



Reasonable Accommodations Checklist

California's Fair Employment and Housing Act (FEHA) applies to employers with five or more employees and requires employers to provide reasonable accommodations for individuals with a physical or mental disability and/or medical condition, unless it would cause an undue hardship. More specifically, the employer is required to go through the interactive process with the employee to determine whether they can perform the essential functions of their job with or without a reasonable accommodation. This requires an *individualized assessment* of both the job and the individual's specific limitations.

Below is a checklist to assist employers in ensuring FEHA compliance in this area:

- 1) Establish an Accommodation Policy**
 - Develop a clear and comprehensive accommodation policy (note: the FEHA applies to all employers with five or more employees)
 - Communicate the policy to all employees and provide information on how to request accommodations
- 2) Train Managers on Accommodation Requirements**
 - Train supervisors and HR professionals to recognize and appropriately respond to accommodation requests
 - Outline your company's specific process for requesting/approving accommodations
- 3) Train Staff to Ensure Equitable Treatment**
 - Ensure employees receive mandatory harassment prevention training (note: this is required upon hire and every two years for all employees if you have five or more employees)
 - Conduct trainings as needed to foster a culture of inclusivity and diversity
 - Educate employees on the importance of accommodations and diversity in the workplace
- 4) Identify the Need for Accommodation**
 - Ensure employees know how to request and to whom a request for an accommodation should be directed
 - Be proactive in identifying employees who may need accommodation
 - Respond promptly to any requests
- 5) Initiate the Interactive Process**
 - Initiate an interactive dialogue with employees who request accommodation
 - Schedule an in-person, virtual or phone meeting to verbally discuss

6) Assess Medical Certification

- Request medical certification to verify the existence of the employee's disability/medical condition and outline the employee's functional limitations
- Do NOT request information regarding the underlying diagnosis and/or medical condition. Only request information regarding *limitations* impacting the employee's ability to perform their essential job functions

7) Assess Essential Job Functions

- Clearly define and regularly review the essential job functions for each job description before an accommodation request is made (all job descriptions should define essential functions)
- During the interactive process, consider whether requested accommodations would enable the employee to perform their essential functions

8) Explore Various Accommodations

- Consider a range of accommodations that could meet the employee's needs
- Ask the employee directly whether they/their doctor have any suggestions (note: employees are not required to identify an effective accommodation so long as they can describe the work-related problems posed by the disability)
- Rely on additional resources to identify possible solutions, such as the [Job Accommodation Network](#)
- Test out accommodation(s) and follow up with the employee for feedback

9) Assess Undue Hardship

- Assess whether an accommodation would be unduly costly, extensive, or would fundamentally alter the nature of your business
- Consult legal counsel as needed

10) Document the Process

- Make sure to document all accommodation requests, the interactive process, tested accommodations, etc.
- Send written confirmation of every accommodation considered and offered to the employee, so that they cannot later deny that a particular accommodation was offered or considered
- Maintain confidentiality and do not include disability/medical information in the employee's personnel file. Retain separately in a confidential file