please contact [scholarworks@uni.edu](mailto:scholarworks@uni.edu).

ACCOMMODATING INVISIBLE ILLNESSES AND DISABILITIES IN THE WORKPLACE

A Thesis Submitted  
in Partial Fulfillment  
of the Requirements for the Designation  
University Honors

Elizabeth Simmons  
University of Northern Iowa  
December 2017

This Study by: Elizabeth Simmons

Entitled: Accommodating Invisible Illnesses and Disabilities in the Workplace

Has been approved as meeting the thesis or project requirements for the Designation  
University Honors with Distinction.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Russell Guay, Honors Thesis Advisor, Management Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Jessica Moon, Director, University Honors Program

## **Acknowledgement**

I would like to thank my advisor, Dr. Guay, for the continuous support of my research and study. His patience, motivation, encouragement, and immense knowledge continuously helped me while researching and writing this thesis. I could not have imagined a better advisor and mentor for my undergraduate thesis.

I would also like to thank all the HR professionals who gave their time and expertise for research purposes. Their insightful interview responses made my research possible.

I would also like to acknowledge Dr. Jessica Moon, for her continuous support throughout the process of researching and writing my thesis. I am extremely grateful for her valuable comments and guidance on this thesis.

Finally, I must express my profound gratitude to my parents and my significant other for providing me with unfailing support and continuous encouragement throughout the process of researching and writing my thesis. This accomplishment would not have been possible without them.

Elizabeth Simmons

## Introduction

As the workplace changes, people begin to work for more of their lives, more people begin to enter the workforce, and the needs of the workplace begin to change. Society has evolved and has worked to recognize the benefits of diversity that can be found both in the workplace and in everyday life. As we work to create an inclusive environment, we have to adapt our policies to reflect our desired level of inclusion.

The research I conducted focused on how businesses accommodate disabilities and illnesses in the workplace – what they are currently doing well, what they would like to improve upon, and how society can help them improve. As a society, we are working to embrace diversity in our workplace, but that can mean the increased need to provide accommodations so people can perform their job duties to the best of their abilities.

The problem faced by employers is centered around determining how to best accommodate a disability, determine if an accommodation is an undue hardship, and how to teach management about disabilities. The purpose of this research was to gain insight on what can be improved throughout their companies' processes of considering and implementing employee or applicant requests for accommodations by conducting interviews with human resource (HR) professionals in Eastern Iowa. This research is significant because 21% of the workforce in the United States is made up of people with disabilities (U.S. DOL, 2017). As this percentage increases, the need for companies to provide effective accommodations will also increase.

My research was centered on three questions concerning accommodating disabilities and invisible illnesses in the workplace. My research questions include:

- How are companies currently accommodating chronic illnesses and disabilities that are invisible?
- How can companies better accommodate chronic illnesses and disabilities that are invisible?
- How can researchers / academics educate companies about chronic illnesses and disabilities and the difficulties associated with employees disclosing them?

Through the use of primary and secondary research that is discussed further in the Methodology section, I have begun to provide answers to these important questions.

### **Literature Review**

While researching my thesis topic, I discovered common themes throughout the literature including the ADA law and EEOC recommendations, interpreting terminology, disclosure, the negative impacts of disclosing an illness or disability, discussing undue hardship, and the process for reviewing and providing accommodation.

#### *ADA Law, EEOC Recommendations, and Definitions*

The ADA “prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation” (ADA National Network, 2017). The ADA is enforced by the Equal Employment Opportunity Commission (EEOC), which is responsible for enforcing federal laws making it illegal to discriminate against a job applicant or employee because of the person's race, color, religion, sex (including

pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, or genetic information. The ADA defines the term “disability” as having three aspects: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; being regarded as having such an impairment (Society for Human Resource Management (SHRM), 2017). Defining a disability can be a difficult challenge.

The term “invisible illness or disability” will be used throughout my research and is defined by the ADA (2017) as:

*“any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”*

This definition has a large impact on my research due to the 2008 amendments to the ADA that broadened the scope of a potential disability to include many new types of disabilities that were not previously classified as such.

The employer will determine reasonable accommodation based on the job position the employee holds. Reasonable accommodation, as defined by the United States Office of Personnel Management (2017), “is any change to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits

available to other individuals in the workplace.” Reasonable accommodations do not cause undue hardship to the employer. The individual employer defines undue hardship, but it is widely accepted as "an action requiring significant difficulty or expense" (ADA National Network, 2017). Due to the nature of this research, it is important to understand the federal guidelines for accommodating disabilities. When reading and implementing employment law, it can be overwhelming because of the volume of information available, but each source I have consulted utilizes the laws set forth by the ADA. This is a legal requirement of employers in the United States because it regulates practices across industries nationwide. EEOC recommendations change based on industry standards, the political climate, and medical research, but their purpose is to provide employers with guidance in making accommodation decisions.

