

## EMPLOYMENT ACCOMMODATION POLICY

### I. STATEMENT OF POLICY

Consistent with the obligations of the University of Illinois at Chicago (UIC) under applicable state and federal laws, UIC is responsible for providing reasonable accommodations to qualified applicants, candidates, and employees with covered disabilities. UIC will give notice to all applicants, candidates, and employees of their responsibilities and the procedures to be followed in processing accommodation requests. Individuals with disabilities are responsible for requesting accommodations. Departments are responsible for following the established procedures to evaluate and process accommodation requests. In this policy, UIC broadens the scope of considering accommodation requests to include requests based on Medical Conditions that may not meet the definitions of “disability” or “handicap” under the laws mentioned in this paragraph. Requests based on medical conditions not qualifying as disabilities or handicaps under the laws may be granted or denied at the discretion of UIC. By considering a request or granting a requested accommodation under this policy, UIC is not considering or regarding the employee as having a disability as defined by the Americans with Disabilities Act, or a handicap as defined by the Illinois Human Rights Act.

### II. RESPONSIBILITIES

The University of Illinois at Chicago has the responsibility to give notice to all applicants and employees of their right to request accommodations, the procedures to do so, and their right of appeal. UIC also has the responsibility to make reasonable accommodations to the physical or mental limitations which are a result of an individual's **known** disability. UIC has no obligation to accommodate disabilities of which it is unaware or disabilities/handicaps not covered by federal or state law.

In accordance with the applicable laws, if applicants or employees need an accommodation to participate in the application process or to perform the functions of a job, it is their responsibility to inform UIC that an accommodation is needed.

The following procedures are to be used by UIC administrators, supervisors, employees, or applicants to fulfill these responsibilities.

### III. EMPLOYMENT APPLICANTS/CANDIDATES

#### A. NOTICE

1. All applicants who submit applications or take civil service exams, and all candidates who are invited to interview for a specific job, will be given notice of the University's policy of nondiscrimination against persons with disabilities and

the procedures available for requesting a reasonable accommodation in the application or interview process. This notice will be provided in the following manner:

- a. An ADA poster;
- b. A statement on the application, in letters, and, on written referrals that are used as part of the interview scheduling process;
- c. Information given as part of the conversation if interview arrangements are made by telephone/TTY.
- d. All candidates who receive a job offer should be informed in writing of the procedures for an employee to request an employment accommodation, whether UIC is aware of a medical condition or not.

## **B. ACCOMMODATION REQUEST PROCEDURES**

1. The Department of Human Resources will designate a responsible person(s) to accept requests for accommodations from applicants/candidates.
2. The designated person(s) will receive requests for accommodations in the application process either by telephone or in writing and communicate this information to the appropriate individuals involved in the application process.
3. Decisions on accommodation requests must be made in a timely fashion so as not to interfere with the applicants' ability to compete equally for vacant positions.

## **C. APPEAL PROCEDURES**

1. Applicants who are not current employees of UIC do not have access to formal, internal UIC grievance procedures. Informal complaints may be made to Office for Access and Equity (OAE) 809 S. Marshfield Ave, Room 717, Chicago, Illinois 60612, 312.996.8670.
2. Non-employee applicants have the option of following the usual discrimination complaint procedure with the Illinois Department of Human Rights or the Equal Employment Opportunity Commission.
3. Employees who are applicants for another position may use the appropriate existing grievance procedures.
4. Students who are applicants for employment shall use the UIC Office of the Ombudsperson of Student Affairs to assist in appealing a decision.

## **IV. EMPLOYEES**

### **A. NOTICE**

Employees will be regularly informed of their right to request reasonable accommodations, the procedures to do so, and how to appeal denials of such requests by the following methods:

1. At employee orientation sessions conducted either by the employing unit or individually by supervisors.
2. At the time of hire, by information sheet included in the hire packet. A copy of the information sheet with the employee's signature acknowledging its receipt, will be retained in the employee's personnel record.
3. On the NESSIE website for UIC employees.
4. Periodically, in UIC News.
5. On administrative surveys or questionnaires inviting employees to self-identify as persons with disabilities.
6. In the faculty/staff and student employment handbooks.

### **B. ACCOMMODATION REQUEST PROCEDURES**

1. An employee may request an accommodation from:
  - a. the immediate supervisor,
  - b. the supervisor's superior,
  - c. the employing unit's Dean/Director/Department Head/Chair,
  - d. the Department of Human Resources, or
  - e. Office for Access and Equity (OAE).

