



Managing ADA requests amid the return-to-office shift

Introductions



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Agenda

- A new workforce, a new ADA reality
- Choosing what works, case by case
- Supporting people with consistent systems

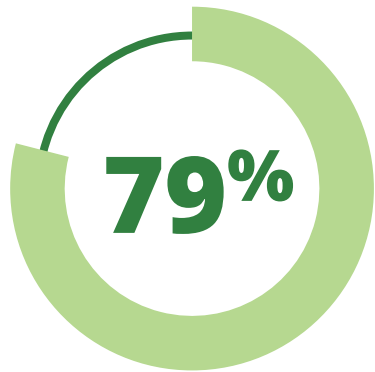




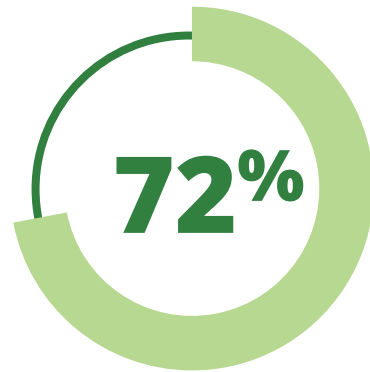
**A new workforce, a new ADA
reality**

Trends in today's leave landscape

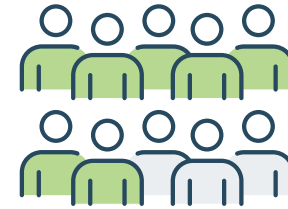
Compliance requirements are more complex than ever and overlapping STD, FMLA and ADA timelines create some of the most challenging decisions employers face.



of employers cite state and local paid leave laws as the number-one challenge in leave administration.¹



of employers have had to add resources to ensure compliance with state and local paid leave mandates.²



NEARLY 7 IN 10 employers rank compliance as one of their top three concerns.²



1/3 of employers say controlling abuse of leave and absence benefits is becoming more challenging.³

¹ Business Group on Health, 2024 Employer Leave Strategy and Transformation Survey.

² Mercer, 2024 Absence Management and Disability Survey.

³ Unum Market View Report: The Rapidly Evolving Leave Landscape, 2025.

A new workforce reality meets a new ADA reality

Return-to-office is accelerating

Fortune 500 full-time office mandates nearly doubled in 2025. From 13% to 24%, with in-office expectations averaging three days/week.¹



ADA telecommuting requests are surging

In the last year, ADA telework accommodation requests rose +112%.²

Major companies expanding full-time and hybrid in-office mandates in 2026

- Paramount Skydance
- Novo Nordisk
- NBCUniversal
- Microsoft
- Instagram
- Home Depot
- PNC Financial
- Truist
- Sherwin-Williams

¹ FlexIndex, The Flex Report Q3, 2025.

² Unum internal data, 2025.

Source: Archie, Companies Returning to Office: RTO Tracker, 2026.

What's behind the surge in requests

- Requests skew toward early-tenure employees: 66% of ADA accommodation requests in 2025 were from employees with less than five years of tenure¹
- Managing mental and emotional health: Four in ten employees report taking a leave of absence to care for their own mental health²
- Facing increased physical mobility challenges: Roughly one in five U.S. adults report difficulty walking or climbing stairs, a core indicator of musculoskeletal-related disability³

¹ Unum internal data, 2026.

² Headspace, Workforce State of Mind report, 2025.

³ CDC, Disability and Functioning Fast Facts, 2024.



- ✓ Accessible remote-work options meet accommodation needs.
- ✓ They signal employees are valued.
- ✓ That drives connection, wellbeing and retention.

What this looks like in the real world

Three employees, three stories your teams are already seeing



EMPLOYEE #1:

- Early-career analyst
- Age 27
- 18 months at the company

COVERED ADA CONDITION:

- Generalized anxiety disorder

TELECOMMUTING REQUEST:

“When we were hybrid, I could manage my symptoms and stay focused. Now that we’re back onsite full-time, the noise and crowded environment make it hard to keep up. At home, I can stay regulated and productive. Can we look at adjustments or a hybrid routine?”

