



Building a strong accommodation program

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An accommodation program's value is tied to the employer's willingness to offer strong options. Good intentions paired with a good vendor can create return to work and stay at work programs that are ready to deploy when you need them.

Chances are, you've got a solid business continuity plan — think about accommodations in much the same way. If you're short an employee for any period of time, how will you keep your business moving? How will you continue engaging that employee during their time away? Have you considered alternatives that may help an employee stay at work, rather than needing to return to work after an absence? It's critical to have these best practices in place — and documented — in advance, so you don't have to design on the spot when an employee is out.

BEST PRACTICES EMPLOYERS CAN FOLLOW TO BUILD A SUCCESSFUL ACCOMMODATION PROGRAM:

Provide clarity and consistency.

One of the biggest gaps we see from clients is inconsistent — or altogether missing — job descriptions. It's challenging for managers and human resources to determine how, or even if, they can make accommodations, if the organization doesn't have employees' essential functions documented.

TIP: Think beyond the "hiring" job description to the "functional" one, especially in roles with a higher propensity for injury. Focus on the physical demands of the job, so they can be reviewed by medical/therapy professionals. How much will the employee have to lift or carry? Push or pull? What's the environment? It should be completed by someone with a true sense of what the position requires.

TIP: Make your description detailed and accurate, but concise. It should be an efficient tool for the physician who will have to make, in some instances, a life-altering decision on your employee.

It can be hard to engage and communicate consistently with a decentralized and/or remote workforce — and inconsistency is the number one thing to make someone think they're being treated unfairly. Employees are becoming more familiar with their rights: According to the EEOC, in 2019, employees filed charges of disability discrimination more often than any other type of discrimination (e.g., race, religion, age, etc.). Getting job descriptions down on paper helps with compliance, legal coverage and efficiency, whether that worker is in Billings or Philly.

TIP: Once you're clear on job descriptions, define what accommodations are appropriate and necessary, and document what you're willing to do for each function.

Everyone, every step of the way, needs to understand what their role is. Beyond role, though, it's important to look at each employee, and each requested accommodation, individually; just because the disability or diagnosis is the same does not automatically mean the accommodation will be.

TIP: Wherever you can, involve your employee in the conversation. What you're trying to solve for, they've probably already experienced — at home, in their community, traveling — they know what they need and, oftentimes, how best to get it.

TIP: Don't hesitate to engage return to work professionals in these interactions. They can assist you throughout the interactive process, they're well-versed in what questions are okay to ask and they'll use "person first" language that serves your employee best while making sure legal parameters are respected.

Think creatively.

The quicker you can get an employee back to work, the more everyone benefits. The Americans with Disabilities Act (ADA) is not about putting someone out on leave, it's about doing everything you can to get them back to work, and keep them there. If you can find or create a solution that helps your employee stay at work without needing to go through ADA, everyone wins.

A good return to work program gets employees back to work as soon as possible after an illness or injury by modifying their job responsibilities (sometimes called light or transitional duty) and, if necessary, accommodation through the ADA or other state disability law.

But the difference between a good plan and a great one is thinking ahead, and thinking creatively, about helping your employees stay at work, rather than returning. Stay at work starts with culture, and with genuine buy-in from the top down. It tells your employees, "If you sustain an illness or injury that impacts your ability to work, we'll do everything we can to keep you here; we value you." That messaging leads to better outcomes and a happier, more diverse workforce. Accommodations go hand-in-hand with diversity and inclusion efforts by providing a natural support for people with disabilities, be it short-term or long-term.

TIP: Don't underestimate the influence of a manager or supervisor on their frontline employees; make sure they're trained and educated on the organization's return to work and stay at work policies. If their messaging contradicts formal policy, correct it immediately and communicate clearly with the employee about their rights and options.

Even when you put forth a best effort, sometimes you just can't come up with an accommodation that will enable an employee to continue their essential functions. The Equal Employment Opportunity Commission (EEOC) and the Department of Labor caution that it's important to consider all options before you terminate anyone; wherever possible, be flexible and creative and, again, plan ahead.

