Kutztown University Policy DIV-002

Reasonable Accommodations for Employees

A. Purpose

To provide managers, supervisors, and department chairs a procedure for responding to accommodations requested by applicants or those persons presently employed with a disability.

B. Scope

Applicable to any person or situation in which a request for accommodation is made in an employment situation.

C. Objective

To institute a process for assessing the reasonableness of an accommodation and a method of record keeping, and to raise awareness of the need to consider making accommodations in the situations where consideration is a requirement of the Americans with Disabilities Act of 1990 and its amendments. The Director of Disability Services, the Director of Human Resources and the Associate Vice President of Equity and Compliance are responsible for enforcing this policy.

D. Definition

Reasonable accommodations are steps the employer would be obligated to take if a person with a disability is able to perform the essential functions of the job with the accommodation. The accommodation is not required if it would cause an undue hardship.

E. Policy & Procedures

Kutztown University's policy is to take steps to comply with the provisions of the Americans with Disabilities Act by employing and advancing in employment qualified individuals with disabilities for any position for which they are qualified or the most qualified among other candidates, and for which reasonable accommodations can be made for their employment without undue hardship. Kutztown University prohibits any employment actions or decisions which could adversely impact upon or deny the benefits, compensation, terms, conditions, or privileges of employment to any qualified individual(s) solely by reason of that person's disability or the disabilities of any person who is related to or associated with an employee or applicant.

"Person with Disability" is defined as any individual who has a physical or mental impairment that substantially limits one or more of such person's major life activities, who has record of such impairment, or who is regarded as having such impairment.

Kutztown University reserves the right to require any applicant or employee claiming coverage or accommodations as a person with a disability to produce any necessary medical records or information documenting the condition, to permit a doctor selected by the University to discuss the person's condition with doctors, therapists or others familiar with the individual's condition, or to be examined by medical personnel selected by Kutztown University.

"**Qualified Individual with a Disability"** is defined as anyone who satisfies the requisite skill, experience, education and other job-related requirements of an employment position that such individual holds or desires, and who, with or without reasonable accommodations, can perform the essential functions of a position.

"Essential Functions" of a job are defined as the fundamental job duties of the position the individual with a disability holds or desires. Most of the essential functions of a position are listed in each position's job description.

"Reasonable Accommodations" are defined as accommodations or modifications which will remove certain barriers for a qualified applicant or employee with a disability. The intent of all reasonable accommodations is to offer individuals with a disability equal employment opportunities and to give equal access to all privileges of employment.
All accommodation requests must be evaluated on an individual basis to identify appropriate accommodations and determine whether the provision of certain accommodations would create an undue hardship to the University.

"Undue Hardship" means significant burden or expense upon the university or employer, and is assessed in terms of the reasonableness or cost of any necessary workplace accommodation and the availability of alternative accommodations. Undue hardship must be determined on a case-by-case basis as part of Kutztown University's reasonable accommodation request procedures.

F. Guidelines

Kutztown University will not prohibit any person, regardless of physical or mental disabilities, from applying for any position within the University.

All reasonable employment accommodations that do not pose an undue hardship will and must be made for any individual with a disability to have access to an application for a position and to complete the application process. **No employee is to prevent or hinder any applicant from applying for a position.** Kutztown University will provide reasonable accommodations upon request, with appropriate notice to the Director of Disability Services and Director of Human Resources during the application and hiring process.
Examinations and job-related medical examinations, tests and inquiries may be required at Kutztown University's expense.

This policy does not preclude Kutztown University from conditionally making job offers upon the successful completion of tests for alcohol or illegal drugs as prescribed by government regulations for certain job positions. Any necessary examinations to determine fitness for duty will be conducted without regard to disabilities or impairments. All information acquired as part of a medical examination is strictly confidential and is not part of an employee's personnel file.

Reasonable Accommodation

Disabled employees or qualified applicants must make a request for reasonable accommodations through their manager, interviewer or Department Chair. All requests will be reviewed by the Director of Disability Services and Director of Human Resources to determine whether a reasonable accommodation can be made to the position without creating an undue hardship to the University.

Any person recommending an offer of employment must follow the "Reasonable Accommodation Request Procedures" which may be obtained from the Disability Services Office or the Human Resources Office. Any and all requests for accommodations must be documented on the Reasonable Accommodation Request Form under review by the Director of Disability Services and Director of Human Resources.

All accommodations that require funding must be reviewed by the Director of Disability Services and the Director of Human Resources. Only the President and/or his designee has the authority to turn down any reasonable accommodation request.

Record keeping

All Reasonable Accommodation Request Forms and related documentation will be kept on file by the Director of Disability Services for a period of at least six (6) years. All documentation regarding complaints and other documentation resulting from this policy will be kept on record for six (6) years.

Complaint Procedures

Consistent with the University's open-door policy, any employee or applicant with a disability may file a complaint regarding a perceived violation of this policy by contacting the Associate Vice president for Equity and Compliance. All complaints will be fully investigated by the Office of Social Equity and, if necessary, changes will be made to adhere to this policy after an investigation has been completed. All final complaint resolution decisions will be made by the President and/or his designee. All complaints received will be promptly acknowledged, and the decision will be communicated back to the initiator by the Office of Social Equity.

G. Last Reviewed

Fall 2007
August, 2010
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