

What is the Interactive Process?

California State and Federal laws define the “interactive process” as an on-going communication between the employer and the applicant or employee with a known disability in an effort to provide reasonable accommodation.

It is unlawful for employers to fail to engage in a timely, good faith, interactive process whether or not the interactive process would have resulted in an obligation to provide a reasonable accommodation.

State and Federal Law require that an employer provide reasonable accommodation for qualified applicants and employees who, because of their disability, are unable to perform the essential functions of their job.

What is Good Faith?

An employer and employee must communicate directly with each other to determine essential information and neither party can delay or interfere with the process. The employer’s behavior should promote the identification of an appropriate accommodation.

Who should be involved in the process?

In order to be effective, the process should include the employee, the manager/supervisor, Disability Management Services, if needed, and the employee’s health care provider. Resource specialists, such as the Job Accommodation Network (www.jan.wvu.edu) should be consulted as needed.

How does an employer become aware of a need for an accommodation?

An employer may become aware of the need for an accommodation by a request made by the employee, by a request made by a third party on behalf of the employee, by a

representative of the employee (such as a spouse) or may be initiated by a manager who becomes aware of the need for an accommodation.

The request may be as direct as a specific oral or written request or may be an unassuming mention of a difficulty due to a medical condition.

Once an employer is aware of the need for an accommodation due to medical work restrictions, the employer is obligated to begin this good-faith, interactive process in a timely manner.

Steps to the interactive process:

All steps of the interactive process must be documented.

- Identify what constitutes a “notice” of the need for an accommodation;
- Consult with the employee to identify any job-related limitations;
- Ask employee for documentation of functional limitations from medical provider, unless limitations are obvious.
- Identify the essential and non-essential functions of the job;
- Consult with the employee, manager or supervisor and Disability Management Services to identify possible accommodations;
- Research possible accommodations;
- Implement the accommodation that is most appropriate for both the employee and the employer and is “reasonable”.

NOTE: The Manager/Supervisors should not contact the employee’s physician directly. If clarification is needed, ask the employee to contact their physician or the manager/supervisor can request this be handled by Disability Management Services.