### Disclosure

Disclosing a chronic illness or disability that is invisible may cause employees trepidation. There are multiple types of disclosure ranging from full disclosure to a complete lack of disclosure. Full disclosure can have negative consequences for an employee, but is sometimes necessary. Full disclosure is sharing all of the information concerning your illness (Charmaz, K., 2010). Full disclosure of a chronic illness or disability can help an employer understand the magnitude of symptoms and can help them to better accommodate the individuals.

Partial disclosure is another option employees have. Partial disclosure is seen as disclosing only what needs to be disclosed when it needs to be disclosed (Charmaz, K.,



2010). This can allow employees to get the accommodations they need without impeding their career development. There are negative aspects of partial disclosure because if symptoms change or are not discussed with the employer, it is impossible for them to accommodate adequately.

The final option is choosing not to disclose a chronic illness or disability. This is common in people who are in upper-level management positions within a company. Disclosing a disability can make someone seem weak, lazy, or limited so some employees will choose not to do so. This is not an option for everyone, but if one can structure his or her workday and activities in such a way that can accommodate the chronic illness or disability, then it can be doable.

Choosing to disclose a disability may be a choice an employee is able to make, if their disability or illness is not apparent to a passerby. However, in research conducted by von Schrader, Malzer, and Bruyere (2014), they found 62.5% of respondents would disclose their disability in the workplace, 31.8% said, "maybe it depends", and 5.7% would not disclose the disability. There were four major themes identified in their research responses:

"(1) balancing the need for accommodation with the timing of disclosure, (2) importance of assessing the workplace climate and supervisor relationship prior to disclosure, (3) disability identity, and (4) concern about disparate treatment upon disclosure" (von Schrader, Malzer, & Bruyere, 2014, p. 249-250).

The themes of my research in this topic area were similar in that disclosure is dependent upon multiple workplace factors, the severity of the disability, and the need

for an accommodation. Those impacted by a disability or illness do not want to be seen as less able to contribute to their workplace or seen as receiving “special treatment.” However my research goes beyond the prior study by focusing on how an employer can improve to lessen the potential of negative impacts of disclosure.

### *Negative Impact of Disclosure*

When researching disclosure of a chronic illness or disability that was not obvious to the naked eye, a common theme was the negative effects disclosure had on the employee who disclosed the information. Negative effects included the stigma that was previously attached to a disability or illness, the disability or chronic illness being seen as a career barrier, (Beatty, J.E., 2011) and a serious lack of education concerning the illness or disability and what accommodations may be necessary.

Stigmas are often attached to chronic illnesses and disabilities and can have a very harmful impact on an employee. For example, if an employee were to disclose that they were HIV Positive, coworkers and managers may see and treat them differently than they would have otherwise (Allen, S. & Carlson, G., 2003). After the disclosure of a chronic disease or illness, people are often associated with stereotypes and those can be emotionally detrimental and lead to disparate treatment (von Schrader, Malzer, & Bruvere, 2014).

Chronic illnesses and disabilities are often seen as limiting. People impacted by a disability or chronic illness are limited in what they can do in certain situations; therefore people will sometimes view them as limited in their career (Allen, S. &

Carlson, G., 2003). If an employee is struggling to treat a chronic illness, a manager may pass over that employee for a position because the manager is worried it would be too stressful for the employee. Or a coworker may be sympathetic toward an employee impacted by a disability or chronic illness to the point where it may make them feel uncomfortable.

There is a lack of education across our society and our workforce concerning chronic illnesses and disabilities. When someone discloses a disability, employers are often unaware of what the condition entails and this can lead them to ask questions that may make an employee uncomfortable. If an employee struggled with the notion of disclosing their illness or disability, questions that make them uncomfortable could have a disastrous impact on the person's self-esteem.

### Undue Hardship

The determination of what "significant difficulty or expense" is for each employer and department in order to constitute an undue hardship is different for each accommodation (ADA National Network, 2017). This creates significant difficulty for HR professionals, managers, and employees requesting accommodations because professionals want to offer the most suitable accommodations to employees, but they do not want to cause a hardship for the organization. There are numerous factors that need to be considered including the significant expense or difficulty required for the accommodation given the size, resources, and structure of the business (NOLO, 2017).

When determining whether an accommodation causes an undue hardship, SHRM (2012) lists the following factors that should be considered:

- The nature and cost of the accommodation needed
- The overall financial resources of the facility making the accommodation including the number of persons employed at the facility and the facility's expenses
- The overall financial resources, size, number of employees, and type and location of facilities of the employer
- The type of operation of the employer, including the structure and functions of the workforce, the geographic separateness and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer
- The impact of the accommodation on the operation of the facility

When all of these factors are considered, a court or HR professional can work to determine if an accommodation causes an undue hardship as there are multiple resources available to help make this determination. If the accommodation does cause an undue hardship, the employer and employee requesting the accommodation need to work together to determine an alternate solution or alternate accommodation. The Job Accommodation Network (JAN) can be utilized to find other options for accommodations (SHRM, 2012). JAN is a free resource that provides both employees requesting accommodations and employers who are providing accommodations with more information and options for accommodations.

*Procedures for Providing Reasonable Accommodations*

The EEOC (2017) has outlined Reasonable Accommodation Procedures for businesses to follow, but businesses usually adapt this process to best fit their needs.

