



<b>WORKPLACE ACCOMMODATIONS FOR DISABILITIES (EMPLOYEES AND APPLICANTS)</b>	
<b>Responsible Official:</b> University Counsel & Chief Compliance Officer	<b>Responsible Office:</b> Disability Services

**Policy Purpose**

This policy specifies the requirements for an employee or applicant for employment to request workplace accommodations pursuant to the Americans with Disabilities Act. Students should also review the policy on Disability Accommodations for Students.

**Policy Statement**

ETSU is committed to complying with the Americans with Disabilities Act (ADA) and the Tennessee Disability Act (TDA). The ADA and TDA are non-discrimination laws which protect Qualified Individuals with Disabilities and prohibit discrimination on the basis of Disability in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment.

When appropriate documentation is provided and all procedures of this policy have been followed, ETSU will work with Qualified Employees with Disabilities to seek accommodations for Disabilities in the workplace as permitted by Title I of the ADA. This policy regarding requests for Reasonable Accommodation applies to all aspects of the hiring process and employment.

I. Requests for Reasonable Accommodations during the Application for Employment.

An applicant may request Reasonable Accommodations for a Disability at any time during the application or interview process.

II. Request for Reasonable Accommodations during Employment.

An employee may request Reasonable Accommodations upon identification of a workplace barrier which prevents the individual from performing a job or having equal access to a benefit of employment as a result of Disability. Employees are responsible for initiating requests and cooperating in the interactive process for any desired Disability-related workplace accommodations.

### III. Documentation Requirements.

The requesting employee must provide documentation of the Disability from their medical provider where the Disability is not evident. All medical documentation in support of an accommodation request must be from an appropriately licensed health care professional who has an established relationship with the employee sufficient to assess and document their Disability and related needs in the workplace. Documentation should include a description of the impairment, the activities limited by the impairment, how the impairment limits the employee in their employment and substantiate why the reasonable accommodation is needed. The health care professional providing the documentation must be appropriate to the Disability. The ADA Coordinator may request additional documentation, information, or an independent medical evaluation in certain situations, including but not limited to when documentation provided is insufficient to define the Disability or to determine appropriate Reasonable Accommodations.

### IV. Temporary Disability.

If an employee or applicant has a Temporary Disability, the individual may request Reasonable Accommodations for the time period associated with the Temporary Disability.

Authority: United States Department of Justice, United States Equal Employment Opportunity Commission (EEOC), Office of Disability Employment Policy (ODEP)

### V. Reassignment.

Where the employee cannot be reasonably accommodated in their current position, the employee may submit a written request to the ADA Coordinator requesting that the institution consider a reassignment to a vacant position. Reassignment may be considered for an employee only after it has been determined that:

- A. There are no Reasonable Accommodations that will enable the employee to perform the essential functions of their current position; and
- B. All other accommodations would pose an undue hardship on the University.

Reassignment involves consideration of all vacant positions within the University including all those posted. The University is not obliged to reassign an employee, create a vacancy, restructure available positions or create new positions.

An approved reassignment will require that the employee is otherwise qualified for the position and can perform the essential job functions of the position with or without Reasonable Accommodations.

The vacant position may involve a voluntary demotion with commensurate salary change or a change in schedule. An employee moved to a vacant position is subject to any applicable probationary periods in the reassigned position.

V. Decisions.

The decisions of the ADA coordinator are final. In the event that an individual wishes to dispute the process afforded to them, the individual should file a written dispute with the Office of University Compliance.

Authority: The Focus Act, TCA § 49-8-203, et. seq. Title I of the Americans with Disabilities Act (ADA)

Previous Policy:

**Defined Terms**

*A defined term has a specific meaning within the context of this policy*

**DISABILITY:** A physical or mental impairment that substantially limits one or more major life activities. A person with a Disability has such an impairment or is regarded as having such an impairment.

**ESSENTIAL JOB FUNCTION:** Job duties that are fundamental to the position, they are the reason the job exists. The fundamental duties of any position should be included in the job description. Essential Job Functions may change at any time, subject to ETSU's discretion.

**QUALIFIED EMPLOYEE WITH A DISABILITY:** An individual who meets all the requisite skill, experience, education, or other related requirements of the employment position they hold or are applying for and who can perform the essential job functions of the position with or without reasonable accommodations.

**REASONABLE ACCOMMODATION:** A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or the work environment that allows a person with a Disability who is qualified for the job to perform the Essential Job Functions of that job and enjoy equal employment opportunities. Accommodations are considered "reasonable" if they do not create an undue hardship on the University or create a direct threat to health and safety. Reasonable Workplace Accommodations do NOT include: Actions or items that pose an undue

burden on the University; actions or items that pose a direct threat to the health and safety of the employee or other individuals; the removal of essential job functions; provision of personal items such as a prosthetic limb or wheelchair; creation of new jobs or lowering work standards.

TEMPORARY DISABILITY: Disabilities that have an actual or expected duration of six months or less.

## Policy History

Effective Date: 04/10/2023

Revision Date:

## Procedure

### I. Procedures for Employees Requesting an Accommodation.

ETSU utilizes an interactive process to assess accommodation requests and determine Reasonable Accommodations for employees and applicants, including on-going dialogue between ADA Coordinator, supervisor, and the applicant or employee in an effort to provide Reasonable Workplace Accommodation.

#### A. Employee Responsibilities.

The procedure for an employee to request an accommodation for Disability is as follows:

1. The employee completes the following forms found on the Disability Services webpage:
  - a. Request for Workplace Accommodations Under ADA;
  - b. Permission to Conduct Reasonable Accommodation Evaluation; and
  - c. Employee Permission to Release Medical.
2. The employee submits the completed forms and required documentation to Disability Services.

#### B. Review of Accommodations Request.

1. Upon receipt of all the required forms under this policy, the ADA Coordinator

reviews the request and documents as needed.

2. The ADA Coordinator schedules a meeting within 10 business days with the requesting employee to discuss the request and next steps. Meetings can be in person or via Zoom.
3. The ADA Coordinator determines if the request can be met with a Reasonable Accommodation.
4. If the request meets the standards for a Reasonable Accommodation, the ADA Coordinator engages in discussion with the employee, the employee's supervisor and any other management personnel as needed to identify the Essential Job Functions of the individual's job, the administrative needs of the employee's department and the expected impact of the accommodation request.

a. Approval

If a Reasonable Accommodation is available and determined by the ADA Coordinator, the ADA Coordinator creates a letter documenting the approved Reasonable Accommodation. The letter is sent to the employee's supervisor with a copy to the appropriate Vice President, Human Resources Official and to the employee.

b. Denial

If a Reasonable Accommodation is not available, the ADA Coordinator notifies the employee in writing within 10 business days of the denial of the requested accommodations and supporting reasons.

II. Procedures for Applicants to Request Accommodations.

A. Applicant Responsibilities.

Applicants may submit a request for accommodations to the Human Resources Office at any time during the application and/or interview processes.

B. Review of Accommodation Request.

The Human Resources official or departmental contact forwards the request to the ADA Coordinator for documentation. Human Resources may provide the requested accommodations unilaterally and/or consult with the ADA Coordinator as needed.

## Procedure History

Effective Date: 04/10/2023

Revision Date:

## Related Form(s)

## Scope and Applicability

Primary:

Secondary: