Case Studies in Reasonable Accommodation

About this module

Goal: To expand participants’ understanding of types of reasonable accommodation and to view reasonable accommodations through the lens of return on investment

Format: Activity & film clip analysis

Time: About 30 minutes (Time for module will depend on size of audience. Thirty minutes will be for an audience size of about 30 participants and about 5 – 6 small groups).

Potential audience: Those who already have a prior basic understanding of rights and responsibilities around reasonable accommodation. Employees with disabilities, job-seekers, disability service providers, employers/business leaders, educators

Materials needed:
- Hard copy of presentation optional. Offer to send text version to those who need it after the session.
- Handout of case studies. The number of handouts needed depends on the size of the group. Participants will work on handouts in their small groups, with all members of the small group working together on the same case. Each small group will consist of 4 – 6 people. So, an overall group of 30 people will have 6 small groups, each consisting of 5 people. Hence, you would need 5 copies of 6 case studies.

Facilitator’s Tips for this Module

Too often, we view reasonable accommodation only as an issue of legal compliance. Though it is important to understand the ADA provisions on reasonable accommodation, it is also important to understand that accommodations can be viewed as an investment in the workforce. The purpose of this module is to create a view of reasonable accommodation as an investment which does offer returns.

This module is an activity which assumes a prior basic knowledge of the ADA. It will not provide significant information on the compliance aspects of workplace accommodation, though issues of compliance may be discussed during the module. Hence, this module can be paired with the module About Reasonable Accommodation, which does provide information around ADA Title I rights and responsibilities for reasonable accommodation. Alternatively, the Case Studies in Reasonable Accommodation module can be offered to an audience who already has a basic understanding of the legal aspects of accommodation.
Here are a few “Do’s” and “Don’ts” to consider when facilitating this module:

**Do:**
- Keep the presentation moving forward.
- Gently but firmly challenge exaggerated accommodation cost estimations.
- Emphasize the fact that creativity and flexibility are the cornerstones of finding effective accommodations.
- Emphasize that any good accommodation effort begins by listening to the employee. What is their take on how the disability impacts the essential functions of the job?
- Go through a trial run of the film clip. If possible, do a trial run using the equipment you will use during the session.
- As much as possible, create small groups such that people who work together are in the same small group together. This may enhance the likelihood that their dialogue during the session is extended and applied within their workplace.

**Don’t:**
- Comment on specific situations or employees regarding reasonable accommodation. Refer these specific cases to the 800 949 4232 TA line.
- Spend more time debriefing the first groups to report out to the large group. As much as possible, give each small group the same amount of time to too much time on debriefing one small group.
Facilitator’s Notes (Slide 1)

Explain to participants that this module will focus on real life issues around finding accommodations. The cases we will use during the module cover a variety of types of disabilities, including both obvious and non-obvious disabilities.

The goals of the module are to enable participants to think creatively when it comes to finding an accommodation and to understand that accommodations are not just about legal compliance. Accommodations are also about a return on investment.

During the module, participants will be working in small groups.
Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Northeast ADA Center is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the ADA. The contents of this document were developed under a grant from the Department of Education, NIDRR grant number H133 A110020. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Facilitator’s Notes (Slide 2)

Change this slide to reflect your regional information.

Trainers, be sure to advise participants that this training is not intended as legal advice.
Let’s start with a film clip

As you watch the film clip, think through:

1. What accommodations do you see in the clip?
2. How much would these accommodations cost (ballpark figure OK)?
3. How much will it cost Walmart to lose this employee?

Facilitator’s Notes (Slide 3)

Before moving on to the individual case studies, this slide sets up a film clip where participants as a large group will brainstorm around questions similar to those they will shortly encounter as they break into small groups to work on their case study.

Before showing the film clip, ask participants to make a few notes on each of these three questions.
Facilitator’s Notes (Slide 4)

Technical Tips for Running Film clip
Have you downloaded the film clip and saved it to the hard drive you will be using during the session? The filename is Walmart2.mpg. Refer to the beginning of this module for audio clip instructions.
What do you think?

1. What accommodations do you see in the clip?
   - A co-worker read assembly instructions when a new product came in to the store.
   - Products were brought to the worker.
   - A job coach made sure the worker was performing as needed.

2. How much would these accommodations cost (ballpark figure OK)?
   - Co-worker assisting with reading instructions might cost around $5/week (or something similar). The co-worker did not need to be there all the time; only when a new product had to be assembled. We can assume that this might take around ½ hour/week (at most) on average of a coworker’s time.
   - Products being brought to the worker might cost on average about 1 hour/week, giving a cost to Walmart of about $10/week.
   - The job coach costs Walmart nothing.

3. How much will it cost Walmart to lose this employee?

4. What’s the difference between the cost of the accommodation and the cost of losing this employee?

Facilitator’s Notes (Slide 5)

These are the questions participants were asked to think through before seeing the film clip. After the film clip, ask the large group to brainstorm around each of these questions.

