

Americans with Disabilities Act (ADA)

Procedures to Request an Accommodation under the ADA

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment. It is the policy of the University of Arkansas at Little Rock to provide equal access and opportunity to qualified persons with disabilities in compliance with Section 503 and 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act (ADA) of 1990; and the ADA Amendments Act (ADAAA) of 2008. UALR prohibits discrimination based on disability in all aspects of the application process and employment relationship.

An employee may request a reasonable accommodation by following the ADA process outlined below. To be entitled to receive accommodations, the employee must be a *qualified individual with a disability* under the ADA (see definitions section).

ADA Process

An employee informs his or her supervisor in verbal or written form that the employee has a disability and a need for some adjustment or change to perform the essential job functions. The supervisor refers the employee to the Department of Human Resources to discuss reasonable accommodations.

Requesting an Accommodation

If the employee meets the definition of a *qualified individual with a disability* as defined under the ADA, the employee may be required to submit the following documents to the Department of Human Resources:

- 1) **ADA Accommodation Request Form** – This form requires specific information, such as, the accommodation requested, a description of the job duties, barrier, facility or program requiring the accommodation, and a description of how it limits the employee's ability to participate in a program or perform employment tasks.
- 2) **Medical Certification Letter** – A medical certification letter completed by the employee's physician may be required in order to process the accommodation request. If the medical certification letter is required, it must outline the employee's disability, recommended accommodation, and length of time the employee will need the accommodation. The employee should provide their doctor with a copy of a current job description to assist in the completion of the medical assessment.

Interactive Process

Once the employee submits the required medical documentation to the Department of Human Resources, the ADA Coordinator and the employee will discuss the essential job functions and the employee's specific abilities and limitations. The ADA Coordinator would consult relevant guidelines and regulations to determine whether the employee's accommodation request meets the requisite criteria under ADA.

Final resolution of the request is reached through an interactive process in which the employee, department supervisor, and the ADA Coordinator participate. The ADA Coordinator will contact the department supervisor to discuss the accommodation request. The department supervisor accepts the accommodations requested by the employee and/or suggests alternate accommodations and submits them to the ADA Coordinator for review.

Implementation

The employee and department supervisor sign the ADA Accommodation Request Form and return it to the Department of Human Resources and the accommodation is implemented.

If the Employee does not meet the definition of Qualified Individual with a Disability under the ADA, then the accommodations are not necessary and alternate referrals are provided. Referrals may include family and medical leave, disability plans, worker's compensation, employee assistance program, etc.

Definitions

An *individual with a disability* is defined as one having a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Qualified individual with a disability – A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodation - A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. An accommodation is *reasonable* if it does not cause undue hardship to the employer.

Undue hardship – An undue hardship is established when the requested accommodation is significantly difficult considering the employer's overall financial posture or when implementing the requested accommodation would be too disruptive administratively or operationally. Undue hardship is determined on a case-by-case basis.

Essential job functions – Essential job functions refer to fundamental job duties of the employment position the individual with a disability holds or wishes to hold; the term does not include marginal functions of the position.

Substantially limits – Substantially limits in the context of employment means that the individual is restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities.

Major Bodily Functions – Major bodily functions 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.

Major life activities - 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.

For questions, contact the Department of Human Resources at 501.569.3180.



UNIVERSITY OF ARKANSAS AT LITTLE ROCK
Americans with Disabilities Act (ADA)
ADA Accommodation Request Form

Date of Request: [] T# []
Name of Employee Requesting Accommodation: []
Mailing Address: []
Phone Number: []
Job Title: [] Department: []
Name of Department Head/Supervisor: []

Type of Accommodation Requested – Please specify the accommodation you are requesting, e.g., assistive equipment, facility modifications, flexible schedule, etc.

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Reason for the Request – Please describe the job duties, barrier, facility or program requiring the accommodation. Describe how it limits your ability to participate in a program or to perform employment tasks.

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Signature

Employee Date

NOTE TO UNIVERSITY MANAGER AND SUPERVISORS: To ensure that all requests for reasonable accommodations are given full consideration, managers may not deny an accommodation without further review by university officials charged with ensuring compliance with the Americans with Disabilities Act.

To be completed by the Department Head/Supervisors:

- Concurrence with the accommodation(s) requested by the employee
Department suggestions for accommodations, please explain:

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Final Resolution of the employee’s request for accommodations by the employee and the University.

I accept the accommodations(s) identified above and offered to me by the university and agree that they are accommodations that I feel will assist me in performing the essential functions of my job.

Signatures

Employee Department Head

A Note on Confidentiality: Disability-related documents must be kept confidential. Departments or individuals should not keep any copies of such documentation within department or offices.