

## Celebrating Value and Talent

Supporting Employees through Stay-at-Work/Return-to-Work Programs



# Celebrating Value and Talent

National Disability Employment Awareness Month

# Our Presenters

## EARN

Employer Assistance and Resource  
Network on Disability



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## EARN

## JAN

Job Accommodation Network



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# Workplace Impact

- A significant number of workers experience an injury or illness that impacts their ability to work
- The costs of workplace injuries are substantial
- Safety programs will not prevent all workplace injuries



# Stay-at-Work/Return-to-Work (SAW/RTW) Programs



- Allow businesses to keep an employee working
- Engage employees while they recover
- Include temporary or long-term accommodations

# SAW in Practice

- Keep employees in the workforce
- Eliminate or shorten the need for leave
- Include accommodations such as providing ergonomic equipment, job modifications, or schedule changes



# RTW in Practice



- Help employees reengage in work after illness or injury
- May start with a return to all assigned duties or modified, transitional, or alternative assignments

# Importance of SAW/RTW Programs

- Save time and money by minimizing health-related absences
- Aid in the recovery of injured workers
- Reduce employee absences and lost work time
- Decrease costs related to training new employees
- Increase employee engagement, self-esteem, and morale



# Complex Legal Landscape of RTW/SAW

Americans with  
Disabilities Act  
(ADA)

State Leave  
Programs

Family and  
Medical Leave Act  
(FMLA)

Workers'  
Compensation  
(WC)

Pregnant Workers  
Fairness Act  
(PWFA)

State and Local  
Human Rights  
Laws

# The Role of Reasonable Accommodation

# Job Accommodations and SAW/RTW

- Retain qualified workers
- Improve productivity
- Reduce turnover and absenteeism
- Boost morale and engagement
- Promote employee well-being
- Help with legal compliance



# ADA and SAW/RTW

- Apply to workers with disabilities who can perform the essential functions of their job with or without accommodation
- Include coverage for those returning from leave or needing accommodations to stay at work
- Help standardize a process to keep employees productive while reducing the need for extended leave or job loss
- Exclude accommodations that pose an undue hardship

[Reasonable Accommodation and Undue Hardship under the ADA](#) (U.S. Equal Employment Opportunity Commission [EEOC])

# Reasonable Accommodation

An accommodation is any change in the work environment or in the way things are customarily done that enables a person with a disability to work. An accommodation is **reasonable, effective, and does not cause an undue hardship**.

- ✓ Reasonable: What is “feasible” or “plausible”
- ✓ Effective: What enables an employee to perform essential functions
- ✓ Undue hardship: What causes an employer significant difficulty or expense

[Reasonable Accommodation and Undue Hardship under the ADA](#) (EEOC)

# Accommodation Process

- Understand that employees need not say “reasonable accommodation” or “ADA” for the accommodation process to begin
- Include what is already known about the possible need for accommodation
- Focus on whether a reasonable accommodation can be provided rather than determining “disability”
- Engage in a collaborative dialogue to find effective solutions
- Remember that employees do not always need to be 100% healed to return to work

[A to Z By Topic: Accommodation Process](#) (JAN) and [Employer-Provided Leave and the ADA](#) (EEOC)

# Key Accommodation Strategies

- Short term/temporary accommodations
- Transitional work assignments
- Modified and flexible scheduling
- Job restructuring
- Modified/light duty
- Assistive technologies
- Reassignment
- Leave

# Short Term/Temporary Accommodations

- Are time-limited adjustments to when, where, or how job duties are performed
- Help employees stay on-the-job and return to work sooner
- Create time to identify longer-term or permanent solutions
- Demonstrate a good-faith effort
- Should be documented as short-term to avoid misunderstandings

A to Z: [Temporary Accommodations](#) (JAN)

# Transitional Work Arrangements

- Include modified duties, tailored accommodations, or reassignment to another position
- Minimize the transition period from limited duty to full duty
- Facilitate safe reintegration
- Support recovery from injury
- Preserve job skills
- Reduce short- and long-term disability and other costs
- Shorten absence duration

A to Z: [Stay-at-Work/Return-to-Work](#) (JAN)

# Modified or Flexible Scheduling

May include:

- Flexibility in shift start/end times
- Modified and/or additional breaks
- Alternative shifts
- Eliminating overtime

Benefits employers by:

- Supporting recovery
- Increasing retention
- Reducing turnover
- Maintaining productivity
- Customizing work to meet individual needs

A to Z: [Modified Scheduling](#) (JAN)

# Job Restructuring

- Could reallocate or redistribute marginal job functions
- Can alter when and/or how a function, essential or marginal, is performed
- May include suspending essential functions if an employer chooses in some situations (e.g., ADA, WC, PWFA)
- Might entail other forms of accommodation (e.g., equipment, schedule modification)

[Reasonable Accommodation and Undue Hardship under the ADA](#) (EEOC)

