




# When You Can't Say Yes: Managing Hard Accommodations Decisions with Care

Seth Turner, Founder and Senior Advisor, AbsenceSoft

Ellen Donovan McCann, Senior Council, Littler Mendelson

# Today's Accommodations Landscape



 AbsenceSoft

# 2026

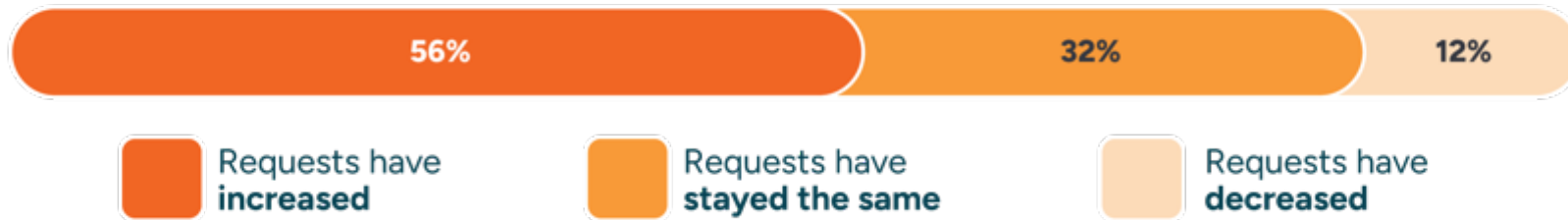
## State of Leave and Accommodations



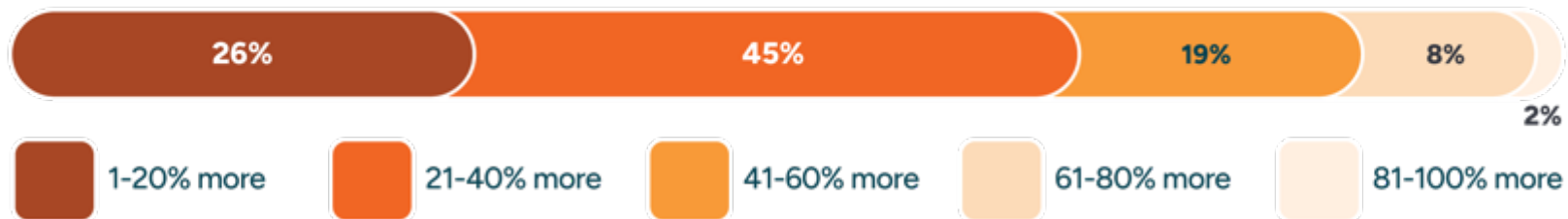
Survey of 1,200 HR leaders at  
companies with 500 or more  
employees about their leave  
and accommodations  
programs

# Accommodations Requests Continue to Rise

Has the number of employee requests for job accommodations changed during the past year?