POTENTIAL ACCOMMODATIONS:

Explore alternatives to reduce noise and crowd triggers: quiet rooms, enclosed workspaces or virtual attendance for larger gatherings as appropriate.

What this looks like in the real world

Three employees, three stories your teams are already seeing



EMPLOYEE #2:

- Project manager
- Age 41
- Eight years at the company with a record of top performance

COVERED ADA CONDITION:

- Chronic back and hip pain

TELECOMMUTING REQUEST:

“Hybrid work made it manageable to deal with my chronic back and hip injury. Since returning onsite every day, the commute, long walks across campus and full days in meeting rooms leave me stiff, in pain and exhausted. When I work from home, I can switch positions and take short stretching breaks that help me stay productive. I’m asking for remote work as an accommodation while I continue rehab.”

POTENTIAL ACCOMMODATIONS:

Explore options that ease commute and mobility barriers: closer parking, shorter walking routes, movement breaks or ergonomic supports.

What this looks like in the real world

Three employees, three stories your teams are already seeing



EMPLOYEE #3:

- UX developer
- Age 35
- With high output during hybrid

COVERED ADA CONDITION:

- Adult ADHD

TELECOMMUTING REQUEST:

“During hybrid work, I structured my home setup to minimize distractions and keep tasks moving. Being back onsite every day makes it harder to stay on track. Could we explore onsite adjustments or limited remote days that support how I work best?”

POTENTIAL ACCOMMODATIONS:

Explore alternatives that replicate the employee’s home setup: like a reduced-distraction workspace or meeting-free focus blocks.

Starting the interactive process

It asks that employers:

- Engage in a dialogue with the person about what accommodation would be effective
- Take the initiative to find out what the person's limitations are due to their disability and what potential reasonable accommodations could be made



KEEP IN MIND

Employers get the final say in what accommodation to offer, but that decision should consider the preference of the employee



Why this puts pressure on employers

The standard is “reasonable,” not “always” or “never.”

That means every request becomes:

- Is remote work reasonable in this case?
- Can they still perform their essential functions at home?
- Are there alternative effective accommodations we could provide first?
- How do we stay consistent without setting precedent?
- What if we’ve allowed remote work before?
- How do we document a defensible decision?



TRUE OR FALSE

Where employers get tripped up



"If an employee asks for a specific accommodation, we have to give them exactly what they request."

FALSE



"Before approving remote work, employers should understand what actually makes home different from onsite."

TRUE



"If essential tasks can be done effectively with onsite adjustments, remote work may not be required."

TRUE



"Most workplace accommodations are expensive."

FALSE

A woman in a light-colored sweater is leaning over a man who is sitting at a desk and working on a laptop. The man is wearing glasses and a dark shirt. The background shows office cubicles with glass partitions. The entire image has a blue tint.

Choosing what works, case by case

Why these requests can't just be dismissed

EEOC guidance makes the work location a potential ADA accommodation.

So even if remote work isn't offered broadly, it can qualify as a modification of workplace policy.

Which is why each decision must be legally defensible — because the risk is in the response, not the request.



So the risk isn't in the ask.
It's in how the employer responds.



CASE STUDY

When return-to-office decisions outpaced the ADA process

As part of a return-to-office initiative, an employer restructured how remote work was handled but failed to separate workforce actions from ADA obligations.

What happened:

- ✓ Shifted from a long-standing hybrid model to five days in office
- ✓ Issued a standard RTO notice with a voluntary severance option
- ✓ Included a brief ADA reference but sent the notice to employees with active or pending accommodations
- ✓ Presented severance before completing ADA evaluations

Why this is risky:

**RTO decisions
and ADA
accommodations
were treated as
*the same process,
and they're not.***

Avoiding the ADA missteps

DO

- ✔ Separate ADA accommodations from RTO actions
- ✔ Complete the interactive process first for disability-related remote work needs
- ✔ Assess essential functions individually, not by policy
- ✔ Document your reasoning and alternatives considered

DON'T

- ✘ Send blanket RTO or severance notices to employees with ADA needs
- ✘ Offer severance in lieu of accommodation review
- ✘ Skip onsite alternatives before denying remote work
- ✘ Apply one-size-fits-all decisions



Remote work on trial: A costly reminder

RUSSO V. NATIONAL GRID (2025)

Two employees with health conditions requested to continue working from home, an arrangement that allowed them to work productively and manage ongoing health restrictions.

