

Standard Operating Procedure –Department for People Operations, Success, and Opportunity

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ADA Accommodation Requests for Employees, Applicants, Visitors, and Guests

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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 (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: a physical or mental impairment that substantially limits one or more major life activities.

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3.2 Essential Job Function: the fundamental job duty of a position an individual holds or desires. Essential functions are the primary job tasks in the position that an employee must be able to perform, with or without reasonable accommodation. Deciding what is an essential function will be determined by reviewing an employee's job description and actual duties performed. A partial list of factors that can be considered in determining if a particular function is essential includes:

a supervisor's judgment as to which functions are essential;

written job descriptions and specifications prepared before advertising or interviewing applicants for a job;

the amount of time spent performing the function;

the consequences of not requiring a current employee to perform the function;

the work experiences of past employees in the job; and

the current work experience of incumbents in similar jobs.

3.3 Marginal Job Function: a job function that would be considered a secondary job task. Although important and necessary to the position, a marginal job function could be reassigned to others and/or are performed a lesser percentage of time as compared to the essential functions. Marginal job functions would be non-critical tasks.

3.4 Qualified Individual with a Disability: a person who satisfies the pre-requisites of a position desired or held and can perform the essential functions of the position, with or without an accommodation.

3.5 Reasonable Accommodation: any change or modification in the work environment that enables an individual with a disability to enjoy equal employment opportunities.

3.6 Undue Hardship: a significant difficulty or expense of the university in providing a specific accommodation to a qualified individual with a disability. Undue hardship refers not only to financial difficulty, but also to reasonable accommodations that are unduly extensive, substantial, or disruptive, and/or those that would fundamentally alter the nature or operation of the business.

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

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requested, reasonable accommodations must be provided to qualified employees regardless of whether they work part or full-time or whose employment is considered 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 for People Operations, Success, and Opportunity (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.

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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.

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 Equal Opportunity and Title IX unit in the Department of People Operations, Success, and Opportunity 252-328-6804 or EOIX@ecu.edu.