



REASONABLE ACCOMMODATION IN EMPLOYMENT

A reasonable accommodation is an adjustment of a job or work environment which allows an employee with a disability to perform essential job functions. Under the Chicago Human Rights Ordinance, employers must provide reasonable accommodations to employees with known disabilities unless the accommodation imposes an undue hardship on the operation of the business.

Employees must request a reasonable accommodation, unless the need for it is obvious. There is no requirement to use the exact term “reasonable accommodation” when making the request. Accommodation requests may be made orally, although employers may establish reasonable procedures including documentation of a request.

Examples of reasonable accommodations include:

- Modifying work schedules
- Physical alterations of the work site
- Providing special equipment, devices or software
- Providing additional leave
- Job restructuring

Reasonable accommodations do not include:

- Providing an accommodation of a personal nature such as, a driver or hearing aids
- Creating a new position for an employee
- Hiring two employees to perform one job
- Bumping an incumbent employee from a position

Employees are not entitled to the exact accommodation they request, only an accommodation that is reasonable. Once requested, employees and employers must engage in an interactive process to identify a reasonable accommodation. What constitutes a reasonable accommodation must be decided on a case-by-case basis.

Penalties for violations of the Ordinance include—

- Fines of \$100 to \$1,000 per incident, paid to the City.
- Damages and attorney fees, paid to the complaining party.
- An injunction ordering specific actions to eliminate discriminatory practices.

A person who claims to have been subjected to discrimination may file a complaint at the Commission on Human Relations. The Commission investigates and rules on each discrimination complaint through a neutral process which gives complainants and respondents the opportunity to present evidence and legal arguments to support their positions.

See the back of this flyer for selected ordinance and regulation provisions. For more information, see www.cityofchicago.org/humanrelations.

SELECTED LEGAL PROVISIONS
Disability Discrimination – Reasonable Accommodation

Reg. 365.130 Reasonable Accommodation

(a) Reasonable Accommodation Requirement

Employers must reasonably accommodate the known physical or mental disabilities of a qualified individual who is an applicant or employee unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business entity. Unless the employer knows that the qualified individual or applicant has a disability requiring accommodation (because it is apparent, for example), the individual or applicant must initiate a request to the employer for accommodation.

(b) Definition of Reasonable Accommodation

"Reasonable Accommodation," for purposes of Part 300, means a modification which allows a qualified individual to fulfill the essential functions of the job. Examples of reasonable accommodation include, but are not limited to: alteration of the facility or work site; job restructuring; part-time or modified work schedules; allowing additional unpaid leave to enable the employee to obtain necessary medical treatment; acquisition or modification of furniture, equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; and the provision of qualified readers or interpreters.

(c) Exceptions

Among other things, an employer may not be required to:

- (1) make accommodations of a personal nature, e.g., provide eye-glasses or hearing aids;
- (2) hire two full-time employees to perform one job in order to accommodate a person with a disability;
- (3) provide an employee with a disability additional *paid* leave;
- (4) "bump" an incumbent employee from a position to create a vacancy in order to accommodate a person with a disability; and
- (5) make any accommodations which would violate the provisions of an existing collective bargaining agreement.

Reg. 365.140 Undue Hardship

For the purposes of Part 300, "undue hardship" will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the ordinary course of the business.

(a) There must be objective evidence of financial costs, administrative changes, or projected costs or changes which would result from accommodating the needs of persons with disabilities;

(b) Factors to be considered in determining whether an accommodation would impose an undue hardship, include, but are not limited to:

- (1) the overall size of the employer (as measured by number of employees, facilities or budget);
- (2) the nature and cost of the accommodation;
- (3) the overall financial resources of the employer, including the resources of any parent organization;
- (4) the effect on expenses and resources, or other impact of such accommodation upon the operation of the employer; and
- (5) the potential benefits, including facilitating access by other employees, applicants, clients and customers with disabilities.