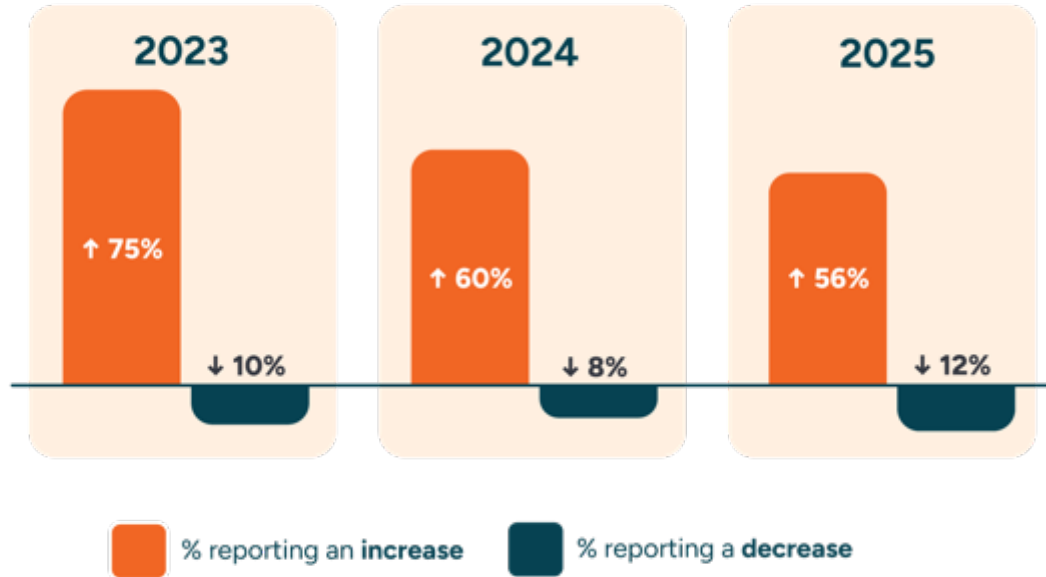


What percentage increase of requests for job accommodations has your organization received in the past year (previous 12 months)?

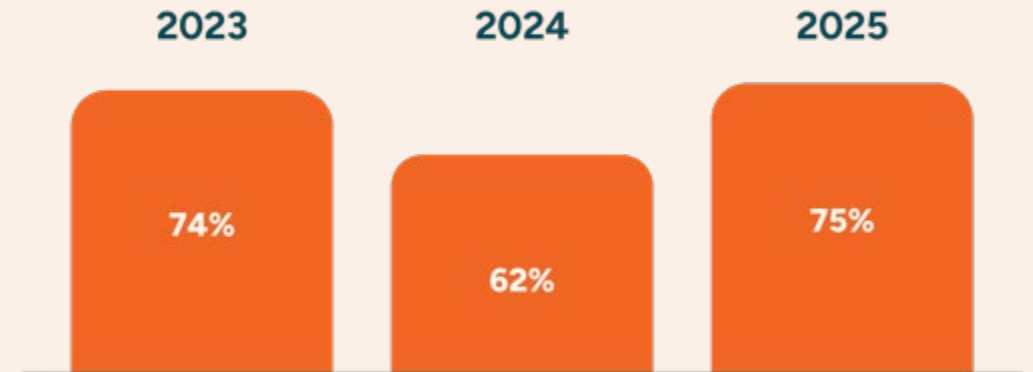


# Rising Requests Over the Past Three Years

Changes in Accommodations Requests Over Three Years



Increases in Accommodations Requests Over Three Years  
*Percentage of respondents reporting 20% or more requests*



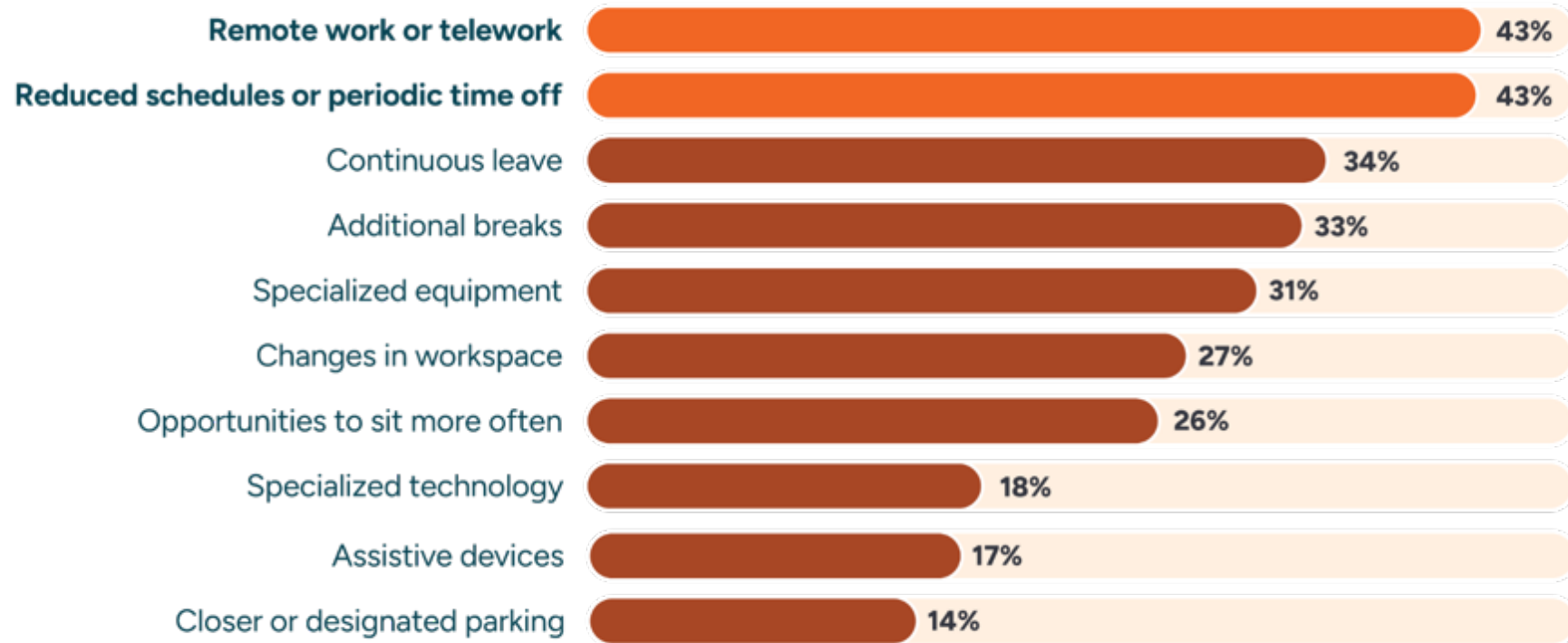
# Return to Office (RTO) Mandates are Here

