

Reasonable Accommodations: Process for Employees

Faculty and staff who are requesting a reasonable accommodation at Murray State University are required to submit documentation under the Americans with Disabilities Act Amendments (ADAAA) and Section 504 of the Rehabilitation Act of 1973. Individuals with disabilities are protected from discrimination and may be entitled to reasonable accommodations and the right to equal access to programs and services.

What is a reasonable employee accommodation?

A **reasonable accommodation** is a modification or change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. Examples of reasonable accommodations include, but are not limited to: acquiring or modifying adaptive equipment, job restructuring, modified work schedules, providing interpreters, removing readily achievable physical barriers, and providing paid or unpaid leave.

General Documentation Guidelines

This document addresses who is eligible to receive accommodations, the process by which employees can request accommodations, and the expectations of supervisors and managers in engaging in the interactive process to determine what accommodations are appropriate.

Eligibility/Definitions

All qualified employees with disabilities, including regular, full-time, part-time, temporary, casual or limited employees, are eligible to request workplace accommodations. An employee is considered to have a **disability** under this policy if he or she ***has a physical or mental impairment that substantially limits one or more major life activity, or if he or she has a record of such impairment.***

Major life activities include, 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.

An employee is **considered qualified** if he or she ***has the requisite skills, experience and education*** to perform the job, **AND** is ***able to perform the essential functions of the job with or without accommodation.***

The Interactive Process

The **interactive process** of determining what accommodations are reasonable and appropriate for an employee with a disability is done on a case-by-case basis and involves the employee, the supervisor/manager, Human Resources, and the Office of Equal Opportunity and Title IX (OEO). Since some disabilities are episodic in nature or have the capacity to shift in severity which may necessitate a shift in the engaged reasonable accommodation. To provide flexibility for such an occurrence, the interactive process may be revisited throughout the employee's tenure to re-evaluate the match and appropriateness of the accommodation currently engaged.

Making a Request

An employee is generally responsible for indicating his or her need for accommodation. To initiate the process, the **employee may submit a Reasonable Accommodation Form** for employees to OEO. If an

employee makes a request for accommodation to someone other than OEO staff, such as a supervisor, manager or Human Resources professional, these individuals should forward the request to the Office of Equal Opportunity and Title IX.

Documentation Requirements

The employee is responsible for requesting a workplace accommodation. The employee must submit the following documents:

- A request for a reasonable accommodation is made using the Reasonable Accommodation Form for employees
- **Employee completes the front page** of the form.
- Documentation
 - A letter from the doctor that indicates:
 - The condition and its duration (i.e. anticipated RTW [Return to Work] date)
 - The limitations caused by the condition and how those limitations impact the employee's performance of the essential functions of the job;
 - The accommodation(s) the employee and/or the employee's doctor/medical professional believe will enable the employee to perform the essential functions of the job.
 - A **treating professional is asked to complete Part III** of the reasonable accommodation form in addition to a written letter that addresses the bullet points above.
- A job description identifying the essential functions of the job. This information may be obtained from the employee's supervisor and Human Resources.

When an employee's disability and/or his or her need for the accommodation are not readily apparent, the Office of Equal Opportunity and Title IX may request documentation of the condition and information on why the accommodation is necessary from an appropriate medical or mental health provider. If the initial documentation provided by the health professional is not sufficient, OEO will inform the employee and explain what additional information is needed. The employee is then responsible for obtaining the missing information from the health care provider.

The Office of Equal Opportunity and Title IX will then engage in a dialogue with the employee about the specific ways the condition affects job performance and the reasonable accommodations that can be provided. Extensive dialogue may not be necessary when the existence of the disability and the need for the accommodation are obvious, and the supervisor and employee agree on the most effective reasonable accommodation.

Except as required by law, diagnosis information and disability documentation is not shared with the employee's supervisor or manager. Documentation is maintained securely in the Office of Equal Opportunity and Title IX and does not become part of the employee's personnel file.

The Interactive Process

After receiving sufficient documentation, OEO will contact the supervisor/manager and the appropriate Human Resources representative to explore whether the requested accommodation is reasonable. An accommodation is not considered reasonable if it would create an undue hardship for the University. Examples of accommodations that pose an undue hardship include, but are not limited to, accommodations that are unduly costly, extensive or would alter or remove an essential function of the

employee's job. The determination of whether a requested accommodation is an undue hardship is a fact-specific inquiry that must be made on a case-by-case basis.

In the event that the requested accommodation is found to be unreasonable, the parties are expected to work together to determine what, if any, alternative accommodations may meet the employee's needs.

After the parties have agreed on what accommodations are reasonable, OEO will provide an Accommodation Agreement electronic memo and distribute to the employee, supervisor and Human Resources to document the approved accommodations.

Both the employee and the supervisor/manager may request a review of the accommodations at any time. An employee's receipt or denial of an accommodation does not prevent him or her from making another request at a later date if his or her needs change. Similarly, supervisors and managers may request a review of the approved accommodations if they believe that the business needs of the department currently make them unreasonable. The parties may contact the Office of Equal Opportunity and Title IX to arrange a review of the accommodations.

Accommodation Requests in the Pre-Hire Process

People with disabilities applying for positions at the University may request any accommodations they require to have an equal opportunity to participate in the pre-hire process. Applicants who require an accommodation should contact the appropriate divisional office as noted on the job posting to make their request. Supervisors, Managers and Human Resources staff may contact the Office of Equal Opportunity and Title IX if they are unsure whether or not an accommodation requested during the pre-hire process is reasonable or if they require resources on how to fulfill the applicant's request.

Appeal Process

If an employee makes a request that he or she believes is reasonable and it is denied, or if an employee's approved accommodations are not implemented, the employee, may contact the Office of Equal Opportunity and Title IX to file a complaint.

Contact

Questions regarding this policy should be referred to the Office of Equal Opportunity and Title IX at (270) 809-3155 or (270) 809-3361 (TDD) or msu.oeo@murraystate.edu.