

Return-to-Office Mandates: What ADA-Covered Employers Need to Know

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KEY POINTS

- Courts have widely recognized remote work as a potential reasonable accommodation under the ADA, and employers cannot categorically deny remote work requests from employees with disabilities simply because of a return-to-office policy.
- Joint EEOC and OPM guidance issued February 11, 2026, clarified that employees are not automatically entitled to continued remote work based on pandemic-era arrangements, and employers may revisit existing accommodations based on changing business needs.
- To deny a remote work accommodation, an employer must be prepared to substantiate that in-person attendance is an essential job function, supported by accurate job descriptions, documentation of actual duties performed, and manager testimony.
- An employee's prior track record of successful remote work can significantly undermine an employer's later argument that the arrangement was operationally impossible or constituted an undue hardship.
- Employers implementing return-to-office mandates should take an individualized approach to each accommodation request, assessing the employee's job description, remote performance history, and operational impact before making a determination.

As employers across the U.S. continue to implement or increase return-to-office mandates, they should ensure compliance with their legal obligations under federal and state law. Chief among these obligations is compliance with the [Americans with Disabilities Act of 1990, as amended \(ADA\)](#), which requires that employers provide employees with disabilities reasonable accommodations that enable them to perform the essential functions of their jobs.

Because remote work has been widely recognized by courts as a reasonable accommodation for employees with disabilities under a variety of circumstances, employers should carefully consider the legal implications of return-to-office mandates for employees who request remote work to accommodate a disability. Such mandates can present unique challenges for employers, especially for those that have permitted their workforces to work remotely in the past.

REMOTE WORK AS A REASONABLE ACCOMMODATION

Reasonable accommodations under the ADA can take many forms, such as installing devices to make the employer's facilities more accessible, part-time or modified work schedules, and remote work. As demonstrated during the COVID-19 pandemic and thereafter, the essential functions of many jobs can be performed remotely, and many employers have permitted remote work arrangements for most, if not all, employees regardless of

whether they have a disability.

Recently however, employers have been motivated to deny remote work accommodations for a multitude of business-related reasons, including changes in employers' markets driven by competitors who have reverted to in-person requirements for certain services that those employers also offer, employee engagement in interactive on-site training and development programs, and the need to directly supervise employees with communication or performance issues. These reasons often compete with the accommodation requests made by employees, occasionally leading to litigation.

FEDERAL GUIDANCE AND APPLICATION TO PRIVATE EMPLOYERS

On February 11, 2026, the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM) issued [guidance](#) clarifying that remote work may qualify as a reasonable accommodation for federal employees when it enables employees to perform their essential job functions, but employees are not automatically entitled to remote work simply because it was permitted during the COVID-19 pandemic. Under this guidance, employers may revisit existing remote work arrangements based on changing business needs or broader return-to-office policies.

Even though the EEOC and OPM's guidance is directed at federal employers, private employers may use it as a reference when evaluating their own remote work policies to decide whether remote work remains a reasonable post-pandemic accommodation.

Recent case law reinforces this concept set forth by the EEOC and the OPM in the private sector. The Sixth Circuit has affirmed that employers are not required to eliminate or reassign essential functions to enable remote work. Additionally, several federal district courts have found that when physical attendance is an essential function of an employee's job, the employee is not entitled to continue in a remote work accommodation, even if the employer previously granted one.

CONSIDERATIONS FOR EMPLOYERS WHEN IMPLEMENTING RETURN-TO-OFFICE MANDATES

An [October 2025 survey](#) found that employers' top drivers for return-to-office mandates include the strengthening of company culture (including in-person collaboration), increased employee productivity, and the maximization of employees' use of employer's office space. Business reasons do not, on their own, override an employee's right to an ADA remote work accommodation. Rather, the burden falls on the employer to show that working in-office (or in person, such as at customer or vendor sites) is an essential function of an employee's job, or that an employee's remote work accommodation imposes an undue hardship on the employer.

The "essential functions" of an employee's job are the employee's main, core duties. Employers who assert that essential job functions require in-person work must be prepared to substantiate that claim with supporting evidence, including accurate job descriptions, documentation of the actual duties performed by the employee, and testimony from the employee's managers or supervisors regarding the scope of work performed by the employee.

"Undue hardship" refers to the financial difficulty of providing an accommodation, and to accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. If an employer seeks to justify a return-to-office mandate based on undue hardship, its reasoning must

be grounded in specific, concrete reasons rather than generalized statements because broad justifications will likely not withstand scrutiny. Employers should also be mindful that an employee's prior periods of successful remote work may significantly undermine a later argument that remote work is financially or operationally impossible, as the employee may use that track record as evidence that the arrangement permitted performance of the essential functions of the employee's job and was not a strain on the employer. Indeed, in *Smith v. District of Columbia*, (D.D.C. Aug. 13, 2025), evidence that an employee worked remotely for two years at high levels precluded the court from finding that her renewed request for a remote work accommodation was unreasonable.

CONCLUSION

Given the considerations above, when implementing return-to-office policies, employers should be prepared to take an individualized approach to the application of such policies to their workforce. The assessment should include the employee's job description, their productivity and performance while working remotely in the past, and the impact of the employee's remote work arrangement on the employer's operations to ensure compliance with the ADA.

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