



Reasonable Accommodation: Diabetes

Frequently asked questions about diabetes and accommodation excerpted from the Equal Employment Opportunity Commission Enforcement Guidance. (www.eeoc.gov)

Diabetes is becoming more common in the United States, with approximately one million new cases diagnosed each year. Individuals with diabetes successfully perform all types of jobs from heading major corporations to protecting public safety. Some employees, tell their employers that they have diabetes because they need a "reasonable accommodation" a change or adjustment in the workplace to better manage and control their condition. Most of the accommodations requested by employees with diabetes such as regular work schedules, meal breaks, a place to test their blood sugar levels, or a rest area do not cost employers anything to provide.

When is diabetes a disability under the ADA?

Diabetes is a disability when it limits one or more of a person's major life activities. Diabetes also is a disability when it causes side effects or complications that substantially limit a major life activity. Even if diabetes is not currently substantially limiting because it is controlled by diet, exercise, oral medication, and/or insulin, and there are no serious side effects, the condition may be a disability because it was substantially limiting in the past. Finally, diabetes is a disability when it does not significantly affect a person's everyday activities, but the employer treats the individual as if it does. For example, an employer may assume that a person is totally unable to work because he has diabetes.

May an employer obtain medical information from an employee known to have diabetes whenever he has performance problems?

No. Poor job performance often is unrelated to a medical condition and should be handled in accordance with an employer's existing policies concerning performance. Medical information can be sought only where an employer has a reasonable belief, based on objective evidence, that a medical condition may be the cause of the employee's performance problems.

May an employer explain to other employees that their co-worker is allowed to do something that generally is not permitted (such as eat at his desk or take more breaks) because he has diabetes?

No. An employer may not disclose that an employee has diabetes. However, an employer certainly may respond to a question about why a co-worker is receiving what is perceived as "different" or "special" treatment by emphasizing that it tries to assist any employee who experiences difficulties in the workplace. The employer also may find it helpful to point out that many of the workplace issues encountered by employees are personal and, that in these circumstances, it is the employer's policy to respect employee privacy. An employer may be able to make this point effectively by reassuring the employee asking the question that her privacy similarly would be respected if she ever had to ask the employer for some kind of workplace change for personal reasons.



What types of reasonable accommodations may employees with diabetes need?

Some employees may need one or more of the following accommodations:

- a private area to test blood sugar levels or to take insulin
- a place to rest until blood sugar levels become normal
- breaks to eat or drink, take medication, or test blood sugar levels
- leave for treatment, recuperation, or training on managing diabetes
- modified work schedule or shift change
- allowing a person with diabetic neuropathy (a nerve disorder caused by diabetes) to use a stool.

How does an employee with diabetes request a reasonable accommodation?

There are no "magic words" that a person has to use when requesting a reasonable accommodation. A person simply has to tell the employer that she needs an adjustment or change at work because of her diabetes.

Does an employer have to grant every request for a reasonable accommodation?

No. An employer does not have to provide a reasonable accommodation if doing so will be an undue hardship. Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense. If a requested accommodation is too difficult or expensive, an employer still would be required to determine whether there is another easier or less costly accommodation that would meet the employee's needs.

Is it a reasonable accommodation for an employer to make sure that an employee regularly checks her blood sugar levels and eats or takes insulin as prescribed?

No. Employers have no obligation to monitor an employee to make sure that she is keeping her diabetes under control. It may be a form of reasonable accommodation, however, to allow an employee sufficient breaks to check her blood sugar levels, eat a snack, or take medication.