

REASONABLE ACCOMMODATIONS

EMPLOYMENT

What is a reasonable accommodation?

In general, it is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

What is a qualifying disability?

The ADA defines a person with a disability to be an individual with: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of such an impairment; or (3) being regarded as having such an impairment.

- “Substantially Limits” – The determination of whether an impairment substantially limits, requires an individualized assessment, but should be construed broadly in favor of expansive coverage to the maximum extent permitted by the ADA.
- “Major Life Activity” – Includes things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

How do I request a reasonable accommodation?

You or your representative must let the employer know you need an adjustment or change at work for a reason related to a medical condition. You can use “plain English” and do not need to mention the ADA or use the phrase “reasonable accommodation.” If your employer has a specific process for requesting an accommodation, you need to follow that process.

What do I need to tell my employer?

You should explain what type of accommodation you are requesting and, if the need for the accommodation is not readily apparent or not known to the employer, explain the connection between the requested accommodation and your disability.

What does my employer NOT have to do?

An employer is not required to provide an accommodation which would cause “Undue hardship.”

- “Undue hardship” – An action requiring significant difficulty or expense, when considered in light of the: (1) nature and cost of the accommodation needed; (2) overall financial resources, size, structure, and function of the facility and its workforce.
- In evaluating whether the accommodation is feasible, an employer should determine if they are eligible for tax credits or deductions to offset the expense, whether funding is available from an outside source to pay for all or part of the accommodation, or if the individual seeking the accommodation is able to pay for all or part of the expense required to provide the accommodation.

What happens next?

- A request for accommodation is the first step in an informal, interactive process between you and the employer.
- Employers have the obligation to provide prompt responses to your reasonable accommodation requests. However, this does not mean the employer is required to provide the requested change without verifying you are entitled to the accommodation.
 - An unnecessary delay in responding to a request for accommodation may constitute a failure to provide a reasonable accommodation.
- Although not required by the ADA, the employer may ask that you complete certain forms or follow other procedures. The employer may ask relevant questions about the nature of the disability and the associated functional limitations in order to identify an effective accommodation.
 - If the disability and/or need for accommodation is not obvious, the employer may request reasonable documentation about the disability and associated limitations.
- An employer may choose among reasonable accommodations as long as the chosen accommodation is effective.

REASONABLE ACCOMMODATIONS

HOUSING

What is a reasonable accommodation?

It is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

What is a qualifying disability?

The Fair Housing Act (FHA) defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

- “Substantially Limits” means the limitation is “significant” or “to a large degree.”
- “Major Life Activity” means activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, and speaking. This list of major life activities is not exhaustive.

How do I request a reasonable accommodation?

You can make a reasonable accommodation request by simply making it clear to your housing provider that you need an exception, change, or adjustment to a rule, policy, practice, or service because of disability. The request for accommodation can be made by a family member or other person requesting the accommodation on your behalf.

What do I need to tell my housing provider?

You should explain what type of accommodation you are requesting and, if the need for the accommodation is not readily apparent or not known to the provider, explain the connection between the requested accommodation and your disability.

What happens next?

- A housing provider has an obligation to provide prompt responses to your reasonable accommodation requests.
 - An undue delay in responding may be deemed a failure to provide a reasonable accommodation.
- Although not required by the Fair Housing Act, the housing provider may ask that you complete certain forms or follow other procedures. Any procedures you are asked to follow cannot be used to prevent a timely accommodation from being provided or addressed. The housing provider is entitled to obtain information necessary to evaluate if a requested accommodation may be necessary because of a disability. However, if the disability is obvious or otherwise known to the housing provider, they may not request additional information about the disability or the disability-related need for the accommodation.
 - The housing provider cannot ask for information beyond what is necessary to evaluate how to address the reasonable accommodation requested.

What am I responsible for?

- Unless the needed accommodation is for one’s personal unit and requires modification to the unit, reasonable accommodations must be provided by the housing provider at no expense to the individual requesting the accommodation.

If you believe you have been a victim of unlawful discrimination in housing or employment, contact the City of Sioux Falls Human Relations Office.



human.relations@siouxfalls.



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