

# WORKFORCE PRESERVATION: USING TODAY'S RESOURCES TO HELP PREPARE FOR TOMORROW.

The bad news is that increased demand for accommodation under the Americans with Disabilities Act Amendment Act (ADAAA) is creating new pressures and responsibilities for human resource professionals. The good news is that this legislation can be leveraged to help employers be proactive in managing the productivity of their workforce through better disability and job accommodation management.

One effective method to apply these resources is in a thorough program assessment when new programs are being launched, such as implementing a new absence management program. For example, the ADAAA requires employers to engage in an "interactive process" with workers who request a job accommodation. To help structure these conversations, human resource personnel should be using well-defined job descriptions that outline the essential duties and functional job requirements. Employers often lack the resources or time to ensure their job descriptions are in proper shape for accommodation purposes.

Conducting a formal job analysis is an effective use of resources during an absence program implementation. This involves on-site evaluation and observation of

the work setting, job practices, as well as interviews with employees and management. It provides a detailed report of the duties, requirements and environmental factors that constitute the work to be accomplished. It can also identify potential job modifications to be used in future return-to-work or job accommodation discussions. As a by-product of this effort, employers may be better prepared to demonstrate they've made a "good-faith" effort in preparing for accommodation requests.

While this suggested approach has been used for decades in both workers' compensation and disability management arenas, it can be further leveraged in absence management programs, where the focus is on measuring and reducing lost productivity. The old rule that the employee needs to be "100% recovered before we take him back" is no longer a viable position for employers, due to ADAAA regulations. The old "only 100%" rule exposes employers to litigation risk, and it's not needed as a tool to reduce accommodation costs, which are usually much lower than employers expect. In a study by the Job Accommodation Network, 58% of accommodations cost absolutely nothing to make, while the rest typically cost at or below \$500<sup>1</sup>.

Employers with risk management or occupational safety staff can use their expertise to formalize job descriptions. For organizations without these resources, an outside vendor can be contracted to document the core job positions within the company. In addition, many vendors can complete this work when implementing other services.

In today's world, employers are required to respond to requests for accommodation by job candidates or disabled employees. Employers need to be well-equipped to ensure these conversations are positive and productive. They should work from a foundation of clear, specific and comprehensive job documentation. A formal analysis is one of the best means to build and maintain that foundation.

While the ADAAA may be the driving force behind an employer's motivation to explore modifications or changes in their workplace, they may find this new approach is an effective step towards reaching a broader goal of protecting and preserving employee productivity throughout their organization.



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<sup>1</sup> Loy, B. Workplace Accommodations: Low Cost, High Impact. Job Accommodation Network, askjan.org/media/LowCostHighImpact.doc, 09/01/13.

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