

PROCEDURE TITLE:	ACCOMMODATION FOR EMPLOYEES WITH DISABILITIES
PROCEDURE NO.:	5.01.5
RELATED POLICY:	5.01
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RESPONSIBLE ADMINISTRATOR(S):	VPF&A/HR/ADA COORDINATOR FOR EMPLOYEES
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APPROVED BY:	PRESIDENT

1.0 INTRODUCTION

- 1.1 This procedure serves to implement provisions of Policy 5.01, Section 3.1.2 equal access to University programs, activities, and services and processes for reasonable accommodations for SSU employees.
- 1.2 Reasonable accommodations for employees may include alterations and/or changes in the workplace that enable persons with disabilities to perform the essential functions of their jobs and to enjoy equal benefits and privileges of employment.

2.0 DEFINITIONS

- 2.1 The Americans with Disabilities Act Amendments Act (ADAAA) – the law that clarifies the mandate for the elimination of discrimination against individuals with disabilities. The law is designed to strengthen the protections under the Americans with Disabilities Act and broaden the coverage of individuals under the Act. The law became effective on January 1, 2009.
- 2.2 Reasonable accommodation – modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of her/his job or enjoy equal benefits and privileges of employment.
- 2.3 Undue hardship – significant difficulty or expense incurred by the employer in providing the requested accommodation.
- 2.4 Essential functions – fundamental job duties that bear more than a marginal relationship to the job at issue. If the job description contains the essential functions of the job including physical, behavioral, and minimal qualification requirements, that description will be considered evidence of the essential

functions of the job. If the position exists to perform a function, then that function is essential. A function may also be essential if:

- 2.4.1 it requires specialized skills;
- 2.4.2 it requires a significant amount of time;
- 2.4.3 there are significant consequences if the function is not performed; or
- 2.4.4 there are a limited number of employees to perform the function.

3.0 EMPLOYEES REQUESTING REASONABLE ACCOMMODATION

- 3.1 Any employee may request information regarding workplace accommodations or may request an accommodation by contacting the ADA Coordinator located in the University's Human Resources Department (HRD).
- 3.2 The ADA Coordinator, or designee, can be contacted directly at:
<http://shawnee.edu/offices/human-resources/compliance.aspx>.

4.0 WORKPLACE ACCOMMODATION PROCESS

- 4.1 Time frame for processing requests: Absent extenuating circumstances, requests for reasonable accommodations are normally reviewed with the employee within thirty (30) work days of receipt by the ADA Coordinator in HRD. Additional time may be required if appropriate medical information has not been provided.
- 4.2 Employee Responsibilities
 - 4.2.1 Step 1 - Initiating a Request: The employee is responsible for requesting a workplace accommodation for a disability. A request should be made to the ADA Coordinator (or designee) in HRD and include the following:
 - 4.2.1.1 the condition and its duration;
 - 4.2.1.2 the limitations caused by the condition and how those limitations impact the employee's performance of the essential functions of the job;
 - 4.2.1.3 the accommodation the employee and/or the employee's doctor/medical professional believe will enable the employee to perform the essential functions of the job. The ADA Coordinator may require medical documentation from the employee's health care provider setting forth the limitations or restrictions on the employee related to the essential functions

of the job. The employee should provide his/her health care provider with the definition of a disability as defined by the American's with Disabilities Act Amendment Act of 2008, and a job description identifying the essential functions of the job. This information may be obtained from the ADA Coordinator.

- 4.2.2 Step 2 - Engage in an interactive dialogue: The employee is expected to contact and engage in an interactive dialogue with the ADA Coordinator about the specific impact of the condition to his/her ability to perform the job duties and to identify the requested accommodation. The ADA Coordinator may determine that dialogue is not necessary where the existence of the disability and the need for an accommodation is obvious, and the supervisor and employee agree upon a reasonable accommodation. After engaging in the interactive process, the ADA Coordinator will consider all requests for reasonable accommodation and then will advise the employee about what, if any, reasonable accommodations the University is able to provide.
- 4.2.3 Step 3 - Potential future modifications or changes to accommodations. If the employee's condition changes, which would alter the need for an accommodation, the employee is responsible to bring this to the attention of the ADA Coordinator. The ADA Coordinator and the employee will discuss any necessary changes and follow a similar process as described in this Procedure for any additional or alternative reasonable accommodations which are made necessary by such changes.

4.3 ADA Coordinator Responsibilities

- 4.3.1 Step 1 - Responding to a request for an accommodation
 - 4.3.1.1 Responding to an obvious disability: If both the disability and the need for an accommodation are obvious and the requested accommodation (after discussion with the ADA Coordinator) is determined to be reasonable, in order to eliminate unnecessary review and delay, the supervisor may provide the accommodation. The ADA Coordinator will document in writing the employee's request and the accommodation that was provided.
 - 4.3.1.2 Responding when the disability is not obvious: When the disability or the need for an accommodation is not obvious, the ADA Coordinator will determine the adequacy of the medical documentation and request additional information if necessary and interact with the employee and the supervisor to assess the requested accommodation. All medical

documentation will be kept confidential, separate from general personnel files, and shared only with those who are involved in the decision making process. The medical documentation will need to include the following:

4.3.1.2.1 the condition and its duration;

4.3.1.2.2 the limitations caused by the condition and how it impacts the performance of the essential functions of the individual's job; and

4.3.1.2.3 the accommodation the employee and/or the employee's doctor/medical professional believe will enable the employee to perform the essential functions of the job.

4.3.1.3 Additional Information: If additional medical information is needed from the employee's physician, the ADA Coordinator will provide the employee with a medical request form. Both documents should be returned to and maintained by the ADA Coordinator.

4.3.2 Step 2 - Agreeing on a reasonable accommodation: The ADA Coordinator, along with the supervisor, will begin an interactive dialogue with the employee when (1) the specific limitation, problem or barrier is unclear; (2) an effective reasonable accommodation is not obvious; or (3) the parties are choosing between different reasonable accommodations. At no time will a determination that a specific accommodation is unreasonable or creates an undue hardship be made without consulting with the ADA Coordinator.

4.3.2.1 Condition does not qualify as a disability: If the ADA Coordinator determines that the employee's condition does not qualify as a disability as defined by the ADA, that determination will be communicated to the employee in writing. Such determination does not preclude the ADA Coordinator in conjunction with the supervisor from granting the employee's request as a means of assisting the employee. The supervisor will inform the employee in writing with a copy to the ADA Coordinator that:

4.3.2.1.1 the condition is not a disability covered by the Act nor does the supervisor regard the employee as disabled under the Act, and

- 4.3.2.1.2 the request is being granted at management's discretion and is not an entitlement; and
- 4.3.2.1.3 the requested change may be withdrawn or modified at any time. The ADA Coordinator will retain a copy of the written notice.

5.0 COMPLAINTS

If an employee believes that a requested accommodation was not properly provided, the employee may file a complaint pursuant to [Procedure 5.01:2](#). The person who served as the ADA Coordinator in assessing the initial request for accommodation will not be the same person assigned to investigate the complaint.