The EEOC's procedure is an 11-step process that includes the following steps:

1. Requesting a reasonable accommodation
2. Processing the accommodation request
3. Conducting the interactive process
4. Requests for medical information
5. Complying with confidentiality requirements
6. Establishing the time frame for processing requests and providing reasonable accommodations
7. Resolving the reasonable accommodation request
8. Informal dispute resolution
9. Information tracking and reporting
10. Relation of procedures to statutory and collective bargaining claims
11. Inquiries and distribution

The steps will be described below in greater detail with information obtained from the EEOC (2017). It is incredibly important for employers to follow these regulations, not only to ensure that employees and applicants receive the most helpful accommodation possible, but also to protect the employer from possible liability.

### Requesting an Accommodation

An employee or an applicant may provide a verbal or written request for accommodation at any time. If the employee or applicant voices their request to anyone who is not the company's Disability Program Manager, the person they spoke with is required to contact the Disability Program Manager<sup>1</sup> within two days of the request (EEOC, 2017). If the employer denies the request, the employee or applicant may request a similar accommodation again if circumstances change or if they believe they are limited by their disability. There is no special language an employee or applicant must use to constitute a request for accommodation, but a supervisor or Disability Program Manager should ask the employee or applicant if they are requesting a reasonable accommodation that is unclear. A family member, health professional, or other representative of an employee or applicant may request an accommodation on behalf of the employee or applicant. This can be seen when an employee brings a medical note to their Disability Program Manager containing details of accommodation needed.

### Processing the Accommodation Request

The Disability Program Manager is responsible for processing all accommodation requests and may work closely with the supervisor of the employee who requested the accommodation and with other members of their HR team. They may also need to

---

<sup>1</sup> Someone can be declared as the Disability Program Manager by the HR Manager / Director, but a company may elect not to have a Disability Program Manager because of their size. If that is the case, then the HR Manager / Director will often handle all accommodation requests.

consult with the supervisor for additional information concerning the request and whether the requested accommodation will be effective. There is no accommodation that can be provided without a request being received (EEOC, 2017).

### *Conducting the Interactive Process*

Communication is crucial throughout the process of requesting an accommodation to ensure that the process is interactive. When an individual requests an accommodation, he or she will then need to communicate with the Disability Program Manager the specific nature of the problem they are encountering, how the disability is prompting the need for accommodation, and what other accommodations may need to be made additionally or as an alternative to accommodate this disability. The Disability Program Manager needs to contact the employee or applicant who requested an accommodation within 10 days of the original request - even if the initial request was not made to the Disability Program Manager (EEOC, 2017). The most important aspect of the interactive process is communication. The Disability Program Manager needs to have clear communication between themselves and the person requesting the accommodation so they can fully understand the nature of the disability and the needs the accommodation fulfills.

### *Requests for Medical Information*

When an employee or an applicant requests an accommodation, the Disability Program Manager may request medical documentation be provided (EEOC, 2017). This

medical documentation could include documentation concerning the medical condition with which the employee or applicant is impacted by or the need for accommodation. Only the Disability Program Manager can determine if medical documentation is needed and may request such documentation from the employee, applicant, or a health professional. If additional information is needed beyond what was initially provided, the Disability Program Manager may request additional information, stating what additional information is necessary. The determination of whether the medical information is necessary to determine a disability or accommodation is regulated by the 2008 Amendments to the ADA (EEOC, 2017).

#### *Complying with Confidentiality Requirements*

According to the Rehabilitation Act, all medical information obtained in connection with a reasonable accommodation must be kept confidential. This documentation and information should be stored separately from the employee's or applicant's personnel files. A Disability Program Manager may share information with the employee's supervisor if the information is necessary to the decision to make appropriate accommodation recommendations. The Disability Program Manager should inform all parties of the confidentiality of the information and documents concerning the accommodation request (EEOC, 2017). Medical information may also be shared with the management or supervisors of the individual so they can implement the proper restrictions or accommodations in the workplace. Medical information may also be shared with first aid and safety personnel if the disability may require emergency



treatment or assistance in the case of emergency (EEOC, 2017). Additionally, medical information may be shared with government officials if they are investigating the company's compliance with the Rehabilitation Act.

*Establishing the Time Frame for Processing Requests and Providing Reasonable Accommodations*

The time frame allocated to processing an accommodation request and providing the necessary accommodation, if approved, is 30 business days from the date the request is made. This period includes the 10 days a Disability Program Manager has to contact the employee or applicant who requested the accommodation after the request was made. Thirty days is the maximum amount of time that should be allowed for an accommodations request to be processed; ideally, the request would be processed and accommodation provided in as little time as possible (EEOC, 2017). This is why it is crucial for all personnel involved in the accommodations process to respond to requests for information in a prompt manner. If a Disability Program Manager reaches out to medical professionals for additional documentation, the timeline stops until that documentation is received. There is also the potential for an expedited processing of a request for accommodations; this can occur if the accommodation is necessary to enable an applicant to apply for a job or if it is to enable an employee to attend a meeting that is scheduled in the near future (EEOC, 2017).

