



## The University of North Carolina at Chapel Hill

### ADA Reasonable Accommodations in Employment Policy

#### I. Policy Statement

The University of North Carolina at Chapel Hill (University) is committed to equal opportunity in all aspects of employment for qualified individuals with a disability. In accordance with the Americans with Disabilities Act (ADA) and State law, and consistent with the University's Policy on Prohibited Harassment and Discrimination, it is the policy of the University to provide reasonable accommodations in employment to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the operation of the University's business or would change the essential functions of the position. Retaliation against an individual with a disability for utilizing this policy is prohibited.

#### II. Covered Individuals

All University employees are covered individuals under this policy. Additionally, applicants for employment are covered in the application process and should contact the Equal Opportunity and Compliance Office if reasonable accommodations are required during that process.

#### III. University Responsibilities and Employee/Applicant Responsibilities

Employees and applicants are responsible for requesting an accommodation under this Policy as further described in Section V.

The University is required to provide a reasonable accommodation for the known disability of an applicant or employee if requested unless the accommodation would either impose an "undue hardship" on the operation of the University's business or change the essential functions of the position.

While departments are required to address any specific request in good faith, there is no obligation on the part of the department or the University to determine or identify the need for an accommodation absent an employee's or applicant's specific request.

The Equal Opportunity and Compliance Office has responsibility for ADA compliance and for engaging in an interactive process to determine whether an employee or applicant is a qualified individual with a disability for the purposes of providing a reasonable accommodation. Individuals may self-identify with the Equal Opportunity and Compliance Office even if no accommodation is requested.



#### IV. Definitions

**Disability-** The term “disability” means, with respect to an individual—

- (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;
- (C) being regarded as having such an impairment; or
- (D) an impairment that is episodic or in remission if it substantially limits a major life activity when it is active.

#### **Major Life Activities –**

- (A) In General – major life activities 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.
- (B) Major Bodily Functions – a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### **Substantially Limiting -**

An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The determination of whether an impairment substantially limits a major life activity depends on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

**Has a record of an impairment –** An individual has a record of an impairment if that individual has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

**Regarded as having such an impairment –** An individual meets the requirements of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment substantially limits or is perceived to substantially limit a major life activity.

When determining if a condition is a disability, the University will not take into consideration any "mitigating measures" such as prescription drugs, medical equipment, prosthetics or other remedies, beyond ordinary eyeglasses or contact lenses.



**Qualified Individual with a Disability** –an employee or applicant for employment who, with or without a reasonable accommodation can perform the essential functions of the position.

**Reasonable Accommodation** – a modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position.

Reasonable accommodations may include, but are not limited to:

- Making existing facilities readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position; or
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

The University is not obligated to and will not provide personal use items needed in accomplishing daily activities (i.e. eyeglasses, hearing aids, prosthetic limbs, or a wheelchair).

**Essential Job Function** – the fundamental duties of the position or the primary reasons the position exists.

The University does not have to eliminate an essential function from the position, nor does it have 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. The University does not have to create a new position to accommodate an employee.

**Marginal Job Function** – a job function that would be considered a secondary non-critical job task. Although important and necessary to the position, a marginal job function could be reassigned to others and/or performed a lesser percentage of time as occasional essential functions.

**Undue Hardship** – an accommodation or 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 the position.

## V. Procedure to Request a Reasonable Accommodation



As stated in Section III, employees and applicants are responsible for requesting an accommodation under this Policy.

### **A. Applicants**

1. Applicant requests for reasonable accommodation during the hiring process may be made to the hiring supervisor, human resources personnel or the Equal Opportunity and Compliance Office. Supervisors or human resources personnel receiving a request should contact the Equal Opportunity and Compliance Office for guidance.

