



A Step-by-Step Guide to Refining Your ADA Strategy

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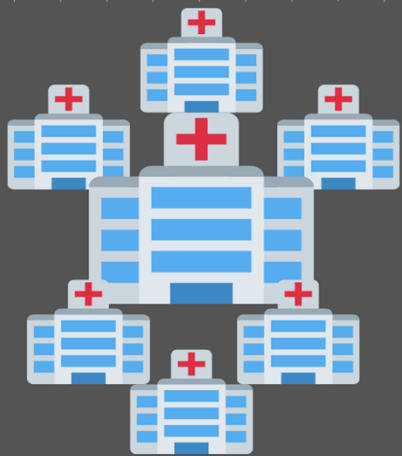
800,000+

People served
throughout
Western
Massachusetts



13,000+

Employees



4

Hospitals

80+

**Medical
Practices**



Baystate  Health

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About Spring Consulting Group

- Headquartered in **Boston, MA**
- Management buy out in 2004 of the U.S. Insurance & Financial Services Strategy Consulting Practice of Watson Wyatt LLP to form **Spring Consulting Group, LLC**
- Joined **Alera Group** in February 2018
- Provides **strategic consulting services** to employers, insurance and financial service providers and captive owners

The Americans With Disabilities Act

- The ADA is a federal law that is enforced by the Equal Employment Opportunity Commission (EEOC) and applies to employers with 15 or more employees.
- General requirement: Employers must provide people with disabilities an equal opportunity to benefit from the employment related opportunities available to others. This includes recruitment, hiring, promotions, training and all stages of the employment lifecycle.
- Definition of disability has a three prong approach.
- Our focus today will be on accommodations under ADA/ADAAA

ADA Lifecycle

PRE-EMPLOYMENT



The ADA requires compliance at all phases of employment; this means various stakeholders must understand the Act and the compliance requirements at different points in the lifecycle of employment

No employer shall discriminate against any qualified person with a disability in regard to any aspect of employment.

DURING EMPLOYMENT



Stay at Work and Return to work also referred to as Workplace accommodations

Employers required to engage in interactive process for all accommodation requests.

Defining Reasonable Accommodation

- An accommodation is any change or adjustment to a job or work environment that permits an applicant or employee with a disability to participate in either the hiring process, or to perform the essential functions of a job, or to enjoy equal benefits and privileges of employment
- An accommodation also can be an extension of a leave of absence after federal and state leave entitlements are exhausted
- Reasonable also implies that the accommodation must be effective for the purpose
- Reasonable means “feasible” or “plausible” – possible to provide without undue hardship

What would you consider to be reasonable accommodations?

May Include:

Job restructuring

Change in schedule

Equipment (talk-to-text software, sit/stand desk, rolling cart, step stool, assistance with lifting patients)

Additional food breaks

Allow service animal

Adjusting methods of supervision (communicating assignments in different ways, providing additional training, more guidance...)

Remote work

Workshop: Accommodation Process

Report/Intake

- Identify need for leave

Gather/Eligibility

- Collect facts and medical information from the employee, provider
- Review to ensure employee is not eligible for any other leaves
- Review to ensure employee is qualified and request is reasonable

Consider/Dialogue

- Consider leave request and accommodation options
- Request additional information, if appropriate
- Discuss with all stakeholders and escalate, if appropriate

Determination/Communication

- Further discussions if appropriate
- Approve or deny request for leave based on ADA requirements / employer culture
- Document appropriately

Monitor/System

- If approved, continue to communicate with the employee while out
- Track recertification requests
- Document in system of record to monitor next steps

Workshop: Accommodation Process

- We have documented three scenarios and will split into groups
- Everyone in the room will work on the same three scenarios (one at a time)
- Each has some implied complexities
- Your group has been assigned one phase in the ADA process (from the prior slide)
- Coordinate with your table mates and discuss that phase in the process and be prepared to talk to the group
- Things to consider:
 - How these might be standard / non-standard in your process
 - What might you do differently, give the complexities?
 - Think about it from the employee, manager and HR perspectives



Feel free to discuss the case end to end but start with your phase. We will have about 10-15 minutes for each scenario so we will move quickly through the cases



Thank you for attending!



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