



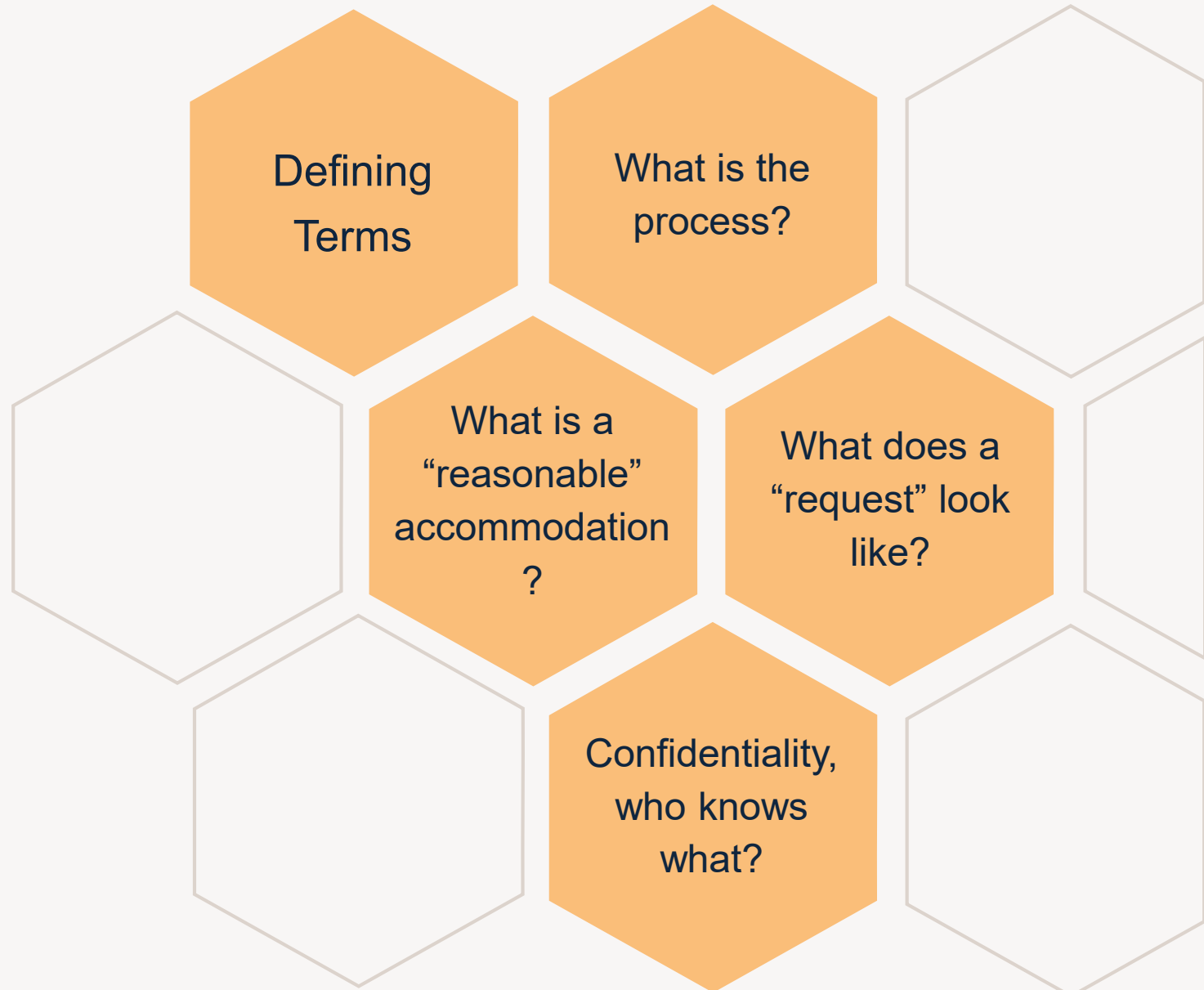
Reasonable Accommodations under the ADA

What Managers and Supervisors Need to Know





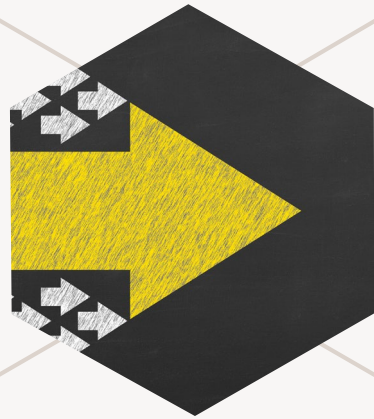
The Basics



Process for Reasonable Accommodation



Request



Refer



**Determine
Eligibility**



**Identify
Reasonable
Accommodatio
ns**



Implement



ADA

... shall not ~~discriminate~~ against a **qualified individual** on the basis of disability

- Application procedures
- Hiring
- Advancement
- Discharge
- Compensation
- Job training
- Other terms, conditions, and privileges of employment






Discriminate

- Limit opportunities on the basis of disability
- Creating standards or criteria to screen out those with a disability
- Adverse treatment because of association with person with a disability
- Retaliating for complaining or advocating for another
- Making prohibited medical inquiries
- Refusing reasonable accommodations



- A physical or mental impairment that substantially limits a major life activity
- Has a record of such impairment
- Is regarded as having an impairment

A decorative graphic consisting of several hexagons. A large orange hexagon is the central focus, containing the text 'Qualified Individual'. To its top-right is a solid blue hexagon. To its bottom-left is a white hexagon with a black outline. Below the large orange hexagon is a smaller solid orange hexagon. The background is white.

