

11 Employer FAQs (No. 5): Is there any difference between light duty and reasonable accommodation?

By Robin E. Shea on August 31, 2011

Over the next 7 business days, I'll have a series of short posts addressing common questions that employers have about the law. If there is an "FAQ" that you would like for me to address, please let me know in the comments box.

I may also have more in-depth postings as circumstances warrant.

Employer FAQ No. 5: Is there any difference between light duty and reasonable accommodation?

Most of the time, yes. Light duty is usually given in the context of a workers' compensation injury. It's



often "make work" and provided to facilitate recovery, and it's usually offered for a finite period of time. Most importantly, it's completely optional for the employer (although workers' comp carriers don't see it that way).

Reasonable accommodation is *required* under the Americans with Disabilities Act to allow an individual with a disability to perform the essential functions of the job. It should be "real work with adjustments." Of course, it can also include reassignment to another vacant position involving real work, part-time status, or a medical leave, or a million other things. The obligation to make reasonable accommodation lasts as long as the employee can perform the essential functions of the job with one, and the accommodation made may have to change over time as the employee's condition and needs change.

Light duty can be a form of reasonable accommodation. If an employer offers light duty for workers' compensation injuries, it might have to offer light duty on the same basis to employees with disabilities. For this reason, from an ADA standpoint, employers may want to consider placing a strict time limit on "make-work" light duty (for example, a cutoff after 90 days). However, workers' compensation carriers generally prefer that light duty be offered for a much longer period.

FAQ No. 1: [What exactly is this "interactive process" we hear so much about?](#)

FAQ No. 2: ["What does 'right to work' mean?"](#)

FAQ No. 3: [When do I have to start saving electronic evidence?](#)

FAQ No. 4: [Should I offer harassment training to rank-and-file employees? Isn't that just asking for trouble?](#)

Don't forget to send me your own employer FAQs! And don't forget, [if you vote for Pedro Employment & Labor Insights, all of your wildest dreams will come true.](#)

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