*Resolving the Reasonable Accommodation Request*

All decisions regarding an accommodations request need to be communicated to the employee or applicant verbally and with the Resolution of Request form. If a request for accommodation is approved, then the employee or applicant will be given the Resolution of Request form and the details of the accommodation will be explained (EEOC, 2017). If a request for accommodation is denied, then the employee or applicant will be given the Resolution of Request form and the Disability Program Manager will explain to the employee or applicant why the requested accommodation would cause undue hardship or would be ineffective. The Disability Program Manager may work with the applicant or employee to determine other potential accommodations that would be helpful for them. If the employee or applicant does not accept an alternate accommodation, that will also be notated on the Resolution of Request form (EEOC, 2017).

#### *Informal Dispute Resolution*

If an individual is not satisfied with the outcome of their accommodations request, they may ask the Disability Program Manager to reconsider their decision. The employee or applicant must request the reconsideration within 10 days of receiving the Resolution of Request form (EEOC, 2017).

#### *Information Tracking and Reporting*

To comply with the Rehabilitation Act, the Disability Program Manager must complete the Reasonable Accommodation Information Reporting form within five days

of issuing their decision concerning the accommodation request (EEOC, 2017). There is then an annual report that must be completed that includes general information such as the total number of requests for accommodations, types of accommodations requested, and the length of time the accommodation process takes to complete (EEOC, 2017).

#### *Relation of Procedures to Statutory and Collective Bargaining Claims*

The procedures put in place by the EEOC (2017) concerning accommodations do not limit or supplant statutory and collective bargaining protections for persons with disabilities and remedies to their requests for accommodation.

#### *Inequities and Distribution*

If an individual desires more information concerning the accommodation process, he or she can contact the Disability Program Manager at the EEOC. The forms can be found in multiple locations including the EEOC's website (EEOC, 2017).

#### *Common Types of Accommodations*

There are a multitude of accommodations that could be made to accommodate different disabilities. The EEOC (2017) has compiled a list of common accommodations including the following:

- Modifying work schedules or supervisory methods
- Granting breaks or providing leave
- Altering how or when job duties are performed

- Removing and/or substituting a marginal function
- Moving to a different office space
- Providing telework beyond that provided by collective bargaining agreement or the relevant Memorandum of Understanding (MOU)
- Making changes in workplace policies
- Providing assistive technology, including information technology and communications equipment or specially designed furniture
- Providing a reader or other staff assistant to enable employees to perform their job functions where the accommodation cannot be provided by current staff
- Removing an architectural barrier, including reconfiguring workspaces
- Providing accessible parking
- Providing materials in alternative formats, like Braille or large print
- Providing a reassignment to another job

A company and employee or applicant may work together to determine different accommodations that may work best for both parties, but the above is a list of common accommodations (EEOC, 2017).

When employers are accommodating disabilities, it is important they are following the EEOC's guidelines outlined above. These are put in place to ensure that accommodations are provided when necessary. Every employer may interpret these so they best fit their place of business and the regulations they abide by, but these steps need to be available for an employee to receive adequate accommodations when necessary.

With the information I found in my literature review, I decided to structure my interview questions to ask whether disabilities are being accommodated correctly, whether processes are being followed, and whether those processes are effective for both the company and the individual impacted by a disability or invisible illness.

### **Methodology**

The methodology I utilized throughout my own data collection consisted of semi-structured interviews conducted with the use of IRB protocols. I conducted interviews in person and via email with HR professionals to seek understanding of their accommodation processes and the challenges they face. Semi-structured interviews were used so that I could ask further probing questions for clarification based on the answers the participants provided.

I selected individuals to participate in my research with the use of a Cedar Valley Society for Human Resource Management (CVSHRM) directory of HR professionals. Then I narrowed my search based on their job titles and whether they were involved in benefits; this eliminated professionals that perform HR functions such as recruiting or training activities. After selecting which HR professionals to contact, I emailed them to gauge their interest. If a HR professional was interested, I explained the research in greater detail and set up a time to conduct the interview. I also utilized social media marketing to gain access to more potential participants, specifically by utilizing Alpha Xi Delta Alumnae Networks to connect with HR professionals across the United States.

When conducting the interviews, I asked the following semi-structured interview questions:

- Do you provide accommodations for your employees who have disabilities and request them?
- How do you determine if an accommodation can be provided? Do you have a process in place?
- For example, if someone requires a different desk due to a previous injury – do you provide one?
- What is the most challenging aspect of providing an accommodation?
- How do you determine what is an “undue hardship” for your company?
- Do you educate the employee’s manager about their disability and the accommodation?
- Are you lacking the resources to educate them?
- Do you educate the employee’s coworkers about the accommodation or disability? How do you do this? Is there a training or template for the education?
- What is the most difficult aspect of accommodating disabilities in your workplace?
- Have there been incidents of employees impacted by a disability facing unequal treatment from coworkers because of their disability? And if so, do the employees share those with you? And how do you combat them?
- What would be most helpful for you when accommodating disabilities (education plans, tracking systems, etc.)?