In the past two years, has your organization implemented full or partial return-to-office (RTO) mandates?



# Employers Report Remote Work and Reduced Schedules at Top Requested Accommodations

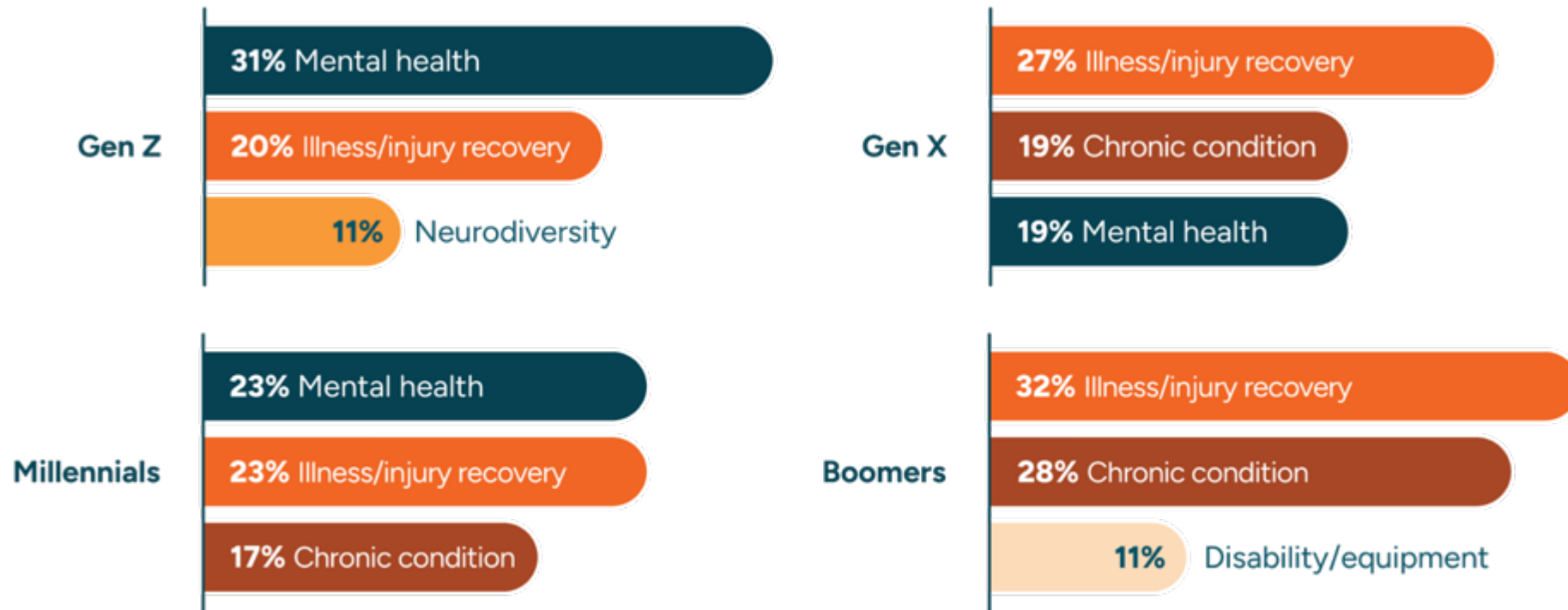
What are the top three most common accommodations employees at your organization request?



