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Rachel Shaw, JD
CEO and Principal
Shaw HR Consulting

Disability Compliance, Technology, and Documentation

When it comes to managing the Americans with Disabilities Act (ADA) interactive process and reasonable accommodations, creating and employing a practical, consistent process is half the battle. The other half is communicating and documenting the process. Without this, your interactive process falls flat and, perhaps most concerning, open to possible legal ramifications. Use technology, including task management software and a template database, to help you manage a consistently-applied, timely process.

I describe ADA reasonable accommodations as a four-step process to arrive at a decision you can feel confident about. Moreover, the process provides the opportunity for all parties, including the employee, to examine the data and understand together how and why a decision is being made. By the end of the process, if it is communicated and documented well, there should be no surprises.

There are four basic process steps: 1) gather medical data focused on functional capabilities; 2) research and explore accommodation ideas; 3) schedule and hold a reasonable accommodations meeting; and 4) implement decisions and close the process properly. While these steps are proven to lead employers toward solid decisions, as the saying goes, the devil is in the details.

Title I of the ADA requires two things of employers:

1. A timely, good-faith disability interactive process
2. A reasonable accommodation for a covered employee

Employing technology makes complying with the first requirement a lot easier. From scheduling meetings and following up with medical providers, to keeping organized files with a multitude of emails, faxes, call logs, and medical notes, the right tools are indispensable. Here are three:

- *E-fax service.* The medical industry still uses faxes regularly. Monitoring an employee's medical status and obtaining medical clarification is key in the interactive process. Fax services such as Ring-Central, HelloFax, and MyFax convert incoming faxes into images you receive via email and conversely transmute email attachments into faxes, if needed.

As medical information is received via e-fax, it is saved directly into an employee's electronic file. It's a great way to eliminate paper in your office as well as cut down on time spent scanning documents.

- *Task management software.* Systems such as Monday, Asana, or ProjectManager help you to execute large projects effectively and on schedule. These are excellent for tracking the interactive pro-

cess, creating a template of tasks based on what you know you will need to accomplish for each employee, such as contact the employee, draft a follow-up email, create a medical questionnaire, follow up on a medical report, and schedule a meeting.

Setting due dates on tasks prevents "to dos" from falling through the cracks. Most systems also support collaboration between teammates so, for example, you can draft a letter, assign a coworker to review it, and ask them to assign it back to you after their review. Notes can also be taken within tasks, which makes the system ideal to use as a call log. All information and dates for an employee are captured in one easily accessible place.

- *Shared database.* Whether you have a shared drive or a cloud service such as Dropbox or SharePoint, having a well-organized e-filing system is vital when managing multiple employee files. Teammate access to this drive makes the work more efficient and reduces paper. In addition, creating a database of templated documents from introduction and status update letters to meeting notification and closing letters keeps your process streamlined and ensures you are employing a consistent process.

Technology is a key partner in communicating your interactive process and documenting that you have met all the compliance milestones.