The form is available on-line at:

[http://oae.uic.edu/docs/reasonableAccommodationMedicalConditionForm\\_OAE.pdf](http://oae.uic.edu/docs/reasonableAccommodationMedicalConditionForm_OAE.pdf)

2. UIC encourages employees to request accommodations at the lowest authority level according to their preference.
3. The employee must request an accommodation in writing using the Accommodation Request Form. Questions regarding verbal requests should be directed to OAE.
4. The Accommodation Request Form is available at the Department of Human Resources, Office for Access and Equity, and University Health Services.

5. If the employee chooses to request an accommodation **within his/her unit**, the following procedures apply:
- a. The supervisor, his/her superior, or the employing unit head (the unit representative) receiving the accommodation request should consult with University Health Services and OAE prior to making a Preliminary Decision to honor or deny the request. University Health Service will assist in assessing whether or not a medical condition exists. OAE will assist in determining if accommodations are required by law or discretionary. Also, if a department is required by law to provide an accommodation or decides to do so on a voluntary/discretionary basis, OAE will assist in determining what a “reasonable accommodation” is under the facts presented by the request. However, the decision will be made at the department level.
  - b. If the unit representative makes a Preliminary Decision to honor the request for an accommodation, he or she informs OAE within two weeks of the decision using the Accommodation Request Form. This form is to be completed and signed by the unit representative, the requesting employee, and OAE. At this point, the decision becomes a Final Decision.
  - c. If making a Preliminary Decision to deny a request for an accommodation, the unit representative shall forward the accommodation request and relevant materials to OAE for review and consultation. Relevant materials shall include, minimally, the documents instrumental in the denial of the request.
  - d. If the accommodation request does involve unusual issues or expenses, OAE may assist the employing unit in any of, but not limited to, the following ways:
    - i. Meet with the employee and supervisor to obtain additional information concerning the request.
    - ii. Consult with the supervisor and appropriate departmental, division, or campus personnel staff to determine the essential functions of the job.
    - iii. Provide information as to the availability of funding for an accommodation.
    - iv. Consult with the safety office, assistive technology unit, or other specialists, including members of Chancellor’s Committee on the Status of Persons with Disabilities where appropriate.

- v. With employee's written permission, consult with any medical professional, rehabilitation specialist, or assistive technologist who may be working with the individual.
    - vi. Consult with University Health Services to ensure appropriate verification of the medical condition and accommodation needs.
  - e. After the denial has been reviewed, the employing unit will inform the employee of the Final Decision within two weeks of its preliminary denial or within a reasonable time that is mutually agreed upon by the employee and unit. This notification will be made through the Accommodation Request Form.
  - f. A decision that an accommodation is an undue burden to the campus may only be made by the Chancellor or his/her designee. The Chancellor has designated the Director of Budgeting and Program Analysis to make determinations of undue financial burden, and the Associate Chancellor for Access and Equity to make determinations of undue administrative burden. In both cases a written justification of undue burden must be made and maintained in the Office for Access and Equity.
- 6. If the request for an accommodation is made directly to the Department of Human Resources, University Health Services, or OAE, the office contacted will ensure that the employee has completed the Accommodation Request Form. A representative from the office will then contact the employing unit and inform it of the request. The representative will forward to the employing unit only the information needed to determine how reasonable the accommodation is and how to implement it. Steps 5-a through 5-e above then apply.
- 7. When a final decision is made regarding the request for an accommodation, the employee will be informed of the right of appeal.
- 8. The Accommodation Request Form will be kept in a secure file separate from the employee's personnel file. Access to the information will be limited to individuals who have a need to know about the accommodation.

## **C. APPEAL PROCEDURES**

- 1. The following guidance procedures govern the appeals process for UIC employees:
  - a. The Academic Grievance Procedures detail campus procedures available to faculty, academic professional, and student employees.
  - b. The Non-academic Grievance Procedures detail University

procedures available to non-academic, civil service employees not otherwise covered by a union contract.

2. Any employee may file formal allegations, termed a “Request for further action” with OAE.
3. Student employees should contact the Office of the Ombudsperson for assistance in appealing an adverse Final Decision regarding a request for reasonable accommodation in employment.