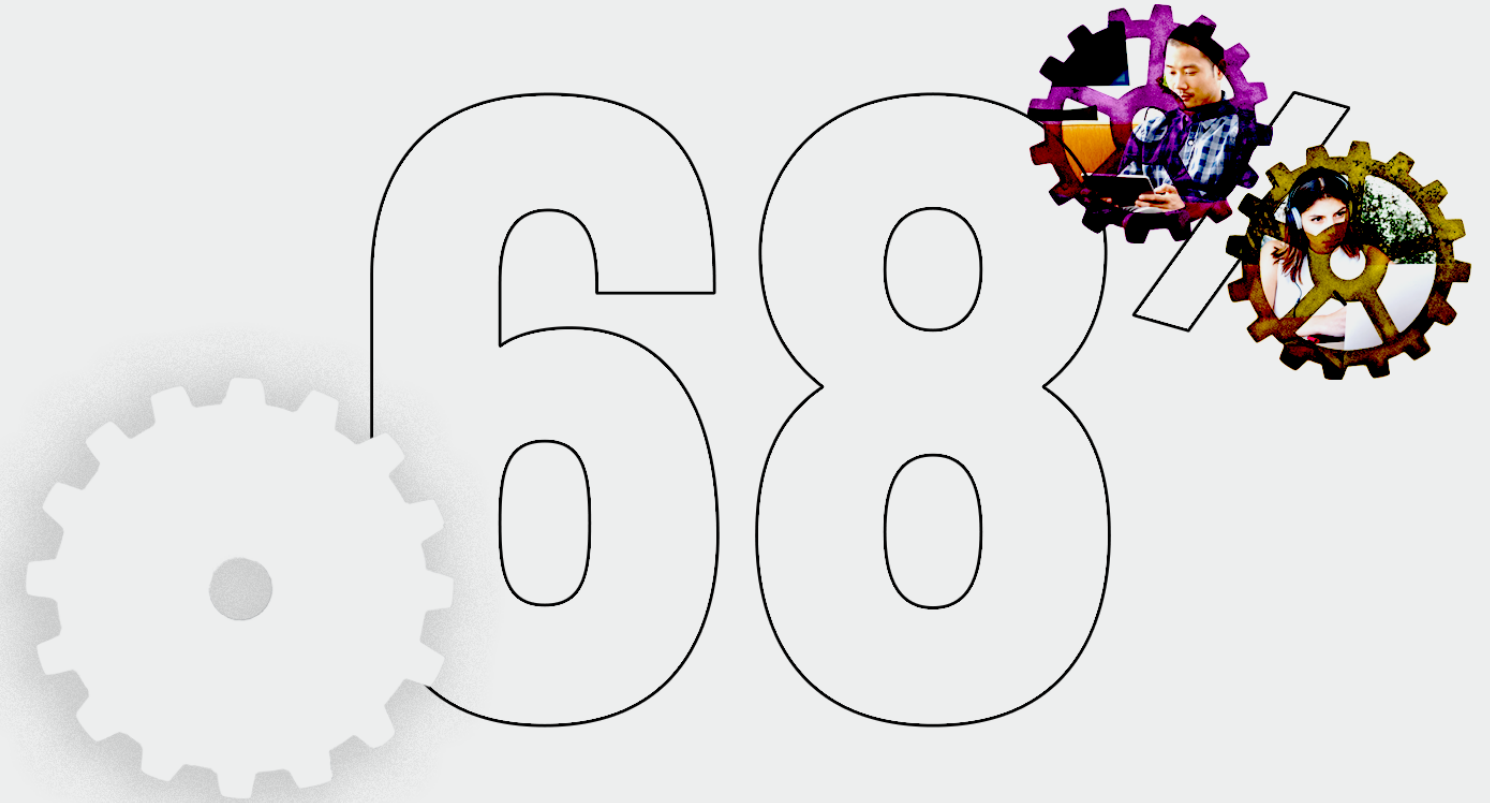
Consider the total cost of absence.

