

Augusta University

Policy Library

Accommodating Employees with Disabilities Policy

Policy Manager: Human Resource

POLICY STATEMENT

It is the policy of Augusta University (AU) to comply with all federal and state laws concerning the employment of persons with disabilities and act in accordance with guidance issued by the Equal Employment Opportunity Commission (EEOC). Augusta University ensures that all persons with disabilities who are current employees of the institution or applicants for employment are afforded equal opportunity in maintaining their present position and/or to be considered for an available position. This policy includes all aspects of employment: hiring, promotion, demotion, transfer, recruitment, advertising, layoff or termination, salary and other compensation, training, or other terms, conditions and privileges of employment.

Augusta University will not make employment decisions or discriminate against any qualified employee or applicant on the basis of the individual's disability or perceived disability. Augusta University will reasonably accommodate qualified individuals with a disability as defined by the Americans with Disabilities Amendment Act (ADA). Accommodations enable an individual to perform the essential functions of their job, unless doing so causes a direct threat to the individual or others in the workplace, and the threat is not eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the ADA Specialist in Human Resources. Augusta University welcomes individuals with disabilities to self-identify as an individual with a disability and request reasonable accommodation.

No presumptions are, or should be, made that the existence of a physical or mental impairment will necessarily cause any limitations in an employee's ability to perform his or her job. In most instances, absent a specific notification by an employee of the existence of specific limitations caused by a disability, it shall be presumed that a disabled or impaired employee is not limited in his or her ability to perform his or her job. Any accommodation request will be evaluated against the prevailing legal standards of the ADA.

When an individual with a disability requests an accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants with a disability that could pose a direct threat to the health, safety, and well-being of themselves or others in the workplace, and the threat cannot be eliminated by reasonable accommodation, may not be hired.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other:

DEFINITIONS

Terms used in the policy:

Disability - A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

Major Life Activities - The following are considered major life activities, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

The ADA also includes the term “major bodily functions,” which may include physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially Limiting - The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. An impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form is considered a disability under ADA regulations.

Direct Threat - A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

Qualified Individual - An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable Accommodation - Any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring,

part-time or modified work schedules, teleworking, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, additional unpaid leave, and other similar accommodations for individuals with disabilities.

Undue Hardship - An action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operation. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to consider include, but are not limited to the:

- a. Nature and cost of the accommodation.
- b. Overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources; or the impact of such accommodation upon the operation of the department
- c. Overall financial resources of the employer; the size, number, type and location of facilities.
- d. Type of operations of the institution, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the institution.
- e. Impact of the accommodation on the operation of the department.

Essential functions of the job refer to those job activities that are determined by the institution to be essential or core to performing the job; these functions cannot be modified. The examples provided in the above terms are not meant to be all-inclusive.

PROCESS & PROCEDURES

The ADA Specialist is responsible for working with management to properly implement this policy, including resolution of reasonable accommodation, safety/direct threat, and undue hardship issues. Individuals who are currently using illegal drugs are excluded from coverage under the AU ADA policy.

Requesting Reasonable Accommodation

Employees: To request an accommodation, an employee must notify Augusta University’s Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist that an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment, for a reason related to a medical condition is needed. An employee may request a reasonable accommodation at any time, orally or in writing.

The reasonable accommodation process begins as soon as the employee makes an oral or written request for accommodation to any manager in an employee’s chain of command; therefore, it is imperative to forward the request to the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist as soon as possible.

Applicants: Any applicant needing an accommodation in relation to the hiring process is encouraged to request such by speaking with the ADA Specialist in Human Resources. An applicant may request a reasonable accommodation at any time, orally or in writing.

The reasonable accommodation process begins as soon as the applicant makes an oral or written request for accommodation to the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist. To ensure timeliness and to prevent any delay, it is imperative to forward the request as soon as possible.

A request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “Rehabilitation Act.” A request is any communication in which an individual asks or states that they need AU to provide an accommodation or change some aspect of the work performed or work environment because of a medical condition. A supervisor, manager, or the ADA Specialist should ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Request for Accommodation

The employee or applicant (with exception to cases where the impairment is visible and obvious), is responsible for informing Augusta University of the existence of a disability that limits their ability to perform their job. The individual must provide the ADA Specialist with documentation provided by an appropriate health care professional with the following:

- a. Diagnosis of existing physical or mental impairment that substantially limits one or more major life activities.
- b. Identification of the accommodation(s) which will allow the employee to meet all of the essential functions of the employee’s job.
- c. A prognosis for return in cases where leave is requested.