Qualified Individual

. . . meets the skill, experience, education, and other job-related requirements of a position

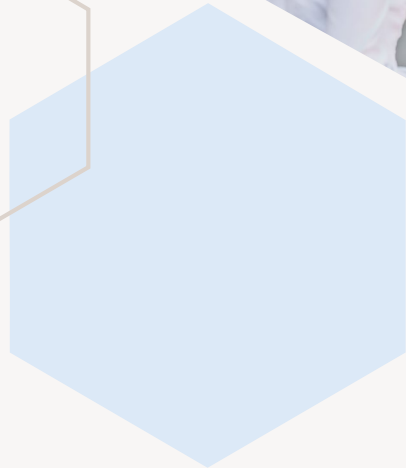
. . . with or without reasonable accommodation, can perform the essential functions of a job



Reasonable Accommodatio

- Applicant in the application process
- Employee to enable employee to perform the essential functions of the job
- Employee to enjoy equal benefits and privileges of employment

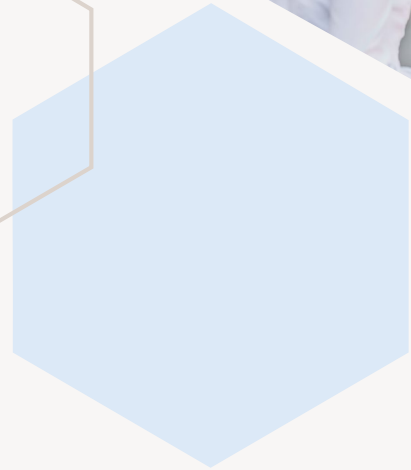




Request - Notice

An individual must request an accommodation . . .

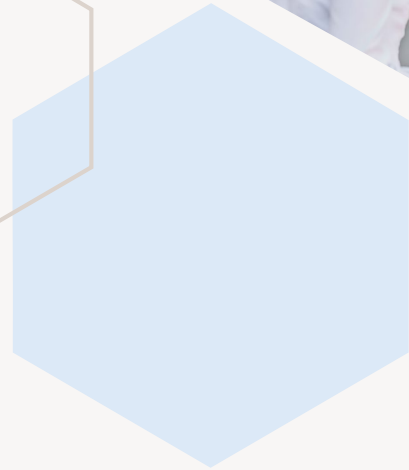
- Need NOT be in writing
- Need NOT include the words “disability” or “accommodation”
- Can be to ADA coordinator or a supervisor or manager
- I need “something” because of a medical condition



Request?

YES or NO

“I went and had my annual physical last week and I found out I have diabetes.”



Request?

YES or NO

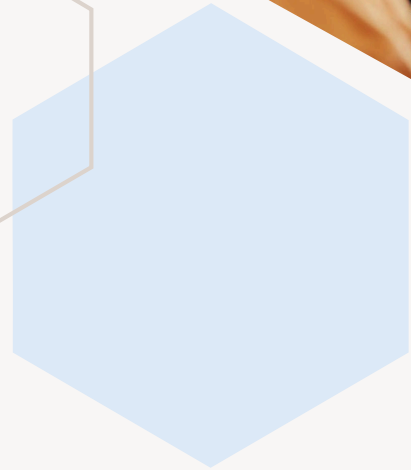
“Oh, I have diabetes and need a place to store my insulin and juice in case I have a reaction.”



Request?

YES or NO

“I hate faculty evaluations, they stress me out.”



Request?

YES or NO

“The new lights installed in my office are so bright I have a migraine by the end of the day.”



How should a supervisor respond?



Unsure if the employee is asking for an accommodation . . .

- “How can I help you?”
- Refrain from making medical inquiries



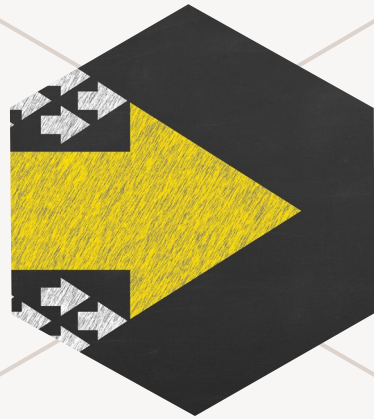
Employee makes request . . .

