

Keys to compliance

Managing ADA/ADAAA as part of an integrated program

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State and federal regulations established by the Americans with Disabilities Act and ADA Amendments Act (ADA/ADAAA), Family and Medical Leave Act (FMLA) and workers' compensation laws are becoming increasingly complex. Without a consistent management process, employers leave themselves open to costly legal fees and penalties for non-compliance.

If you have questions, you aren't alone.

How can human resource and risk professionals best achieve compliance? Align the right resources to provide a consistent process supported by a centralized information system that can easily adapt to regulatory changes.

DEVELOPING A CONSISTENT PROCESS

The ADA/ADAAA process typically begins when an employee requests a change in the way his or her job is performed or exhausts all job-protected leave while remaining absent from work. Employers should make every effort to meet accommodation requests unless they would truly create a significant business hardship. For each request, your disability management team should follow a consistent process:



STEP ONE

Capturing the request

Make sure standard procedures regarding leave or accommodation are up to date, clearly communicated to the employee and trigger an interactive process review.



STEP TWO

Working with physicians to certify the impairment

Set expectations with employees, and request reasonable documentation to determine if they are disabled and if they can perform their jobs with accommodations. A job accommodation specialist certified in vocational rehabilitation can be very beneficial.



STEP THREE

Navigating through the interactive process

If an employee has an impairment, but is able to perform job functions with an accommodation, engage in an interactive discussion, set expectations and help them understand possible accommodations.



STEP FOUR

Working together to determine the appropriate accommodation

Choose the accommodation that will allow the disabled person to do his or her job most effectively. This may involve researching technical solutions and adaptive equipment.



STEP FIVE

Implementing the accommodation

Discuss status and next steps with the employee along with a designated contact, then implement the accommodation. In some cases, a reasonable accommodation may be unpaid leave.

THE ADVANTAGES OF AN INTEGRATED CLAIM SYSTEM

An employee's request for a job accommodation can arise as part of a claim for short- or long-term disability, FMLA or workers' compensation – or a condition that doesn't qualify for any of these.

A claims management system that brings together the information on all types of employee absences, tracks each step in the process and enables comprehensive documentation helps ensure compliance on multiple fronts. Relying on manual tracking methods may lead to compliance violations and increased risk. A centralized information platform that supports multiple processes can greatly reduce documentation risk – and give employers a significant advantage in the current regulatory environment.

Integrating claim systems not only helps streamline the information, it can also help employers reduce costs. Over a three-year period, Sedgwick found employers that implemented integrated disability management programs reduced their internal administration costs by an estimated 10 to 20%.

ADDITIONAL RESOURCES

Webinar: ADA/ADAAA challenges: Are you compliant?
<http://youtu.be/OWIUXEeLSU8>

Sedgwick Connection blog
<http://blog.sedgwick.com>

ADA accommodation overview
https://www.sedgwick.com/news/Documents/Services/ADA_Accommodation_Services.pdf

Integrated disability management white paper
<https://www.sedgwick.com/news/pages/idmwhitepaper.aspx>