

**PROTOCOL FOR EMPLOYEE/APPLICANT FOR EMPLOYMENT
DISABILITY ACCOMMODATIONS
Equal Opportunity Office**

Revised May, 2009

The University of Kansas Medical Center provides reasonable accommodation to employees or applicants for employment who satisfy the following requirements:

- ❖ requested a disability accommodation from the University Equal Opportunity/Disability Specialist, and
- ❖ provided appropriate documentation from a treating physician(s) regarding the nature of the medical and/or psychological condition giving rise to the need for an accommodation, and
- ❖ is deemed to have a “covered disability” as defined by the Americans with Disabilities Act (ADA) of 1990, the American’s with Disabilities Act Amendments Act (ADAAA) of 2008, Section 503 of the Federal Rehabilitation Act of 1974 and Kansas State Act Against Discrimination.

The University Equal Opportunity/Disability Specialist directs the handling of the accommodation request and facilitates the subsequent decision making process.

Each accommodation request is handled on a case-by-case basis by means of a **highly interactive process**. Participants in the process include, but are not limited to, the following:

- ❖ employee or applicant and his or her medical provider
- ❖ EO/Disability Specialist and designated staff in the Equal Opportunity Office
- ❖ employee/applicant’s departmental director/chair or hiring manager
- ❖ employee’s departmental supervisor
- ❖ Accommodation Review Team, when necessary

This document highlights the primary responsibilities of individuals involved in the accommodation process.

EMPLOYEE/APPLICANT RESPONSIBILITIES

The employee/applicant is responsible for:

1. Indicating the need for the accommodation. This can be done by communicating with the appropriate supervisor, department head/chair and/or the University Equal Opportunity/Disability Specialist and/or the hiring manager. The employee is to identify the duties of his/her job that require accommodating or the need for an accommodation in the application process. During this process the employee/applicant should learn and understand his/her rights and responsibilities regarding the request for an accommodation.
2. Identifying the nature of the condition which gives rise to the request
3. Requesting the accommodation. The request must be made well in advance of the need so that it can be evaluated. The request must be detailed enough to ensure that, if granted, the accommodation can be effectively implemented. If a current employee, submitting a completed **Request for Accommodation form** to the Equal Opportunity/Disability Specialist. If an applicant, the individual is to notify the hiring manager, Human Resource Generalist or Equal Opportunity/Disability Specialist of the need for an accommodation for the application/selection process.
4. Providing medical documentation. The employee/applicant must provide timely and adequate written documentation from an appropriate treating health care provider(s) which substantiates the presence of an impairment that rises to the level of a “covered disability”, entitles the employee to ADA coverage and supports the need for an accommodation. Each accommodation request may require additional documentation, and some covered disabilities require intermittent retesting.
5. If an external applicant, notifying hiring manager of need for accommodation in the applicant/selection process.
6. Fulfilling their responsibilities in conjunction with the accommodation. For example, the employee must use any device or equipment provided by the University as agreed upon, take due care to ensure its security, and, if appropriate, return in working order. The employee also must provide feedback regarding the effectiveness of the accommodation(s).

DEAN, VICE CHANCELLOR, DEPARTMENT HEAD, DIRECTOR, CHAIR RESPONSIBILITIES

The department head/chair is responsible for:

1. Informing managers/supervisors about their rights and responsibilities in conjunction with the accommodation process.
2. Participating in discussions with the Equal Opportunity/Disability Specialist, Accommodation Review Team, when necessary, and the employee/applicant regarding the requested accommodation.
3. Providing information to the employee/applicant and/or Equal Opportunity/Disability Specialist regarding the job and any other related information. This information must be detailed enough and provided in ample time to make appropriate arrangements.
4. Participating in discussions with the Equal Opportunity/Disability Specialist and Accommodation Review Team, when necessary, regarding the financial implications of requested accommodations, if appropriate.
5. Protecting the confidentiality of the information received regarding the employee/applicant's disability. Information regarding the impact of the disability upon the employee's performance of job duties can only be shared with those who have a legitimate job-related need to know. These individuals could include managers and supervisors.

