

## How Long Does An Employer Have To Respond To An Employee Request For A Reasonable Accommodation?

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New Jersey employers know that under the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”), employees can request reasonable accommodations to perform their jobs. While employers must respond to these requests, neither law specifies a time frame for a response. However, if an employer delays too long in responding, they may be seen as denying the accommodation, potentially violating disability laws.

### **Enforcement Guidance On How Quickly An Employer Must Respond To A Request For A Reasonable Accommodation**

The Equal Employment Opportunity Commission (“EEOC”), the agency charged with enforcing the employment provisions of the ADA, and investigating complaints of violations of the ADA, has provided guidance on the length of time an employer should take to respond to a reasonable accommodation request from an employee. The guidance states that an employer should respond “expeditiously.” The EEOC further advises that if employers need to engage in the interactive process with an employee, the process should also be quick. The interactive process involves communication between employer and employee to determine whether an accommodation is possible, and, if so, the type of accommodation that will be provided. In addition, employers must act “promptly” to provide the reasonable accommodation once it is determined.

The EEOC has adopted a five part test to determine whether an employer has unnecessarily delayed a response to an employee request for an accommodation. These factors include:

- the reason(s) for the delay
- the length of the delay
- how much the individual with a disability and the employer each contributed to the delay
- what the employer was doing during the delay
- whether the accommodation was simple or complex to provide

**TAKEAWAY:** Employers should ensure that they move “expeditiously” to respond to reasonable accommodation requests from their employees. It is important for employers to document any communications they have with an employee who has requested an accommodation, and to document any reasons for delay. If you have questions on accommodation requests under the ADA and/or NJLAD, or any other federal or New Jersey employment law, contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law](#) Team

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