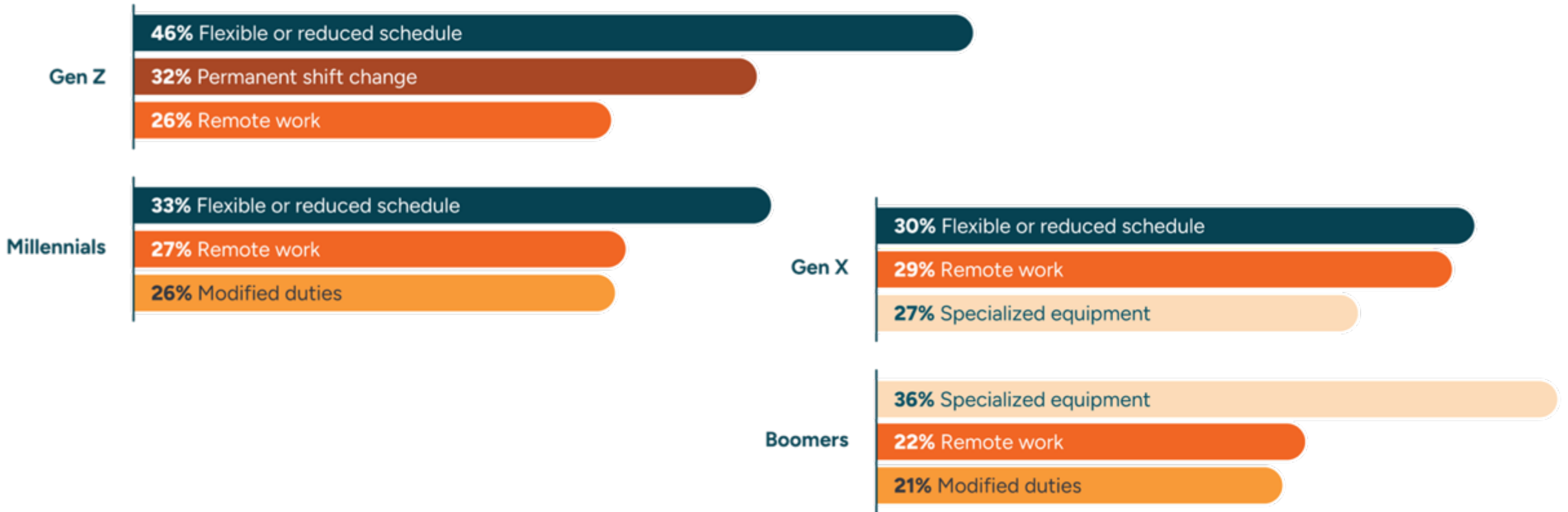


Survey of 1,000 employees who took a leave of absence in the past three years and 1,000 employees who requested an accommodation in the past three years

