

## ADA Accommodation Services with The Standard

### What You Should Know

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This summary and FAQ document are provided to answer questions related to The Standard's Americans with Disabilities Act (ADA) Accommodation Services, and to aid in your understanding of roles and responsibilities in the ADA Accommodation process. The Standard provides designated Accommodation Specialists as well as a Disability and Productivity Consultant to partner with your HR and management teams in these matters.

This information is not exhaustive. You should always contact your Accommodation Specialist and refer to your ADA Accommodation Services Service Agreement with The Standard for complete details.

#### Step 1. How are Employees Referred for ADA Accommodation Services?

Your employees will be referred for ADA Services by:

- **The Standard:** Your designated Accommodation Specialist reviews leave exhaust/ineligible reports, initiates referrals, and copies your HR team and managers on those referrals when:
  - An employee is approaching exhaustion of leave under the FMLA
  - An employee is ineligible for FMLA
  - An employee is released to return to work with limitations and restrictions
- **Manager/HR Team:** The Manager or HR team should refer employees who make a written or verbal request for work assistance because of a medical or psychiatric condition or are struggling to perform essential job functions. If your employee is requesting leave, please direct the employee to apply for leave with The Standard (to ensure any outstanding FMLA, and/or disability benefits will be applied).

When Salem Health becomes aware of a stay-at-work accommodation request, send an email including the employee's name to [adaservices@standard.com](mailto:adaservices@standard.com) to initiate the request.

#### Step 2. Meeting the Employer's ADA Obligations – the ADA Interactive Process

The ADA requires employers to reasonably accommodate the disabilities of their employees and the Equal Employment Opportunity Commission (EEOC) recommends employers engage with their employees in an "interactive process" when a request for accommodation is made.

##### What is the ADA interactive process?

The EEOC describes it this way: the employee and the employer "communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs."

Once The Standard is aware that an employee needs an accommodation, we will facilitate the ADA interactive process on your behalf. The ADA Accommodation Specialist will track conversations and activities to support the ADA interactive process.

### Step 3. Manager reviews the Accommodation Request

The Accommodation Specialist will detail the medically supported accommodation request, duration of accommodation, and limitations and restrictions for your review. Start and end dates of leaves, as well as return to work information, will be provided as appropriate.

- If you need additional information to make a decision, please reach out to your Accommodation Specialist. Your Accommodation Specialist can clarify medical information, limitations and restrictions, prognosis for return to work, or date of return to work.
- If a manager needs additional information regarding how an accommodation would impact employment such as benefits, please reach out to Salem Health's HR Team.
- You can discuss the recommendations with managers, supervisors, and other stakeholders.
- HR may request to review any medical documentation collected for the ADA process.

### Step 4. Can You Accommodate?

The Manager and/or HR decides if the suggested accommodations are reasonable.

#### **If the answer is YES:**

If The Standard's recommendation will work for you, you notify the Accommodation Specialist, and The Standard will send an approval letter to the employee detailing the accommodation approved. A copy will be provided to the manager and your HR team.

#### **If the answer is NO:**

If you don't think you can make the suggested accommodation for your employee, you can:

- Ask the Accommodation Specialist to reach out to the employee and/or their medical provider to discuss other options for accommodation.
- Talk to the employee directly.
- If alternate accommodations are identified, The Standard will proceed as above, sending an approval letter to the employee and a copy to HR and the manager.

If you cannot find a reasonable accommodation, you may consider consultation with your internal legal resources.

- Notify the Accommodation Specialist of the denial of the accommodation.
- The Accommodation Specialist will communicate your decision to the employee and will refer the employee back to your HR team for further explanation and questions.

Communicate the outcome with any relevant stakeholders in your organization.

### Step 5. The Approved Accommodations are Implemented

The approved accommodation is monitored through the end date. If the employee requests additional accommodations, the interactive process will start again.

## Frequently Asked Questions

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If an employee has a restriction because of their own medical condition and the department is already accommodating it, does an ADA case need to be set-up?

Yes, an ADA must be set-up. The Standard will set-up an ADA case, the Accommodation Specialist will confirm the accommodation with the manager/HR, and The Standard will send out an approval letter.

Who makes the final determination about the reasonableness of an accommodation?

You, the employer.

Who is responsible for implementing the approved accommodation?

The Standard will work together with you to implement and monitor accommodations. The Standard will notify the employee of the approved accommodation in writing and copy your manager and HR team. Your HR team and managers will need to share accommodation information with all relevant internal partners, such as supervisors, to ensure the accommodation is implemented as outlined in the approval communication.

What happens after the accommodation is implemented?

The Standard will follow up with both you and the employee to make sure the accommodation continues to meet your needs, and the needs of the employee. The ADA case will be closed when services conclude.

What type of documentation does The Standard capture for the ADA Accommodation process?

The Accommodation Specialist maintains detailed case notes of each activity in the interactive process, including phone calls, emails, meetings, as well as ADA letters and documents. These are maintained in our system for seven years. When requested, we can provide documentation with the appropriate authorizations.