MANAGER/SUPERVISOR RESPONSIBILITIES

On behalf of the department in which the employee works or in which the position is located, the manager/supervisor is responsible for:

1. Informing employees of their rights and responsibilities regarding the disability accommodation process, in consultation with the EO/Disability Specialist.
2. When aware, informing the Human Resources Generalist or EO/Disability Specialist of an applicant's need for an accommodation in the application process.
3. Providing current job description (including essential, marginal duties and physical and cognitive requirements) to the EO/Disability Specialist to assist in evaluating the accommodation request. If the job description is not current, works with the Human Resources Generalist to update it.

4. Providing input on requested or possible accommodation(s) that would enable the employee to perform the essential functions.
5. Participating in discussions with appropriate university officials to determine the reasonableness of an accommodation request.
6. Protecting the confidentiality of the information received regarding the employee/applicant's disability. Information regarding the impact of the disability upon the employee's job performance can only be shared with those who have a legitimate job-related need to know.
7. Assisting with the arrangements for purchase and/or use of equipment or auxiliary devices and oversee implementation of the accommodation(s).
8. Providing input regarding effectiveness of actions taken/accommodations made.

EQUAL OPPORTUNITY/DISABILITY SPECIALIST RESPONSIBILITIES

On behalf of the institution, the EO/Disability Specialist is responsible for:

1. Explaining the disability accommodation process to employees/applicants and supervisors, ensuring that all understand their respective rights and responsibilities.
2. Receiving and processing accommodation requests under the University's jurisdiction, conducting an initial review of documentation from appropriate medical provider(s) regarding the existence of a disability and the nature and extent of the disability, restrictions and limitations, the ability to perform the essential functions of the position, the effectiveness and nature of the requested accommodation, and the expected duration of any restrictions or accommodations. Obtain a signed and completed **Request for Accommodation form** from the employee.
3. Consulting with appropriate university officials, when necessary, in order to determine the following:
 - whether or not the employee/applicant is qualified for coverage under the ADA
 - the sufficiency of medical documentation
 - anticipated costs of the accommodation
 - funding source for the accommodation
 - the role and responsibilities of all individuals (including supervisors, employee/applicant, manager)
 - whether or not the request is reasonable

4. Evaluating the requested accommodation in light of the employee's/applicant's job description (including essential and marginal duties, and the physical and cognitive requirements) and the tasks or functions related to the requested accommodation(s).
5. Maintaining official documentation related to the employee/applicant who requested the accommodation and ensuring that it is retained for five years after the last accommodation.
6. Protecting the confidentiality of the information received regarding the employee/applicant's disability. Information regarding the disability and/or impact of the disability upon the employee's/applicant's job performance can only be shared with those who have a legitimate job-related need to know. These individuals who could be told the disability include the Unit/Department Head, Chair and Human Resources Generalist, supervisors and managers.
7. Depending on the nature of the accommodation, facilitating the purchase of equipment or auxiliary aids by identifying appropriate vendors or resources and/or coordinating the provision of the accommodation.
8. Conducting follow-up with employee and supervisor to determine effectiveness of actions taken.

HUMAN RESOURCES GENERALIST RESPONSIBILITIES

The HR Generalist is responsible for:

1. Working with the employee's supervisor to update the position description when necessary, ensuring that the essential and marginal duties and physical and cognitive requirements are identified.
2. Working with the appropriate hiring manager and the EO/Disability Specialist to facilitate provision of the accommodation to the applicant, ensuring equal access to the application/selection process is provided.
3. Providing input on possible accommodation(s) that would enable the employee to perform the essential functions.
4. When needed, participating in discussions with appropriate university officials to determine the reasonableness of an accommodation request.

5. Protecting the confidentiality of the information received regarding the employee/applicant's disability. Information regarding the disability and/or the impact of the disability upon the employee's/applicant's job performance can only be shared with those who have a legitimate job-related need to know. These individuals could include the Unit/Department Head, Chair, EO/Disability Specialist, manager, supervisor.
6. Performing any personnel related functions in the process, including providing assistance to employee in identifying internal employment opportunities.