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Telework as a Reasonable Accommodation: Recent EEOC Guidance and Key Takeaways for Employers

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Disability accommodation claims have long been among the most common workplace discrimination claims, but the recent increase has been unusually sharp. One major driver is telework as a requested reasonable accommodation. For employers managing return-to-office expectations, the practical question is whether there are lawful ways to evaluate, limit, modify, or deny telework requests when appropriate. Recent EEOC guidance says yes—provided employers focus on the individualized ADA analysis and the interactive process.

The trend is significant. According to Lex Machina's *2026 Employment Litigation Report*, plaintiffs filed 6,796 failure-to-accommodate cases in 2025, a roughly 42% increase from 2024 and the first year in which federal discrimination filings exceeded 20,000. Telework is not the only reason for that increase, but it is an important part of the current accommodation landscape.

EEOC Guidance on Telework as an Accommodation

COVID-19 normalized remote work for many jobs. As more employers push for in-person work, however, conflicts are increasing between employees who seek telework for disability-related reasons and employers that want consistent office attendance. That tension creates risk, especially for employers that rely on blanket return-to-office rules without preserving room for individualized accommodation decisions.

On February 11, 2026, the EEOC and OPM issued FAQs addressing telework accommodations in the federal sector. Although the guidance is directed to federal agencies, private employers should pay attention because the analysis relies on ADA standards and established federal case law. The central message is useful for all employers: telework may be a reasonable accommodation, but it is not automatic.

Effectiveness Matters More Than Preference

The guidance reinforces that the key issue is whether telework is effective, not whether the employee prefers it. Telework qualifies as a reasonable accommodation only if it enables an applicant to participate in the hiring process, enables an employee to perform the job's essential functions, or gives the employee equal access to the benefits and privileges of employment. Employers therefore may ask whether remote work helps the employee perform the essential functions of the position, rather than simply making work more comfortable or reducing symptoms unrelated to job performance. If another accommodation is effective, such as leave for periodic flare-ups, telework may not be required.

Reevaluation Is Part of the Interactive Process

Accommodation decisions are not necessarily permanent. The EEOC guidance makes clear that reevaluation and modification can be part of the ongoing interactive process. A telework accommodation that is reasonable today may become unreasonable if job duties, operational needs, the employee's medical status, or the law materially changes. Employers should build periodic reassessment into accommodation administration and document the reasons for any modification.

COVID-Era Flexibility Did Not Redefine Essential Functions

The guidance also confirms that temporary pandemic-era flexibility did not permanently rewrite essential job functions. Suspending in-office duties during an emergency does not mean those duties are no longer essential, and it does not mean telework is always feasible going forward. Whether physical presence is essential remains a case-specific inquiry based on current operational realities. Employers are in a stronger position when job descriptions clearly identify essential functions and when the business reasons for in-person work are documented.

Anxiety and Mental Health Symptoms Require the Same Individualized Analysis

The EEOC also addresses requests based on anxiety or other mental health symptoms related to on-site work. The ADA does not create a general right to avoid all workplace discomfort or distress. The question is whether the condition creates a material barrier to working in the office. If it does, the employer should consider reasonable accommodation, including telework if appropriate. If it does not, telework is not required merely because the employee would prefer to work remotely.

Key Takeaways for Employers

- Avoid blanket rules. Return-to-office policies should leave room for individualized ADA accommodation analysis.

- Telework is not automatic. Focus on whether remote work enables the employee to perform essential job functions or access equal employment benefits.
- Document on why in-person work matters. Updated job descriptions and clear operational reasons are critical when physical presence is essential.
- Do not treat COVID-era arrangements as permanent evidence that all duties can be performed remotely.
- Distinguish preference from necessity. Stress or discomfort with office work, standing alone, does not require telework under the ADA.
- Recognize accommodation requests even when employees do not use “magic words.”
- Keep the interactive process active. Reassess accommodations when job duties, operations, medical information, or legal standards materially change.

For additional guidance on developing an effective telework policy or evaluating and responding to telework requests, please contact the author, David Boutrous (dboutrous@bodmanlaw.com | 248-743-6046), or any member of Bodman’s Workplace Law Group. Bodman cannot respond to your questions or receive information from you without establishing an attorney/client relationship and clearing potential conflicts with other clients. Thank you for your patience and understanding.

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