These interview questions allowed me to ask further follow-up questions for clarification and enabled me to understand how the interviewee accommodated disabilities and illnesses in their workplace.

After conducting the interviews, I transcribed the audio recordings that were made during the interviews. I then compiled the data into one complete document that allowed me to compare the answer of each question between each interviewee. This allowed me to see the similarities and differences within the accommodations processes and attitudes of those who were interviewed. My goal in using semi-structured interviews was to be able to compare the prescribed process of accommodations per the EEOC with what is actually taking place in local organizations.

### **Results of Interviews**

The responses provided to me through my interviews with HR professionals showed variation in some areas and consistency in others when concerning accommodation and disability disclosure. I interviewed eight participants in the following seven industries: healthcare, retirement community, county government, higher education, municipal government, telecommunications, and transportation. The interviews were done in a manner that allowed the HR professional to share their opinion of how their company accommodates disabilities; thus their opinions do not necessarily represent the company's opinion.

All of the HR professionals I interviewed confirmed that their companies do provide accommodations if an employee or applicant requests one. One professional in the healthcare industry responded with:

*“Yes, in my HR career seeking to provide accommodations is an important aspect of maximizing the potential of employees through engagement while fostering an environment of legal compliance.”*

This response highlights an important issue when businesses are deciding upon accommodations, that being the importance of legal compliance when providing accommodations. Companies that meet the qualifications set forth by the EEOC are legally obligated to have an accommodation request process and process those accommodation requests.

However, each company has a slightly different process for requesting the accommodation and then determining if the request will be granted. All participants confirmed that a process is in place to administer accommodations requested by employees or applicants, but some had a much more thoroughly outlined process than others. The key aspect to beginning the interactive process of potentially accommodating a disability is for the employee or applicant to request an accommodation. If the employee or applicant does not request an accommodation, then the HR professionals are unable to provide one.

The interactive process is outlined by the EEOC and the participants I interviewed had each adapted that process to better fit their company. One process was



described to me by an HR professional in the higher education industry as having the following steps:

1. *“The employee or supervisor reaches out to us to let us know there is a need for a potential accommodation. Once I, as a human resource professional, am aware of the need I reach out to the employee. If the employee has not yet talked to the supervisor, then the supervisor will be brought in to determine job duties.*
2. *Then there is an accommodation request form the employee fills out with what they need and why, the supervisor signs off on this form, so they are aware one of their employees is requesting an accommodation.*
3. *We then have a form that requests doctor-identified medical information with limitations as a result of condition. This form also asks suggestions for accommodations.*
4. *Then we, the employee and myself, meet and we discuss it and whether or not the accommodation can be provided.*
5. *We write a letter confirming and recapping the meeting with, if applicable, an explanation as to why we were not able to provide their requested accommodation.”*

This process is similar to others that were described to me throughout the interviews.

This process highlights the need for interactive communication. There needs to be communication between the HR professional, supervisor of the employee requesting the accommodation, and the employee or applicant requesting that accommodation.

Accommodations are meant to allow an employee to perform their job at their highest capacity and highest quality, and they are not meant to change the job duties associated with a position.

When asked what the most challenging aspect of providing accommodation to the employee is, there were a variety of responses given. One response from an HR professional in the government industry discussed how it could be difficult to work with supervisors when one is implementing an accommodation. The supervisors are already busy, and sometimes an accommodation can be demanding. This participant then went on to explain the importance they place on supervisors understanding that they must implement this accommodation and potential litigation that could result if the accommodation is not implemented correctly. Another participant in the retirement community industry stated the most challenging aspect of providing an accommodation is *"being consistent and fair to all who request one."* Accommodating disabilities can be particularly challenging for HR professionals because each situation and employee are unique, but they all need to be treated fairly. Another participant in the education industry highlighted the backlash that one can receive from having to say no to a request for accommodation. This participant stated that some people feel they are entitled to an unreasonable accommodation, but when said accommodation is not granted, then the person who requested the accommodation is angry and looks at the HR professional differently. HR professionals have the burden of enforcing the law and determining what an unreasonable accommodation is for that situation. In contrast, another participant in the education industry explained that the supervisors are heavily

involved in providing the accommodation, so the HR professional in that organization had not experienced that sort of backlash. An HR professional in the telecommunications industry stated the most challenging aspect of providing accommodations is attempting to determine if a request is necessary and legitimate. As an HR professional, the participant didn't have the medical background to determine what might constitute necessary and legitimate based on the illness or disability the employee is facing.

