

DISABILITY/REASONABLE ACCOMMODATIONS POLICY

For University Employees and Job Applicants

Section: General Subject: DISABILITY/REASONABLE ACCOMMODATIONS

Date: November 2004

POLICY

Michigan State University is committed to hiring qualified persons with disabilities and fulfilling its responsibilities under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and the Michigan Persons with Disabilities Civil Rights Act (MPDCRA).

The definition of a disability under the ADA is:

A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded as having such an impairment.

The definition of a disability under the MPDCRA is:

(i) A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits one or more major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion.

(ii) A history of a determinable physical or mental characteristic described in Subparagraph (i).

(iii) Being regarded as having a determinable physical or mental characteristic described in subparagraph (i).

PROCEDURE

I. INTRODUCTION

A University employee or job applicant must follow these three steps to request an accommodation:¹

1. The employee/applicant must self-identify as a person with a disability;
2. The employee/applicant must provide medical documentation of the disability; and
3. The employee/applicant must make a written request for an accommodation and provide supporting medical documentation, if requested.

This process involves the Resource Center for Persons with Disabilities (RCPD), the employee/applicant, and the employee/applicant's supervisor/unit administrator. This process and each participant's role in it are described more fully below.²

II. EMPLOYEE/APPLICANT

1. Identification as a Person with a Disability

Employees and applicants may self-identify as a person with a disability through employment interviews or at other times by contacting a specialist at the RCPD.³

2. Requests for Accommodation

A person with a disability may or may not need accommodation. If an employee/applicant believes that an accommodation is needed, the request for an accommodation may be made:

- A. prior to or during an interview if a reasonable accommodation is necessary for the applicant to participate in the interview and selection process (such a request must

¹ University employees and job applicants who are persons with a disability are not required to identify themselves as persons with a disability or to request an accommodation. However, the University cannot accommodate an individual who does not inform the University about his/her disability and his/her need for an accommodation.

² Nothing in this document shall be construed to waive the University's right to contest whether an employee or applicant is disabled or is entitled to an accommodation.

³ The University conducts a survey of faculty, academic staff, and support staff employees for statistical purposes. This survey does not constitute a method of self-identification consistent with this policy.

be conveyed in writing as described in Section B below if the applicant is hired);
or

- B. by completing the *Employee Information Sheet*, the *Medical, Physical and/or Sensory Disability Documentation/Verification* or *Psychiatric/Psychological Disability Documentation* form and an *Accommodation Request* form; these forms are on-line at the RCPD web site: <http://www.rcpd.msu.edu>.

At any time during the accommodation request process, the University may ask the employee/applicant for additional medical documentation of the disability and of the need for an accommodation.⁴ The employee/applicant must provide this additional documentation to facilitate the accommodation process.

The MPDCRA states that a person with a disability may not allege a violation of the MPDCRA unless the person with a disability notifies the University in writing of a need for an accommodation within 182 days after the date on which the person with a disability knew or reasonably should have known of the need for an accommodation.

III. SUPERVISOR/UNIT ADMINISTRATOR

If an employee/applicant requests an accommodation, the supervisor/unit administrator should refer the employee/applicant to the RCPD web site at <http://www.rcpd.msu.edu> or to a specialist at the RCPD.

IV. THE RESOURCE CENTER FOR PERSONS WITH DISABILITIES (RCPD)

The employee/applicant should contact a RCPD specialist to begin the accommodation process. The specialist will assist the supervisor/unit administrator in determining whether an accommodation is warranted, explore possible accommodations, and assess the effectiveness each would have in enabling the employee/applicant to perform his/her job.

Throughout the accommodation process, the specialist should not request information regarding:

- A. how the employee/applicant became a person with a disability, or
- B. disabilities that are not related to the essential functions of the employee/applicant's job.

⁴ This applies only to University employees and to applicants who have been offered a position, conditional or otherwise, with the University.

What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by the University.

Medical documentation, as well as other related materials, will be maintained at the RCPD. Such documentation is kept confidential, except as necessary to administer the accommodation process. Accordingly, such documentation may be shared only with those individuals directly involved in the accommodation process on an as needed basis.

The specialist consults with employees/applicants and supervisors/unit administrators throughout the accommodation request process. During that process, the specialist will generally discuss the following issues:

- A. the essential job functions of the position⁵;
- B. the employee/applicant's ability to perform essential job functions with or without a reasonable accommodation; and,
- C. possible types of reasonable accommodations, if any are needed.

During the accommodation request process, the RCPD may:

- A. gather additional medical information;
- B. evaluate whether any accommodation is needed and, if it is, whether an accommodation is reasonable and should be made (this evaluation may include preparing cost estimates);
- C. assess various accommodations;
- D. identify alternative accommodations or solutions;
- E. provide information from resources about the capabilities of persons with disabilities and the tools/techniques they use;
- F. determine a reasonable accommodation, if appropriate;
- G. provide a written determination to the department/unit and employee/applicant;
- H. explain the department/unit's responsibility to fund an accepted accommodation or to seek Major Administrative Unit funding, if needed;

The RCPD makes a determination regarding implementation of accommodations. The RCPD will consider each request for reasonable accommodation and determine: (1) whether the accommodation is needed, (2) if needed, whether the accommodation would be effective, and

⁵ The essential functions are the fundamental job duties of the employment position at issue. To be qualified for a position, an individual must be able to perform the essential functions of the job, with or without a reasonable accommodation.

(3) if effective, whether providing the reasonable accommodation would impose an undue hardship.

RCPD mission statement: Lead Michigan State University in maximizing ability and opportunity for full participation by persons with disabilities.

RCPD Philosophy: Disabilities need not preclude the achievement of goals and dreams. Rather, they mandate a greater level of creativity, commitment, and a repertoire of compensatory techniques. The team of professionals at the RCPD is ready to assist students, employees, and visitors with resources that create an environment of opportunity. We value full integration of persons with disabilities throughout the university mission, programs, and services. We believe that persons with disabilities at MSU are as much in control of their educational/work experience as a person without a disability.

V. APPEALS

If an employee/applicant or supervisor/unit administrator disagrees with the RCPD's determination, the decision may be appealed to the Director of the RCPD (please refer to the *Dispute Resolution Procedure* available on the RCPD website) or the ADA Coordinator in the Office for Inclusion and Intercultural Initiatives.

VI. RETALIATION

Retaliation against an employee or applicant who requests an accommodation is prohibited. Individuals who feel that they have experienced retaliation may contact the ADA Coordinator in the Office for Inclusion and Intercultural Initiatives.

VII. OTHER RESOURCES

MSU Human Resources facilitates placement of employees with work restrictions. Such placements may exceed the University's legal obligations. In these cases, the nature of the relevant work restrictions is shared with employing departments/units so that appropriate discussions about placement can take place. The University does not guarantee such placements nor does it waive its right to limit its responsibility to accommodate a person with a disability to the duties imposed by the applicable state and federal statutes.

Refer Questions to: The Resource Center for Persons with Disabilities, Michigan State University, 120 Bessey Hall, East Lansing, MI 48824-1033, (voice) 517/353-9642, (TTY) 517/355-1293, (fax) 517/432-3191, web site: www.rcpd.msu.edu.

MSU is an affirmative-action, equal-opportunity employer.