- A jury awarded \$3.1M after an employer denied remote work ADA accommodation requests that had previously been successful
- The court found the company failed to show undue hardship and ignored evidence that remote work was effective
- The message is clear: Individualized decisions and strong documentation matter

Proving the point: On-site presence upheld in court

STANLEY V. PHELON (2024)

During the pandemic, a college temporarily allowed remote work. More than a year later, it required all employees to return on-site. A Maintenance and Labor Supervisor asked to continue working from home and received a few short trial extensions before a dispute arose.

- The employer showed that on-site presence was essential to the maintenance supervisor role, despite the employee's argument that pandemic remote work proved otherwise.
- The employer documented that duties had shifted during the shutdown and resumed once the college reopened.
- Courts agreed that temporary pandemic remote work did not change the job's long-term essential functions.
- Clear job descriptions, a documented interactive process and well-defined essential functions help employers make defensible ADA decisions.





Remote work denied

The new ADA landscape

What recent cases make clear

EMPLOYER WINS

- **Hollis V. v. Mayorkas (2023):** Denying full-time remote work was not a violation because essential duties involved classified information that could not leave the workplace.
- **Yolanda P. v. McDonough (2022):** Remote work was not required because key duties (customer service, patient documents, direct support) had to be performed on-site.

AN EVOLVING STANDARD CONTEXT MATTERS

- **Smithson v. Austin (2023):** COVID-era advances in remote work technology mean employers must reassess essential functions with a forward-looking, job-specific analysis.



Remote work approved

The new ADA landscape

What recent cases make clear

EMPLOYEE WINS

- **Annie F. v. Mayorkas (2023):** Remote work was reasonable where documentation showed most duties could be done remotely and performance remained strong during prior remote work.
- **Laguerre v. National Grid (2022):** Remote work was reasonable for a call-center role since calls could be routed to the home and did not contain sensitive information.
- **Complainant v. Azar (2020):** Remote work was reasonable because the image analyst's duties (tumor measurements) could be fully performed off-site.
- **Lorita v. Wolf (2020):** Requiring an employee to keep a daily worklog while working from home was reasonable and did not violate the ADA.



The interactive process requires employee cooperation

When employees refuse to engage, courts tend to side with employers

Myung v. Spencer (Navy) (2020):

Employee requested remote work but failed to provide requested medical support. The employee did not cooperate in the interactive process, and the initial paperwork was insufficient to support the specific remote work request.

Yochim v. Carson (2019):

Employer proposed a schedule modification instead of remote work. The employee refused to discuss alternatives. The court found the employee's insistence on a single accommodation caused the breakdown in the interactive process.

EEOC v. Kohl's Dept. Stores

(2014): Employee requested a specific work schedule to manage diabetes. The employer discussed the request in a meeting and proposed alternatives, but the employee refused to engage, cleaned out their locker, left the workplace and stopped communicating. The court held the employer was not liable where the employee caused the breakdown in the interactive process.

Regulatory reminder:

Employers meet ADA obligations by offering an effective accommodation. Employees may refuse it — but if they cannot perform the job without accommodation, they may not be considered a qualified individual under the ADA

The interactive process in practice



The request lands



Meet Maya

- An administrative coordinator, four years with the company
- Previously hybrid (three days onsite/two days remote)
- Company recently moved to full-time in-office
- Took leave after a complicated ankle injury and surgery and now uses a cane
- Requests remote work as an ADA accommodation

“

Commuting and walking the campus cause swelling and pain. I can work comfortably and stay productive from home.”

MANAGER PLAYBOOK

Simple language that keeps conversations productive and compliant

Say:

“Let’s talk about what feels different in the office and what we can adjust to make work doable.”

Avoid:

“We don’t accommodate remote work,” or “No one gets exceptions.”

Say:

“Let’s try this approach for a few weeks and check in together to see how it’s working.”