### **B. Employees**

1. Employee requests for reasonable accommodation must be made to the Equal Opportunity and Compliance Office by completing the Self Identification and Accommodation Request forms. Supervisors or human resources personnel should refer employees who indicate a need for accommodation to the Equal Opportunity and Compliance Office for assistance and should contact the Equal Opportunity and Compliance Office for guidance
2. The employee must meet with the Equal Opportunity/ADA Officer or designee who will facilitate an interactive process between the employee and the supervisor to determine if a reasonable accommodation can be provided to the employee. The employee must communicate how the disability affects his/her ability to perform the essential functions of the job, and identify what workplace accommodations are necessary to assist in performing the job duties.
3. The Equal Opportunity/ADA Officer or designee will discuss essential functions of the particular position involved and the precise job-related limitations; and offer suggestions for possible reasonable and effective accommodations.
4. The Equal Opportunity/ADA Officer or designee may request medical documentation of the individual's functional limitations to support the request. Any medical documentation will be collected and maintained in accordance with appropriate confidentiality procedures.
5. The employee's supervisor and/or department will provide information on the essential functions of the position and the impact the requested accommodation will have on the operations of the department. The supervisor will also provide input to the Equal Opportunity/ADA Officer or designee on the effectiveness each potential accommodation would have in allowing the employee to perform the essential functions of the position.



6. The Employee and Management Relations Department in the Office of Human Resources or the Provost's Office may be informed and/or consulted if there is an active or developing employee relations issue.
7. Upon completion of the interactive process, the Equal Opportunity and Compliance Office is responsible for assessing whether or not the employee's requested workplace accommodation is reasonable and determining what, if any accommodation is most appropriate for both the employee and the University. While consideration is given to the employee's preference, the University will choose from among reasonably effective accommodations and may select and implement the one that is most cost effective and easiest to provide.
8. The Equal Opportunity and Compliance Office will provide a written decision within 30 calendar days from the date of the employee request, and will notify the employee if a longer period is needed.

## **VI. Confidentiality**

Information regarding requests for accommodations will be kept confidential and shared with others only if they have a legitimate business reason to know. Supervisors and managers will be informed of the functional limitations of an employee caused by the physical or mental impairment. The Employee and Management Relations Department in the Office of Human Resources or the Provost's Office will be informed if there is an employee relations issue involved. Medical documentation regarding an employee's diagnosis will be shared only with the Equal Opportunity and Compliance Office unless the employee specifically authorizes sharing this information with the supervisor or manager or other University personnel.

## **VII. Appeals/Grievance Procedure**

Employees who are dissatisfied with a determination regarding an accommodation request or believe that the decision(s) was reached improperly or unfairly may file a grievance through the established grievance procedure for Faculty, EPA Non-Faculty or SPA employees.

Applicants for employment who allege a denial of a request for an accommodation of a disability during the hiring process may file a grievance directly with the Office of Administrative Hearings within 30 calendar days of the alleged denial of accommodation.

## **VIII. Effective Date**

This policy is effective November 3, 2009.



## IX.    Related Forms and Policies

### **Voluntary Self-Identification of Disability Form:**

[http://eoc.unc.edu/files/2014/05/Voluntary\\_Self\\_Identification\\_of\\_Disability\\_Form1.docm](http://eoc.unc.edu/files/2014/05/Voluntary_Self_Identification_of_Disability_Form1.docm)

### **Accommodation Request Form:**

[http://eoc.unc.edu/files/2014/05/Accommodation\\_Request\\_Form.docx](http://eoc.unc.edu/files/2014/05/Accommodation_Request_Form.docx)

### **Documentation of Disability Form:**

[http://eoc.unc.edu/files/2014/05/Documentation\\_of\\_Disability\\_Form.doc](http://eoc.unc.edu/files/2014/05/Documentation_of_Disability_Form.doc)

### **Health Care Provider Release form:**

[http://eoc.unc.edu/files/2014/05/Health\\_Care\\_Provider\\_Release\\_Form1.doc](http://eoc.unc.edu/files/2014/05/Health_Care_Provider_Release_Form1.doc)

### **Policy Statement on Non-Discrimination**

<http://policies.unc.edu/files/2013/04/nondiscrim.pdf>

### **Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination:**

<http://policies.unc.edu/files/2013/04/PPDHRM.pdf>

### **Grievance Policies:**

<http://hr.unc.edu/employee-management-relations/spa-grievance-policy-resources/> (SPA)

<http://hr.unc.edu/policies-procedures-systems/epa-non-faculty-employee-policies/dispute-resolution-and-grievance/epa-non-faculty-grievance-policy-of-the-university-of-north-carolina-at-chapel-hill/> (EPA Non-Faculty)

<http://faccoun.unc.edu/faculty-code-and-policies/faculty-code/> (EPA)

### **Grievance Forms:**

<http://hr.unc.edu/form-finder/grievance-mediation-and-harassment-forms/>

*This policy is maintained by the Equal Opportunity and Compliance Office.*