

Memo to: All UH-Downtown/PS Holders

UH-Downtown/PS 02.B.10

From: William Flores, President

Issue No. 3

Effective Date: 11/05/10

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Subject: The Americans with Disabilities Act Policy

1. PURPOSE

The American with Disabilities Act prohibits discrimination in employment against qualified individuals with disabilities.

- 1.1 The purpose of this policy is to provide guidance pursuant to [Title I of the Americans with Disabilities Act Amendments \(ADA\)](#), the [Americans with Disabilities Amendments Act of 2008 \(ADAA\)](#) and Section [504 of the Rehabilitation Act of 1973, as amended](#), and to establish procedures for reasonable accommodation under ADA.
- 1.2 This policy applies to all employees at the University of Houston-Downtown (UHD) and applicants for vacant positions.

2. DEFINITIONS

- 2.1 Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
- 2.2 Qualified individual with a disability: An individual with a disability who, with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires, or has a record of such impairment, or is regarded as having such an impairment.
- 2.3 Essential job functions: Those functions actually performed in the job, the removal of which would fundamentally alter the position.
 - 2.3.1 Whether a function is essential also depends on the content of the written job description, the time spent performing the particular function, and the consequences of failing to require the employee to perform the function.
 - 2.3.2 To determine whether a function is essential, it must be determined whether the position exists to perform that function and whether there are other employees available to share that function, as well as the degree of expertise required to perform the function.
- 2.4 Reasonable accommodation: A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform the essential job functions.

- 2.4.1 Such accommodation is required unless it poses an undue hardship on the employer.
- 2.4.2 The determination of what accommodation is reasonable in a particular situation involves a process in which the Campus Relations Officer (CRO), department and the employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations.
- 2.4.3 The term reasonable accommodation may include job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- 2.5 Undue hardship: Any accommodation that is substantial or disruptive or would be very costly to the university or that would fundamentally alter the nature or operation of the unit.
- 2.6 Major life activities: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.

3. POLICY

- 3.1 It is the policy of the University of Houston-Downtown (UHD) to not discriminate against qualified individuals with disabilities. It is the policy of the university to provide reasonable accommodation when necessary for persons qualified under the ADA.
- 3.2 It is the responsibility of individual employees or applicants to identify themselves as an individual with a disability when seeking an accommodation.
 - 3.2.1 UHD employment personnel, interviewers, and hiring supervisors will not initiate any discussion of disabilities or perceived disabilities with applicants for employment.
 - 3.2.2 Discussions of disabilities and accommodation for disabilities may be pursued only if such discussions are initiated by the applicant or employee.
 - 3.2.3 The individual employees or applicants must document their disability (from an appropriately licensed professional) and demonstrate how the disability limits their ability to complete the essential functions of the job or limits participation in programs or services of the university.
 - 3.2.4 Medical documentation will be kept confidential and will be maintained by the Campus Relations Officer.

- 3.3 Employees must maintain institutional standards of performance, attendance, and conduct as specified by the department or unit.
- 3.4 Individuals or managers must work through the Campus Relations Officer (CRO), which is the designated ADA Coordinator for the University, and with the Employment Services and Operations Division regarding employment accommodations for persons with disabilities under ADAA.
- 3.5 University programs, whether conducted on or off-campus, shall be designed and conducted so as to be accessible to persons with disabilities.
- 3.6 Individuals who believe they have been treated in a discriminatory manner in violation of this policy should contact the CRO. The CRO is responsible for facilitating the resolution of such problems in a manner that is fair and equitable for the individual and is consistent with the university's policy of nondiscrimination.
- 3.7 Responsibilities
 - 3.7.1 The CRO is responsible for the coordination and implementation of this policy and these procedures. Each dean, director, department chair, and/or administrative officer of an operational unit will assist the CRO in the implementation and dissemination of this policy. Such officials are responsible for reviewing their unit's recruitment, interviewing, selection, and employment practices and for implementing changes as necessary to assure compliance with this policy. It is the obligation of all faculty and staff members of the university to adhere to this policy in their areas of responsibility.

4. PROCEDURES

- 4.1. A person may request an accommodation to perform the essential functions of a position. This may be for the person's current position or a position for which the person is applying.
- 4.2 To receive an accommodation under the ADA, employees and applicants must file an application with the Campus Relations Officer (CRO), which is the designated ADA Coordinator for the University.
- 4.3. During the initial meeting with the CRO two things will be accomplished:
 - 4.3.1 The CRO will determine what documentation from a licensed professional is needed to support the employee's request for accommodation
 - 4.3.2 The responsibilities of the university and the employee will be clarified

- 4.4. The CRO may seek advice from third-party experts when necessary.
 - 4.4.1 All medical documentation will be maintained in a separate confidential file.
 - 4.4.2 Such information will only be shared on a need-to-know basis.
- 4.5. The CRO will review the marginal and essential functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation. The CRO will then facilitate a discussion with the supervisor/unit head and the employee to determine what accommodation(s) may be reasonable.
- 4.6. After reviewing the documentation and the facts of each request, the CRO will determine if the employee is eligible for accommodations according to this policy.
- 4.7. The process for providing the accommodation will be communicated verbally and in writing to the employee and the department supervisor.
- 4.8. The employee is responsible for contacting the CRO if reasonable accommodation is not implemented in an effective and timely manner or if the accommodation is not adequate. The CRO will work with the employee and the department to resolve disagreements regarding recommended accommodations.
- 4.9. Should the CRO determine the person with the disability is not eligible for accommodation under the ADA based on the available documentation, the employee will be advised in writing that the request for accommodation has been denied.
 - 4.9.1 The employee will be given an opportunity to appeal the decision of the CRO by submitting additional documentation for consideration directly to the Vice President for Employment Services and Operations.
- 4.10 In the event an accommodation is requested but denied, the employing or hiring department is responsible for providing written documentation to the CRO detailing:
 - a. the disability to be accommodated
 - b. the accommodation considered
 - c. the reason(s) the accommodation is denied

5. EXHIBITS

There are no exhibits associated with this policy.

6. REVIEW PROCESS

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before September 1st.

Signed original on file in Employment Services and Operations.

7. POLICY HISTORY

Issue #1: 10/20/04

Issue #2: 09/20/06

8. REFERENCES

There are no references associated with this policy.