

UNIVERSITY OF ILLINOIS AT SPRINGFIELD

Office of Disability Services, HRB 80
Adaptive Technology Lab, HRB 93
One University Plaza
Springfield, IL 62703-5407

Guidance for Completing the Reasonable Accommodation Request Form Employment

Purpose

The Reasonable Accommodation Request Form is used to explore possible workplace accommodations for applicants or current University employees who request accommodations under the Americans with Disabilities Act of 1990 (ADA), and other applicable Federal and State civil rights disability laws, including the Illinois Human Rights Act. The purpose of the form is to record accommodations requested and the University's response, and to provide a means of reviewing such requests.

Analyzing a Request for Accommodations

The University must analyze each request for accommodation on a case-by-case basis and make a good faith effort to reasonably accommodate a qualified employee with a disability. In order to analyze an accommodation request, the department/unit must answer the following questions:

1. Does the individual have a disability covered by the ADA and/or the Illinois Human Rights Act?
2. Is he/she a **“qualified person with a disability”** as defined by applicable laws?
3. Can the individual perform the essential functions of the job, with or without a reasonable accommodation?
4. Is there an effective accommodation that would allow the person to enjoy an equal employment opportunity?
5. Does the requested accommodation pose an undue hardship?
6. Would the requested accommodation fundamentally alter the nature or operation of the business?

The following information is designed to answer these questions.

Who is Covered

The ADA prohibits discrimination against a qualified individual with a disability in employment practices such as job application procedures, hiring, promotion, discharge, compensation, training, benefits, and other conditions of employment. The University will explore providing a **reasonable** accommodation to qualified individuals with disabilities, unless providing such accommodation would pose an undue hardship. Under the ADA, a person is considered to have a disability if (1) he or she has a physical or mental impairment that substantially limits one or more major life activities such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, and learning; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment.

Temporary, non-chronic impairments that do not last for a long time and that have little or no long-term impact are usually not disabilities. In addition, the ADA specifically excludes the following from coverage:

- a person who currently illegally uses drugs;
- transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- compulsive gambling, kleptomania, or pyromania; and
- psychoactive substance use disorders resulting from current illegal use of drugs.

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Definition of Qualified

To be protected by the ADA, a person must not only be an individual with a disability, but must be qualified. A qualified individual with a disability is a person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without a reasonable accommodation, can perform the essential functions of a position.

Determining Essential Job Functions

In determining whether job functions are essential, departments/units should consider the following:

(A) *In general*. The term *essential functions* means the fundamental job duties of the position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.

(B) A job function may be considered essential for any of several reasons, including, but not limited to the following:

- (i) the reason the position exists is to perform that function;
- (ii) the limited number of employees available to perform that job function; and/or
- (iii) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(C) Evidence of whether a particular function is essential includes, but is not limited to:

- (i) the employer’s judgment as to which functions are essential;
- (ii) written job descriptions prepared before advertising or interviewing applicants for the job;
- (iii) the amount of time spent on the job performing the function;
- (iv) the consequences of not requiring the incumbent to perform the function;
- (v) the terms of a collective bargaining agreement;
- (vi) the work experience of past incumbents in the job; and/or
- (vii) the current work experience of incumbents in similar jobs.

Reasonable Accommodations

A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. The University is obligated to make a reasonable accommodation only to the known disability of an otherwise qualified employee. A known disability is a disability that is either visible or made known by information volunteered by the person with the disability. In general, it is the responsibility of the employee to make their disability status and subsequent need for an accommodation known to the appropriate University official. In general, a request for an accommodation should be initiated by the employee or applicant. When a qualified individual with a disability requests an accommodation, the University will make a good faith effort to provide an accommodation that is effective for the individual. Accommodations must be made on a case-by-case basis because the nature and extent of a disabling condition and the requirements of the job may vary. In many cases, an accommodation will be obvious and can be made without difficulty and at little or no cost. The department/unit should consult with the employee as it considers the reasonableness of the requested accommodation.

Examples of reasonable accommodations include, but are not limited to:

- job restructuring
- modified work schedules
- obtaining or modifying equipment or devices
- modifying examinations, training materials or policies
- providing qualified readers and interpreters
- reassignment to a vacant position for which the person is qualified
- making facilities readily accessible and useable

Because the reasonableness of an accommodation involves an analysis of how the employee’s condition affects his or her ability to perform the essential (as distinguished from marginal) functions of the job, the departmental unit must, if applicable, analyze the essential functions of the position and how each function is performed. For example, does the position exist to perform a specific task, how much time is spent performing the functions that comprise the job, and what are the consequences of not performing these functions?

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Assessing Reasonableness

When the qualified employee with a disability requests an accommodation to assist in the performance of a job, the departmental unit should:

- (1) Analyze the particular job involved and determine its purpose and essential functions (as distinguished from marginal functions);
- (2) Consult with the individual to determine the precise job-related limitations imposed by the individual's disability, and how those limitations could be overcome with a reasonable accommodation;
- (3) In consultation with the individual, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and
- (4) Consider the preference of the individual and select the accommodation that best serves the needs of the individual and the University.