## **VI. GUIDELINES FOR PROCESSING REQUESTS FOR ACCOMMODATIONS**

### **A. VERIFICATION OF MEDICAL CONDITION**

1. Employees may be asked to provide documentation of their Medical Condition. Some situations where documentation may not be necessary include, but are not limited to, instances where:
  - a. the employee is a current or former UIC student who received service from University Health Services;
  - b. the employee has an observable Medical Condition;
  - c. the request expands upon existing accommodations or previously provided accommodations for which documentation was provided.
2. When an employee is requested to provide verification of a Medical Condition, the employee should be directed to provide the medical information to University Health Services or OAE. University Health Service and OAE will work jointly to determine the medical validity of the documentation.
3. An employee must bear the initial cost of verification of the Medical Condition. If UIC requests additional verification of the Medical Condition or the Medical Condition's impact on job requirements, UIC will bear the cost.
4. All medical information will be kept confidential in the same secure file as the Accommodation Request Form, separate from the employee's personnel file, and with access to the information limited to individuals who have a need to know.

### **B. ASSESSMENT OF REASONABLE ACCOMMODATIONS**

1. The following factors should be used to determine the reasonableness of the accommodation requested:
  - a. Is the employee otherwise qualified to perform the essential job functions?
  - b. Whether the accommodation would accomplish the desired result (i.e., allowing the individual to effectively perform the essential functions of the job)?
  - c. Whether the accommodation would be unduly disruptive to the workplace so that business cannot be conducted?
  - d. Does the accommodation raise safety concerns?

2. As a general rule, the employing unit will purchase equipment only if it is determined that the use of the equipment is necessary in transaction of the official business. The equipment may not be of a personal nature (eyeglasses, hearing aids, etc.) which the employee can be reasonably expected to provide.
3. The employee or applicant will always be the primary person consulted when determining the most appropriate accommodation. Employees will be given the opportunity to provide, or arrange for, their own accommodation; (i.e., using volunteer drivers or readers, providing their own adaptive equipment, etc.). While the procedures in these policies and guidelines must be followed in order for documentation to be maintained, they should not be interpreted rigidly. The process of determining an effective, reasonable accommodation for employees should be an interactive one, involving input and feedback from the employee, as well as the supervisor.
4. If an employee of UIC acquires a Medical Condition and the University is unable to make reasonable accommodations which allow the individual to continue his or her current position, the University will explore possibilities for placement in other positions within the institution. Any movement to another position will be considered in accordance with applicable University and campus rules.

**C. MODIFICATIONS OF REQUEST AND ACCOMMODATIONS NOT BASED ON MEDICAL CONDITION.**

1. While appropriate deference will be given to the employee's or applicant's requested accommodation, the accommodation originally requested by the employee or applicant may be modified or altered to provide an effective, reasonable accommodation. Any modifications will be noted on the accommodation request form.
2. It may also be decided that an accommodation will be granted not because UIC is obligated under the law, nor because the requesting employee has a Medical Condition, but for other sound reason(s).

## APPENDIX

### APPLICABLE LAWS/DEFINITIONS

- A. The Americans with Disabilities Act (ADA) - federal law prohibiting discrimination against individuals with disabilities in employment, public service, public accommodations, transportation, and telecommunications.
- B. The Rehabilitation Act federal law prohibiting discrimination on the “basis of handicap” by federal contractors and recipients of federal grants.
- C. The Illinois Human Rights Act - state law prohibiting discrimination against individuals on the basis of physical or mental handicap.
- D. Definitions
  - 1. Medical Condition/Person with a Medical Condition - a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.
  - 2. Reasonable Accommodation - may include making existing facilities used by employees readily accessible and useable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other accommodations for individuals with disabilities.
  - 3. Major Life Activity - means such things as walking, talking, seeing, hearing, breathing, caring for oneself, learning, working, doing manual tasks, and participating in community activities.
  - 4. Qualified Individual with a Medical Condition - an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
  - 5. Essential Function - those functions that the individual who holds the position must be able to perform unaided or with the assistance of reasonable accommodation.
  - 6. Auxiliary Aids and Services - includes qualified interpreters or other effective methods of making aurally delivered material available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment and devices; and other

similar services and actions.

7. Applicant - person who makes application or takes a civil service exam for employment at UIC.
8. Candidate - an applicant invited by UIC to interview for a particular position.
9. Preliminary Decision - the decision made by the unit representative to honor or deny a request for reasonable accommodation after receipt of the Accommodation Request Form.
10. Final Decision - occurs when a preliminary decision is accepted by signature by the requesting employee and OAE, or after OAE review of a preliminary decision to deny request.

For the form: Employee Request for Reasonable Accommodation Based on Medical Condition, see:

[http://oae.uic.edu/docs/reasonableAccomodationMedicalConditionForm\\_OAE.pdf](http://oae.uic.edu/docs/reasonableAccomodationMedicalConditionForm_OAE.pdf)