



DISABILITY ACCOMMODATION FOR APPLICANTS AND EMPLOYEES POLICY

Policy #	HR.006.1	Vice President for Administration & Finance
Responsible Executive:		
Responsible Office:	Human Resources	
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I. Policy Statement

It is the policy of the University of Louisiana at Lafayette (“University”) to provide equal access and opportunity to University Employees Applicants with disabilities in accordance with state and federal law, including Section 503 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990 (“ADA”), the ADA Amendments Act of 2008, and La. R.S. 23:323. The University prohibits discrimination based on Disability in both the application process and during the employment relationship.

II. Purpose of Policy

The purpose of this Policy is to affirm the University’s commitment to providing an equal opportunity for all Qualified Individuals, without regard to Disability, and to provide procedures for requesting Reasonable Accommodations in accordance with the ADA and other state and federal laws.

The University will provide Reasonable Accommodations in employment to any Qualified Individual with a Disability. The University is not required to make an accommodation that would impose an Undue Hardship on the operation of the University’s business or would change the Essential Functions of an Employee’s position.

A. Reasonable Accommodations

The decision as to any appropriate Reasonable Accommodation is made by the University on a case-by-case basis. The principal test is whether the accommodation will provide an opportunity

for the Qualified Individual with a Disability to achieve the same level of performance and to enjoy benefits and privileges of employment equal to those of Employees without Disabilities.

University actions that are *not* required or are *not* reasonable include, but are not limited to, the following:

- Removing an Essential Function;
- Lowering production or performance standards;
- Excusing violations of conduct rules;
- Monitoring an Employee's use of medication;
- Actions that would result in Undue Hardship;
- Restructuring working hours so they fall far outside the obligations of an Employee's unit and/or position. Some positions require Employees to be on campus at all times and/or at certain hours and may not have as much flexibility to accommodate requests for changes; and
- Requests that will disrupt the University's mission.

The University is not obligated to and will not provide, as a Reasonable Accommodation, personal use items needed in accomplishing daily activities (e.g., eyeglasses, hearing aids, prosthetic limbs, or a wheelchair). Additionally, Indefinite Leave will not be provided. Any leave requests, beyond the Family Medical Leave Act, as an accommodation must be of a specific period, after which the Employee will be able to return to work.

There is no requirement for the University to provide the exact accommodation requested by the Employee.

B. Essential Functions

The University determines 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:

- Whether the reason the position exists is to perform that function;
- The number of other Employees available to perform the function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the function.

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. Furthermore, the University is not required to create a new position to accommodate an Employee.

C. Confidentiality

Information acquired by the Office of Human Resources during the processing of accommodation requests is not a part of psychological counseling and is not subject to the confidentiality regulations applicable to such counseling services.

Any records or information obtained by the Office of Human Resources as part of the accommodation process that reflect diagnosis, evaluation, or treatment of an Applicant's or Employee's

medical or mental health condition are confidential and will be kept private. Such records will be shared only with those University Employees who have a need to know, in order to implement the Reasonable Accommodation, and will not be released except as required by law. ADA related files are kept separate and apart from personnel files and access is limited to the Equal Employment Opportunity ("EEO")/ADA Coordinator and Director of Human Resources Compliance and EEO Programs.

D. Retaliation

This Policy prohibits retaliation. The University will take strong responsive action against any retaliation. Retaliation will be grounds for a separate violation of the University of Louisiana System Policy on Preventing and Addressing Retaliation (Policy Number: M-(12)).

III. Applicability

This Policy applies to all University Employees and Applicants for University employment.

IV. Definitions

1. **Applicant:** is an individual pursuing an employment opportunity with the University by submitting appropriate application materials for a specific, vacant position.
2. **Disability:** With respect to an individual, the term "disability" means: (a) a physical or mental Impairment that substantially limits one or more Major Life Activities of such individual; (b) a record of such an Impairment; or (c) being regarded as having such an Impairment; The Impairment may be permanent, chronic, or progressive. An Impairment that is episodic or in remission is considered a Disability under the ADA if the condition would substantially limit a major life activity when active.
3. **Documentation:** are those documents required to be presented to the University before any Reasonable Accommodation will be provided, including but not limited to the Request for Accommodation form and the Medical Certification Form.
4. **Employee:** is any University employee including faculty, staff, administrators, and student employees. This includes hourly, salary, part-time, and full-time employees.
5. **Essential Function(s):** are the fundamental duties of the position or the primary reasons the position exists.