Documentation is insufficient if it does not specify the existence of an ADA disability and explain the need for a reasonable accommodation. Documentation may also be insufficient where, for example:

- a. The health care professional does not have the expertise to give an opinion about the employee's medical condition and the limitations imposed by it.
- b. The information does not specify the functional limitations due to the disability.
- c. Other factors indicate that the information provided is not credible or is fraudulent.

The ADA Specialist will provide the employee with the medical certification to be completed by their physician along with a specified timeframe for return. ADA accommodations cannot be determined or provided if insufficient documentation is received. Augusta University will not provide a reasonable accommodation until sufficient documentation is received.

Consideration of a Request for an Accommodation

The ADA Specialist will review the medical documentation regarding the existence of a disability and the requested accommodation with the employee, and if authorized by the employee, with his or her medical physician. In weighing the requested accommodation, the ADA Specialist will first determine whether the employee will be able to meet all of the essential functions of the job, as determined by a job analysis.

The Interactive Process

After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This step includes communication between the individual requesting the accommodation (applicant, employee or supervisor) and the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist. A thorough review and discussion about the request, how the application process and/or a workplace impairment is prompting a need for an accommodation, what essential function(s) of the position are affected, and alternative accommodations that may be effective in meeting an individual's needs.

Communication is a priority throughout the entire process. Particularly where the specific limitation, problem, or barrier is unclear, where an effective accommodation is not obvious, or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker(s) should work together to identify effective accommodations.

Denial of Requested Accommodation

Augusta University may deny a requested accommodation if:

- a. It is determined that even with the requested accommodation, the employee will not be able to perform all of the essential functions of the job, as defined in the job description, and by the supervisor.
- b. The medical documentation does not establish the existence of a disability within the terms of the ADA.
- c. The Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist determines that the applicant or employee, with or without an accommodation, poses a risk of harm to him/herself or to employees, students or members of the public with whom he or she may come in contact.
- d. Any other basis provided by the ADA, Section 504 of the ADA, or other law.
- e. When management can show that the requested accommodation would pose an undue hardship.

Resolution of the Reasonable Accommodation Request

If Augusta University grants a request for an accommodation, the employee's supervisor will receive documentation from the ADA Specialist confirming and outlining the accommodation. Both supervisor and employee will respond in writing acknowledging agreement. A decision to provide an

accommodation other than the one specifically requested is a decision to grant an accommodation. The documentation will explain both the reasons for the denial of the individual's specific requested accommodation and why Augusta University believes that the chosen accommodation will be effective.

If Augusta University denies a request for accommodation, the employee will be notified of the ADA determination in writing with specific reason(s) for the denial.

If it is deemed that the requested accommodation presents an undue hardship for the department, the applicant or employee will be notified by the Director of Employee Relations, Affirmative Action/EEO Officer, and/or the ADA Specialist outlining the reason(s) the requested accommodation would result in an undue hardship.

If there is a legitimate reason to deny the specific accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist will explore other options with the applicant or employee.

If an employee requests the removal of an essential function or some other action that is not required by law, the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist will explore whether there is a reasonable accommodation that will meet the employee's needs. If an accommodation is offered other than the one requested and not accepted by the employee, the ADA Specialist will record the individual's rejection of the alternative accommodation on the ADA Determination Resolution form.

Confidentiality of Medical Documentation

All medical records and information pertaining to an employment-related medical examination, employee's disability, or requested accommodation shall be deemed confidential. Information pertaining to job-related limitations shall be released on a need-to-know basis only. Supervisors or other Augusta University employees who are included in the accommodation review process shall ensure that any documentation or other information provided by an employee or applicant shall be kept confidential, in accordance with this policy.

Confidentiality Requirements

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that is obtained in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any AU employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist may share certain information with an employee's supervisor or other official(s) as necessary to make

appropriate determination on a reasonable accommodation request. Under these circumstances, the Director of Employee Relations, Affirmative Action/EEO Officer, or the ADA Specialist will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request.

REFERENCES & SUPPORTING DOCUMENTS

[Accommodation Request Guidelines, Forms, and Resources](#)

RELATED POLICIES

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APPROVED BY:

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 1/24/2022

President, Augusta University

Date: 1/25/2022