

ADA Services

**Enhance your absence
management program
with ADA Services**



Quick facts about the ADA

The Americans with Disabilities Act Amendments Act (ADAAA) of 2008 makes it easier for individuals to establish that they have a protected disability under the Americans with Disabilities Act (ADA).

It allows employees with disabilities to request one or more of the following accommodations:

✓ **Time away**

Even if they are not eligible for leave under the Family and Medical Leave Act (FMLA) or their FMLA leave has been exhausted.

✓ **Special equipment**

Or other workplace modifications.

✓ **Change in their job duties**

Such as not working overtime.

The ADA's basic definition of disability is:

- ① A physical or mental impairment that substantially limits a major life activity (“actual disability”).
- ② A “record of” having such an impairment.
- ③ Being “regarded as” having such an impairment.¹

Navigating the ADA

Navigating the ADA can be a daunting task for HR teams. In light of the ADA's broad definition of disability, it's imperative for employers to understand the standards being applied in determining whether an individual has a covered disability, focus efforts on the “interactive process”² and provide accommodations when reasonable.

Generally, after a request for accommodation has been made, an employer must begin the interactive process. This is a practice in which the covered individual and the employer determine the precise limitations created by the disability and how best to respond to the need for accommodation. Because unique and challenging situations can arise with respect to disabilities in the workplace, employers must understand their obligations to engage in the interactive process and reasonably accommodate individuals with disabilities.

Employer obligations

- Use a consistent process for every accommodation request.
 - Carefully consider each individual accommodation request.
 - Evaluate thoughtfully whether an accommodation is reasonable or whether it would cause an undue hardship.
 - Be creative in exploring alternative, less burdensome accommodations.
- Save all relevant information for each request and be able to provide this documentation, as needed.
- Explain your decision to the employee in a way that shows you have considered all requirements.

Outsourcing can help

- Ensure employee leaves are consistently managed and reviewed based on the individual merit of each request.
- Streamline leave-tracking and reporting.
- Provide independent, third-party reviews for accommodation-related leave requests to verify the absence is warranted and support the employee's return to work.
- Promote efficiency and reduce absence-related costs.

ADA services from Symetra

Symetra's ADA services can easily be added to your Symetra Absence Management Program. They can help maximize workplace productivity while providing guidance on complying with current ADA regulations.

Benefits of Symetra's ADA services:

- We'll lead the interactive process with the employee and employer, including requesting necessary medical documentation to support the ADA investigation.
- We'll review all job accommodation requests to ensure your employee's functional capacities, restrictions and limitations are supported, based on the medical information received from the medical provider.
- We'll provide accurate tracking and administration of ADA-approved accommodations concurrent with any other products or leave laws, including group disability and FMLA.
- Our fully integrated cloud-based system allows us to have a holistic view of the employee's claim at all stages, from the initial claim to the end of the leave.



WHY OUTSOURCE?

With changing regulations and the ADA's broad definition of disability, managing employee absences and accommodations can be a challenge. Partnering with experienced ADA leave specialists can help streamline the process and reduce the risk of noncompliance.

Symetra's ADA services include:

Workplace accommodation	We partner with you to evaluate what accommodations may allow an employee to remain at work and prevent needing time away.
Return to work	Identifying employees currently out on claim who may be able to return to work early with an accommodation.
Time away	Communicating with the employer about employees who are ineligible for job protected leave, or who are approaching exhaustion of their available job protected leave, and are unable to return to work to determine whether additional leave as an accommodation can be granted.

To learn more about the advantages of adding ADA Services to your Symetra Absence Management program, contact your Symetra representative.



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¹ Source: <https://adata.org/factsheet/employer-view-ada>

² As required by the Equal Employment Opportunity Commission (EEOC).