



## **Kutztown University Policy DIV-002**

---

### **Reasonable Accommodations for Employees**

#### **A. Purpose:**

To provide managers, supervisors, and department chairs a procedure for responding to accommodations requested by applicants or those persons presently employed with a disability.

#### **B. Scope:**

Applicable to any person or situation in which a request for accommodation is made in an employment situation.

#### **C. Objective:**

To institute a process for assessing the reasonableness of an accommodation and a method of record keeping, and to raise awareness of the need to consider making accommodations in the situations where consideration is a requirement of the Americans with Disabilities Act of 1990 and its amendments. The Vice President of Equity and Compliance is responsible for enforcing this policy.

#### **D. Definition:**

Reasonable accommodations are steps the employer would be obligated to take if a person with a disability is able to perform the essential functions of the job with the accommodation. The accommodation is not required if it would cause an undue hardship to the University.

#### **E. Policy & Procedures:**

Kutztown University's policy is to take steps to comply with the provisions of the Americans with Disabilities Act by employing and advancing in employment qualified individuals with disabilities for any position for which they are qualified and for which reasonable accommodations can be made

for their employment without undue hardship.

Kutztown University prohibits any employment actions or decisions which could adversely impact upon or deny the benefits, compensation, terms, conditions, or privileges of employment to any qualified individual(s) solely by reason of that person's disability or the disabilities of any person who is related to or associated with an employee or applicant.

**"Person with Disability"** is defined as any individual who has a physical or mental impairment that substantially limits one or more of such person's major life activities, who has record of such impairment, or who is regarded as having such impairment.

Kutztown University reserves the right to require any applicant or employee claiming coverage or accommodations as a person with a disability to produce any necessary medical records or information documenting the condition, to permit a doctor selected by the University to discuss the person's condition with doctors, therapists or others familiar with the individual's condition, or to be examined by medical personnel selected by Kutztown University.

**"Qualified Individual with a Disability"** is defined as anyone who satisfies the requisite skill, experience, education and other job-related requirements of an employment position that such individual holds or desires, and who, with or without reasonable accommodations, can perform the essential functions of a position.

**"Essential Functions"** of a job are defined as the fundamental job duties of the position the individual with a disability holds or desires. The essential functions of a position are listed in each position's job description.

**"Reasonable Accommodations"** are defined as accommodations or modifications which will remove certain barriers for a qualified applicant or employee with a disability. The intent of all reasonable accommodations is to offer individuals with a disability equal employment opportunities and to give equal access to all privileges of employment.

All accommodation requests must be evaluated on a case-by-case basis to identify reasonable accommodations under the circumstances.

**"Undue Hardship"** means significant burden or expense upon the university or employer and is assessed in terms of the reasonableness or cost of any necessary workplace accommodation and the availability of alternative accommodations. Undue hardship must be determined on a case-by-case basis.

## **F. Guidelines:**

Kutztown University will not prohibit any person, regardless of physical or mental disabilities, from applying for any position within the University.

All reasonable accommodations will be provided to any individual with a disability to have access

to an application for a position and to complete the application process. **No employee is to prevent or hinder any applicant from applying for a position.** Kutztown University will provide reasonable accommodations upon request, with appropriate notice to the Director of Disability Services and Director of Human Resources during the application and hiring process.

Examinations and job-related medical examinations, tests and inquiries may be required at Kutztown University's expense.

This policy does not preclude Kutztown University from conditionally making job offers upon the successful completion of tests for alcohol or illegal drugs as prescribed by government regulations for certain job positions. Any necessary examinations to determine fitness for duty will be conducted without regard to disabilities or impairments. All information acquired as part of a medical examination is strictly confidential and is not part of an employee's personnel file.

### **Reasonable Accommodation**

Employees with disabilities or qualified applicants must initiate a request for reasonable accommodations through their manager, interviewer, Department Chair, or the Disability Services Office. Any and all requests for reasonable accommodations must be documented on the Reasonable Accommodation Request Form, which can be obtained from the Disability Services Office. All requests will be reviewed by the Director of Disability Services to determine whether the employee qualifies as a "Person with Disability" as defined in this Policy. Once it is determined an employee is a "Person with Disability," the request for reasonable accommodations will be referred to the Reasonable Accommodations Panel. The Panel will consist of at least two (2) employees from the Office of Social Equity and/or Human Resources. The Panel will contact the employee to engage in the interactive process. Once the interactive process is complete, the Panel will make a recommendation regarding the employee's request for reasonable accommodations to the Director of Human Resources. The Director of Human Resources will decide whether to grant or deny any request for reasonable accommodations.

### **Record Keeping**

All Reasonable Accommodation Request Forms and related documentation will be kept on file by the Director of Disability Services for a period of at least seven (7) years from the date the Reasonable Accommodation Request Form was submitted. All documentation regarding appeals and other documentation resulting from this policy will be kept on record for seven (7) years.

### **Appeal Procedures**

Any employee or applicant with a disability may file an appeal regarding a perceived wrongful denial of a request for reasonable accommodations with the Vice President of Equity and Compliance. The appeal must set forth in writing the basis and rationale for the appeal. The Vice President of Equity and Compliance will review the Panel's file and the written appeal and make a recommendation to the President regarding the outcome of the appeal. All final appeal resolution decisions will be made by the President and/or his designee. All appeals received will be promptly acknowledged, and the decision will be communicated to the employee and appropriate offices on campus by the Office of Social Equity. The decision of the President is final.

**G. Last Reviewed:**

Fall 2007

August 2010

August 2011

August 2012

July 2013

July 2014

July 2016

July 2017

July 2024