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UNIVERSITY OF WEST GEORGIA

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Area Employment (Procedures)
Responsible Party Chief Human Resources Officer

Americans with Disabilities Act (ADA) Declaration and Reasonable Accommodations

Authority for Procedure granted by **UWG PL #4002 Non-Discrimination / Anti-Harassment**.

The University of West Georgia (UWG) acknowledges that Qualified employees or job applicants may ~~occasionally~~ require modifications or adjustments to their work environment, application process, or job responsibilities ~~or work environment~~ due to a ~~disability~~Disability as defined by the Americans with Disabilities Act (ADA). This procedure outlines the process ~~for~~by which Qualified individuals ~~to~~may request and obtain Reasonable Accommodations.

This procedure applies to all Qualified job applicants or employees, including faculty, staff, and student-employees. It ~~specifically~~ addresses requests for Reasonable Accommodations made by individuals with ~~disabilities~~Disabilities who require such accommodations to participate in the application process, ~~as defined and protected by the relevant laws~~perform the essential functions of their position, ~~who require Reasonable Accommodations during their application process or~~or enjoy equal employment ~~to fulfill essential job responsibilities~~opportunities and benefits. ~~Students requiring accommodations for academic matters should contact the~~ Office of Accessibility and Testing Services~~.~~

~~Individuals wishing to file a grievance alleging discrimination based on Disability status can refer to UWG PL 4002 Non-Discrimination & Anti-Harassment or contact the Office of Equal Opportunity and Title IX at titleix@westga.edu.~~

Students seeking accommodations related to academic programs, courses, or other student-related matters should contact the Office of Accessibility and Testing Services.

A. ADA Administration

1. Employee and Applicant Accommodations

The Office of Human Resources (OHR) serves as the University's Employee ADA Coordinator for employees and job applicants and administers requests for reasonable accommodations in

coordination with supervisors, the Office of Legal Affairs (OLA), and other appropriate University officials, as necessary.

Additional information regarding employee and applicant accommodations is available on the OHR Employee ADA Information webpage.

2. Student Accommodations

The Office of Accessibility and Testing Services serves as the University's Student ADA Coordinator for current and prospective students and administers accommodation requests in coordination with faculty, academic departments, the Office of Legal Affairs (OLA), and other appropriate University officials, as necessary.

Additional information regarding student accommodations is available on the Accessibility Services Accommodations webpage.

B. Applicant Accommodation Requests

Applicants invited for interviews may voluntarily disclose a Disability or need for accommodation through either the job application process in the OneUSG Careers portal or to the search committee or hiring authority. If the applicant discloses a Disability to the search committee or hiring authority, ~~they~~the applicant should be directed to contact the Office of Human Resources (OHR) for assistance. OHR will work closely with the applicant and the search committee or hiring authority to address accommodation requests received for Reasonable Accommodation.

An applicant for a position at the University who may require ~~an~~ accommodation(s) for Disability to participate in the application and/or interview process may contact ~~OHR~~the University's Employee ADA Coordinator at mbell@westga.edu.

1. The Interview Process

Applicants may be asked whether they can perform essential job functions with or without Reasonable Accommodation(s). Applicants should not be asked if they have a Disability and should not be asked other questions likely to elicit information about or closely related to a Disability.

If an applicant has a known Disability (either because it is visually obvious or because the applicant has voluntarily disclosed a Disability), and that known Disability is relevant to the job functions, they may be asked to describe or demonstrate how they would perform the job function(s), even if other applicants have not been asked to do the same.

2. Employment Decisions

Qualified applicants cannot be denied employment ~~solely~~based on the ~~basis of the~~ need ~~to provide~~for a Reasonable Accommodation(s) ~~to the applicant~~.

An applicant who received a formal job offer and needs ~~an~~ accommodation(s) should request the accommodation(s) by following the Employee Accommodation Requests process detailed below.