THE GOAL:

Uncover what's truly getting in the way

HR meets with Maya and learns:

- She has pain from walking long distances
- She encounters mobility challenges with stairs, hallways and the company's large campus
- When HR reaches out to medical experts for guidance, they learn that prolonged standing and walking could be difficult for Maya

Possible on-site accommodations
HR explores before telework:

- Reserved accessible parking
- Workspace near elevators and restrooms
- Sit-stand desk and leg-elevation support
- Adjusted schedule to limit in-office days as transition
- Mobility supports like a cart or scooter

Question at this stage:

What onsite barriers can be removed enough for her to perform essential functions?

Can she perform the job remotely without significant difficulty or expense?

HR meets with Maya's manager to evaluate her essential job tasks:

- ✓ Admin work is fully computer-based
- ✓ She performed the role successfully while hybrid
- ✓ No physical materials or in-person duties required besides a bi-weekly team collaboration meeting
- ✓ No increase in cost or disruption to business operations
- ✓ Remote work is feasible and has worked before



Determining if a function is essential

Keep job descriptions current

Reflect how work is done today. Remove outdated language, clarify what truly matters and tie essential duties to on-site required tasks like:

- Using specialized equipment, specialized skills or training
- Safeguarding sensitive information
- Supervising people
- Supporting clients in person

Confirm the function is core to the role

- Is this duty the main reason the position exists?

Check team capacity

- Can others reasonably perform or share the task?

The EEOC also looks at:

- Actual past/current job experience
- Time spent on the function
- Consequences if the task isn't done
- Collective bargaining agreements (if applicable)

Identify and implement

Possible accommodations for Maya

On-site adjustments:

- Parking space closer to the building entrance
- Workstation positioned near the entrance or elevator
- Equipment to elevate her leg as needed
- Ergonomic tools that allow changes in posture and position
- Additional stretch or movement breaks to relieve sustained positioning
- HR and her manager check up on her progress and make slight adjustments as needed

Telecommuting accommodation:

- 12 weeks of remote work, with optional onsite visits only for essential tasks or bi-weekly team meetings
- Maya gives HR updates on healing journey and performance every two weeks

How HR implements these accommodations:

- Documents limitations, alternatives explored and rationale for telework accommodation
- Schedules check-ins every two weeks to ensure effectiveness and support Maya's recovery



Supporting people with consistent systems

When return-to-office meets rising leave requests, HR teams need a steady way to navigate every decision — one that balances compliance, empathy and operational reality.

The workforce shift HR can't ignore

More telework requests and rising employee expectations plus intersecting leave laws mean HR is navigating unprecedented volume and nuance

Rising expectations are reshaping employee needs

Flexibility, support and transparency are now baseline expectations, and they're fueling more accommodation conversations.

Every case is individualized, and no two look the same

Different roles, limitations and medical histories make ADA decisions highly fact-specific, requiring thoughtful assessment each time.

Compliance demands are more complex than ever

An evolving patchwork of leave and accommodation laws means HR is navigating intricacy with every request for more than just ADA.

Without structure, good-faith decisions fall apart

Inconsistent questions, missed follow-ups and thin documentation create avoidable gaps — making clear, repeatable processes essential.

Consistency is your strongest compliance tool

When expertise, human support and technology work together, HR doesn't have to choose between compliance and care.

What that looks like in practice:

- Guided intake that prompts the right ADA questions every time
- Automated reminders so documentation and follow-ups don't fall through the cracks
- Clear decision summaries that make reasoning visible and repeatable
- One connected view of ADA, FMLA, PFML and return-to-work information
- Dedicated compliance experts who help navigate complexities, not just push process

The result:

- Less administrative burden
- More confident decisions
- Better outcomes for employees and HR

The bottom line

This moment calls for confidence not guesswork

- Return-to-office is driving a steady rise in telework accommodation requests
- Strong processes, thoughtful alternatives and clear documentation protect people and the business
- When your approach blends compliance, employee experience and technology, you create decisions you can stand behind and a workplace people trust

Questions?





Join us for coffee at
Booth #113/115

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GENERAL AUDIENCE

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