

PROCEDURE TITLE:	ACCOMMODATION FOR EMPLOYEES WITH DISABILITIES
PROCEDURE NO.:	5.01:5
RELATED POLICY:	5.01
PAGE NO.:	1 OF 5
RESPONSIBLE ADMINISTRATOR(S):	CHIEF OPERATING OFFICER
EFFECTIVE DATE:	03/01/24
NEXT REVIEW DATE:	03/2027
APPROVED BY:	PRESIDENT

## 1.0 INTRODUCTION

- 1.1 This procedure serves to implement provisions of Policy 5.01, Section 3.1.2 addressing equal access to University programs, activities, and services, and processes for reasonable accommodations for SSU employees with disabilities.
- 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) –federal 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 accommodations – modifications or adjustments necessary to enable a qualified individual with a disability to enjoy equal benefits and privileges of all aspects of employment, including but not limited to the job application process, hiring processes, and performance of the essential functions of a job.
- 2.3 Undue hardship – an accommodation that would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the workplace.
- 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; and/or
  - 2.4.4 there are a limited number of employees to perform the function.
- 2.5 ADA Coordinator – for the purposes of this procedure, ADA Coordinator means the ADA Coordinator within the Human Resources Department (HRD) or their designee;
- 2.6 Senior Executive – the President; any Vice President; the Chief Financial Officer, Chief Operating Officer, Chief Enrollment Officer, Chief Advancement Officer, Chief of Staff, and any other similar Chief positions created hereafter.

### 3.0 EMPLOYEES REQUESTING REASONABLE ACCOMMODATION

- 3.1 Any employee or applicant for employment may request information regarding workplace or other 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. 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 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 that the employee and/or the employee's health or mental health care provider believe will enable the employee to perform the essential functions of the job. The ADA Coordinator may require documentation from the employee's health or mental health care provider setting forth the limitations or restrictions on the employee related to the essential functions of the job. The employee should furnish their provider with the ADA's definition of a disability 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 required to contact and engage in an interactive dialogue with the ADA Coordinator about the specific impact of their condition to the ability to perform the job duties, and to identify the requested accommodation(s). 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 experiences changes in their condition which would alter the need for an accommodation, the employee is responsible for notifying 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 is determined to be reasonable, there may be little or no need to engage in an interactive process. In such cases, the ADA Coordinator will work with the employee's supervisor to ensure that the accommodation is 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

documentation, request additional information if necessary, and interact with the employee and the supervisor to assess the requested accommodation. All health and mental health-related documentation will be kept confidential, separate from general personnel files, and shared only with those who are involved in the decision-making process. The 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 health or mental health care provider believe will enable the employee to perform the essential functions of the job.

4.3.1.3 Additional Information: If additional information is needed from the employee's health or mental health care provider, the ADA Coordinator will provide the employee with a medical request form. All documents shall 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. The ADA Coordinator's responsibility is to provide the employee with a reasonable accommodation for a qualifying disability, which may or may not be the same accommodation requested by the employee. The ADA Coordinator may only deny an accommodation when they determine that the employee's disability cannot be reasonably accommodated without creating an undue hardship. At no time will a supervisor determine that a specific accommodation is unreasonable or creates an undue hardship without consulting with the ADA Coordinator.

4.3.2.1 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 ADAAA, 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 REQUESTS FOR RECONSIDERATION

If an employee or applicant believes that a requested accommodation was not properly provided in full or part, they may submit a request for reconsideration directly with the HRD or file a complaint by clicking on the "Report a Complaint" quick link at the bottom of any page on the University's web site, which will access the "Report a Complaint" page. On the "Report a Complaint" page, the employee or applicant should click on the Accessibility link from among the "Report Complaints About" options in the right column, and submit the form. The ADA Coordinator will assess the request for reconsideration, including any new evidence and/or justification that was not included in the original request. The ADA Coordinator will notify the employee or applicant whether or not their request for reconsideration is granted in whole or part. If the employee or applicant is not satisfied with the ADA Coordinator's determination on reconsideration, they will notify the ADA Coordinator within five working days of the determination. If that occurs, the ADA Coordinator will forward all relevant records pertaining to the request to the Senior Executive of the Division that houses the position at issue. The Senior Executive will review the records and decide whether the determination on reconsideration is affirmed or modified. The decision of the Senior Executive will be final.

### History:

Effective: 08/01/14

Revised: 03/01/24