C. Employee Accommodation Requests

Individual employees are generally responsible for disclosing their Disability when seeking workplace or job modifications. However, in cases where a supervisor reasonably believes that an employee with a visible or reported Disability may require ~~an~~ accommodation(s), the supervisor may ask the employee if they ~~may ask the employee if they~~ need a Reasonable Accommodation.

To initiate the Reasonable Accommodation process under the ADA, follow these steps:

1. Complete the **Employee ADA Accommodation Request Form**, which will be automatically routed to OHR.
2. Upon receipt of the Accommodation Request Form, OHR will begin the interactive process ~~to include~~, including a review of the request within three business days and ~~schedule~~scheduling a meeting with the employee to further discuss their needs.
3. During the initial meeting with OHR, the employee should be prepared to provide additional information about their needs, the essential job functions affected, and the specific accommodation they request, such as
    i. If the Disability is not known or obvious, the employee may be provided with a Medical Request for ADA Accommodations Form to be completed by the employee's medical provider, accompanied by the employee's position description, as well as the Health Information Release Waiver.
    ii. If a temporary accommodation(s) is required during the pendency of the review process, the employee can request it at that time.
    iii. If additional medical information is not required (i.e., the Disability is known/ obvious), OHR may proceed with the request and schedule a meeting with the employee's supervisor.
4. The employee should submit any requested documentation within 15 calendar days. If unable to do so within the given timeframe, OHR will inform the employee that the accommodation process can only proceed once the information is received and reviewed.
5. Once OHR has received and reviewed all relevant documentation, a meeting between OHR and the employee's supervisor will be scheduled to review the job's essential functions and evaluate the reasonableness of the accommodation request based on the functional limitations of the Disability.
    i. OHR may determine that additional documentation from the healthcare provider is necessary based on the job's essential functions and promptly inform the employee of this requirement.
    ii. OHR may approve, modify, extend, or deny temporary accommodations pending completion of the interactive process and review of supporting documentation.
6. After OHR has received all requested documentation and facilitated meetings with the

employee and supervisor, OHR will communicate one of the following options in writing:

i. Approve the accommodation request by the employee;

ii. Offer an alternative accommodation; or

iii. Deny the accommodation request.

7. OHR will coordinate its implementation with the relevant parties if an accommodation is granted.

8. Approved accommodations may be reviewed periodically to ensure they remain effective, appropriate, and consistent with the employee's functional limitations and the operational needs of the University. If required, OHR will communicate to the employee the date upon which the accommodation must be re-certified.

D. Confidentiality

Medical information and supporting documentation submitted in connection with an accommodation request will be maintained separately from personnel records and will be disclosed only to individuals with a legitimate business need or as otherwise required by law.

E. Visitors to Campus Accommodation Requests

Reasonable Accommodations may be made available to members of the public ~~who attend~~attending events sponsored by the University. The sponsoring department is responsible for ~~accommodating the needs of~~coordinating and providing accommodations for visitors.

Visitors are encouraged to request accommodations as far in advance as possible and, when feasible, at least five business days before the event or visit to allow sufficient time for review and implementation. While the University will make reasonable efforts to fulfill accommodation requests regardless of when they are received, some accommodations may require additional time to arrange due to the nature of the request, availability of service providers, preparation requirements, or other logistical considerations.

Visitors to campus in need of accommodation should contact the sponsoring department with the following information:

- Name
- Date of Visit
- Location on Campus
- Nature of Visit
- Type of Accommodation(s) Requested
- Phone Number
- Email Address.

If a visitor anticipates needing a Reasonable Accommodation(s) for a University event ~~and cannot~~or has questions regarding accessibility, they should contact the ~~sponsoring department, they should contact the OHR at~~ ~~mbell@westga.edu~~Office of Title IX and Equal Opportunity at titleix@westga.edu for assistance.

F. Workplace Restrictions

Employees with workplace restrictions must provide medical documentation from their healthcare provider detailing the requested accommodation, describing the functional restriction(s) affecting their ability to perform essential job functions, and the underlying medical reasons.

