

## Undue Hardship Policy for Small Service Providers March 2013

The American with Disabilities Act, ADA provides a measure of protection from undue hardship to employers with 15 total employees or less. The Wisconsin Division of Vocational Rehabilitation (DVR) will apply this same standard to providers of contracted consumer direct services with regard to undue hardship. DVR will pay the costs associated with providing an accommodation for the consumer as part of authorized vocational rehabilitation services consistent with an approved Individualized Plan for Employment, if a contracted service provider has 15 employees or less.

Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.

This would include the services of a licensed and qualified sign language interpreter during the provision of authorized contracted services. These costs will be paid directly to the provider of the service and will not be paid to the vendor of the contracted service. Any ongoing or hourly costs will be provided as case progress dictates.

This policy is intended to allow all providers of consumer services an equal opportunity to provide quality services to consumers needing accommodation services. DVR consumers must be able to interact with all service providers in order to exercise informed choice regarding vocational rehabilitation services needed and to reach their goals.

The definition and interpretation of undue hardship as determined by EEOC is below:

### When Does a Reasonable Accommodation Become An Undue Hardship?

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. ***Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.*** Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, *the employer's size*, financial resources and the nature and structure of its operation.

Source: <http://www.eeoc.gov/facts/ada17.html>