Be sure this discussion includes the following main points:

1. What accommodations do you see in the clip?
   - A co-worker read assembly instructions when a new product came in to the store.
   - Products were brought to the worker.
   - A job coach made sure the worker was performing as needed.

2. How much would these accommodations cost?
   - Co-worker assisting with reading instructions might cost around $5/week (or something similar). The co-worker did not need to be there all the time; only when a new product had to be assembled. We can assume that this might take around ½ hour/week (at most) on average of a coworker’s time.
   - Products being brought to the worker might cost on average about 1 hour/week, giving a cost to Walmart of about $10/week.
   - The job coach costs Walmart nothing.
3. What would it cost Walmart to lose this employee?
   - The costs of losing an employee vary depending on the research study cited and
     the nature of the job role. Generally, costs of turnover range between about
     30% of annual salary and 150% of annual salary (see
     http://www.thinkingleaders.com/archives/1253). Using a value that is toward
     the middle of this range, we can assume that the worker in the filmclip makes
     about $22,000/yr. The cost of losing this employee would be about $20,000 -
     $22,000.

4. What’s the difference?
   - The yearly cost of accommodating this employee is at most $180. The cost of
     losing him is at least $20,000. The return on investment of the accommodation
     is at least $18,020.

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**Facilitator’s Notes (Slide 6)**

This slide sets up the small group work that comprises the main part of this module. Here are
the suggested steps to set up this activity:

1. Break participants into small groups of about 4 – 6 people.
2. Distribute the handouts. Each small group will get the same case. For example, Group
   1 gets “Ed”; Group 2 gets “Emily” and so on...
3. Using the directions on the slide, ask each small group to read their case study and as a group discuss the questions.

4. Give small groups about 15 minutes to work through their case study.

Please note: In real life, more information would be needed to identify an accommodation. The employer could, for example, request medical information pertaining to the accommodation decision. Some participants might point out that more information about the job and the disability would be needed. Commend the participant for this observation and use this as a quick discussion point around what other information might be needed in this case (as time allows).

Case Studies are attached beginning on page 11.

### Large Group Discussion

For each case:

- What are two accommodations that might apply?

- Taking one of the accommodations: What would it cost (ballpark figure OK)?

- How much would it cost to lose this employee

- What’s the difference?

Facilitator’s Notes (Slide 7)

*Facilitators may want to review the materials referenced on each case study page in preparation for this activity.*

Debrief each small group, touching upon the questions given in the slide. The questions on the slide, for the most part, are the same as the questions on the handouts.
As much as possible, spend the same amount of time debriefing each small group.

At the end of the debrief, briefly ask for participants' thoughts. Did anything about this activity surprise them? What insights did they gain? Will they do anything differently?

Facilitator’s Notes (Slide 8)

National Network: Please replace this slide with your centers contact information.

Conclude by reminding participants that the training materials were produced by the Northeast ADA Center in collaboration with the National ADA Network. Remind them of the free and confidential technical assistance and other services available from your local ADA Center and from the ADA Centers throughout the country. Mention the ADA TN line: 800-949-4232.
Case Study – Jennifer

As a result of a car accident ten years earlier, Jennifer has paraplegia (paralysis in her lower extremities) and uses a wheelchair. Jennifer has worked as the head librarian in a small branch office of a library system in a large city. She has now transferred to the city’s central library and will be the head librarian of the children’s section of this library. In her prior job, Jennifer could arrange the shelving so that it was lower. In her new location, however, she cannot reach the top three shelves. Though Jennifer does not usually re-shelve books, about once a day (on average) she does need to reach materials in these upper shelves. You are the head librarian in this city library and Jennifer has come to you to see what can be done to address this issue.

For additional information see:
Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act
http://www.eeoc.gov/policy/docs/accommodation.html
Employing and Accommodating Individuals with Spinal Cord Injuries
http://www.ilr.cornell.edu/edi/hr_tips/article_1.cfm?b_id=21

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Jennifer?

2. Choose two of the accommodations you described above. For each, consider...
   a. What might you need to do as a supervisor to ensure that these accommodations are in place and that they are effective?
   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Jennifer’s yearly salary is $45,000. According to research by the Saratoga Institute, it will cost her employer about 100% - 150% of her annual salary to replace her if she leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?
Case Study – Stella

Stella was very proud seven years ago when she got her engineering degree from a major university. She works in a product design team for a major IT/software company. Stella is hearing impaired as a result of a childhood illness. She read lips at about 50% accuracy and sometimes uses an I-phone to communicate at work. You are Stella’s manager. Stella has developed significant expertise in a new product design process. Because you believe this new process might hold promise in your workplace, you have asked her to give a presentation at the annual meeting of your department. She has now asked for a meeting with you to discuss what she might need to give this presentation.

For more information see:  
Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act  
http://www.eeoc.gov/facts/deafness.html

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Stella?

2. Choose two of the accommodations you described above. For each, consider...

   a. What might you need to do as a supervisor to ensure that these accommodations are in place and that they are effective?

