

Standard Operating Procedure –Human Resources

XXXX.XX **ADA Accommodation Requests for Employees, Applicants, Visitors, and Guests**

Authority: Associate Vice Chancellor for Human Resources (CHRO)

History: First Issued: **3/3/2022**
Last Revised: **2/9/2023**

Additional References: [The Rehabilitation Act of 1973](#), as amended
[The Americans with Disabilities Act 1990](#), as amended
[The Genetic Information Nondiscrimination Act of 2008](#)
[Office of State Human Resources Reasonable Accommodations Policy](#)
[HR ADA site](#)

1. **Purpose**

The purpose of this standard operating procedure (SOP) is to outline the university's framework for responding to requests from employees, applicants (including but not limited to EHRA Faculty, EHRA Non-faculty, SHRA, CSS, temporary, or student employees), visitors, and guests for reasonable accommodation under the Americans with Disabilities Act (ADA).

2. **Background**

Our goal at the university is to promote institutional programs and employment practices that are accessible to all individuals with disabilities. The Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendment Act of 2008 (ADAA) guarantees equal opportunity in employment, public accommodations, transportation, state and local government services, and telecommunications. Consistent with Section 504 of the Rehabilitation Act of 1973, the ADA, and the ADAA, and East Carolina University's Notice of Nondiscrimination and Affirmative Action Policy), it is the Policy of the University that no qualified individual with a disability may be discriminated against on the basis of their disability, and that ECU makes affirmative efforts to accommodate qualified individuals with disabilities, as required by the law. Such efforts include elimination of physical barriers and the provision of individual accommodation, unless it can be demonstrated that the accommodation would create an undue hardship for the institution or lower quality or production standards.

3. **Definitions**

3.1 Disability - The term "Disability" means, with respect to an individual:

3.1.1 a physical or mental impairment that substantially limits one or more Major Life Activities of such individual;

Standard Operating Procedure –Human Resources

- 3.1.2 a record of such an impairment;
 - 3.1.3 being Regarded as Having such an Impairment; or
 - 3.1.4 an impairment that is episodic or in remission if it substantially limits a Major Life Activity when it is active
- 3.2 Employee - Individuals employed by the University including, but not limited to faculty members, EHRA non-faculty employees, SHRA employees, CSS employees, graduate, professional and doctoral students, post-doctoral scholars, and student employees.
- 3.3 Essential Function(s) - the fundamental duties of the position or the primary reasons the position exists.
- 3.3.1 The University is not required to eliminate an essential function from the position, or to lower quality or performance standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. The University is not required to create a new position to accommodate an employee. The University makes a determination as to whether a job function is "essential" on a case-by-case basis. Some of the factors used in determining whether a job function is essential are:
 - 3.3.1.1 whether the reason the position exists is to perform that function;
 - 3.3.1.2 the number of other employees available to perform the function or among whom the performance of the function can be distributed; and
 - 3.3.1.3 the degree of expertise or skill required to perform the function.
- 3.4 Has a Record of an Impairment - An individual has a record of an impairment if that individual has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- 3.5 Major Life Activities - In General - major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- 3.6 Major Bodily Functions - a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- 3.7 Qualified Individual with a Disability - An employee or applicant for employment who, with or without a reasonable accommodation can perform the essential functions of the position.
- 3.8 Reasonable Accommodation - A modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position.

