

ALL ABOUT ABSENCE: AMERICANS WITH DISABILITIES ACT AND WORKPLACE ACCOMMODATIONS



DID YOU KNOW?

- Employers are responsible for ensuring a compliant ADA accommodation program.
- Employers need to evaluate the accommodation request and make decisions within a reasonable timeframe. Once the employer makes a decision, it needs to be communicated to the employee, implemented, documented and monitored.
- The Pregnant Workers Fairness Act (PWFA) went into effect on June 27, 2023 and protects pregnant workers and job applicants who have temporary limitations due to pregnancy, childbirth or other related conditions. The PWFA is enforced by the Equal Employment Opportunity Commission (EEOC).¹
- The EEOC investigates hundreds of accommodation complaints against employers each year and recovers more than \$10 million a year in benefits for employees.²
- ADA and PWFA are enforced by the EEOC and applies to employers with 15 or more employees.³

The Americans with Disabilities Act (ADA) was enacted in 1990 and protects people with disabilities from discrimination. The 2009 ADA Amendments Act (ADAAA) expanded the definition of qualifying disabilities.

The complex and evolving regulatory landscape under the ADA poses a continuing challenge for today's employers. A strong workplace accommodation program is essential for effective management of your workforce yet can place administrative burdens on your internal resources. By outsourcing some of the interactive process with our workplace accommodation services, we can relieve some of those burdens and help ensure your business:

- Benefits from facilitating the interactive process to streamlined tracking and reporting.
- Has consistent treatment standards and review practices.
- Verifies employee accommodations and absences are warranted and that staff return to work safely and quickly.
- Enjoys enhanced productivity with reduced absence-related costs by creating stay-at-work accommodation flexibility.

When thinking about ADA and accommodations in the workplace, here are some questions to consider when speaking with an employer:

- Do they have a centralized and consistent mechanism to document, facilitate the interactive process and track accommodations (requests, interactive discussions and the outcome)?
- Are their policies and practices for accommodations compliant with other leave and disability programs?
- Do they have a workplace accommodation policy that clearly addresses the accommodation request process for their employees? In light of the PWFA, do they have a process for employees to request an accommodation due to pregnancy-related limitations?
- Do they have training available to educate managers and front-line staff on how to recognize an accommodation-related request and support them through the process?
- Are their job descriptions up to date with essential job functions and physical requirements of the job?

For more absence resources, visit TheHartford.com

¹ U.S. Equal Employment Opportunity Commission: [What You Should Know About the Pregnant Workers Fairness Act](#). Viewed on 8/21/23.

² U.S. Equal Employment Opportunity Commission: [Pregnancy Discrimination Charges FY 2010 - FY 2022](#). Viewed on 2/1/2023.

³ U.S. Equal Employment Opportunity Commission: [Fact Sheet: Disability Discrimination](#). Viewed on 8/21/23.

