

NEA Disability Rights Toolkit

Undue Hardship Checklist

You can use this checklist to determine if an employer is required to provide a reasonable accommodation to an applicant or employee. Employers need not establish undue hardship if the person seeking accommodation is not a person with a disability, or if the accommodation sought is not reasonable.

1. Is the accommodation needed by a person with a disability?
2. Has a person with a disability requested or otherwise made known their need for an accommodation?
3. Has that person engaged in the interactive process?
4. What is the actual cost of the accommodation for the employer?
 - a. Compared to benefit gained by person to be accommodated
 - b. Compared to employer's resources/budget at facility where person works and overall operations of employer
5. What kind of impact with accommodation have on employer's operations?
 - a. at facility where person works and overall operations of employer
 - b. based on nature of employer's operations
 - c. given the availability of other employees to cover the person's essential job duties
6. Has employer avoided reliance on the following?
 - a. Employee's salary
 - b. Fears or prejudices or others
 - c. Potential impact on employee morale or others' requests for accommodations