

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Contingent Workers

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Introduction

Many employers use temp agencies or staffing firms to provide workers to meet temporary or seasonal labor needs. When one of these workers has a disability and needs an accommodation, the employer and the temp agency/staffing firm must decide who is responsible for providing the accommodation. The answer depends on whether the worker is an “employee” as defined under federal law. It is possible that a worker could be an employee of both the employer and the temp agency/staffing firm. The following publications provide information to help make this determination:

- [Application of the ADA to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms](#)
- [Application of EEO Laws to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms](#)

Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

A temporary agency provides computer programmers for companies

Once the programmers are assigned to a company, the company sets their schedules and production standards and provides all necessary equipment and supplies. The temp agency pays the programmers and addresses any issues that come up. One programmer was diagnosed with cancer and needed a flexible schedule, telework, and leave. Because both the temp agency and the company qualified as an employer of the programmer, they worked together to provide the necessary accommodations and to cover the work load when the programmer needed leave.

A clerical worker provided by a staffing agency needed an ergonomic set up for her workstation.

The staffing agency provided the ergonomic equipment and the employer had its IT department install it.

A cleaning company supplies janitorial services for multiple employers

A newly hired janitor has a development disability and will temporarily need a job coach. The cleaning company supplied the job coach and notified the employers that the coach would be coming into their worksites to help with training.

A federal contract employee working temporarily at a federal agency's facility had difficulty walking long distances due to a heart condition.

He notified his employer, who then contacted the federal agency to request a reserved parking space for the employee close to the building. The federal agency had the parking manager designate a parking space next to the entrance used by the employee.

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