- Advise employee to contact ADA Coordinator - provide contact info
- Follow up with email repeating referral and contact info
- Email ADA Coordinator with information provided by employee
- Do not unilaterally implement the requested accommodation

Process for Reasonable Accommodation



Request



Refer



**Determine
Eligibility**



**Identify
Reasonable
Accommodatio
ns**




Implement

What will accommodations look like?

There are no set accommodations for specified disabilities.





Won't it look like I'm favoring this employee over others?

The very purpose of reasonable accommodation laws is to require employers to treat disabled individuals differently in some circumstances.



What do I say to other employees?



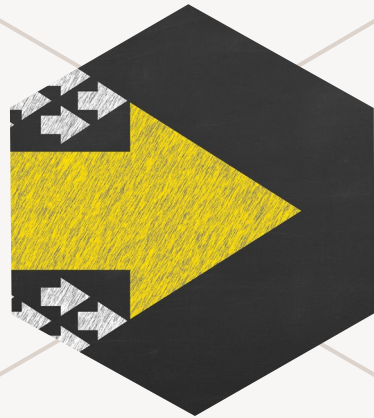
... we are acting in compliance with federal law.

We have a policy of assisting any employee who encounters difficulties in the workplace, many of the workplace issues encountered by employees are personal, in these circumstances, it is our policy to respect employee privacy.

Process for Reasonable Accommodation of Employee Disability



Request



Refer



**Determine
Eligibility**



**Identify
Reasonable
Accommodatio
ns**

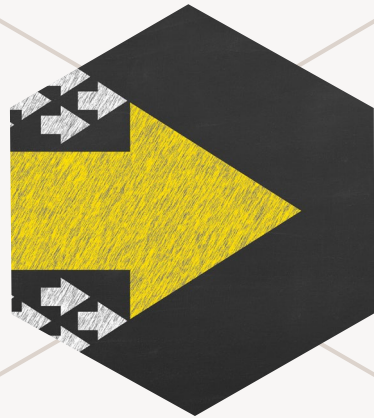


Implement

Process for Reasonable Accommodation of Student Disability



Request



Refer



Determine Eligibility



Identify Reasonable Accommodations



Implement



ADA – Title II

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.





Reasonable Modifications

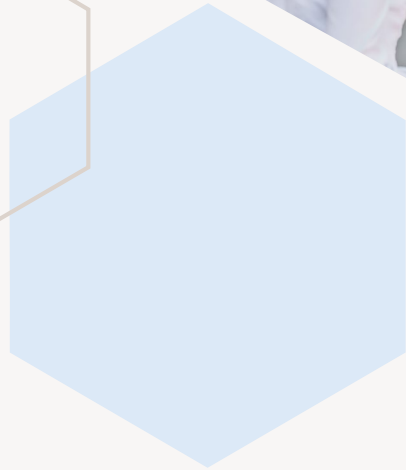
. . . shall make reasonable modifications in:

- policies
- practices
- procedures

Unless:

- fundamental alteration
- direct threat to the health or safety of others
- undue financial or administrative burden





Request - Notice

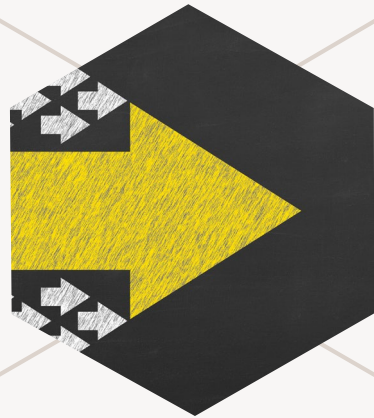
An individual must request an accommodation . . .

- Need NOT be in writing
- Need NOT include the words “disability” or “accommodation”
- Can be to Disability Services or to a Faculty Member/Professor
- I need “something” because of a medical condition

Process for Reasonable Accommodation of Student Disability



Request



Refer



**Determine
Eligibility**



**Identify
Reasonable
Accommodatio
ns**



Implement

How should a faculty member respond?



Unsure if the student is asking for an accommodation . . .

- “How can I help you?”
- Refrain from making medical inquiries



Student makes request . . .

- Advise student to contact Disability Services - provide contact info
- Follow up with email repeating referral and contact info
- Email or CC Disability Services with information
- Do not unilaterally implement the requested accommodation

What will accommodations look like?

There are no set accommodations for specified disabilities.





Won't it look like I'm favoring this student over others?

The very purpose of reasonable modification laws is to require covered entities to treat disabled individuals differently in some circumstances.



What do I say to other students?



. . . we are acting in compliance with federal law.

We have a policy of assisting any students who encounter difficulties in accessing class, many of these issues are personal, in these circumstances, it is our policy to respect student privacy.



FLSA



Non-Exempt (hourly)

- Paid for all hours worked
- At least minimum wage
- Time and ½ for any over 40
- Public Agency can give comp time

Exempt (salary)

- White collar exemptions
- Salary basis
- Public Universities or colleges – teachers, coaches (instruct athletes), administrators