



2024 COMPLIANCE
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Employer Roundtable: ADA in a Post-Covid World

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Director of Compliance – Absence, Disability, & Life | MMA

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Meet The Roundtable Participants

- Jim Jantz, J.D. (Moderator)
- Director of Compliance – ADL @ MMA



- Trista Sanchez
- Manager, Leave of Absence @ Safelite



- Anna Marie Bulfamante
- Manager, Benefits @ Danone



- Chris Scheidt
- IDAM Manager @ Sutter Health



Impacts of Covid

- Employers Faced Many Challenges During and Since Covid
 - Unique Impacts to Each Employer Based on Variety of Factors
 - Immediate Responses to New Requirements, Including Mandatory Paid/Unpaid Time Off for Quarantine, Vaccination, etc.
 - Increase In Accommodation Requests Related to Covid (masks, quarantine, vaccine requirements, etc.)
 - Overall Increase in Non-Covid LOA and Accommodation Claims: Pre-Existing Conditions, Mental/Behavioral Requests, Long Covid
 - Many Employers Shifted to Allowing More Work From Home Options

Americans with Disabilities Act

- Title I of the ADA **requires an employer to provide reasonable accommodation to qualified individuals with disabilities** who are employees or applicants for employment, except when such accommodation would cause an undue hardship.
- In general, an **accommodation is any change in the work environment or in the way things are customarily done** that enables an individual with a disability to enjoy equal employment opportunities.

Americans with Disabilities Act

- There are a number of possible reasonable accommodations that an employer may have to provide in connection with modifications to the work environment or **adjustments in how and when a job** is performed. These include:
 - making existing facilities accessible;
 - **job restructuring**;
 - part-time or modified work schedules;
 - acquiring or modifying equipment;
 - **changing** tests, training materials, or **policies**;
 - providing qualified readers or interpreters; and
 - reassignment to a vacant position.

Americans with Disabilities Act – Employer Process

- What is Your Accommodations Process?
 - Internal or Outsourced?

- Any Process or System Changes Caused by Covid?

Covid's Impacts on Accommodations: Unique for Each Employer

Danone

- Hybrid WFH Model Pre-Covid, Remains in Place.
- Recent Changes and Impacts:
 - No Significant Changes to Accommodation Request Volumes.
 - Utilizing Existing Leave-as-Accommodation Process for Covid-related Absences that Do Not Rise to Level of FMLA's Serious Health Condition.

Covid's Impacts on Accommodations: Unique for Each Employer

Safelite

- Shifted to WFH for Roles That Were Not Previously Considered Eligible. Closed Multiple Offices, Will Remain WFH.
- Recent Changes and Impacts:
 - Overall Decrease in ALL Accommodation Requests Due to WFH.
 - Leadership Willing to Try New Approaches, Including for Any New Accommodation Requests.

Covid's Impacts on Accommodations: Unique for Each Employer

Sutter Health

- Shifted to WFH, Now Shifting Back to Office.
- Recent Changes and Impacts:
 - Significant Increase in Accommodation Requests to Remain Virtual.

ADA in the Post-Covid World

- Conclusions and Positive Impacts:
 - Greater Flexibility and Inclusivity, Including:
 - More Accommodation Options, Specifically WFH.
 - Increased Willingness to Try Options That Would Previously Not Be Considered, Including Accommodations.
 - Staffing Flexibility – Not Tied to a Geography/Location.
 - Employers Need to Have Flexibility and Resources Available to Handle the Increase in Requests for LOA or Accommodations.

QUESTIONS?