# Modified/Light Duty

- Typically refers to temporary or permanent work that is physically or mentally less demanding than ordinary job duties
- May involve temporarily restructuring the original position to mirror light duty
- Might lead to reassigning an employee to a vacant light duty position even when typically reserved for those with occupational injuries

A to Z: [Light Duty](#) (JAN) and [Workers' Compensation and the ADA](#) (EEOC)

# Assistive Technologies

- Refers to technology that is specifically designed for and used by people with disabilities
- Includes:
  - Ergonomic equipment
  - Screen reading and magnification software
  - Voice recognition and speech-to-text tools
  - Alternative input devices
  - Hearing assistance devices
  - Cognitive support tools

Benefits employers by:

- Maintaining productivity
- Removing barriers that may delay returning to work
- Reducing fatigue and discomfort
- Increasing attendance and engagement

A to Z: [Assistive Technology](#) (JAN)

# Reassignment

Reassignment might be considered when an employee with a disability can no longer perform the essential functions of the current position, with or without reasonable accommodation. Employers should:

- Consider equivalent vacant positions first
- Remember that employees cannot typically be required to compete for position
- Think through whether the placement is temporary or long-term
- Implement other forms of accommodation (i.e., equipment, schedule modification, etc.) when applicable

[Reasonable Accommodation and Undue Hardship under the ADA](#) (EEOC)

# Leave

Permitting the use of accrued paid leave, or unpaid leave, can be a form of reasonable accommodation (EEOC, 2002). Benefits to providing leave include:

- Supporting recovery without job loss
- Offering flexibility
- Maintaining positive employer-employee relationship
- Implementing a cost-effective solution

# Ask JAN! We can help.

JAN can be a valuable resource in supporting SAW/RTW efforts. JAN:

- Provides free and confidential expert guidance on accommodations
- Helps facilitate the accommodation process
- Offers tools and resources to support SAW/RTW planning

Learn more at [AskJAN.org](https://www.AskJAN.org)!



# A to Z of Disabilities and Accommodations

## A to Z of Disabilities and Accommodations

- Offers accommodations for common health conditions, disabilities, and limitations
- Includes ADA and accommodation process information

By Disability	By Limitation	By Work-Related Function	By Topic	By Accommodation
By Disability - Find information on various disabilities, impairments, and conditions.				
Addison's Disease	Chronic Fatigue Syndrome/Myalgic	Human Immunodeficiency	Post-Traumatic Stress Disorder (PTSD)	
Aging	Chronic Pain	Huntington's Disease	Postural Orthostatic Tachycardia Syndrome	
Albinism	Colorblind/Color Vision Deficiency	Intellectual Disability	Pregnancy	
Alcoholism	Cumulative Trauma Conditions	Latex Allergy	Quadriplegia	

# Situations and Solutions Finder

## Situations and Solutions Finder

- Centralizes workplace accommodation scenarios
- Offers examples from organizations large and small, across industries, and from the private and public sectors
- Includes various health conditions and disabilities





## Contact JAN



AskJAN.org



800.526.7234



Live Chat @  
AskJAN.org



Email  
JAN@AskJAN.org

# What to Remember

# SAW programs should:

- Implement workplace safety programs
- Enable early intervention
- Consider modified or transitional work
- Involve managers as critical players
- Communicate with employees about availability
- Consider employees as collaborators
- Ensure job descriptions are up-to-date
- Include ways to document steps

# Support employees before, during, and after injury by:

- Ensuring support and commitment at all levels of the organization
- Being proactive and:
  - Offering wellness and prevention initiatives
  - Implementing employee assistance programs
  - Identifying community supports



# RTW programs should:

- Build in collaboration with employee health-care providers
- Partner with insurance companies
- Include written policies to clarify expectation
- Identify a point of contact for ease of access and centralized expertise
- Ensure job descriptions are up-to-date
- Focus on capabilities

# Tips for a Successful RTW Program

- Commit to providing meaningful employment
- Return injured workers to their pre-injury employment when possible
- Ensure treating medical providers have sufficient information
- Involve all parties in developing a plan for employees
- Communicate with the employee regularly

# Resources

- [Stay-at-Work/Return-to-Work](#) (Office of Disability Employment Policy)
- [Stay-at-Work/Return-to-Work](#) (EARN)
- [A to Z: Stay-at-Work/Return-to-Work](#) (JAN)
- [Webcast May 2025: Stay-at-Work/Return-to-Work Accommodation Strategies](#) (JAN)
- [Workplace Accommodation Toolkit](#) (JAN)
- [Enforcement Guidance: Workers' Compensation and the ADA](#) (EEOC)
- [Stay-at-Work/Return-to-Work Toolkit](#) (Council of State Governments)
- [NYS Workers Compensation Board, Return to Work](#) (New York State)

# Questions?

Please take a moment  
to [share feedback](#) on  
today's event:



EARN

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