   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Stella’s yearly salary last year was $60,000. According to research by the Saratoga Institute, it will cost about 100% - 150% of her annual salary to replace her if she leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?
Case Study – Jose

Jose, a member of the National Guard, has been a science teacher in a middle school where you are the principal. Last year, Jose was deployed to Afghanistan, serving as a medical assistant. Having returned from his deployment, Jose has recently returned to his teaching job. Yet, something doesn’t seem right. Prior to his deployment, Jose was sought out by both students and teachers alike for his qualities of being jovial and approachable. He led the school’s science fair effort and was actively involved in leading student council. Now, however, Jose is withdrawn and only seems to be doing the bare minimum. Yesterday, you saw him lash out inappropriately at a student, something he never did before. This morning, you called him in for a conference and pointed out your observations. Jose now tells you he was just diagnosed last week with PTSD and depression.

For more information see:
Understanding Your Employment Rights Under the ADA: A Guide for Veterans
http://www.eeoc.gov/eeoc/publications/ada_veterans.cfm

Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities
http://www.eeoc.gov/policy/docs/psych.html

Applying Performance And Conduct Standards To Employees With Disabilities
http://www.eeoc.gov/facts/performance-conduct.html

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Jose?

2. Choose two of the accommodations you described above. For each, consider...
   a. What might you need to do as a supervisor to ensure that these accommodations are in place and that they are effective?
   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Jose’s yearly salary is $40,000. According to research by the Saratoga Institute, it will cost his employer about 100% - 150% of his annual salary to replace him if he leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?
Case Study – Michael

For the past five years, Michael has worked as a nurse’s assistant in a local hospital and is also studying to be a registered nurse. You are Michael’s nursing supervisor. For the most part, Michael’s work performance has been reliable, cooperative and thorough. Six weeks ago, however, Michael went out on sick leave. As his supervisor, you’ve been told that the reason for this sick leave was that Michael had a relapse of his bipolar disorder and needed to be hospitalized for a brief time to adjust his medication. Michael and his doctor now feel he is ready to return to work and he has scheduled a meeting with you to discuss his situation. Michael is extremely concerned about losing his job. He believes he can do the work, but he wants to discuss accommodations that might allow him to ease back into his work routine.

For more information see:
Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities
http://www.eeoc.gov/policy/docs/psych.html

Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act
http://www.eeoc.gov/policy/docs/accommodation.html

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Michael?

2. Choose two of the accommodations you described above. For each, consider…
   a. What might you need to do as a supervisor to ensure that these accommodations are in place and that they are effective?
   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Michael’s yearly salary is $40,000. According to research by the Saratoga Institute, it will cost his employer about 100% - 150% of his annual salary to replace him if he leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?
Case Study – Elena

Elena has a visual disability as a result of an injury at age three. She does have some vision, but struggles with documents in regular-font print. Three years ago, Elena began work as a housekeeper in a major hotel chain. You are an HR manager at this chain. Elena’s work has been exemplary and she is now being considered for a promotion to head housekeeper. This promotion would involve more reading; she needs to track and document room cleaning progress as well as participate in hiring and performance management of employees who would be working under her. She is excited about the possibility of promotion, but is very concerned about the parts of the job that would require reading and writing.

For more information see:
Blindness and Vision Impairments in the Workplace and the ADA
http://www.eeoc.gov/facts/blindness.html

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Elena?

2. Choose two of the accommodations you described above. For each, consider...
   a. What might you need to do as an employer to ensure that these accommodations are in place and that they are effective?
   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Elena’s yearly salary is $25,000. According to research by the Saratoga Institute, it will cost about 100% - 150% of her annual salary to replace her if she leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?
Case Study – Nate

Nate is the store manager of an auto parts chain. You are the regional manager and are Nate’s supervisor. Nate has been in this job for one year and, for the most part, has done well. Two weeks ago, Nate began missing work saying he was tired. After numerous doctor visits, the diagnosis of multiple sclerosis was made. Nate started treatment immediately and would like to return to work in about a week. He has called you to discuss the situation. At this point, his condition affects him with dizziness and blurred vision. He hopes his treatment may alleviate these symptoms, but he is not sure.

For more information see:
Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act
http://www.eeoc.gov/policy/docs/accommodation.html

Workplace Accommodations for People Living with Multiple Sclerosis
http://www.ilr.cornell.edu/edi/hr_tips/article_1.cfm?b_id=15&h_id=1&view=true#hid1

As a group, please discuss the following questions about this scenario:

1. What might be some reasonable accommodations that could be appropriate for Nate?

2. Choose two of the accommodations you described above. For each, consider…
   a. What might you need to do as an employer to ensure that these accommodations are in place and that they are effective?
   b. What might be the cost of each of these accommodations? (Ball park figure is OK.)

3. Nate’s yearly salary is $40,000. According to research by the Saratoga Institute, it will cost about 100% - 150% of his annual salary to replace him if he leaves the job. By comparison, what would the reasonable accommodations cost? What is the difference?