

# Tennessee Department of Transportation

## Reasonable Accommodation 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 must submit a verbal request and/or a written request using TDOT's Reasonable Accommodation Form. Copies of this form may be printed from TDOT's website or a copy may be obtained by contacting the TDOT's ADA / Section 504 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.

This request form starts the documentation process and the Supervisor will create a file and will document the Reasonable Accommodation process.

When the request requires higher administrative approval or the Division feels the request would be better suited with TDOT's ADA / Section 504 Coordinator, the immediate supervisor will review the request and forward it with a written recommendation to the Division Manager within two (2) business days of receiving the request. The Division Manager will then refer the request to the ADA / Section 504 Coordinator in writing. Therefore, the Coordinator will continue with the accommodation process.

3. The Supervisor or Division Manager will contact the applicant or employee within 10 business days after the request is made to begin discussing the accommodation request.

The Supervisor or Manager must then ask for documentation describing the impairment; the nature, severity, and duration of the impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the activity or activities. This documentation must be obtained from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. The individual can be asked to sign a limited release allowing the employer to submit a list of specific questions to the health care or rehabilitation professional.

The requested documentation must be submitted for the request within 30 calendar days of the date the request was filed. In the event the documentation has not been submitted within the allotted time frame, the Supervisor or Manager must provide a written notice of failure to provide sufficient documentation to the requestor and to conclude the request process.

Medical Records must not be obtained. These records contain information unrelated to the disability at issue and the need for accommodation.

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Such information may not be necessary if there is a previous record of the disability and/or the disability is not obvious. The Supervisor or Manager may simply discuss the nature of the disability and functional limitations with the individual.

4. After documentation, has been obtained, the supervisor or manager will decide upon the request utilizing the interactive process. This process includes:
  - 1) analysis of the particular job to determine its purpose and essential functions,
  - 2) a consultation with the employee to ascertain the precise job-related limitations imposed by the individual's disability and how those limitation could be overcome with a reasonable accommodation,
  - 3) an identification of potential accommodations and, in conjunction with the employee, an assessment of the effectiveness of those accommodations in enabling the employee to perform the essential functions of the job,
  - 4) consideration of the preference of the employee and selection and implementation of the accommodation that is appropriate for the employee and the employer and
  - 5) the overall needs of the office.

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations.

*The accommodation need not be the most expensive, nor must it be exactly what the employee requests, but it must be effective.*

5. Once information about the case has been obtained, the Supervisor or Division Manager will then determine if the requested accommodation will cause an undue hardship on the agency as a whole, which may include financial difficulty, disruptive or those that would fundamentally alter the nature or operation of the agency. Undue hardship issues will be dealt with on a case-by-case basis.

In the event that **any** accommodation would cause an undue hardship, the Division Manager must submit a written statement to TDOT's ADA / Section 504 Coordinator, providing all case information and a written statement of the reasons for reaching this conclusion. In turn, the ADA / Section 504 Coordinator will review the case and consider all resources available to determine if the claim that has been submitted is an undue hardship.

If the ADA / Section 504 Coordinator feels the claim is a hardship, a written statement of concurrence or nonoccurrence with recommendations, will be drafted along with documentation, to the Division Manager. Once received, the ADA / Section 504 Coordinator will then draft a letter of conclusion and submit to the requestor and applicable TDOT Staff.

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6. The Supervisor or Manager may need to consult with other personnel (e.g., an employee's supervisor, Information Technology staff) or outside sources to obtain information necessary to make a determination about the request.
7. If the ADA / Section 504 Coordinator feels that the request is reasonable without causing an undue hardship on the Department and the interactive process has provided a reasonable accommodation, the requestor and all applicable TDOT staff involved will be notified of the decision regarding the request within 30 days of receipt of the request and no further action will be required by the requestor.

The reasonable accommodation must be put in place within 90 days of the final decision.

All Reasonable Accommodations that are put in place will be re-evaluated after a 30-day trial period. This re-evaluation shall include a meeting with the requestor and all applicable TDOT staff involved.