

Frequently Asked Questions (FAQ): Reasonable Accommodation (RA) and Modified Workplace Flexibilities

Alternative work arrangements, like telework, can expand employment opportunities for many employees, but particularly for employees with disability-related limitations that affect commuting to work or performing job duties at a traditional worksite. The Equal Employment Opportunity Commission (EEOC) says that telework/work at home may be a form of reasonable accommodation (RA) under the Americans with Disabilities Act (ADA), because changing the location where work is performed may be a form of modifying a workplace policy.

Telework is often considered a benefit of employment available to all or some employees within an organization. Employees have access to telework by virtue of the benefits and privileges available to employees in certain positions. While the EEOC has made clear that requests for telework do not need to be automatically granted, employees with disabilities should not be held to a different standard, or be required to jump through additional hoops, to gain access to the benefit or privilege simply because the request to telework is for a disability-related reason.

Telework is often suggested as an accommodation solution to address a variety of impairments, limitations, and work-related barriers. Examples of work-related barriers can include:

- Difficulty commuting to and from work due to disability-related reasons
- Limited access to accessible parking
- Limited worksite or workstation accessibility
- Environmental issues (e.g., construction activities, exposure to chemicals/irritants, temperature sensitivity, problematic lighting, etc.)
- Lack of privacy to manage personal/medical needs, like using the restroom, taking medication, or receiving treatment
- Rigid work schedule
- Exposure to viruses and bacteria
- Workplace distractions affecting concentration

Choosing to telework as an accommodation requires a collaborative effort to determine, on a case-by-case basis, what is reasonable. Answers to the following questions may be useful when exploring telework as a reasonable accommodation.

1. How should the supervisor determine if someone may need to work at home as a reasonable accommodation?

This determination should be made through a flexible "interactive process" between the supervisor and the individual. The process begins with a request. An individual must first inform the supervisor that they have a medical condition that requires some change in the way a job is performed. The individual does not need to use special words, such as "ADA" or "reasonable accommodation" to make this request but must let the supervisor know that a medical condition interferes with their ability to do the job. Then, the supervisor and the individual need to discuss the person's request so that the supervisor understands how the employee's work restrictions might necessitate the individual working at home. The individual must explain what limitations from the disability make it difficult to do the job in the workplace, and how the job could still be performed from the

employee's home. The supervisor and employee may wish to discuss other types of accommodations that would allow the employee to remain full-time in the workplace. If an essential function can only be performed in the workplace, an agency may be required as a reasonable accommodation to adjust when the employee will perform that function in order to grant telework as a reasonable accommodation (unless such an adjustment would cause an undue hardship.)

2. Does a supervisor have to allow an employee with a disability to work at home as a reasonable accommodation?

The supervisor must modify its policy concerning where work is performed if such a change is needed as a reasonable accommodation, but only if this accommodation would be effective and would not cause an undue hardship. **Whether this accommodation is effective will depend on whether the essential functions of the position can be performed at home.** There are certain jobs in which the essential functions can only be performed at the work site—e.g., Chemist, laboratorian, or micro-biologist. For such jobs, allowing an employee to work at home is not effective because it does not enable an employee to perform the essential functions. Certain considerations may be critical in determining whether a job can be effectively performed at home, including (but not limited to) the supervisor's ability to adequately supervise the employee and the employee's need to work with certain equipment or tools that cannot be replicated at home. In contrast, employees may be able to perform the essential functions of certain types of jobs at home (e.g., Workforce Relations Specialist). To make this determination, the supervisor must engage in the interactive process with the employee. The supervisor may also have to allow the accommodation on a trial basis to determine if it will be effective.

3. Does the work require in-person interaction with colleagues, clients, or customers, and can communication occur in an alternative way?

Some jobs require in-person interaction with others as an essential function. For example, an administrative assistant or on-site receptionists, must perform their essential duties on-site, and in-person. Many jobs do not require in-person interaction, or the interaction can occur in a different way. According to the EEOC, a request to work at home as a reasonable accommodation should not be denied solely because a job involves some contact and coordination with other employees. If the collaboration, brainstorming, weekly meetings, etc., can often be conducted effectively through remote or electronic means of communication (e.g., video chat, conference call, email, etc.), the reasonable accommodation of telework may be granted. At the very least, the EEOC suggests such remote interactions could take place on a trial basis to determine if they are effective in reaching the agency's mission and goals and won't pose an undue hardship.