Standard Operating Procedure –Human Resources

- 3.8.1 Reasonable Accommodations may include, but are not limited to:
 - 3.8.1.1 Making existing facilities readily accessible to and usable by persons with disabilities;
 - 3.8.1.2 Job restructuring, modifying work schedules, reassignment to a vacant position;
 - 3.8.1.3 Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters;
 - 3.8.1.4 Making a website or digital information accessible; or
 - 3.8.1.5 Allowing leave as an accommodation.
 - 3.8.2 The University is not obligated to and will not provide personal use items needed in accomplishing daily activities (e.g. eyeglasses, hearing aids, prosthetic limbs, or a wheelchair).
- 3.9 Regarded as Having such an Impairment - An individual is regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment, whether or not the impairment substantially limits or is perceived to substantially limit a major life activity.
- 3.9.1 When determining if a condition is a disability under this regulation, the University will not take into consideration any "mitigating measures" such as prescription drugs, medical equipment, prosthetics or other remedies, beyond ordinary eyeglasses or contact lenses.
- 3.10 Student - anyone registered for an academic course at the University, including but not limited to, undergraduate and graduate students who are classified as degree or non-degree seeking, as well as visiting students, medical students, dental students, professional students, and students studying abroad.
- 3.11 Substantially Limiting - An impairment is a disability under this policy if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.
- 3.12 Undue Hardship - An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the University's size, financial resources, and the nature and structure of its operation. Undue hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.

4. Requirements

An employee, applicant, guest, or visitor with a disability may request a reasonable accommodation. A request for accommodation may be made at any point during employment and applies to all applicants and employees with qualifying disabilities. If requested, reasonable accommodations must be provided to qualified employees regardless of whether they work part or full-time or whose employment is considered

Standard Operating Procedure –Human Resources

probational. The desired accommodation should be implemented if it is reasonable and effectively allows or the performance of the essential functions of the job, although other reasonable accommodations may be explored.

5. Steps

The ADA Coordinator in the Department of Human Resources (or their proxy) has the responsibility of engaging in a deliberate process for determining whether an employee is a qualified individual with disability for purposes of providing reasonable accommodations.

5.1 Eligibility Review Process

5.1.1 An employee, applicant, guest, or visitor may request a reasonable accommodation or discuss the process by contacting the ADA Coordinator at ADA-Coordinator@ecu.edu or by calling (252)737-1018. If an employee should inquire with a departmental unit about accommodation, the employee should be referred directly to the ADA Coordinator.

5.1.2 The employee must submit the completed application (which the employee completes) and the medical verification (which the medical provider completes) in order to finalize accommodation approval. This documentation allows the employee and the medical provider to share information that may be helpful towards determining the most effective accommodation for the employee. The ADA Coordinator may require additional documentation from the medical provider to make an eligibility determination.

5.2 The Accommodation Interactive Process

5.2.1 The ADA Coordinator will facilitate the interactive process by contacting both the employee and the supervisor, ensuring that both parties understand the interactive process. Possible reasonable and effective accommodations will be discussed and documentation will be provided to the employee and supervisor regarding the accommodation decision. While the ADA Coordinator may need to share specific functional limitations that are the basis of the request for accommodation with the supervisor, employee medical information and requests for accommodation are otherwise confidential.

5.2.2 The employee is responsible for stating to the ADA Coordinator how the disability limits their functioning in the job and suggesting accommodations that will enable the essential functions to be completed. The employee should request a review of accommodations at any time if unable to perform the essential functions. The employee is also responsible for renewing their approved accommodation prior to the end date, if applicable.

5.2.3 The supervisor is responsible for analyzing the employee's job to determine its essential functions, assessing departmental responsibilities, and sharing any concerns with the ADA Coordinator.

Standard Operating Procedure –Human Resources

5.2.4 The ADA Coordinator will document the interactive process as well as the result of the request for reasonable accommodation. This data will be used to assess the effectiveness of the process and to implement improvements to increase accessibility to all employees. The confidential personnel information that is medical and related to the ADA accommodation request and associated records is maintained in a secure HR shared drive.

4.5.2.5 Accommodations will expire at their anticipated end date if one is provided at the time of approval. An accommodation may have an end date, but the employee and supervisor should reengage in the interactive process to assess both the employee's needs and the essential functions and business needs of the employing unit at that time, and the accommodation may be extended, altered, or revised.

6. Grievance Procedures

If an employee has questions or concerns to arise regarding their accommodation or believes that a determination regarding eligibility for a reasonable accommodation or provision of a reasonable accommodation has been reached improperly or unfairly, the employee may contact the ADA Coordinator at 252-737-1018 or ADA-Coordinator@ecu.edu to seek resolution or may file a complaint with the Office of Equity and Diversity 252-328-6804 or OED@ecu.edu.