



## **Americans with Disabilities Act (ADA)/ADAAA & Accommodation Policy & Procedures**

### **I. Scope**

This policy applies to all members of Coppin State University (University), including regular and contractual faculty, regular and contingent staff, student employees, applicants for employment, third party individuals, and volunteers.

### **II. Purpose**

It is the duty of University community to provide reasonable accommodation to comply with all federal and state laws concerning the employment of qualified individuals with disabilities, and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the University's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Amendments Act (ADAAA) of 2008, are federal laws that require the University to not discriminate against applicants and individuals with disabilities. Title I of the ADA requires the University to provide "reasonable accommodation" to qualified individuals with disabilities who are employees or applicants for employment—unless such accommodation would cause the University an "undue hardship."

### **III. Definitions**

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

- A. *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.
- B. *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.
- C. *Essential functions of the job*: Term refers to those job activities that are determined by the University to be essential or core to performing the job; these functions cannot be modified.

- D. *Major life activities*: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- E. *Major bodily functions*: Term 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 (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- F. *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.
- G. *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.
- Modification(s) or adjustment(s) to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
  - Modification(s), adjustment(s), or change(s) to a job or work environment or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
  - Modification(s) or adjustment(s) that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees.
  - Only individuals who have an actual disability defined by this policy, or who have a record of a disability are entitled to accommodations; individuals who think they have a disability without a medical certification are not entitled to accommodations.
- H. *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.

- I. *Undue hardship*: An action requiring significant difficulty or expense by the University. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - a. The nature and net cost of the accommodation needed, taking into consideration the availability of outside funding, if applicable;
  - b. The overall financial resources of the University that will adversely effect on expenses and resources, or the impact of such accommodation on the operation of the department, including; the size, type and location of department.
  - c. The type of operations of the department, including the composition, structure and functions of the department's workforce; administrative or fiscal relationship of the particular department involved in making the accommodation to the individual.
  - d. Legitimate safety concerns; and
  - e. The impact of the accommodation upon the operation of the department, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

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 this ADA/ADAAA policy.

#### **IV. POLICY**

- A. The University will reasonably accommodate qualified individuals with a disability so 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.
- B. Applicants will be given the same consideration for employment as any other individuals without a disability. Individuals who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired or allowed to work.
- C. All employees are required to comply with the University's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until the Chief Human Resources Officer (CHRO) or Human Resources (HR) designee will determine the employee's immediate employment situation.
- D. Individuals who are currently using illegal drugs are excluded from coverage under the University's ADA/ADAAA & Accommodation Policy.

- E. Reasonable accommodations that allow an employee to perform the essential functions of the employee's job will not affect an employee's compensation; Staff will receive the pay that accompanies the job performed.
- F. All documents concerning an employee's reasonable accommodations request will be maintained in the employee's confidential file, separate from the employee's official personnel file, in accordance with applicable confidentiality laws and regulations.
- G. The CHRO or HR designee is responsible for denying and accepting reasonable accommodation requests.

## V. ACCOMODATION REQUEST PROCEDURES

1. An applicant/employee who would like to request a Reasonable Accommodations can make the request in writing by completing and submitting CSU's [Reasonable Accommodation Request Form](#) to the Office of Human Resources (OHR), or orally to their supervisor, manager, or HR Representative. All written requests for reasonable accommodation of a disability will be coordinated by CSU'S OHR, CHRO or designee.
2. The request for change must be for a qualified disability and does not need to mention the ADA or reasonable accommodation. The following are examples are requests for accommodations:
  - An employee tells his/her supervisor, "I'm having trouble punching the keys on the calculator because of medical treatments I'm undergoing".
  - An applicant/employee who uses a wheelchair informs the University that their wheelchair does not fit under the desk or into a room.
  - A qualified applicant requests a sign language interpreter at the interview.
3. The HR Representative, will contact the employee/applicant to discuss their needs and identify preliminary reasonable accommodation.
  - Questions HR Representative can ask employee (not limited):
    - What limitations are you experiencing?
    - To what degree do these limitations affect your performance?
    - What specific tasks are problematic?
    - What accommodations will help you perform the tasks that are problematic?
4. The HR Representative will provide the employee an up to date *job description* and CSU's [Accommodation Medical Certification Form](#) for the employee to present to their Health Care Provider. An employee requesting reasonable accommodation of a disability must provide their Health Care Provider a copy their current job description and CSU's *Accommodation Medical Certification Form* to be used to confirm disability and assist with making recommendations for work accommodations.
5. The employee is responsible for presenting the HR representative with a completed *Accommodation Medical Certification Form* from a health care provider. The OHR will use the Health Care Provider's information to assist in the accommodation requests.
6. The University should not request or receive documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.
7. The University may choose among reasonable accommodations requested as long as the chosen accommodation is effective and does not cause the University undue hardship.
8. Undue hardship are determined on a case-by-case basis as defined by this policy in Section III. I of this policy.

9. The CHRO or the HR designee will evaluate the reasonable accommodation requests and send the written response to the requester.
10. When a specific reasonable accommodation request is denied by the University, but offered to make a different one in its place, the written notification should explain both the reasons for the denial and the reasons the chosen accommodation will be effective.
11. The University must notify the employee that s/he has a right to file an Equal Employment Opportunity Complaint.

## **VI. RESPONSIBILITY**

It is the responsibility of the individual to identify himself or herself as a person with a disability when requesting an accommodation. It is also the responsibility of the individual with the disability to provide the Office of Human Resources current supporting documentation within 15 calendar days of submitting the Reasonable Accommodation Request Form. Supporting documents must include CSU's Accommodation Medical Certification Form completed by their credentialed health care professional. It must demonstrate how the disability affects their ability to perform the essential functions of their job or to participate in and benefit from educational programs, services and/or activities of the University. All supporting disability documentation will be kept confidential and separate from personnel records.

Students and employees with disabilities have the same obligation as all members of the community to meet and maintain the institution's job performance, academic, and technical standards and codes of conduct.

The OHR is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues. Contact the Office of Human Resources (OHR) 410-951-3666, with any questions or requests for accommodation.

Related Documents:

CSU's [\*Reasonable Accommodation Request Form\*](#)

CSU's [\*Accommodation Medical Certification Form\*](#)