# Different Generations are Requesting Accommodations for Different Reasons



# Across Generations, Flexibility Remains a Key Requested Accommodation



# Not Every Request Can be a Yes



# When You Can't Say Yes



Understanding  
Undue Hardship

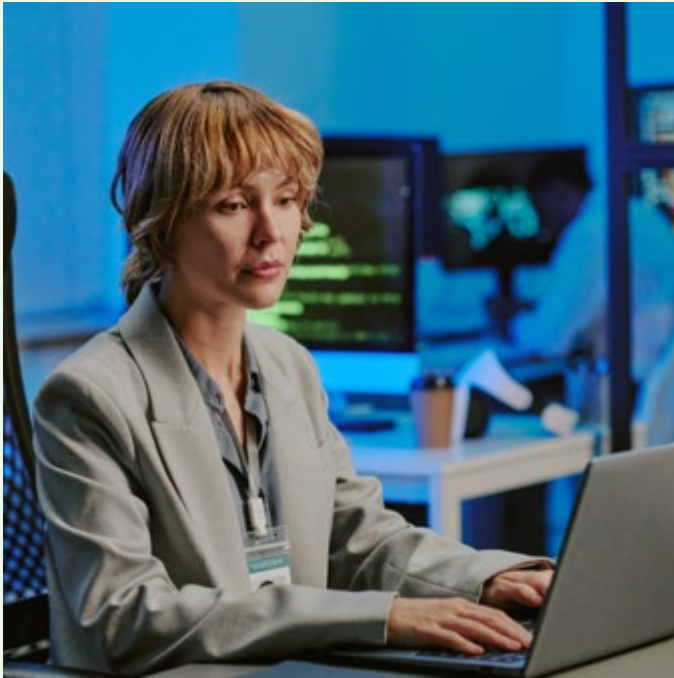


Offering Options



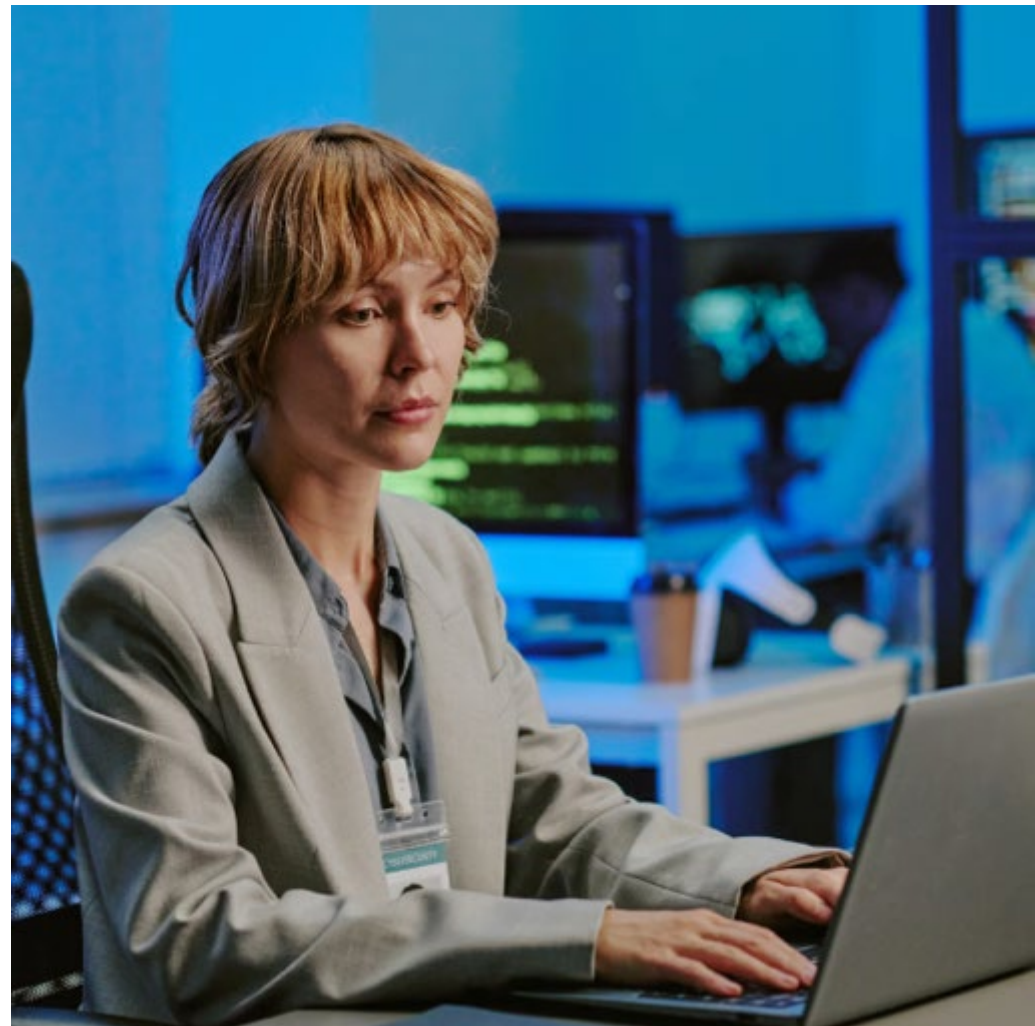
Defining Essential  
Functions

# Scenarios



# Scenario 1: Julia

- Julia is Director of Information Security for a global data security company that is based in Ireland.
- The company recently experienced a cyber security breach in its US operations.
- Julia was hired to develop new US cyber security protocols and policies and to lead ongoing US data security functions.
- Immediately after hire, Julia disclosed that she has been diagnosed with Autism Spectrum Disorder.



# Julia's Medical Certification

- **Provide job coach to gain skills in navigating meetings, job tasks, and business communications.**
- **Regular brief breaks throughout the day can help with managing stress and sensory overload.**
- **Accommodations such as ability to step away to calm.**
- **Daily check-in with VP to aid with task management and support.**
- **Clear, concise instructions for tasks. Provide deadlines for time sensitive tasks.**
- **Provide assignments using checklist or similar format for managing tasks.**
- **Provide written examples of expected output formats.**

# Julia's Medical Certification (continued)

- **Clear, concise, direct feedback that is specific to the situation. Avoid generalizations or abstract language such as metaphors.**
- **Advance notice of schedule or schedule changes to aid in anxiety management and mood regulation.**
- **Whenever possible, use written communication rather than verbal instructions to aid information processing and reduce misunderstandings.**
- **Consider options such as ability to manage lighting in workspace, quiet workspace, and flexible hours to aid task completion and meeting goals.**
- **Step-by-step instructions for travel with a detailed itinerary and advance preparation for what to expect.**
- **Preschedule all meetings. Provide meeting materials beforehand for review, along with an agenda.**

# Scenario 2: Christopher

- Christopher is an employment lawyer who works in-house for a large retail operation.
- Christopher is the only lawyer supporting HR's Western Region Employee Relations team.
