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Leave as Reasonable Accommodation **Individual Assessment Checklist**

(Applies When Employee Exhausts FMLA or Otherwise Is not Eligible for FMLA Leave)

Note: This checklist is designed to comply with obligations to provide reasonable accommodations under the Americans with Disabilities Act, as amended (ADAA). In most cases, the company will not conduct an analysis to determine whether the condition/injury for which employee is seeking leave qualifies as an ADA disability and, therefore, use of this checklist is not an indication that the condition/injury was considered to so qualify. In cases in which the company does undertake such an analysis and determines that such condition/injury does not qualify, then the process below may be modified or disregarded.

1: Can the employee's healthcare provider provide an estimated return to work date? *Use the **Letter to Physician Seeking Information to Confirm Need for Indefinite Leave** to obtain this information.*

- No => Once the provider's certification of cannot estimate/unknown return to work date/indefinite leave is received, send **End of Leave Termination Letter**.
- Yes => Go to 2.

Note: If provider indicates that return to work is possible with restrictions **at this time**, then evaluate whether the listed restrictions can be accommodated (i.e., individual can perform the essential functions of the job with or without a reasonable accommodation; any such accommodation must be provided unless the restriction/needed accommodation would be an undue hardship).

- o If listed restrictions can be accommodated => Return employee to work.
- o If listed restrictions cannot be accommodated => Go to 2 (using estimated date for return to work without the restrictions that cannot be accommodated).



2: Will holding the position open until the estimated return to work date pose an undue hardship on the organization? *See 29 CFR 1630.2(p) for guidance as to standard for undue hardship.*

- No => Extend leave pending further evaluation of ability to keep position open and send ***End of Leave-Position Held Pending Further Evaluation letter***.
- Yes => Go to 3.

3: Is there an open position for which the individual is qualified which could be held open until the estimated return to work date? *Retain copy of the list of open positions which were available at the time this determination was made.*

- No => Notify employee of voluntary resignation termination.
- Yes => Transfer the employee to that open position and hold it open for them until they return to work on the estimated return to work date, or until a determination that the position cannot be held open until that date at which time notify employee of voluntary resignation termination.