6. **Impairment:** is any physiological, mental, or psychological disorder or condition which substantially limits Major Life Activities.
7. **Indefinite Leave:** is when an Employee cannot say or provide documentation whether or when they can return to work to perform the Essential Functions of their job.
8. **Major Life Activity(ies):** 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. Major life activities also include the operation of major bodily functions, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
9. **Qualified Individual:** is a person who possesses the skills, experience, education, and other job-related requirements of the position desired or held, and who can perform the essential functions of the position, with or without reasonable accommodation.
10. **Reasonable Accommodation:** is a modification or adjustment to the application process or the work environment that will enable a qualified Applicant, Employee a Disability to participate in the application process or to perform the Essential Functions of a position.
11. **Substantial Limitation:** is an Impairment that prevents the performance of a Major Life Activity that the average individual in the general population can perform; or a significant restriction as to the condition, manner, or duration under which an individual can perform a particular Major Life Activity.
12. **Undue Hardship:** is an 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 a position.

V. Policy Procedure

A. Accommodations in the Application and/or Hiring Process

Applicants with a Disability are responsible for informing the University, through the Office of Human Resources, of his or her need for a specific accommodation. Applicants with a Disability may request an accommodation in the hiring process or with the application itself. Requests for Reasonable Accommodations in the application or hiring process may be made by contacting the University's EEO/ADA Coordinator in the Office of Human Resources by phone at (337) 482-6258 or email at hrcompliance@louisiana.edu. Applicants may be asked to provide supportive Documentation.

B. Accommodations During Employment

1. Initiating the Accommodation Process

Employees seeking workplace accommodation(s) are responsible for initiating contact with the Office of Human Resources or making such a request for accommodation to the Employee's supervisor. Employees interested in a workplace accommodation can contact the EEO/ADA Coordinator in the Office of Human Resources at (337) 482-6258 or hrcompliance@louisiana.edu to request the forms needed to begin the accommodation process.

Although Employees may initially consult with the EEO/ADA Coordinator without first informing their supervisor, supervisors are an important part of the accommodation process. Supervisors will be consulted during the interactive process regarding the specific impact of the Impairment on job performance and the recommended Reasonable Accommodations. Details regarding the accommodation process can be found in the *Employee's Guide to ADA Accommodation Process*.

2. Guidance for Supervisors

- a. Referral.** Supervisors who receive a request for accommodation will refer the Employee to the Office of Human Resources and immediately notify the EEO/ADA Coordinator of such referral via email at hrcompliance@louisiana.edu so that official processing of the request can begin. An Employee need not mention the ADA or use the phrase "Reasonable Accommodation" when requesting an accommodation.
- b. Performance Counseling.** Any supervisor who is informed, in the course of an employee's job performance counseling, that a physical or mental condition may be affecting that Employee's work performance must notify the EEO/ADA Coordinator, hrcompliance@louisiana.edu or the Human Resources Business Partner.

3. Documentation

In order to determine whether an Employee is eligible for accommodations under the ADA, the University may require written Documentation concerning the Employee's Disability. Upon referral or notification of an accommodation request for an Employee, the EEO/ADA Coordinator will provide the Employee with the ADA Reasonable Accommodation Request form. If additional information is needed, the EEO/ADA Coordinator will request the completion of the Medical Certification form by the Employee's relevant qualified health care professional. This Medical Certification form serves to identify or confirm the Employee's Disability and must detail the duties the Employee is unable to perform, whether the Employee can perform their Essential Functions with or without accommodation, suggested workplace accommodations, and the Employee's prognosis as to the Disability. A copy of the Employee's Essential Functions must accompany the Medical Certification form to assist the health care provider in determining appropriate accommodations. The EEO/ADA Coordinator may contact the Employee's supervisor to verify the current Essential Functions of the position. Either the Employee or the health care provider may return the completed Medical Certification to the EEO/ADA Coordinator in the Office of Human Resources.