Determining an undue hardship is difficult for every company and every situation because each situation is very unique. One participant in the education industry gave the example of a part-time employee who needed to miss work 8-10 times per month, effectively making that employee a quarter-time employee. If that employee was performing tasks that other employees required to complete their job duties, then accommodating that amount of leave may cause an undue hardship. But if the employee could work from home and their work environment and coworkers were still able to complete their job duties, then it would not be an undue hardship. Another participant in the retirement community industry explained how an accommodation only causes undue hardship if, *"there is one job position available and the job isn't a shared or cross-trained position."* That company's definition of an undue hardship changes as a result of the position, the job duties, and the circumstances concerning the accommodation. Another participant in the government industry stated when attempting to determine an undue hardship, the HR professionals would reach out to seek advice and counsel from an attorney specializing in labor law. An HR professional in

the telecommunications industry said, *“our HR department had not experienced a lot of this, but they did not have a formal policy because each situation is so unique.”* A participant in the municipal government industry stated they determine how much an accommodation will cost and if it will provide useful work. Finally, participants stated that it was very difficult to determine an undue hardship because an undue hardship analysis was required. This was a complicated process that would extend the time it took to potentially approve or disapprove an accommodation.

When asked about communication with the supervisor of the employee who requested the accommodation, all confirmed that they do inform the supervisor. But due to the Health Insurance Portability and Accountability Act (HIPAA), they do not disclose the medical condition that is creating the necessity of accommodation. The level of involvement that supervisors have within the accommodations process varies by company. In one company in the education industry, the supervisor is responsible for implementing the accommodation and spending their department's funds on said accommodation, so they are rather involved. Another HR professional in the retirement community industry stated that supervisors usually know about the situation before the HR professional does, so they are already involved in the process. Another two participants in the state government industry and education industry had similar responses in that they tell the supervisors what they need to know about the accommodation, but do not discuss the medical reason for the accommodation. When asked if they had resources to educate supervisors about disabilities and accommodations, participants confirmed that they did. However, one concern was

stated, *"it's more of treading the fine line of what they need to know and what the manager may be curious to know, but shouldn't."* Some supervisors may be more curious about an employee's medical conditions than others, and the HR professional has to determine how much information they can share with that supervisor.

When asked about what is the most challenging aspect overall of accommodating disabilities in the workplace, there were a variety of responses. One participant in the healthcare industry stated that it was challenging to determine what disabilities are and are not covered by the ADA. Additionally, the participant in the healthcare industry stated it was difficult to determine undue hardship, so there is a lot of gray area within this process. A participant in the education industry stated the most challenging aspect of accommodating disabilities is that each one can be very different. There is no black and white answer to how a disability should best be accommodated. This can also be beneficial because disability accommodations cannot set a precedent for the future, but it is challenging because the process is unique to each. A participant in the retirement community industry stated the most difficult aspect of accommodating disabilities in the workplace was the undocumented accommodations that are allowed by supervisors. Then the supervisor may realize, in the future, that the job duties are not being completed and come to HR for solutions. The challenging aspect then becomes the fact that an unofficial accommodation has already been being provided to that employee. A participant in the municipal government industry stated the most challenging aspect of providing accommodations is unique to their industry because most positions are labor intensive or are public health positions. So many of the

potential accommodations that could be requested in other industries are not requested in this industry because they interfere with the essential functions of the job. Another participant in the healthcare industry stated the difficulty with determining what an unreasonable request for accommodation was because every case is unique. An HR professional in the transportation industry stated the most challenging aspect of accommodating disabilities in the workplace was,

*“There are many aspects to the challenge of providing an accommodation. The first issues always seemed to be having the applicant/employee follow the process to apply for accommodation rather than having them just show up expecting accommodation to be made for them immediately. The primary challenge is ensuring the accommodation works successfully for both the applicant/employee and the company. In the recruitment process the challenge is to treat all applicants fairly. Reading issues during testing were frequently an issue. Is it “fair” to allow an applicant additional time to complete a test when one of the skills being tested is ability to work under pressure and process information quickly? Cost is rarely the most challenging aspect of providing accommodation.”*

This HR professional’s response highlighted the need for accommodations throughout the recruitment process and how a lack of knowledge of the accommodations process can be frustrating for applicants and employees.

Lastly, the participants were asked what would be most helpful for them when accommodating disabilities. These responses varied based on the amount of

accommodation requests the professional receives, the HR technology already in place at that organization, and the resources that were readily available to them. One participant in the higher education industry stated that there were many resources available to them, but streamlining the documentation process would be beneficial. Another in the government industry stated that a tracking system would be very beneficial because their company does not currently have one. One participant in the higher education industry stated that having a free resource, similar to the JAN for employment law and legal advice, would be helpful. An HR professional in the telecommunications industry stated,

*“having someone to train HR and management with specific examples with medical knowledge. Someone that would give examples of requests that usually happen in our industry and how to best accommodate them.”*

This highlights the education that a lot of companies need because it can be difficult for an HR professional to know how to best accommodate something when they have never experienced a situation like this before. One professional in the municipal government industry, stated, *“any of those [education and tracking systems] would be over the top for an employer with only 700 employees with very few accommodation requests. It isn't rocket science.”* This highlights how some HR professionals do not feel that accommodations are challenging or that they need additional resources. All participants, except one, stated that continuing education is always beneficial because it allows for HR professionals to stay up to date on employment laws, learn about best practices in their industry, and network with other HR professionals.

## Discussion of Categories of Improvement

After conducting my interviews, I have concluded there are three major areas of focus for further study. The three areas include: how a company determines undue hardship, how a company determines a consistent and clear process for accommodations with tracking software, and how HR professionals educate themselves on the ever-changing ADA and EEOC laws.

