

## Reasonable Accommodation/Americans with Disabilities Act (ADA) Policy

*(Excerpt from Personnel Policies and Procedures Manual)*

### 4.6 Reasonable Accommodation/Americans with Disabilities Act (ADA)

*Adopted as a University-Wide policy on November 10, 2011 (Revised 01-19-12)*

The Americans with Disabilities Act (“ADA”) and other federal, state, and local laws provide an opportunity for greater economic security for a significant number of citizens by providing orderly processes for achieving and maintaining employment. Beyond any legal requirement, the University strives to demonstrate its commitment to this concept by requiring the removal of unnecessary and artificial barriers to employee selection and work access and by maintaining an orderly and structured process for working with employees in an interactive process to make reasonable accommodations that allow an otherwise qualified individual with a disability to perform the essential functions of a job assignment. It is the policy of the University to provide reasonable accommodations in employment to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the operation of the University’s business or would change the essential functions of the position. Retaliation against an individual with a disability for using this policy is prohibited.

#### Notification and Medical Documentation

In general, it is the responsibility of an applicant or employee with a disability to inform the University’s Office of Human Resources that a need for an accommodation exists or that some adjustment or change is needed to perform the essential functions of a job because of limitations caused by a disability. A reasonable accommodation refers to change or adjustment in the job or the work environment that allows a qualified employee with a disability to perform the essential functions of his or her job. While it has been our experience that supervisors and employees often informally work through issues surrounding limitations caused by a disability, this process has been developed to provide a formal process through which the employee can notify the Office of Human Resources for assistance.

When the Office of Human Resources is so notified, that office initiates the interactive process with the individual by requesting the employee to identify what accommodations are requested (if known) and to provide appropriate medical documentation. A form for accommodation requests (to be supported by medical documentation) is available from Human Resources, or employees can provide requests in another format so long as the necessary information is provided.

Appropriate medical documentation should:

1. describe the nature, severity, and duration of the employee’s impairment,
2. the activity or activities that the impairment limits,
3. the extent to which the impairment limits the employee’s ability to perform any specific employment activity or activities; and
4. substantiates the need for accommodation and makes suggestions, if reasonably possible, for any specific accommodations.

Employees seeking accommodation will be notified if their documentation is insufficient. In obtaining this information, employees are cautioned that the University is not requesting nor should the employee provide as part of his or her medical documentation any genetic information regarding the employee or a family member protected by the Genetic Information Nondiscrimination Act (GINA).<sup>1</sup>

### Interactive Process

Once a request has been made and appropriate medical documentation supporting the need for accommodation has been provided, then the circumstances will be addressed on a case-by-case basis. This process may encompass one or more of the following steps or other efforts not listed below that are reasonably needed to determine that whether an applicant's or employee's needs' can be met through the reasonable accommodation process.

- a. Job analysis, job description review, and review of any other relevant data regarding job requirements and functions;
- b. Consultation with the appropriate supervisor and Human Resources and others as appropriate to define possible accommodation that might be reasonably necessary to permit or allow an otherwise qualified person with a disability to participate in the screening process in the case of applicants, or to perform the job assignment under consideration for employees.
- c. Applicant accommodations requests will be handled by Human Resources in conjunction with the selection manager.
- d. Among the points to be addressed in the analysis are whether, based on the information available, the employee is otherwise qualified to perform the essential job functions; the physical and/or mental work requirements; physical barriers, if any, based on the work location; the effect of accommodations on related jobs or individuals; any possible threats to the health/safety of the person with a disability or to others in the work place; any undue hardship on the University in providing the accommodation; and estimated dollar costs (if any) to accomplish the desired accommodation.

All applicants and employees are expected to cooperate in the interactive process. Employees should also remember as part of this process that the University is not obligated to and will not provide personal use items needed in accomplishing daily activities, such as eye glasses or hearing aids, but will consider work-specific equipment, such as but not limited to, voice-activated software or adaptive technology, where appropriate.

### Decision on Accommodation and Recordkeeping

Once the interactive process is complete and a decision made regarding accommodations, the employee will be notified by the Office of Human Resources. The employee will also be notified if/when documentation needs to be renewed or updated.

Human Resources will also reduce the decision to writing and document it in the employee's confidential medical file. The supervisor is responsible for providing support in completing appropriate written documentation to Human

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<sup>1</sup> "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Resources. Information regarding an employee's disability and requests for accommodations will be kept confidential and shared with others only if they have a legitimate business reason to know.

### Appeal

Under the interactive process, an employee's preferred accommodations will be considered, but the employee is not guaranteed that his or her preferred accommodation will be granted. Rather, the University has the ability to select from among varying effective accommodation options that meet the needs of both the employee and the University. If an accommodation is denied, if an employee is dissatisfied with the accommodation granted, or if an employee otherwise believes he or she has been discriminated against based on disability, the employee may file a grievance under the Faculty and Staff Grievance Procedure applicable to their campus. *Section 4 Personnel Policies Revised through*

Applicants who believe they have been denied employment based on disability or otherwise have a disability discrimination complaint over a University selection process should submit a written complaint to the Human Resources Office for the campus where application was made within 30 days of the action complained of.