

Requesting Accommodations under the Americans with Disabilities Act (ADA)

If you have a disability that you feel should be accommodated, you should complete the ADA request form on the HR website under Forms and Resources/FMLA. Depending on the disability, we may ask for additional information to support your request.

Once we receive your request we will begin an interactive process involving the Leave and Accommodations Consultant, your HR Consultant you and your supervisor to determine the appropriate next steps.

1. What is the definition of disability?

Under the ADA, a person has a disability if he/she 1) has a physical or mental impairment that substantially limits one or more major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment. Only people in the first or second categories are entitled to reasonable accommodation.

In September 2008, the ADA's definition of disability was amended. One of the changes was making the substantially limited standard an easier one to meet. In March 2011, the EEOC released regulations further explaining the new standard. These regulations became final in May 2011.

2. The Leave and Accommodations Consultant may request medical documentation

To determine whether a particular employee has a disability, the Leave and Accommodations Consultant may request medical documentation that shows whether the employee has an impairment and whether that impairment substantially limits one or more major life activities.

We may require that the documentation about the disability and limitations come from an appropriate health care or rehabilitation professional. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

3. What is an impairment?

The first step in determining whether an employee has a disability is to determine whether the employee has a physical or mental impairment. A physical impairment means 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. A mental or psychological disorder includes conditions such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

4. What are major life activities?

Major life activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

These lists are not exhaustive lists; they are representative of the types of activities that are major life activities.

5. How does the Leave and Accommodations Consultant determine whether an impairment substantially limits a major life activity?

If the employee has an impairment, the next step is to determine whether that impairment substantially limits the employee in one or more major life activities. When examining whether an impairment substantially limits a major life activity we:

- Compare the employee to most people in the general population.
- Remember that the impairment need not prevent, or significantly or severely restrict, the employee from performing a major life activity.
- Consider the limitations as if the condition is in an active state.
- Ignore the ameliorative effects of mitigating measures.

6. What are mitigating measures?

Mitigating measures include things such as medication, medical supplies, equipment, hearing aids, mobility devices, the use of assistive technology, reasonable accommodations or auxiliary aids or services, prosthetics, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, and physical therapy. Mitigating measures do not include ordinary eyeglasses or contact lenses.

7. Determining whether an accommodation is needed.

Under the ADA, an employee is entitled to an accommodation only when the accommodation is needed because of the employee's disability; the University is not obligated to provide accommodations that an employee requests for some other reason. Therefore, the University can ask for medical documentation to show that the requested accommodation is needed because of the employee's disability.

Keep in mind, the limitations that need accommodating do not have to be the same ones that established disability. Once it is determined that an employee has a disability, he/she is entitled to accommodations for any limitations resulting from the disability.

8. Determining effective accommodation options.

If an employee has a disability and needs an accommodation because of the disability, the University must provide a reasonable accommodation, unless the accommodation poses an undue hardship. In general, an accommodation is any modification or adjustment in the work environment or in the way things are customarily done that enables an employee with a disability to enjoy equal employment opportunities. A modification or adjustment is "reasonable" if it seems reasonable on its face, meaning feasible or plausible. In addition to being reasonable, an accommodation also must be "effective" in meeting the needs of the individual. An accommodation is effective when it enables the employee to perform the essential functions of the job or to enjoy equal access to the benefits and privileges of employment that employees without disabilities enjoy.

In many cases, a reasonable accommodation will be obvious and can be made without difficulty and at little or no cost. Frequently, the individual with a disability can suggest a simple change or adjustment based on his or her life or work experience. The Leave and Accommodations Consultant should always consult the person with the disability as the first step in considering an accommodation. In many cases the employee will be able to provide accommodation ideas. However, when an employee does not know what accommodations are appropriate, the employee's doctor may be able to provide useful accommodation suggestions.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.