Accommodation Procedures

1. Self-Identification

To receive an accommodation in the workplace, an employee must first self-identify himself or herself as having a disability. This is initiated by completing the VSU Employee Accommodation Request Form(s) which are available in the Office of Social Equity (OSE) and online in both Word and PDF formats. An employer is not required to provide a reasonable accommodation until the employee has disclosed that he/she has a disability, requested an accommodation and it has been determined by the University that the employee has a qualified disability as defined under the ADAAA. Submission of this information is voluntary.

To request an accommodation, the individual must meet the ADAAA’s specific definition of disability. Under the most recent amendment of the ADA, the Americans with Disabilities Amendment Act of 2008 and Section 504 of the Rehabilitation Act of 1973 the term disability is defined as: 1) a physical or mental impairment that substantially limits one or more major life activities; 2) having a record of such an impairment or 3) being regarded as having such an impairment.

All information submitted regarding a disability will be maintained separately from personnel records and kept confidential in accordance with the ADAAA, except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals with disabilities and necessary accommodations, (b) first aid and safety personnel may be informed, to the extent appropriate, if and when a condition might require emergency treatment; and, (3) government officials engaged in enforcing laws such as those administered by the Office of Federal Contract Compliance Programs or the Americans with Disabilities Amendment Act may be informed. The information provided will be used only in ways that are consistent with Section 504 of the Rehabilitation Act.

2. Request for Accommodation

If an employee requires accommodation(s) to perform their job duties properly and safely, the employee should notify their supervisor of the need and submit a completed VSU Employee Accommodation Request Form to the Office of Social Equity. Upon receipt of a completed Employee Accommodation Request Form, Social Equity will contact the immediate supervisor and ask that he/she complete a Job Analysis and Essential Function Analysis Form. Upon receipt of this completed documentation from the supervisor, OSE will provide the employee with an ADAAA Medical Status Evaluation Form for completion and signature by their health care provider. The employee must then submit the completed and signed ADAAA Medical Status Evaluation Form to OSE in a timely manner. The Director of Social Equity will then review all submitted documentation and determine whether the employee has a disability eligible for accommodations under the ADAAA. The Director of Social Equity will consult with the University Attorney located in Office of Legal Affairs as necessary.

3. Notice to Employee
a)  *Notice of Determination* - Employees eligible for accommodation under the ADAAA will be directed to schedule a meeting with the Director of Social Equity to discuss accommodation alternatives. Employees not eligible for accommodation under the ADAAA will be mailed a written notice of this determination.

b)  *Notice of Insufficient Documentation* - If an employee does not provide the required medical documentation in a timely manner, the Social Equity Director will mail the employee a reminder explaining that no accommodation can be provided until the required medical documentation has been submitted. The employee's immediate supervisor will be copied on this letter. If the employee does not respond to this notice within 20 working days by submitting the required medical documentation, the Social Equity Director will mail a second letter to the employee, copying his/her immediate supervisor, giving notice that accommodation cannot be provided due to insufficient documentation. If medical documentation is not submitted by the employee within six (6) months from the date of this second notice, then all information previously submitted will be placed in an inactive file and maintained according to the University’s record retention guidelines.

4. **Meeting to Discuss Accommodations**

Once a determination is made that an employee has a disability eligible for accommodation under the ADAAA, the employee schedules a meeting with the Director of OSE. Possible accommodations will be identified during the meeting and the effectiveness of each accommodation will be discussed and assessed as needed. A visit to the employee’s worksite by the Director of OSE to determine an appropriate accommodation may be required. The preferences of the employee with the disability will be taken into consideration and reasonable accommodation will be selected that meet the needs of both employee and employer.

5. **Accommodation Agreement**

Once accommodations have been identified and agreed upon by the employee and employer, these accommodations will be documented in an Accommodation Agreement prepared by OSE and signed by the employee and his or her supervisor.

6. **Accommodation Implementation**

After an Accommodation Agreement has been signed, the accommodation will be implemented as soon as reasonably possible. The employee is responsible for contacting the OSE if reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The employee should contact their supervisor and OSE for
any further accommodation needs relating to the disability for which the employee has been determined eligible for ADAAA accommodation.

7. Funding for Accommodations

Funding for accommodations will be handled in the same fashion as any other departmental expenditure. If the unit has insufficient funds, it must seek additional funding through its regular administrative resources.

8. Appeals

If the employee disagrees with the accommodation selected or has been denied an accommodation to which the employee believes he/she is entitled under the ADAAA or Section 504 of the Rehabilitation Act, the employee may lodge a written appeal of the Director’s decision to the Disability Appeal Panel within ten (10) working days of the date of receipt of the decision.

The Director of Social Equity will appoint twelve members of the VSU faculty and staff to serve as members of the Disability Appeal Panel. Each member will agree to serve a rotating term of one to two years and will receive training to prepare them for participation on the panel. Upon receipt of notice of appeal, five members of the trained twelve person group will be activated by the Director of Social Equity. The appellate may review the individuals selected to constitute the panel and strike panel member(s) who appear to create a conflict of interest. Any member stricken by the appellate will be replaced by the Director of Social Equity with another individual selected from the roster.

The Disability Appeal Panel will review the request for accommodation and render a decision independent of the Director of Social Equity. After hearing an appeal, the Disability Appeal Panel shall deliver the decision of the Appeal Board in written form to the appellate. The appellate may appeal the decision of the Disability Appeal Board to the President within ten working days of receipt of the decision.

9. Definitions*

Disability
Under the most recent amendment of the ADA, the Americans with Disabilities Amendment Act of 2008 and Section 504 of the Rehabilitation Act of 1973 the term disability is defined as: 1) a physical or mental impairment that substantially limits one or more major life activities; 2) a record of such an impairment or 3) being regarded as having such an impairment.
**Essential Job Functions**
Essential job functions refer to the fundamental job duties of the employment position that the individual with a disability holds or desires.

**Major Life Activities**
In order for a disability to be covered by the ADAAA, impairment must substantially limit one or more major life activities that an average person can perform with little or no difficulty. Examples of major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

A major life activity also includes the operation of a major bodily function such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Otherwise Qualified Individual**
The regulations define a qualified individual with a disability as a person with a disability who: "satisfies the requisite work, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation can perform the essential functions of such position."

**Reasonable Accommodation**
An accommodation is a modification or adjustment to a job, the work environment, or operating procedure that enables a qualified individual with a disability to enjoy an equal employment opportunity and does not cause undue hardship for the employer.

**Undue Hardship**
Undue hardship means significant difficulty or expense relative to the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. Employers do not have to provide accommodations that cause an undue hardship.

**Substantially Limits**
An impairment is a disability under the ADAAA only if it substantially limits one or more major life activities. An individual must be unable to perform, or be significantly limited in the ability to perform, an activity compared to an average person in the general population.

*Sources: Disability and Business Technical Assistance Center
Equal Employment Opportunity Commission
Job Accommodation Network*