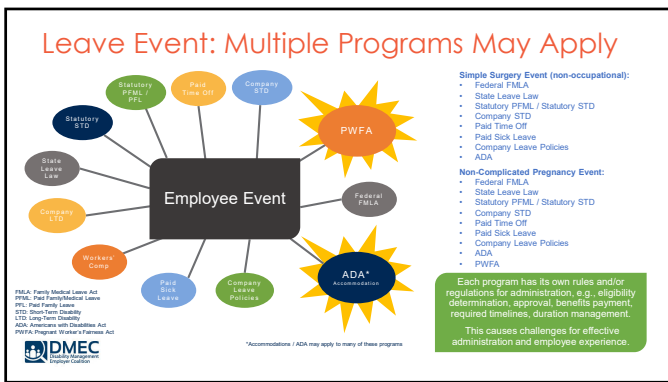




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EEOC Charge History

In 2019, for the first time in the ADA's 30-year history, **disability** was alleged more often in Equal Employment Opportunity Commission (EEOC) charges than any other type of discrimination.

Prior to 2019, sex discrimination was the charge most alleged, with disability being a close second for a brief period of time (2018).

From 2015-2017, race was the charge most alleged, with sex being a close second.

Prior to 2015, race held the title of the charge most alleged, with sex being a close second, for at least 18 years.

DMEC
Disability Management
Employment Solutions

3

Cost Avoidance Considerations

Based on 2021 EEOC ADA charge data, the average EEOC settlement was \$56,000

The most common issues alleged in ADA charges have consistently made up 87%-90% of all alleged issues:


- Discharge
- Reasonable Accommodation

*Multiple issues can be alleged as part of an ADA charge
** Discharge and Reasonable accommodation have consistently made up 47%-52% of all issues alleged in ADA charges each year for the past 10 years

What does this tell us?

Failure to make reasonable accommodation and termination (discharge) are by far the most common triggers for an individual to file a charge under the ADA.

**Employees are becoming more aware of their rights under the ADA.
With a consistent approach, employers can minimize legal exposure.**



4

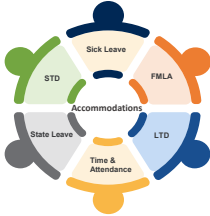

Accommodations & Absence Management

Potential for accommodation rights should be considered with any medical leave or request.

Integrate the interactive process into all leave procedures.

Accommodations may be applicable when the employee's leave is exhausted or denied.


Accommodations may be also be applicable if the employee has a record of impairment (i.e., time off for follow-up doctors' appointments, tests, or therapy related to past disability).

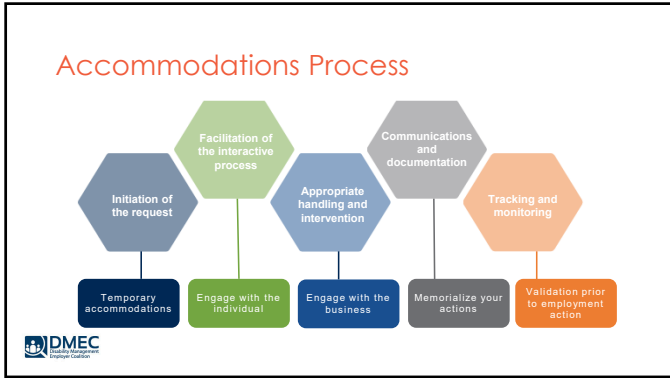
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Accommodations Process

Review and analyze your processes for the management of requests for accommodation:




6



7

Temporary Accommodation Acknowledgement

TEMPORARY ACCOMMODATION ACKNOWLEDGEMENT

Employee Name: _____ Date: _____

Employer Name: _____

Reason for applicable accommodation(s) being provided temporarily: _____

Start Date of Temporary Accommodation: _____ Date to discontinue or re-evaluate: _____

What other steps need to be taken? _____

Employee Representative: _____ Date: _____

Employee: _____ Date: _____

TEMPORARY ACCOMMODATION ACKNOWLEDGEMENT

Employee Name: _____ Date: _____

Employer Name: _____

Reason for applicable accommodation(s) being provided temporarily: _____

Start Date of Temporary Accommodation: _____ Date to discontinue or re-evaluate: _____

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Employee: _____ Date: _____

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