- Christopher provides support for all employment-related legal issues, including overseeing threat and harassment investigations, defending Charges of Discrimination and overseeing litigation.
- After taking a leave of absence, Christopher disclosed that he suffers from agoraphobia and needs accommodations to return.



# Christopher's Medical Certification

- Full-time remote work
- No in-person meetings including hearings, conferences or court attendance
- In order to limit stress and unpredictability which exacerbates underlying anxiety (which worsens symptoms):
  - Limit work hours to 8 hours per day and 40 hours per week
  - Predictable work hours
  - No weekend work

# Scenario 3-Alannah

- Alannah is a first-year medical resident working at a large hospital specializing in radiology.
- Every 6 weeks, Alannah is expected to focus on a different specialty (“rotations”).
- Most of the rotations involve reading different types of images with close oversight by attending physicians.
- For 6 weeks of the year, Alannah must work in Interventional Radiology which involves direct patient care in the hospital.
- Alannah asked for an accommodation due to a condition that caused her immune system to be compromised.



# Alannah's Medical Certification

- Must be provided specialized PPE
- Can work at the hospital but cannot be involved in direct patient care due to increased risk of infection
- Must be allowed to watch interventional radiology procedures for a 6-week period via Zoom or Teams to have access to same learning opportunities as peers

# What Matters in Employee Experience



Not Getting "Run Around" or Ignored



Supportive, Informed Managers



Clear Process and Transparency

# Bottom Line: The Process is Almost as Important as the Outcome

- Accommodation requests continue to take new forms
- Remember, it will NOT be something you already do and often will not be something the department thinks it can do
- Maybe the answer is yes, maybe it's no, but you have to go through the interactive process.
- Things that won't work when defending against an accommodation claim:
  - “That's not our policy.”
  - “If we do it for one, we have to do it for all.”
  - “We don't want to set a precedent.”
  - “We are worried about the impact on morale.”
- **Practical Point: nothing is entirely off the table, at least for discussion**

# Questions?

