The Texas Governor's Committee on People with Disabilities

Accessibility and Disability Policy Webinar Series

Keeping Up with Accommodations for the Workplace

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About GCPD

The Governor's Committee on People with Disabilities (GCPD) has a mission to further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination.

GCPD recommends changes in disability policies and programs in the areas of accessibility, communication, criminal justice, education, emergency preparedness, employment, health, housing, transportation, and veterans. The committee also supports a network of committees on people with disabilities, issues awards to promote greater awareness, and promotes compliance with disability related laws.

Webinar Information

- Chat is disabled in Zoom Webinar Mode. Please use the Q&A tool if you have questions for our presenters. Most questions will be answered near the end of the webinar.

- After the webinar, you will get an automated email from Zoom with a link to our GCPD page to access the webinar recording and other materials. The email will also include a survey where you can give your feedback.

ADA Celebrations

- July 26, 2025, is the 35th Anniversary of the ADA.

- Many state agencies, local governments, and organizations host events in July to recognize people with disabilities by celebrating one of the greatest legislative accomplishments for people with disabilities.

- Email us to let us know what is happening your area! We can post the information on our website to increase awareness about these events.

Americans with Disabilities Act

Texas Governor's Committee on People with Disabilities

Employment & the ADA

- The Americans with Disabilities Act law is broken up in 5 different titles. Title I of the ADA covers employment for people with disabilities.

- Under Title I, the law prohibits employment discrimination against qualified individuals with disabilities. Employers with 15 or more employees must ensure that people with disabilities have equal opportunities in all aspects of employment. This includes providing reasonable accommodations.

Reasonable Accommodations

Reasonable accommodations are modifications or adjustments to a job, work environment, or procedures that enable a qualified individual with a disability to perform the **essential functions** of their job and enjoy **equal employment opportunities**.

Employers are not required to provide durable medical equipment for the employee, but they can make modifications to their policies to allow their use in the workplace. Examples include hearing aids, wheelchairs, and prosthetics.

Job Requirements

Essential Functions- Responsibilities of a job that are required for the position. They are tasks that would fundamentally change the job if removed. Individuals must be able to do them with or without accommodations.

Marginal Functions- Responsibilities of a job that is not an essential aspect of the job. Easily removed from job description if the employee is unable to perform the task. If a marginal function is removed, it should not be included in job performance evaluations or for promotion consideration.

Qualifications- Required and preferred job requirements like education and experience. This cannot be accommodated.

Interactive Process

The **interactive process** refers to a collaborative discussion between an employer and an employee (or job applicant) for the purpose of identifying and implementing reasonable accommodations for a disability that impacts the individual's ability to do the job.

Employers have the legal burden of proving they engaged in the interactive process with their employees when discussing accommodations.

This is an important part of the Americans with Disabilities Act because it requires both to actively participate and communicate in good faith to find solutions.

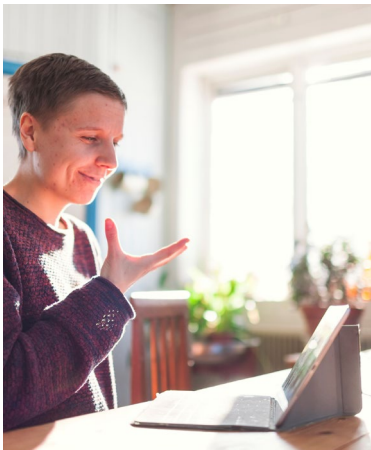# Accommodations at Work
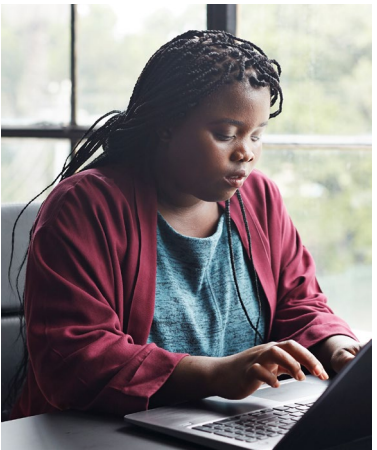
Accommodation Requests

Many organizations have a specific process for accommodations.

Check the employee handbook, contact Human Resources, or talk to decision makers of the business.

