

# THE INTERACTIVE PROCESS & MEDICAL DOCUMENTATION

How California employees and employers are supposed to exchange information and search for workable accommodations.

**THE ONE-SENTENCE RULE** The interactive process is a problem-solving process, not a form. The useful record shows what limitation existed, what accommodation was requested, what alternatives were considered, and why a solution did or did not work.

## THE 60-SECOND ISSUE MAP

| Issue               | What to ask                                                                                      | Risk / signal | Employee focus                                        |
|---------------------|--------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------|
| Trigger             | Did the employee request help or did the employer otherwise become aware of a possible need?     | FOUNDATIONAL  | Magic words are not required.                         |
| Essential functions | What tasks are actually essential rather than merely preferred?                                  | HIGH          | Use job description plus real practice.               |
| Medical support     | Does documentation explain functional limitations and need without unnecessary diagnosis detail? | HIGH          | Keep medical information targeted and confidential.   |
| Alternatives        | Leave, schedule, remote work, equipment, reassignment, modified duties?                          | HIGH          | The process should consider options, not just yes/no. |
| Breakdown           | Who stopped communicating or rejected options without analysis?                                  | HIGH          | Document dates and responses.                         |

## FIVE RULES THAT MATTER

|                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 1. California employers with five or more employees must engage in a timely, good-faith interactive process when the duty is triggered.<br>2. The process is individualized. It should connect actual job functions to actual limitations and possible accommodations. | 3. Employers may request reasonable medical documentation when the disability or need is not obvious, but the request should focus on functional restrictions and accommodation need.<br>4. Leave can be a reasonable accommodation, and exhaustion of statutory leave does not automatically end the FEHA accommodation analysis.<br>5. Reassignment to a vacant position may be part of the analysis when an employee cannot perform the current job with reasonable accommodation. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## THE PRACTICAL ACTION PLAN

| 1 VERIFY                                                                                     | 2 PRESERVE                                           | 3 RESPOND                     |
|----------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------|
| Did the employee request help or did the employer otherwise become aware of a possible need? | Current job description; Doctor note / certification | Magic words are not required. |

MAKE THE PROCESS AUDITABLE

| Limitation                                 | Options                                               | Decision record                                       |
|--------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| What function is affected? / for how long? | Requested accommodation / alternatives / vacant roles | Who considered what / when / why accepted or rejected |

DOCUMENTS / ACTIONS TO SAVE NOW

- ☐ Current job description
- ☐ Doctor note / certification
- ☐ Accommodation request
- ☐ HR acknowledgment
- ☐ Interactive-process meeting notes
- ☐ Alternative proposals
- ☐ Vacancy information

| WHAT THE EMPLOYER WILL TEST                                                                                                                                                                                                                                                       | WHAT THE EMPLOYEE SHOULD SHOW                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| if the company later says “undue hardship,” ask what hardship analysis was actually done. Cost? staffing? operations? alternatives? If no analysis exists, the defense may be trying to manufacture one after the fact.                                                           | Magic words are not required. • Use job description plus real practice. • Keep medical information targeted and confidential. |
| WHEN PROMPT LEGAL REVIEW MAY MATTER Leave, return-to-work, or a requested accommodation is denied or delayed. • The employer demands unclear, excessive, or shifting medical documentation. • Discipline follows notice of disability, pregnancy, medical restrictions, or leave. |                                                                                                                               |

RELATED RUGGLES LAW FIRM READING

- Complete Guide to Disability Discrimination
- Disability Discrimination Resource Center
- Workplace Investigations in California

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CALIFORNIA STATUTES / REGULATIONS <ul style="list-style-type: none"><li>• Government Code section 12940</li></ul>                                                                                 | PUBLISHED CALIFORNIA CASES <ul style="list-style-type: none"><li>• Gelfo v. Lockheed Martin Corp., 140 Cal.App.4th 34 (2006)</li><li>• Wysinger v. Automobile Club of Southern California, 157 Cal.App.4th 413 (2007)</li><li>• Nadaf-Rahrov v. Neiman Marcus Group, Inc., 166 Cal.App.4th 952 (2008)</li><li>• Richards v. CH2M Hill, Inc., 26 Cal.4th 798 (2001)</li></ul> |
| <div></div> <div>SCAN TO READ<br/>Complete Guide to Disability<br/>Discrimination<br/>RugglesLawFirm.com</div> | OFFICIAL RESOURCES CRD Reasonable Accommodation   CRD Employment Rights for People with Disabilities                                                                                                                                                                                                                                                                         |

*The California Supreme Court described an “ongoing process of accommodation of disability.”*  
— Richards v. CH2M Hill, Inc., 26 Cal.4th 798 (2001)

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