Workplace restrictions must be reviewed and updated in situations where the initial medical documentation or accommodation request:

- indicates the possibility of changing medical conditions, limitations, or accommodation requirements,
- did not specify a duration for the need for accommodation, or the stated duration is approaching expiration, and it is evident or known that the employee still requires accommodation and/or
- when there is a change in the employer's capacity to accommodate, or the department is facing challenges in accommodating restrictions that have worsened or deviated significantly from the original restrictions submitted by the employee's healthcare provider.

If any employee has questions regarding workplace restrictions, contact ~~OHR~~the University's Employee ADA Coordinator at mbell@westga.edu.

1. Modified Duty

In some cases, temporary modifications of duties can be made for an employee that would allow them to return to work in a limited capacity, subject to their medical restrictions. Such temporary modifications are called “light duty, limited duty, or modified duty” assignments. This may include modification of essential or marginal functions of the job, limitation of working hours, changes in working conditions, or physical modification(s) of the workplace. If the department is unable to modify job tasks temporarily, an employee may be advised to remain off work until the employee’s next medical appointment or until the employee receives revised medical documentation verifying a change in work restrictions. The employee’s job functions and the department's operational needs will determine the ability to accommodate modified duty. Modified duty assignments are temporary, subject to operational needs, and are not guaranteed as permanent accommodation.

See UWG 5003 associated procedure, Family Educational Rights and Privacy Act (FERPA)

a. Temporary Restrictions

Temporary restrictions will be in effect for a specific timeframe. Typically, these will change as the employee receives medical treatment, and their condition improves.

b. Permanent Restrictions

Permanent restrictions are restrictions in effect for the duration of a person's working life or as long as an employee remains disabled. The health care provider assesses these restrictions after the employee has reached maximum medical improvement. Maximum medical improvement is when the physician believes the employee's condition(s) will not improve further.

G. Reassignment Procedures

When an employee cannot be Reasonably Accommodated in their current position, a reassignment to a vacant position may be considered, barring Undue Hardship and considering the University's business needs. Before transfer or reassignment to a vacancy, it must be determined that the employee is Qualified for the position and can perform the essential functions of the position, with or without Reasonable Accommodation(s). The University is not required to give employees with ~~disabilities~~Disabilities "preferential treatment" when considering reassignment as an accommodation. The University does not have to remove an employee from a job to create a vacancy, nor does it have to create a new position.

Reassignment will only be considered after it has been determined that:

1. There ~~are~~is no effective~~,~~ Reasonable ~~Accommodations~~Accommodation that ~~will enable~~allows the employee to perform the essential functions of their current position.
2. All other Reasonable Accommodations would impose an Undue Hardship on the department.

An employee must be "Qualified" for the new position. An employee is "Qualified" for a position if they:

1. Satisfy the requisite skill, experience, education, and other job-related requirements and
2. Can perform the essential functions of the new position, with or without Reasonable Accommodation(s).

The University is not obligated to assist the employee to become Qualified, such as providing training to the employee.

H. Accommodation Appeal Process

An employee may appeal the recommended ADA accommodation or denial by submitting ~~an~~ appeals ~~request~~ to the Office of Legal Affairs (OLA) within 10 business days of receiving the written accommodation decision. To properly process the appeal, the employee must provide the following information in an email to legal@westga.edu:

- Name
- Job Title
- Department
- Supervisor

- Date Accommodation was Granted or Denied
- Nature of Accommodation Requested
- Reason for Appeal
- Phone Number
- Email Address
- Additional Comments/Supporting Documentation

~~OHR~~OLA will review the accommodation appeal and evaluate all relevant documentation and information submitted in support of the request. ~~Upon gathering all proper documentation and information~~Once the review is complete, ~~OHR~~OLA will ~~decide regarding~~issue a decision on the appeal. ~~Should~~If the appeal ~~be~~is denied, the current ~~decision~~determination will remain in ~~place~~effect. ~~Should~~If the appeal ~~be~~is granted, the employee will re-engage in the ADA Process ~~for a new~~to identify and implement appropriate accommodation ~~to be implemented~~(s).