4. Can the essential job functions of the position be performed outside of the traditional work environment?

When exploring telework, it's necessary to identify and review all the essential job functions. The essential functions are tasks that are fundamental to performing a specific job. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed. Supervisors are not required to remove essential job duties to permit employees to work at home as an accommodation. For some jobs, the essential duties can only be performed in the workplace, but in many jobs, some or all the essential duties can be

performed at home. Evaluate each situation case-by-case to determine if, and to what extent, it is feasible to perform essential duties at home. For example, in some situations, an individual may be able to perform only specific duties from home, on occasion, but in others, all duties might be performed at home, fulltime.

5. May the supervisor provide accommodations that enable an employee to work full-time in the workplace rather than granting a request to work at home?

According to the EEOC, the supervisor may select any effective accommodation, even if it is not the one preferred by the employee. The supervisor can provide accommodations that enable an employee to remain in the workplace, so long as accommodations are effective. Although a supervisor should give consideration to the individual's preferred accommodation, the supervisor does have the ultimate discretion to choose between effective accommodations.

6. How should an employer determine whether a particular job can be performed at home?

The supervisor and employee first need to identify and review all the essential job functions. The essential functions or duties are those tasks that are fundamental to performing a specific job. An employer does not have to remove any essential job duties to permit an employee to work at home. However, it may need to reassign some minor job duties or marginal functions (i.e., those that are not essential to the successful performance of a job) if they cannot be performed outside the workplace, and they are the only obstacle to permitting an employee to work at home. If a marginal function needs to be reassigned, an employer may substitute another minor task that the employee with a disability could perform at home to keep employee workloads evenly distributed. After determining what functions are essential, the employer and the individual with a disability should determine through the interactive process whether some or all the functions can be performed at home. For some jobs, the essential duties can only be performed in the workplace.

7. Is there a specific time that I need to submit my request to telework as a reasonable accommodation?

An employee should submit a request for reasonable accommodation when they are aware of the need for an accommodation based on the restrictions/limitations of the disability. It is highly encouraged to request the reasonable accommodation as soon as possible to meet the September 9, 2024, timeframe requirements for the new CDC Workplace Flexibilities policy.

8. During the pandemic, I was approved for an ergonomic chair and a sit/stand workstation as a reasonable accommodation for my home location. As of September 9, 2024, I am no longer considered local remote and will be required to return to the office one day a week. Am I required to return this equipment to the office? Can I get a chair and a sit/stand workstation for the office that I will report?

The CDC will not require employees to return their approved ergonomic chair or sit/stand workstation; however, the employee should contact the RA Office for assistance in acquiring an additional chair and sit/stand workstation for the workplace.

9. What equipment can be provided as a reasonable accommodation for an employee's telework (home office) location?

Upon approval of a reasonable accommodation for telework and entering a telework agreement, employees may receive equipment, to include an ergonomic mouse, ergonomic keyboards, monitors, computer software (such as Dragon Naturally Speaking software), headsets, sit/stand workstations, ergonomic chairs, etc.

Note: In accordance with CDC Telework Policy and OPM's Guide to Telework in the Federal Government: Safety - Teleworkers must address issues of their own personal safety to be effective while teleworking from a home office or other alternative worksite, employees should:

- provide appropriate telework space, with ergonomically correct chair, desk, and computer equipment.
- complete a safety checklist self-certifying the space is free from hazards. This checklist is not legally binding, but details management expectations and, if signed, assumes compliance.

10. What if employees want to telework because they care for small children, spouse, or elderly parents at home?

Typically, employees may not telework as a substitute for dependent care, e.g., child or elder care. To clarify, this means that telework should not be approved SOLELY for the purpose of enabling dependent care.

11. Do I have to provide medical documentation in support of my RA request?

When the disability and/or the need for accommodation is not obvious, the RA Office may ask the individual for reasonable documentation about his/her disability and functional limitations from an appropriate health care or rehabilitation professional. The supervisor is entitled to know that the individual has a covered disability for which they need a reasonable accommodation. Reasonable documentation means that the RA Office may require only the documentation that is needed to establish that a person has an ADA disability, and that the disability necessitates a reasonable accommodation.

To initiate a reasonable accommodation, an employee may inform their supervisor that they need an accommodation, contact the RA Office, or submit their request in the [Accommodation Tracking System \(ATS\)](#) to facilitate the processing of the request. First-time ATS users must submit an [Accommodation Tracking System \(ATS\) Request Form](#) to access the system.

An employee can also submit a request via [Microsoft Forms](#).

Additional Questions?

Contact the RA Office for assistance by calling the RA Inquiry Line at (770) 488-1525 or emailing RAInquiry@cdc.gov.

Additional Resources

- [CDC Workplace Flexibilities Policy](#)
- [CDC Workplace Flexibilities and On-Campus Resources](#)
- [Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#)
- [U.S. Office of Personnel Management – Telework Guide](#)