If no policy exists, proceed with caution to ensure compliance.

Employee Considerations

- Are there disability related barriers to doing one or more essential functions?

- Are there disability related barriers to access equal opportunity?

- What accommodations would help remove or mitigate these barriers? Are there several options?

Employer Considerations

- Although the ADA mandates minimum standards, many private employers with less than 15 employees may be persuaded or are willing to provide accommodations.

- Religious organizations with 15 or more employees are not exempt from Title I.

- State and local governments with less than 15 employees are not exempt from Title I.

- Accommodation exemptions are available based on fundamental alterations to operations or undue hardship.

Employer Research & Data

In 2024, the [NAICS](#) reported 17,769,699 private businesses that had at least one employee. Of these, it is estimated that around 2 million have 15 or more employees.

Research on employment with disabilities found differing perspectives between small employers and large employers that suggest different approaches to requesting reasonable accommodations based on size.

Employer Comparison for Requests

Small Employer

- Organizational structure tends to have fewer levels to navigate for approval.

- Usually doesn't have HR or an employee handbook. Less likely to have a policy for accommodations.

- The smaller they are, the more they perceive employees as if they are family (for better or worse).

- Fear of ADA as they have less knowledge and resources.

Large Employer

- Organizational structure tends to have many levels before securing approval.

- More likely to have strict policies on accommodations that must be followed step-by-step.

- The larger they are, the more they perceive employees as an asset for production purposes.

- ADA risk is part of the business that can be managed.

Documentation

- ADA guidelines indicate that apparent (obvious) disabilities are immediately covered by the law.

- For non-apparent disabilities, the employee has the burden of notifying the employer. Medical records may be required by employers to confirm that a disability exists. This may include accommodation recommendations from the doctor.

- Obtaining medical documentation is sometimes a long process. It is a good idea for employers to provide temporary and low-cost accommodations until they receive confirmation.

Choosing Accommodations

- It is good practice to focus on the disability related barriers that are being experienced rather than the disability. Research solutions that would appropriately address the barriers.

- **It works like a negotiation.** Employers are not required to give the specific accommodation that the employee asked for. If the requested accommodation is not appropriate for the business, the employer must still work with the employee to identify alternative solutions that can effectively address the barrier(s).

Accommodation Resources

Job Accommodation Network:

www.askjan.org

Great resource for accommodation ideas. Searchable by disability or barrier.

Texas Workforce Commission – Vocational Rehabilitation Services
https://www.twc.texas.gov/programs/vocational-rehabilitation
State agency for individuals to get rehabilitation services, durable medical equipment, and/or other supports for employment.

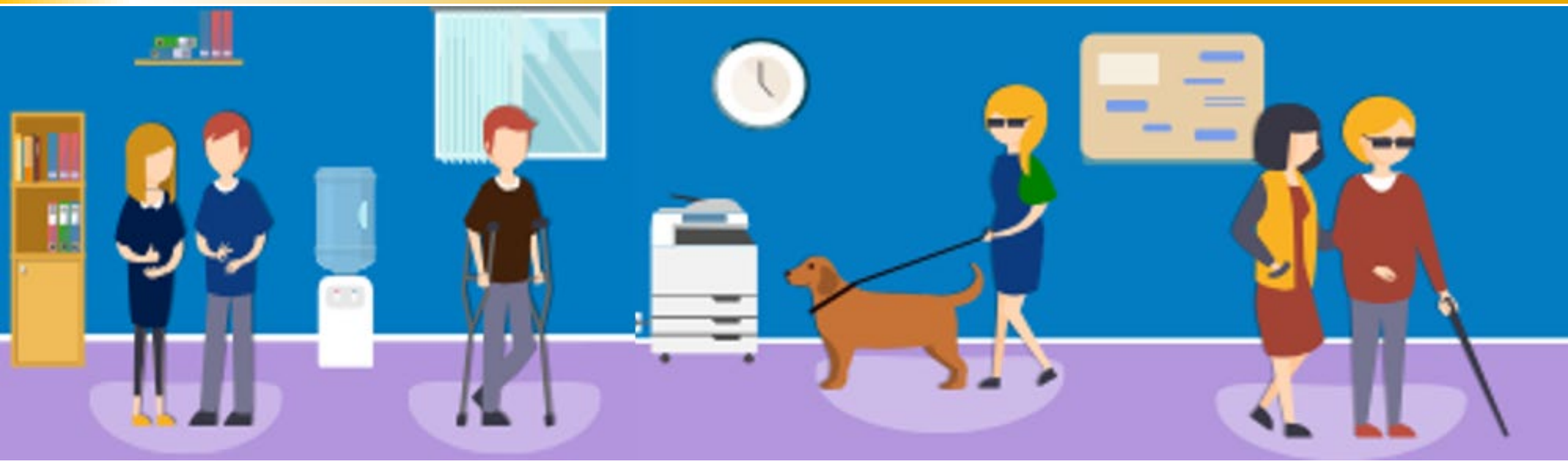Texas Workforce Commission – Civil Rights Division
https://www.twc.texas.gov/programs/civil-rights/employment-discrimination
State agency that assists the EEOC with resolving ADA Title I complaints.

