



UNIVERSITY OF
SOUTH ALABAMA

Policy No: TBD

Responsible Office: Human Resources

Last Review Date: 9/1/2020

Next Required Review:

Workplace Accommodation Policy

1. Purpose

The University of South Alabama is committed to nondiscrimination and employment of qualified individuals with physical and mental disabilities in accordance with the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA) as amended by the Americans with Disabilities Act Amendments Act (ADAAA), and state and local laws and ordinances.

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit discrimination by employers with 15 or more employees against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

2. Applicability

It is the policy of the University of South Alabama to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is against University policy to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, time and attendance or other terms, conditions and privileges of employment.

The University of South Alabama will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the University. The University's Human Resources department has been designated to coordinate the requests of applicants and employees for reasonable workplace accommodations.

3. Definitions

As used in this ADA policy, the following terms have the indicated meaning:

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: This includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

Major bodily functions: This includes 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: In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and 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 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 also considered a disability under EEOC final ADAAA 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: Includes 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, telecommuting, 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, and other similar accommodations for individuals with disabilities.

Undue hardship: An action requiring significant difficulty or expense by the employer.

Essential functions of the job: Those job activities that are determined by the employer 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 and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

4. Procedures

4.1 Procedure for Applicants

An applicant with a disability, like all other applicants, must be able to meet the job's minimum requirements, such as education, training, employment experience, skills, or licenses. In addition, an applicant with a disability must be able to perform the "essential functions" of the job, either on his/her own or with the help of "reasonable accommodation."

The applicant must inform the recruiter of the need to change or adjust the application/interviewing process because of the applicant's disability. The applicant can make this request **orally or in writing**. The University will then engage in the interactive process with the applicant in seeking the availability of a reasonable accommodation.

4.2 Procedure for Employees

It is the employee's responsibility to request an accommodation. Requests for a workplace accommodation will require the employee to complete the University's Employee Accommodation Request form and submit it to Human Resources for review. The University may require written documentation of the employee's limitations from an appropriate health care provider. If obtaining this information is necessary the employee will be provided with a Medical Inquiry form for the health care provider to complete. Once any required documentation is reviewed and approved, the University will engage in the interactive process with the employee in seeking the availability of a reasonable accommodation.

If the request for a workplace accommodation is granted, implementation of the accommodation will be handled by the employee's department with guidance provided by Human Resources. The employee who has been granted a workplace accommodation must report changes in the ongoing need for the accommodation.

The University's Human Resources department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

5. Related Documents

1. Employee Accommodation Request
2. Medical Inquiry Form