

# **Interim Telework as a Reasonable Accommodation: Best Practices and Frequently Asked Questions**

## The Interactive Process: Where Accommodation Starts

The state employer shall engage in a timely, good faith interactive process with qualified applicants or employees with physical or mental disabilities who request reasonable accommodation, as required under the Fair Employment and Housing Act (FEHA). All reasonable accommodation requests must be reviewed on a case-by-case basis, emphasizing the importance of individualized assessments.

## Telework and RA Under Executive Order N-22-25

In alignment with Executive Order [N-22-25](#), agencies and departments that provide telework as an option shall require a default minimum of four in-person workdays per week. CalHR guidance recognizes an exception for an approved reasonable accommodation.

## Interim Telework as a Tool

To support departments in meeting this obligation and to manage a significant volume of incoming Reasonable Accommodation (RA) requests, departments may choose to offer temporary telework as an interim measure. This interim measure allows departments time to assess and prioritize RA requests, initiate, and complete the interactive process on a case-by-case basis.

To the extent it is operationally feasible, departments may endeavor to allow telework on an interim basis (beyond July 1, 2025) while a reasonable accommodation request is being processed so as to maintain employee engagement and productivity during the interactive process. However, the interim approval of telework does not constitute a final determination of the underlying request.

## Communication and Documentation

Departments choosing to offer interim measures pending an accommodation decision are encouraged to document and clearly communicate their temporary nature, including specific start and end dates, while continuing to engage in the interactive process in good faith.

## Frequently Asked Questions

**Q: What is a Reasonable Accommodation (RA)?**

**A:** A Reasonable Accommodation is any modification or adjustment to the job, work environment, or in the way things are customarily done that enables a qualified individual with a disability to have equal access to employment opportunities. RA ensures equal opportunity for employees, as well as applicants during the examination, application, and hiring processes. Every RA request is unique and must be evaluated on an individual basis.

**Q: What is the interactive process?**

**A:** The interactive process is the series of communications between the employee or applicant and the employer regarding the employee or applicant's limitations, the need for accommodation, the expected date the accommodation will be provided, and any reasons the request may be delayed or denied. The department shall initiate an interactive process when an applicant or employee requests RA. The department shall also offer to initiate an interactive process when the department becomes aware of the possible need for accommodation. California law requires employers to engage in a timely, good faith, interactive process.

**Q: May departments approve RA requests for telework?**

**A:** Yes. Departments may approve RA requests for telework as a form of RA, depending on the individualized assessment of each RA request.

**Q: If an employee has been approved to telework as a reasonable accommodation, is the department required to continue that arrangement under the administration's return-to-office directive?**

**A:** Yes. An approved reasonable accommodation must remain in place unless a reevaluation is due or the accommodation's authorized duration has ended. Departments should not re-evaluate active accommodations solely due to return-to-office directives.

**Q: Can a department review or reconsider an existing disability accommodation, such as remote work, that has already been approved?**

**A:** Yes, departments may review an existing reasonable accommodation; however, it is not recommended to require employees to repeat the interactive process unless there is a legitimate reason to do so. The accommodation should only be modified if it is no longer necessary, is no longer effective, or if an alternative accommodation is available that meets the employee's needs and the operational requirements of the department. Any reconsideration must be conducted through a good faith interactive process and

must remain consistent with the department's obligations under the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), and applicable state policy.

**Q: Does interim telework mean the employee's RA request will be approved?**

**A:** No. Interim telework is a temporary arrangement and does not guarantee the request will be granted long-term. The final outcome depends on the interactive process and the essential functions of the position.

**Q: What happens if the interactive process extends beyond the temporary telework period?**

**A:** The department may choose to extend the interim arrangement or modify it based on operational needs and the status of the RA review. The employee will be informed in writing of any changes.

**Q: Has CalHR released a statewide model RA policy?**

**A:** Yes. CalHR has published a [Statewide Model Policy on Reasonable Accommodation](#).

**Q: Where can I find RA resources?**

**A:** CalHR's Equity and Accessibility Management Services Division, formerly Office of Civil Rights, maintains an [RA Webpage](#), which contains RA guidelines from the [California Civil Rights Department \(CRD\)](#), [Equal Employment Opportunity Commission \(EEOC\)](#) and other sources.

**Q: Will CalHR continue to host RA Roundtable meetings?**

**A:** Yes. Please visit the CalHR [Reasonable Accommodation webpage](#) for dates and times. The RA Roundtable provides a forum for California state government RA professionals. Participants engage in learning opportunities and in discussions of solutions to RA challenges. State RA professionals may contact [Civil.Rights@calhr.ca.gov](mailto:Civil.Rights@calhr.ca.gov) to be included on the RA Roundtable mailing list.

**Q: Will CalHR offer RA training?**

**A:** Yes, CalHR's EEO Academy offers Effectively Managing Disability Related & Religious Reasonable Accommodations, and CalHR's Legal Division currently offers a Reasonable Accommodation & Medical Actions course.

**Q: Can employees file an appeal or complaint regarding their denied RA request?**

**A:** Yes, employees may contact the [State Personnel Board](#) to appeal or file a complaint regarding the denial of their RA request. Employees may also contact the [CRD](#) and the [EEOC](#) to file a discrimination, harassment, or retaliation complaint.

**Q: Who can I ask about RA in my department?**

**A:** Employees may contact the department's RA Coordinator. If the RA Coordinator is unknown, consult with the [EEO Officer](#), who will also be knowledgeable and can identify the department's RA Coordinator.