4. Interactive Process

The interactive process is a collaborative process between the EEO/ADA Coordinator, the Employee seeking accommodations, the Employee's supervisor, and/or other appropriate personnel. During the interactive process, the EEO/ADA Coordinator will initiate an interactive dialogue to evaluate and facilitate the Employee's request for accommodation. The focus of the interactive process will be on the limitations of the Impairment(s) and the suggested accommodations, and not the Employee's specific medical diagnosis or Documentation of the Disability.

When necessary, additional documentation may be requested by the EEO/ADA Coordinator to assist in identifying appropriate accommodations. The EEO/ADA Coordinator has the latitude to implement a Reasonable Accommodation, and/or to modify workplace or departmental policies to provide an Employee with a Reasonable Accommodation. Depending on the nature of the Disability and job functions, the Reasonable Accommodation may be temporary or permanent.

Employees who are referred to the Office of Human Resources but choose not to initiate the accommodation process, submit the required Documentation, or engage in the interactive process are not recognized by the University as having an Impairment that requires accommodation and thus will not receive an accommodation.

5. Outcome/Implementation

After reviewing the submitted Documentation and engaging in the Interactive Process, the EEO/ADA Coordinator will draft an Outcome/Implementation letter advising the Employee in writing of the decision regarding their request for accommodation.

If the request for accommodation is approved, the Outcome/Implementation letter will include:

- The specific Reasonable Accommodation(s) being provided;
- The duration of the Reasonable Accommodation(s), if temporary;
- Any expectations, if necessary, related to the implementation of the Reasonable Accommodation(s); and
- Provide a timeframe for when the Reasonable Accommodations will be reviewed to determine their effectiveness, if appropriate.

If the request for accommodation is denied or it is determined that there is no Reasonable Accommodation that will enable the Employee to perform the Essential Functions of their job, the Outcome/Implementation letter will include:

- An explanation for the basis of the denial; and
- Guidance on other effective resources and/or alternatives, when appropriate.

C. Complaint Procedures

Any Applicant, Employee who has concerns regarding denial of a Reasonable Accommodation request or the specific Reasonable Accommodation selected by the University is encouraged to contact the Director of Human Resources Compliance and EEO Programs.

The detailed procedures for filing complaints related to discrimination may be found in the University's Non-Discrimination Policy and Procedures. The detailed procedures for filing complaints related to retaliation may be found in the University of Louisiana System Policy on Preventing and Addressing Retaliation (Policy Number: M-(12)).

VI. Enforcement

The Chief Human Resources Officer is responsible for the enforcement of this Policy.

VII. Policy Management

Upon adoption, the Vice President for Administration and Finance shall be the Responsible Executive for this Policy. The Chief Human Resources Officer is the Responsible Officer for this Policy. The management of this Policy is the responsibility of the Office of Human Resources.

VIII. Exclusions

Not applicable.

IX. Effective Date

This Policy shall apply to all requests for Accommodations reported on or after the date of adoption of this Policy.

X. Adoption

This Policy is hereby adopted on 8/13/2020.

DocuSigned by:

Joseph Savoie

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Dr. E. Joseph Savoie
President

XI. Appendices, References, and Related Materials

1. Employee's Guide to ADA Accommodation Process
2. ADA Request for Accommodation Form
3. ADA Medical Certification Form
4. Voluntary Self-Identification of Disability Form
5. References:

- a) [Rehabilitation Act of 1973, Section 503](#)
- b) [Americans with Disabilities Act of 1990, Title I](#)
- c) [ADA Amendments Act of 2008](#)
- d) [La R.S. 23:323](#)
- e) [Equal Employment Opportunity Commission](#)
- f) [Job Accommodation Network](#)

XII. Revision History

✦ Original adoption date of Policy: 8/13/2020.