

PHILLIPS COMMUNITY COLLEGE
ADMINISTRATIVE PROCEDURE

Administrative Procedure Number: 340.10

Subject: Americans with Disabilities (ADA)

Applicable Board Policy: 300

Date Adopted: 12/23

The Human Resources Office provides information relating to accommodations under the American Disabilities Act (ADA) and monitors ADA accommodations for faculty and staff. PCCUA is committed to a policy of ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to his or her disability.

Accommodations for ALL employees are administered through the Office of Human Resources, the HR Director serving as ADA Coordinator.

Accommodations for students are administered through disability services.

Accommodations Procedures for Faculty and Staff with Disabilities

- 1) Employee informs his or her supervisor in verbal or written form that the employee has a disability, which results in his/her needing some adjustment or change to perform the essential functions of the job he/she holds.
- 2) Supervisor refers the employee to the Human Resources Office to discuss reasonable accommodations as outlined by the Americans with Disabilities Act (ADA), confidentiality and the need for medical documentation supporting the request.
- 3) Once the employee submits the requisite medical documentation to the HR Director, the HR Director and the employee review the documentation to determine whether the employee's situation meets important criteria under the ADA. Specifically, to be entitled to receive accommodations, the employee must be a *qualified individual with a disability* under the ADA, which is defined as an individual with a disability who can perform the essential functions of the job with or without reasonable accommodations. An *individual with a disability* is defined as one having a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. *Substantially limits* in the context of employment means that the individual is significantly restricted in the ability to perform either a class

of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities. The term *major life activities* includes the activity of working. *Essential functions* means fundamental job duties of the employment position the individual with a disability holds or wishes to hold; the term does not include marginal functions of the position. An accommodation is *reasonable* if it does not cause undue hardship to the employer. Undue hardship is established when the requested accommodation is too expensive in view of the employer's overall financial posture or when implementing the requested accommodation would be too disruptive administratively or operationally. The HR Director would consult relevant guidelines and regulations to determine, from an informed perspective, whether the employee's situation meets the requisite criteria.

If the Employee Does Meet the Definition of *Qualified Individual with a Disability of the ADA*

- 4) The HR Director and the employee meet to discuss reasonable accommodations based on the documentation the employee has provided and the information contained in the completed Accommodation Request Form. During this meeting, the HR Director and the employee evaluate the essential and marginal functions of the job and discuss the employee's specific abilities and limitations.
- 5) Employee meets with the supervisor and the HR Director to discuss accommodations.
- 6) Supervisor suggests alternate accommodations and/or accepts the accommodations requested by the employee and submits them to the HR Director for review. Final resolution of the request is reached through an interactive and deliberative process in which the employee, his/her supervisor, and the HR Director participate. The employee and supervisor sign the accommodation form and return it to HR Director.
- 7) Employee or supervisor can continue to consult with the HR Director regarding any changes.

If the Employee does not Meet the Definition of *Qualified Individual with a Disability of the ADA*

- 1) If definition is not met, accommodations are not necessary and alternate referrals are provided.
- 2) Referrals may include sickness and disability plan, family and medical leave, worker's compensation, employee assistance program, etc.