

# SkloverWorkingWisdom™ - Model Letter: Job Issues 25

© 2021 Alan L. Sklover

---

## Requesting an Accommodation for a Disability

\*\*\*\*\*See Below\*\*\*\*\*

Every single person either (a) has a disability, (b) has had a disability, or (c) may have one in the future. Life is just that way. Before Congress passed the Americans with Disabilities Act of 1990 (“ADA”), being or becoming disabled usually meant also becoming unemployed. Thank goodness for the ADA’s requirement that employers grant reasonable accommodations so that people with disabilities can do the jobs they are qualified to do.

To become familiar with the fundamentals of the ADA, please review our Newsletter on that subject on our blogsite. You may also wish to review the U.S. Dept. of Justice ADA website at [www.ADA.gov](http://www.ADA.gov). As you will see, there are six basics about the ADA that you need to know. These basics can be summarized by the following sentence: The ADA guarantees to a (1) “protected” employee (or job applicant) (2) who has a “disability” (3) that is “known” to the employer, and (4) who is “qualified” for the job (or the job applied for) (5) a “reasonable accommodation” (6) provided it will not cause the employer “an undue hardship.”

In order to successfully request an accommodation to your disability, you need to establish that each of the six highlighted phrases, above, exists in your case. For the definition of each of the six ADA basics, we refer you to our blogsite Newsletter. However, to a degree, each is also something of a term of art, that is, each of those six highlighted phrases is different in each instance, as employees, employers, disabilities and accommodations are all unique. And, too, very little in the law is “black and white,” but rather many different shades of “gray.”

This Model Letter is designed to be used as a template for your own written request for an accommodation to a disability. It is not meant to be submitted exactly “as is.” As you will see, it is intended to establish with clarity and certainty that you are entitled to an accommodation, and the particular accommodation that you request, with the least possible chance that your request will be denied. Your job is to adapt this Model Letter to incorporate your own facts and circumstances, using your own language, and then deliver it by email, if possible, by FedEx or UPS, if not.

I encourage you to see your request for an accommodation at work for your disability not as a contest of wills between you and your employer, but rather as a challenge for the two of you to find the best way for you to be productive and happy in your job. That is what this is all about; it’s just that simple. I also encourage you to review the many Newsletters and Q & A’s on our Blogsite Resource Center, and our Video Archives, for information and insight on this and other issues and opportunities that arise at work.

*Best, Al Sklover*

\*\*\*You acknowledge that this letter is not, and is not intended to be, legal advice, which must be provided only by an attorney licensed to practice law in your locale. Nor is it intended as a substitute for legal advice. Instead, it is suggested as a model to be considered in conjunction with legal advice.

Richard Grabowsky  
145 Kimball Avenue  
Manhattan, Kansas 66502

November 11, 2024

Sent by Email and By Overnight U.S. Mail (With Receipt)

Ms. Marilyn Davids  
Supervisor, Industrial Division  
International Ball Bearings  
9915 Tuttle Creek Blvd.  
Manhattan, Kansas 66513

Mr. George Santos  
Manager, Human Resources  
International Ball Bearings  
9915 Tuttle Creek Blvd.  
Manhattan Kansas 66513

Re: **Request for Reasonable Accommodation under the Federal ADA**

Dear Marilyn and George:

**A. Introduction:** As you know I've been Design Manager for IBB now for six years. Unfortunately, I've developed a physical impairment that is creating a difficulty for me at work. Recently I did some internet research, and learned that there is a federal law that permits me to request an accommodation for this impairment. Because I want to continue to be a productive employee of International Ball Bearings, but have this disability, as defined by that federal law, the Americans with Disabilities Act, or "ADA," by this letter I am requesting from IBB a reasonable accommodation for my disability.

**B. Details of Request for Accommodation:** Here are the details of my request for an accommodation:

1. **I am a "Protected Employee" under the ADA:** IBB is an employer operating within the US, and has more than 15 employees. For this reason I believe I am a "protected employee" under the ADA.
2. **I have a "Disability" as defined by the ADA:** I have been diagnosed as having a limitation on my ability to hear resulting from a condition called "cochlear degeneration." My hearing disability has been diagnosed by Neil Gennaro, MD, a neurotologist. Because of this hearing limitation, certain of my job tasks have become problematic: I am having difficulty with (a) telephone use, (b) in-office discussions, and (c) attending large group meetings. A hearing aid will not provide sufficient help. Confirmation of my disability, and that a hearing aid will not suffice, is in a letter from Dr. Gennaro, which is attached.

