

DUKE UNIVERSITY/HEALTH SYSTEM
Americans with Disabilities Act
Title I
Staff Reasonable Accommodation Process

Purpose

The Reasonable Accommodation Process (RAP) is a consistent procedure to explore possible workplace accommodations for staff members who request them.

Definitions

Disability:

Under the ADA, a person is considered to have a disability if (1) he or she has a physical or mental impairment that substantially limits one or more major life activities such as, but not limited to, hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment.

Reasonable Accommodations:

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by staff without disabilities. For example, a reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials, or policies,
- providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

Qualified Person with a Disability:

A person who, *with or without reasonable accommodations*, is able to perform the essential functions of the position.

Scope of the Process

Following the guidelines established by Title I of the ADA it is not necessary to provide an accommodation if doing so would cause an **undue hardship**; e.g., unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the department or unit. Some temporary jobs become available on short notice and last only a brief period of time, during which certain tasks must be completed. In such cases, undue hardship may apply since the work assignment has to be filled on short notice and the accommodation cannot be provided quickly enough to enable a temporary employee to begin or complete the temporary work assignment in a timely manner. (*EEOC Enforcement Guidance: Application of the ADA to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms.*)

Title I also permits the University to require that an individual not pose a **direct threat** to the health or safety of the individual or others in the workplace. A “direct threat” means a significant risk of substantial harm. Determination that a staff member who has initiated the Reasonable Accommodation Process poses a direct threat is made through Employee Occupational Health and Wellness (EOHW) or other qualified personnel.

Additionally, **temporary**, non-chronic impairments of short duration, with little or no long term of permanent impact, are usually not disabilities. Such impairments may include, but are not limited to, broken limbs, sprained joints, concussions, appendicitis, and influenza.

The Process

The Reasonable Accommodation Process (RAP), following the guidelines established by Title I of the ADA, is a collaborative and interactive process between the staff member, the manager/supervisor/department head, the Program Director, Employment and Public Reasonable Accommodations, Employee Occupational Health and Wellness (EOHW), and other appropriate personnel.

When the staff member with an impairment requests an accommodation to assist in the performance of a job, the manager/supervisor/department head should do the following:

- (1) Provide the staff member with a copy of the Reasonable Accommodation Request Form. The staff member is then responsible for forwarding the Reasonable Accommodation Request Form to the Program Director, Employment and Public Reasonable Accommodations. (Any copies of the Reasonable Accommodation Request Form kept within the department should be maintained in a separate secure file, away from the personnel file.) and;
- (2) Consult with the Program Director, Employment and Public Reasonable Accommodations to determine the essential functions of the staff member's position.

Employee Occupational Health and Wellness (EOHW) may collect medical documentation from appropriate healthcare providers necessary to determine if the staff member meets the definitional requirements of a disability under ADA and, if so, to identify any functional limitations related to the job.

The Program Director, Employment and Public Reasonable Accommodations explores possible accommodations with appropriate resources which may include, but not be limited to the Job Accommodation Network.

Possible accommodations are reviewed with the manager/supervisor/department head before a final offer of reasonable accommodations is made to the

staff member.

If the staff member is dissatisfied with the reasonable accommodations offered, he/she may ask the Director, Disability Management System to reconsider the decision. If the staff member remains dissatisfied with the outcome of the reconsideration, he/she may appeal to the Vice President, Office for Institutional Equity.

Educational Programs

To assist departments in understanding the Reasonable Accommodations Process, the Office for Institutional Equity, Equity Institute offers educational programs. Please contact the Equity Institute at 919-681-6435 or visit www.duke.edu/web/equity for more information on these programs.

Whom to Contact

Questions/comments related to the Reasonable Accommodation Process should be referred to the Program Director, Employment and Public Reasonable Accommodations at 919-684-8247.

General questions, comments, concerns related to University access or compliance should be referred to the Director, Disability Management System at 919-684-8231.

<p>The University shall offer equal opportunity to its employees and applicants for employment without regard to race, color, religion, national origin, disability or veteran status, sexual orientation or preference, sex or age.</p>
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This information is available in alternative format upon request. Please call 919-684-8247.