Each business must determine what is considered an undue hardship within their company. Additionally, in some companies, accommodations come out of an individual department's budget so what is classified as a financial hardship in one department may be completely feasible in another. This was highlighted in my research when I asked my participants, "what is overall the most difficult aspect of accommodating disabilities?" Many said they struggled to determine what an undue hardship was, especially if it was not an undue *financial* hardship. If a worker needs to be present at work for a handful of other workers to be able to complete their jobs, then taking time off work may cause a hardship for someone in that department. But conversely, if an individual is a part of a department that is structured so that an individual could work from home with little to no disruption to his or her coworkers, then taking time off work may not cause a hardship in that department.

The second theme that emerged throughout my study regards how a company determines a consistent and clear process for accommodations with a tracking software. When I interviewed individuals from different companies, each explained a different



tracking system that had been developed for their company. Some companies seemed to have effective systems that allowed employees or applicants to request accommodations and those requests to be processed efficiently, but other companies were still relying on paper files with the occasional shared electronic document. If each employer is to follow the EEOC's guidelines for processing requests for accommodations, then those companies should have a similar tracking software or system also provided by the EEOC.

The final theme that I found throughout my project was how it could be difficult for HR professionals to continue to stay up to date with the ever-changing ADA and EEOC laws. It is important that as the laws and regulations evolve, there are continuing education options available to professionals so they can best implement the new changes. It is also important that when education is presented, that it be geared toward both the private and public sector so all professionals can gain valuable insight.

In summary, my interviews revealed common themes like struggling to define undue hardship, lacking a clear and consistent process for accommodations with tracking software, and struggling to stay up to date on law and policy changes as a HR professional. There were other differences specific to organizations and the technology employed at those organizations, but it is important to provide access to resources so each company can successfully accommodate disabilities in their workplaces.

## **Limitations**

Unfortunately, it is impossible to determine whether all companies are processing accommodation requests and accommodating disabilities effectively due to HIPAA and the amount of accommodation requests that a company may receive. Each company has also developed their process to best suit their needs, so learning and understanding a process varies substantially from company to company. Finally, the factors that produce the largest number of limitations is the uniqueness of every individual accommodation request, job that individual holds, and the company's definition of undue hardship.

This research was limited in the aspect that I only conducted interviews with HR professionals in the United States. I interviewed eight HR professionals in seven different industries, but I was not able to cover every major industry, which limits my research. I would potentially like to further expand upon this research in my future graduate studies in order to get a more detailed picture of the top twenty industries across the United States. With further research, I would like to work to understand more of the gray area that is often associated with the accommodation process.

### **Recommendations**

My recommendation for improving the process of requesting and implementing accommodations is education-focused. I believe that everyone should be educated about the importance of diversity within the workplace that can be enhanced with those impacted by a disability and the process of requesting and receiving an accommodation.

If employees were educated about the wide range of disabilities that exist and the laws protecting those impacted by a disability, I believe they would be more understanding.

For supervisors and managers, I believe they should have training, at least annually, if not semi-annually. I also believe they should be educated about employment laws concerning accommodations and disabilities. If supervisors are more aware of the scope of EEOC and disability laws, they may be more willing to assist in the accommodation process. This would also help them to understand the potential legal risk a company could face if the accommodation is not implemented correctly.

For HR professionals, I believe that continuing education is crucial. The laws are constantly changing and the ways to accommodate disabilities is also evolving. HR professionals should be attending continuing education seminars and conferences or participating in continuing education classes. If a HR professional expands their knowledge, they can better help those who are requesting accommodations and, potentially, offer alternative accommodations they may not have previously considered.

If education was emphasized throughout all aspects of a company, I believe it would improve the processes associated with requesting accommodations for a disability and implementing accommodations. It would also improve the workplace climate and create a climate that is more accepting of diversity among employees.

## **Conclusion**

Researching this topic has allowed me to start understanding the difficulties HR professionals face when processing requests for accommodations. There are so many

facets of employment law that it can be extraordinarily overwhelming for a professional to understand all aspects and continue to keep up with amendments to those laws. The purpose of this research was to gain insight on what can be improved throughout a company's process of considering and implementing accommodations by conducting interviews with HR professionals in Eastern Iowa. As I explored the current accommodations literature and conducted my study, I discovered the key is education. So much of the accommodation process is a gray area. Each accommodation is unique because of how the individual is requesting the accommodation, their expected job duties, and how they impact the company.

As our society evolves and becomes more accepting of people impacted by disabilities, we need to work to understand how to best accommodate those disabilities in the workplace. If employees and supervisors were trained on the importance of accommodating disabilities and the potential legal risk associated with a lack of accommodation, I believe they would be more open to implementing those accommodations. This research has taught me the value of how you can never understand what every person is going through. Each individual may have different needs, but it is the duty of HR professionals to attempt to create a work environment that allows all individuals to be as successful as possible in life.