3. **My disability is a “Known Disability” to IBB:** By this letter, I am making my disability “known” to IBB. (Or: I have previously discussed my disability with my manager, Mike Cataldo, several times during the past two months.)
4. **I am “Qualified” for my position:** I am certainly qualified for my position, as:  
(a) I have a degree in Industrial Design; (b) I have seven years experience in industrial design; (c) I have been in my present position for four years now and have in each of those years received a positive performance appraisal.
5. **These are the “Reasonable Accommodations” I request:**
  - (i) First, I request that IBB install amplifiers on the three telephones in my office so that I can adjust the volume if and when I use them.
  - (ii) Second, I request that IBB install a “text telephone” in my office so that, if the amplifiers installed on my telephones do not work sufficiently, or there is other background noise at the time that disrupts my hearing what is being said, I will be able to view on my computer screen what telephone callers are saying.
  - (iii) Third, I request that my desk be moved to a different place in my office, or to a different office, because the air conditioning and heating duct provides so much background noise that it drowns out people’s voices.

Of course, I am open and flexible to any alternative accommodations that you believe would be preferable or more appropriate.

6. **These Accommodations Should Not Constitute an “Undue Hardship” for IBB:** Taking into consideration IBB’s size and resources, as well as the nature and cost of my requested accommodations, I can’t imagine that they would be considered an “undue hardship” for the company. However, if you do believe it may be, I would be willing to consider both (a) alternatives you might suggest, and (b) sharing the cost with IBB. Please let me know.

**C. Additional “Process” Requests:**

1. I ask that, to the very greatest extent possible, my medical information be kept in strict confidence.
2. Please take those steps necessary to prevent my being retaliated in any way, in the near- and long-term future – for requesting this disability accommodation, including my opportunities for advancement.

3. I have done my best in reviewing IBB's Employee Handbook and Policy Manual to find any procedures or forms I must complete for this request. If I have overlooked any, please let me know at your earliest opportunity.
4. Likewise, if you are aware of any law of our state that provides employees greater rights or benefits regarding accommodations for disabilities, would you please alert me to them.
5. Should anyone have any questions or comments about this request, would you please send them to me by email, to best avoid any possible miscommunications or confusion.
6. Should anyone want to communicate with Dr. Gennaro, please let me know so I can give him authorization to release confidential medical data.
7. Would you kindly try to respond to this request as promptly as possible.

Very truly yours,

*Richard Grabowsky*

Richard Grabowsky

cc: Dr. Neil Gennaro's Letter

**\*\*\*See the Next Page for Suggestions regarding  
Transmitting Your Request Letter\*\*\***

## And Now, a Few Notes About Transmitting Your Request

1. **DO NOT mention to HR or your boss what you intend to do.** Though rare, an employer who gets “advance notice” of your request might quickly decide to lay you off to avoid having to accommodate your disability. To avoid problems like those, we suggest you follow these guidelines in preparing and transmitting your Request:
2. **DO NOT mention to colleagues what you intend to do.** Your Request should be a matter between you and your employer, not a matter for public debate or discussion. Though we are reluctant to tell you not to trust your friends, if you do so in this context you may be putting your career and family finances at risk, as well as your friendships. It is common that colleagues will say to themselves, “Why does he (or she) get special treatment?” Also, sometimes colleagues will say to themselves, “I bet this will make my own job harder.”
3. **Of course, your own facts, events and circumstances should be included.** The facts, events and circumstances in our Model Letter are for illustration purposes, only. You need to use this as a Model, only; include details of your own situation and circumstances, and use your own distinctive language.
4. **When making this Request, try to be as precise and clear as possible.** We sometimes say “Specificity leads to credibility.” In describing each of the six ADA basic requirements, including your disability, your qualifications, and your requested accommodation, be as detailed as possible.
5. **Ideally, before sending your Request have someone close to you (not a co-worker) review it for you for clarity.** Clear communication is your friend. Little is gained if little is understood. Before sending it, you might ask your spouse, partner or a loved one to review your Request to ensure that they can readily understand each point you are making. Do they understand what it is you are requesting? Does it sound respectful?
6. **Your Request should be transmitted by a “verifiable manner,” preferably email or FedEx, or both.** Ideally, your Request for an Accommodation should be sent by internal email. Should that not be possible for some reason, then FedEx, UPS or overnight mail can be used, provided that the service you use provides you with verification of receipt, by who, and when.
7. **Try to make a “Written Record” of any Related Meetings or Calls.** After you meet or speak with management or HR about your Request, it may be a good idea to send an email to that person confirming what took place, such as “Thanks so much for your suggestions about other accommodations in our meeting today, as well as your confirming for me that I’ve followed the right procedure.” Do not attempt to make tape recordings; that could get you promptly fired.

*Best, Al Sklover*