I. Retaliation

The University prohibits retaliation against any individual who requests a Reasonable Accommodation, participates in the accommodation process, supports another individual's accommodation request, or reports concerns related to Disability discrimination.

Individuals who wish to file a complaint or grievance alleging discrimination based on Disability may refer to UWG Policy 4002, *Non-Discrimination and Anti-Harassment*, or contact the Office of Title IX and Equal Opportunity at titleix@westga.edu.

J. Compliance

Employees, supervisors, and administrators must participate in the accommodation process in good faith and comply with approved accommodations. Failure to cooperate with the accommodation process or comply with approved accommodations may result in corrective action consistent with applicable University policy and law.

Definitions

Disability - as it relates to an individual: (A) A physical or mental impairment that substantially limits one or more major life activities of such individual (actual impairment); (2) a record of such an impairment (record of); or (3) being regarded as having such an impairment (regarded as).

Essential Functions - The fundamental duties of a position that an employee must be able to perform, with or without a reasonable accommodation.

Interactive Process - The collaborative process through which the applicant or employee, supervisor, and the University engage in discussions and exchange information to identify and evaluate effective accommodations.

Qualified - To be protected by the ADA, a person must not only be an individual with a disability but must

be qualified. For University employees, a qualified individual with a disability is a person who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position and who, with or without a reasonable accommodation, can perform the essential functions of a position. A qualified individual with a disability is a person who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids or services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the University.

Reasonable Accommodation - ~~any~~Any change or adjustment to a job or work environment that permits a Qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of a job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Undue Hardship - Significant difficulty or expense. Undue hardship focuses on the employer's resources and circumstances ~~of the particular employer in relationship~~in relation to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty but to reasonable accommodations that are unduly extensive, substantial, ~~or~~ disruptive, or those that would fundamentally alter the nature or operation of the business. Undue Hardship will be assessed on a case-by-case basis.

Forms

- **Employee ADA Accommodation Request Form** ~~- employee~~

The Office of Human Resources(OHR) may provide the following forms after an accommodation is requested if the disability is not obvious or known.

- Medical Provider Request for ADA Accommodations Form ~~- employee~~
- Health Information Release Waiver - employee

Guidelines/Related material

- ~~Americans with Disabilities Act (ADA)~~
- ~~UWG's Accessibility Notice webpage~~
- ~~Pregnant and Parenting Rights webpage~~
- ~~Equal Opportunity webpage~~
- ~~UWG PL 4002 Non-Discrimination/Anti-Harassment Policy and Associated Procedures~~

Additional information on reasonable accommodations

- For additional information, refer to UWG PL 4002 Non-Discrimination/Anti-Harassment Policy and Associated Procedures
    - To submit a complaint of harassment or discrimination, use the online UWG Complaint form.

- UWG: Accessibility Notice | UWG
- UWG: Equal Opportunity | UWG
- UWG: Pregnant and Parenting Rights | UWG
- USG: HR Administrative Practice Manual, 03.02 Americans with Disabilities Act
- ADA: Americans with Disabilities Act (ADA)
- EEOC: Titles I and V of the Americans with Disabilities Act of 1990 (ADA)
- EEOC: Types of Reasonable Accommodations Related to Job Performance

Appendices/ Other Resources

~~To submit a complaint of harassment or discrimination, use the online UWG Complaint form.~~

Contact Information:
For all general questions, contact the University ADA Coordinator in the Office of Title IX and Equal Opportunity at titleix@westga.edu.

For Employees and Applicants: **Office of Human Resources (OHR)** ***Michelle Crawford-Bell,*** *University's Employee ADA Coordinator* **Location:** Aycock Hall (1st floor) **Phone:** 678-839-2255 **Email:** mbell@westga.edu	***For Current or Prospective Students:*** **Office of Accessibility and Testing Services** **Location:** Education Center, Suite 229 **Phone:** (678) 839-2328 **Email:** accessibility-services@westga.edu

Approval Signatures

Step Description	Approver	Date