

Track all ADA accommodation requests, responses

If an employee sues over reasonable ADA accommodations, her attorney will probably ask how many recent accommodation requests you have received and whether you granted them. If you have this information on hand, it will be easier to defend the lawsuit—and show that you take the ADA seriously.

Recent case: Melinda worked for a Lowe's store in the gardening and plants section. When she was diagnosed with breast cancer, she naturally took FMLA leave for treatment and recovery. When she returned to work, she claimed, her supervisors were reluctant to grant her reasonable accommodations requests for consecutive days off. She also claimed they "harassed" her about her medical condition.

Melinda quit and sued, alleging ADA discrimination and lack of accommodation.

Her attorneys requested information about Lowe's accommodation process, including a list of requests and the company's response. The company replied that it had checked its records and found no other accommodations requests.

Melinda's attorneys went to the judge and asked for more thorough answers, demanding that the company actually speak with its HR personnel, managers and others about accommodations requests.

The court ordered a deeper look, reasoning that merely "checking records" isn't sufficient. That's presumably because some requests may have been ignored and others informally granted. That's all relevant. (*Morris v. Lowe's Home Centers*, No. 1:10-CV-388, MD NC, 2012)

Advice: Develop a tracking system for all ADA reasonable accommodations requests. Outline the process in your policies and tell employees how to make requests. Make sure someone in HR tracks the requests, how the interactive accommodations process worked and the end result. That way, there is no question about the completeness of your records. That's easier, less expensive and far more impressive than providing vague and anecdotal information.