Did you know that the majority of accommodations cost employers less than \$500, if they cost anything at all? The cost of a strong accommodation program isn't nearly as much of a concern as the cost of not having one. Just ask the defendant in a recent case, who opted not to install an automatic door for an employee in a call center. The modification was estimated at about \$2,000. The employee sued for disability discrimination and was awarded \$650,000.

ROI is just one piece of the puzzle. Be sure you're thinking about the intangibles: how much added time and energy is your internal staff going to spend on paperwork? Who will take on the additional responsibilities of a missing employee? How will you ensure productivity and quality standards are met with a temporary worker or a reduced staff?

Connect the dots.

By developing and offering a holistic work environment, with products and services available that are both usable by and beneficial for the broadest array of individuals, employers can ensure there's space for someone with a disability to be mobile, productive and safe. This practice of universal design puts policies and procedures in place that encompass everyone.



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TIP: Think of unexpected yet simple ways to embrace universal design. Choose words and phrases that can be easily understood by someone who doesn't share the same primary language or is impaired in some way. When you create presentations or other visual aids, consider the font size, color contrast, etc. from an ADA perspective for optimal accessibility.

For more information on universal design, visit these resources:

JAN article on universal design in the workplace

https://askjan.org/topics/univdes.cfm?csSearch=3102847_1

National Disability Authority on the seven principles of universal design

<http://universaldesign.ie/what-is-universal-design/the-7-principles/the-7-principles.html>

Many organizations have been employing universal design, whether consciously or not, as they work to keep their workplaces functioning throughout the COVID-19 pandemic, decreasing exposure and transmission by installing automatic doors, improving air quality, lessening the number of unnecessary in-person interactions, etc.

COVID-19'S IMPACT ON ACCOMMODATIONS

A year and a half into the pandemic, we're just now beginning to understand the "long-haul" effects many are suffering after a COVID-19 diagnosis. Along with accommodating for physical symptoms that continue long after the virus has left the body, we also have an opportunity to look differently at employees' mental health concerns, particularly as more and more workers express anxiety over returning to a post-COVID workspace. An employee with a physical diagnosis can go through a capacity assessment and measure their recovery progress through physical therapy; there are fewer opportunities for those kinds of metrics with mental health.

While the world slowly moves beyond a nearly singular focus on the pandemic, its effects will be wide-reaching and long-term. In a recent DMEC survey, 68% of employers reported an increase in accommodation requests over the previous year — the number one request being to work remotely — and we have every reason to believe this will continue for the foreseeable future.

Before COVID-19, many employers claimed that allowing employees to work from home would unduly burden the organization. Since COVID-19, those same employers, out of necessity, had to rethink, and in many instances require, remote working. Moving forward, it may be more difficult to prove that working from home is logistically impossible or bad for business. And where absence plans were traditionally built for the workplace, employers now need them to embrace a newly expanded remote workforce.



WFH AS A NEW WAY OF LIFE.

Absence plans were built around the traditional workplace — now we need them for employees working from home. The Department of Labor is clear that just because you allowed remote work during the height of the pandemic doesn't mean you have to continue offering it forever. But consider what kind of leader and organization you want to be. How you lead will have long-lasting effects on how you define yourself — or, perhaps more importantly, how others define you — as an employer. Compliance and the bottom line are crucial, of course, but so is safety, inclusion and morale.

Take proactive measures to invest in the whole employee, wherever their work is being done. Find ways to conduct wellness checks for your remote workers. Arrange for standing desks in home offices. Stay flexible with scheduling. Offer in-home ergonomic evaluations. Chances are, your employees have already figured out how to transition to a new environment, and this increased opportunity to provide accommodations can set you apart.

As is so often the case, there are silver linings: The pandemic has led to a broader view of what is possible for workers and accommodations have been an important part of the conversation. Employees who aren't able to work in a traditional workplace are finding great success with expanded work from home options, and employers are benefiting from a more diverse talent pool.

By making accommodations part of your "total health" management strategy, you're helping your workforce stay healthy and happy and, by extension, productive.