Changing Workplace Dynamics

When Things Change

Expect the interactive process to be continuous over time.

Whether it is technology updates, changes in procedures, staff turnover, or facility relocation, workplace dynamics change all the time. Without disability considerations, people with disabilities have more risk of being left behind.

It can cost 10 times as much to include accessibility after the fact. Many accommodations also benefit employees without disabilities which creates a strong case for accessibility. Employers can benefit greatly by factoring them in while planning for change.

Changing Workspaces

Relocation

To ease accessibility concerns, employers can notify employees as far ahead in advance to allow preparations for accommodation needs. Employees can also identify barriers as soon as possible.

Telework Policy

While telework policy is not an accommodation, an exemption to this policy may be considered as accommodation if it does not create a fundamental alteration to business operations.

Changing Software Programs

Business Software and Applications

Employers can check with the vendor about accessibility before purchasing. Many companies have a **Voluntary Product Accessibility Template** (VPAT) which details how a product or service conforms to accessibility standards.

Connectivity for Personal Aids and Workplace Devices

Employees who use electronic devices to assist with their disability may experience challenges as they experience updates. Employees can communicate with their employer when updates are needed.

Changing Work Formats

Staffing Agencies, 1099 Contracts and Gig Work

Since these are new forms of employment methods of which there is little guidance, circuit courts remain divided on ADA coverage. Ideally, responsibility for accommodations of workers would be clarified in the work contract. If not, it may need to be negotiated.

Accessibility for Interacting with Contracts

If an organization requires applications for contracts or reporting activities through the organization's website, software, or app, conversations can take place about accessibility if needed.

Potential Future Changes

How Employers and Employees May Prepare For:

- Changes from Workplace Innovation

- Changes in Professional Attire

- Artificial Intelligence & Quantum Computers

Employee: Build a Strong Network; Be Aware about Trends; Get Training to Remain Qualified.

Employer: Consider Accessibility during Planning; Allow Flexibility with New Policies; Communicate Changes in Advance if Possible.

Resources for Accessibility

Texas Department of Licensing and Regulation (TDLR)

https://www.tdlr.texas.gov/ab/ (Elimination of Architectural Barriers)

https://www.tdlr.texas.gov/ab/tas/tassection04_01.pdf (Texas Accessibility Standards)

Job Accommodation Network

www.askjan.org

Worth repeating as a resource with resolving barriers to employment.

Southwest ADA Center

http://www.southwestada.org/

Federally funded agency to answer questions about the ADA and provide trainings.

More Resources for Accessibility

HHSC Deaf and Hard of Hearing Resource Specialists (Access/Technology)

https://dhhs.hhsc.state.tx.us/providers/contractors.asp?ptype=Access
 https://dhhs.hhsc.state.tx.us/providers/contractors.asp?ptype=TechSpec

Support Services for Deaf and Hard of Hearing Accessibility

Centers for Independent Living

https://www.hhs.texas.gov/providers/assistive-services-providers/centers-independent-living-cil

Support Services for the Independent Living of People with Disabilities

Area Agencies on Aging

https://www.hhs.texas.gov/providers/long-term-care-providers/area-agencies-aging-aaa

Support Services for Aging Texans

Contact Us!

Governor's Committee on People with Disabilities

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