

ADA ACKNOWLEDGEMENT OF UNDERSTANDING: INTERACTIVE PROCESS OF ACCOMMODATION

The Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 were established in order to provide a clear comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

According to the Equal Employment Opportunity Commission, Title I of the Americans with Disabilities Act of 1990 (ADA) requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

There are three categories of reasonable accommodations:

1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
3. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities."

WHO IS ELIGIBLE?

To be eligible for a reasonable accommodation under the ADA, an employee must have an impairment that substantially limits one or more major life activities, or a record of such an impairment.

Employees may be referred to Human Resources to engage in the interactive process of accommodations in various manners: by self-referral or from their supervisor or Benefits Office.

If an employee has a disability and requires an accommodation, the employer must provide a reasonable accommodation, unless the accommodation poses an undue

hardship. An accommodation is not considered reasonable if it removes essential functions of the employee's job.

WHAT IS THE INTERACTIVE PROCESS OF ACCOMMODATION?

Once notification of an accommodation need and/or documentation of a disability has been received, HR will:

1. Receive and review the employee's documentation of a disability.
2. Review the employee's current job description.
3. Conduct discussions with the employee and the supervisor, to determine whether the employee satisfies the requisite skill, experience, education and other job-related requirements, and performs the essential functions of the position, with or without reasonable accommodation.
4. Determine whether the employee can or cannot meet a specific job-related duty due to the disability. The supervisor must be able to demonstrate that the specific duty is "job-related and consistent with business necessity."
5. Engage in interactive communication with all parties to determine whether there are reasonable accommodations to enable the employee to perform the essential functions of the job, or to meet job-related requirements, unless the accommodation would impose an undue hardship.
6. If an accommodation is appropriate and agreed upon, all parties will be advised, and accommodation will take effect. Email, memos and/or letters documenting accommodation will be completed and distributed. These will become part of the employee's medical file, which is kept separate from personnel files.
7. If an accommodation is not available or reasonable, the employee may be eligible for medical leave.

PLEASE NOTE:

- Some disabilities do not need accommodation. For example: an employee has a disability with a 10 lb. lifting restriction and has asked for an accommodation. The position does not require lifting. A meeting is held with the supervisor and the employee so that everyone understands that the job does not require lifting and the employee cannot be required to lift items over 10 lbs. HR will not provide the employee with an accommodation as there is no need to do so. However, HR will work with the parties to facilitate and resolve issues such as the one noted above.
- With the exception of HR, medical information will not be shared without permission from the employee. Restrictions, limitations, and accommodations will be discussed



with necessary supervisory staff and Human Resources in order to implement accommodations. When necessary, for environmental, health, and safety, and legal matters, employee accommodation information may be shared with persons who will treat such disclosed information confidentially.

By signing below, I hereby acknowledge that I fully understand the interactive process as outlined herein.

Employee

Date

HR

Date

Please return to HR or scan to hr@fairmontstate.edu