## References

- ADA National Network. (2017). What is considered an "undue hardship" for a reasonable accommodation? *ADA National Network*. Retrieved from: <https://adata.org/faq/what-considered-undue-hardship-reasonable-accommodation>
- ADA National Network. (2017). What is the Americans with Disabilities Act (ADA)? *ADA National Network*. Retrieved from: <https://adata.org/learn-about-ada>
- ADA National Network. (2017). What is the definition of a disability under the ADA? *ADA National Network*. Retrieved from: <https://adata.org/faq/what-definition-disability-under-ada>
- Allen, S., & Carlson, G. (2003). "To conceal or disclose a disabling condition? A dilemma of employment transition." *Journal of Vocational Rehabilitation*, 19(1): 19-30. Retrieved from: [https://www.researchgate.net/publication/232746591\\_To\\_conceal\\_or\\_disclose\\_a\\_disabling\\_condition\\_A\\_dilemma\\_of\\_employment\\_transition](https://www.researchgate.net/publication/232746591_To_conceal_or_disclose_a_disabling_condition_A_dilemma_of_employment_transition)
- Beatty, J. E. (2011). Career Barriers Experienced by People with Chronic Illness: A U.S. Study. *Employee Response Rights*, 24, 91-110. Retrieved from: <https://link.springer.com/article/10.1007/s10672-011-9177-z>
- Charmaz, K. (2010). Disclosing illness and disability in the workplace. *Journal of International Education in Business*, 3 (1/2), 6-19. Retrieved from:

<http://www.emeraldinsight.com/doi/abs/10.1108/18363261011106858?mbSc=1&fullSc=1&journalCode=jieb>

Chuang, R. M., Kleiner, B.H. (1999). New Developments Concerning Disability Discrimination in the Workplace. *Equal Opportunities International*, 18 (5/6), 3-10.  
Retrieved from:

<http://www.emeraldinsight.com/doi/abs/10.1108/02610150310787388>

Legal Information Institute. (2011). 29 CFR 1630.2 – Definitions. *LII*. Retrieved from:

<https://www.law.cornell.edu/cfr/text/29/1630.2>

NOLO. (2017). When does a reasonable accommodation create undue hardship? *NOLO*.

Retrieved from: <https://www.nolo.com/legal-encyclopedia/when-does-reasonable-accommodation-create-undue-hardship.html>

Owen, J. (2012). The Benefits of Disability in the Workplace. *Forbes*. Retrieved from:

<https://www.forbes.com/sites/judyowen/2012/05/12/a-cost-benefit-analysis-of-disability-in-the-workplace/#187be8293501>

Shaw, W. S., Feuerstein, M. (2004). Generating Workplace Accommodations: Lessons

Learned From the Integrated Case Management Study. *Journal of Occupational*

*Rehabilitation*, 14 (3), 207-216. Retrieved from:

<https://link.springer.com/article/10.1023/B:JOOR.0000022762.66807.2d>

Smith, J. R. (2014). Employer not at fault for failure to accommodate. *Canadian*

*Employment Law Today*. Retrieved from:

<http://www.employmentlawtoday.com/article/19959-employer-not-at-fault-for-failure-to-accommodate/>

Society for Human Resource Management. (2012). Disability Accommodations: Undue

Hardship: How do I know if a work accommodation will create an undue

hardship? *Society for Human Resource Management*. Retrieved from:

<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/createanunduehardship.aspx>

Society for Human Resource Management. (2017). Disability Accommodations:

Conditions: Does the Americans with Disabilities Act (ADA) provide a list of

conditions that are covered under the act? *Society for Human Resource*

*Management*. Retrieved from: <https://www.shrm.org/resourcesandtools/tools->

[and-samples/hr-qa/pages/cms\\_011495.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/cms_011495.aspx)

United States Department of Labor. (2017). Disability Statistics. *Office of Disability*

*Employment Policy*. Retrieved from: <https://www.dol.gov/odep/>

United States Office of Personnel Management. (2017). Frequently Asked Questions –

Employment. *OPM.GOV*. Retrieved from:

<https://www.opm.gov/faqs/QA.aspx?fid=de14aff4-4f77-4e17-afaa-fa109430fc7b&pid=2232acf5-193b-4307-b394-bf65b52816e7>

U.S Equal Employment Opportunities Commission. (2017). Overview. U.S. Equal

Employment Opportunity Commission. Retrieved from:

<https://www.eeoc.gov/eeoc/>

U.S. Equal Employment Opportunities Commission. (2017). Procedures for Providing

Reasonable Accommodation For Individuals With Disabilities. *U.S. Equal*

*Employment Opportunity Commission*. Retrieved from:

[http://www1.eeoc.gov//eeoc/internal/reasonable\\_accommodation.cfm?renderf\\_orprint=1](http://www1.eeoc.gov//eeoc/internal/reasonable_accommodation.cfm?renderf_orprint=1)

von Schrader, S., Malzer, V. & Bruyère, S. (2014). Perspectives on Disability Disclosure:

The Importance of Employer Practices and Workplace Climate. *Employee*

*Responsibilities and Rights Journal*. 26: 237. Retrieved from:

<https://doi.org/10.1007/s10672-013-9227-9>