**Undue Hardship**

**Definition of Undue Hardship (ADA)**

**Q. What are the limitations on the obligation to make a reasonable accommodation?

A.** The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. In addition, an employer is not required to make an accommodation if it would impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources.

If a particular accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship. Also, if the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation.

<http://www.ada.gov/employmt.htm>

**Undue Financial or Administrative Burden (CNCS)**

In a few cases, you may receive requests for accommodations that you believe are unduly disruptive to your program or are too expensive. Under Section 504 and the terms of your grant or agreement with the Corporation for National and Community Service, you must provide accommodation upon request by a qualified individual with a disability, unless doing so is an undue financial or administrative burden to your program. This is a very high standard. Not being easily achievable does not meet this standard. Being difficult to achieve, time-consuming,

or costly, does not meet this standard. In determining undue financial burden, the resources of your entire organization are considered, not just those of your service program.

The factors to be considered are:

• The overall size of your program with respect to number of employees or service participants, and number and type of facilities, and size of your budget.

• The type of operation you have, including the composition and structure of your workforce or service participants, and

• The nature and cost of the accommodation needed. Policy and procedure changes that violate the provisions of the National and Community Service Act or the Domestic Volunteer Service Act are always an undue administrative burden. Changes, policy changes and changes to handbook provisions are not undue administrative burdens. In other words, you can change your policies but you can never change the legal statutes to make an accommodation. p. 81-2

CNCS

Creating an Inclusive Environment: A Handbook for the Inclusion of People with Disabilities in National and Community Service Programs