It is not necessary to provide a reasonable accommodation if doing so would cause an *undue hardship*. Undue hardship means that an accommodation would be unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the department or unit. Among the factors to be considered in determining whether an accommodation would pose an undue hardship are the cost of the accommodation, the employer's overall size, overall financial resources, and the nature and structure of its operation. If a particular accommodation would pose an undue hardship, you must try to identify another accommodation that will not pose such a hardship. In assessing whether or not an undue hardship exists, the U.S. Equal Employment Opportunity Commission and other enforcement agencies will look at the resources of the University as a whole.

Civil Service Employees and Collective Bargaining Agreements

If the employee requesting accommodation(s) is covered by a collective bargaining agreement, departments should consult with the Human Resources Office regarding the role of the union in relation to potential accommodations.

Direct Threat Concerns

The ADA permits an employer to require that an individual not pose a *direct threat to the health or safety* of the individual or others in the workplace. A direct threat means a **significant** risk of **substantial** harm. An employer cannot refuse to hire nor can it fire an individual because the employee poses a slightly increased risk of harm to himself or herself or to others. Nor can an employer refuse to hire or decide to fire a person based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to his or her health or safety or to that of others, you must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation. If the department believes that an employee poses a direct threat to themselves and/or others, they should contact the appropriate University office - Human Resources, and/or Access and Equal Opportunity.

Medical Information/Confidentiality

In the context of assessing an accommodation request, a medical examination and/or medical documentation may be needed. Medical documentation is often needed to determine if the employee has a disability covered by the ADA and is eligible for an accommodation (i.e., has a permanent disability, as distinguished from temporary disability, which substantially limits one or more major life activities, affects the employee's ability to perform essential job functions, and is of sufficient severity) and if so, to help identify an effective accommodation. Generally, in the context of an accommodation, medical inquiries related to an employee's disability and functional limitations are permissible and may include consultations with knowledgeable professional sources, such as doctors, occupational and physical therapists, rehabilitation specialists, and organizations with expertise in adaptations for specific disabilities. Any specific medical documentation and information regarding an employee or applicant should be job-related and consistent with business necessity. For example, there is generally no reason to have access to an employee's or applicant's entire medical file, but rather information related solely to the requested accommodation for an identified impairment(s).

Because the Reasonable Accommodation Request Form may contain information of a medical nature and may constitute a medical record under the ADA, the form and information obtained about the requestor is to be handled **confidentially** and is **not** to be made a part of the employee's personnel file. The department head or supervisor is responsible for making sure that the Reasonable Accommodation Request Form, when completed by the employee and the department/unit, is forwarded to the Office of Equal Opportunity and Access. Any copies of the form kept

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within the department must be maintained confidentially in a separate locked file away from the employee's personnel file. Only that information concerning an employee's ability to perform the essential functions of the job should be obtained and considered in determining the appropriateness of the accommodation. A department/unit may not use information obtained from an employee medical examination or inquiry to discriminate against the employee in any employment practice.

All medical-related information must be kept confidential, with the following exceptions:

- The form and its information should only be made available to those administrators who need to know the information in order to assess the reasonableness of the accommodation requested or to actually provide the accommodation;
- Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.

Supervisors and managers should **not** share medical information about an employee or applicant with other employees.

Office of Disability Services Review

Once the employee/applicant and the department have completed the Reasonable Accommodation Request Form, it must be forwarded by the department/unit to the Office of Disability Services for final approval. Once ODS receives the form, it will consult with the department/unit and any other applicable University offices to determine whether the person making the request is covered under applicable disability laws and whether the accommodation request is reasonable. Once the determination has been made to provide, modify or deny the reasonable accommodation request, the department/unit will notify the employee or applicant.

Appeal Procedures

If the employee is dissatisfied with the University's decision regarding their request, he/she may appeal to the Office of Access and Equal Opportunity.

Contact Information

If you need assistance in assessing the reasonableness of a requested accommodation or have general questions about the ADA, please contact the Office of Disability Services at 206-6666.

Funding

Funding for accommodations or services will be handled in the same manner as other expenditures. The employing department/unit is responsible for funding the accommodation or services. Generally speaking, the lack of resources at the unit level **will not** be a sufficient reason in most instances for failing to provide a reasonable accommodation.

University of Illinois at Springfield - Non-Discrimination Statement

The commitment of the University of Illinois at Springfield to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving employees be based on individual merit and be free from invidious discrimination in all its forms.

It is the policy of the University of Illinois not to engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, disability, sexual orientation, unfavorable discharge from the military, or status as a disabled veteran or a veteran of the Vietnam era and to comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders, and regulations. This University's nondiscrimination policy applies to admissions, employment, access to and treatment in the University programs and activities. Complaints of invidious discrimination prohibited by University policy are to be resolved within existing University procedures.

For additional information or assistance on equal opportunity and access policies, as well as other University policies or information on Federal and State civil rights laws, please

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contact:

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This publication is available in alternative format by contacting the Office of Disability Services at 206-6666 or 206-6668 (TTY).

This guidance describes the policies and resources available to faculty, staff, and applicants for employment and employees on the subject of rights, protections, and accommodations for persons with disabilities. This brochure is not intended to create new rights, obligations or procedures apart from those established in applicable University policies.

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