WORKPLACE ACCOMMODATION
PROCEDURES

The Accommodations policy is the document that establishes that the University will not discriminate on the basis of disability. This companion document sets forth KU’s procedures to follow when an employee makes a request for a workplace accommodation due to a disability or health condition.

A. Requesting Workplace Accommodations:

An employee that discloses their disability or health condition and requests accommodation or assistance or mentions that he or she is not able to meet his or her job requirements because of a disability or health condition should be referred by their supervisor to the Human Resources Management Help Desk. If possible, the supervisor and/or employee should independently advise the Director of the ADA Resource Center for Equity and Accessibility of the request. The ADA Resource Center for Equity and Accessibility can be reached at accommodations@ku.edu.

Employees who are aware that their disability or health condition is affecting performance or compliance with conduct standards should talk with their supervisor and/or make contact with the ADA Resource Center for Equity and Accessibility.

The process for requesting an accommodation in the workplace can be initiated by an employee contacting the Help Desk at Human Resource Management (HRM). The Help Desk can be reached at hrdept@ku.edu or 785-864-4946. Employees do not need to disclose the disability or nature of an accommodation request during this initial contact with the Help Desk.

B. Recognizing a Workplace Accommodation Request:

A request for an accommodation is any communication in which an employee asks or states that he or she needs KU to change when, where or how work is done due to a disability or a health condition. A request does not have to include any special words, such as “reasonable accommodation,” “disability,” or “ADA.” A family member, health professional, or other representative may trigger the request process for an accommodation on behalf of a KU employee. If the initial information for a request comes from anyone other than the employee (e.g., a concerned co-worker, relative, doctor’s note), a staff member from the ADA Resource Center for Equity and Accessibility will contact the employee to find out if the employee wishes to request an accommodation. If the nature of the initial request for accommodation is unclear, the supervisor, manager, or HRM representative should speak with the ADA Resource Center for Equity and Accessibility about the interaction and to explain their concerns relative to the employee’s request.

C. Accommodation Request Documentation:
After reviewing KU’s Disability Workplace Accommodation Procedures, the employee should fill out the Request for Workplace Accommodation form. An HRM representative will direct the employee to the accommodation forms on the website, or email the employee the correct forms to use and will provide a position description if needed. Once the Request for Workplace Accommodation form is received by HRM, the accommodation request process will officially begin. An HRM representative will let the employee know if it is necessary to have a healthcare provider fill out the Workplace Accommodation Medical Form. Unless the employee’s disability is readily apparent, it will be necessary to provide documentation of the disability and the relationship to the requested accommodation.

D. The Interactive Process:

The accommodation interactive process will be handled on a case-by-case basis. The ADA Resource Center for Equity and Accessibility representative will facilitate communication between the employee and the employee’s supervisor as it pertains to the accommodation request. As part of that interactive process, staff from the ADA Resource Center for Equity and Accessibility may consult with an employee’s supervisor and Unit Chair/Director to gather relevant information necessary to respond to a request and assess whether a particular requested accommodation will be reasonable and effective. No accommodation related to job performance will be provided without first discussing the situation with the employee’s supervisor.

After a request for an accommodation has been made, the next step is for the parties to discuss what, if any, accommodation should be provided. This interactive communication will include:

- A precise description of the issue;
- How the employee’s disability and/or health condition affects their ability to perform the essential job duties;
- How the requested accommodations will assist the employee in the performance of their essential job duties; and
- Alternative accommodations that may be effective in meeting the employee’s needs.

If medical documentation is necessary, the employee should provide the Workplace Accommodation Medical Form and the employee’s position description to his/her healthcare provider. The employee should ask the provider to email, mail, or fax the Workplace Accommodation Medical Form to the ADA Resource Center for Equity and Accessibility. The employee must complete Part A of the Reasonable Accommodation Medical Form. The fax number is on the bottom of the medical form. The employee may wish to make an appointment to discuss the accommodation request with his/her/their healthcare provider. An appointment is not required by KU. This form should be returned within 10 working days after it is requested by HRM.

Employee will be responsible to obtain medical documentation. Failure to provide necessary medical documentation may prevent a requested accommodation from being processed and/or provided.

Upon receipt of the medical documentation, the Director of the ADA Resource Center for Equity and Accessibility, in consultation with the HR Director, will determine if a job analysis should be conducted. The job analysis will entail an assessment of the essential functions of the employee’s position relative to any physical restrictions outlined in the medical documentation. The job analysis will provide a recommendation regarding whether the essential functions of the employee’s position, given any documented physical restrictions, can be performed with or without a reasonable accommodation. The job analysis will be conducted on an “as needed” basis.

E. Confidentiality:
All information pertaining to the employee’s accommodation request will be shared only on a need to know basis during the interactive accommodation process. HRM representatives may share certain information with an employee’s supervisor or other University official(s) as necessary to make appropriate determinations on an accommodation request.

In addition to disclosures of information needed to process a request for an accommodation, other disclosures of medical information and/or disability are permitted only as follows:

• supervisors and managers are entitled to any information that is necessary to implement restrictions on the duties or work of the employee or to provide a reasonable accommodation;
• first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or assistance during an evacuation; and
• government officials may be given information necessary to investigate the agency’s compliance with the Rehabilitation Act or the Americans with Disabilities Act.

Supervisors who maintain Workplace Accommodation forms and related correspondence or meeting notes must keep these documents in a file separate from departmental personnel folders. All accommodation information should be appropriately secured and treated as confidential. This separation is required by federal law. Supervisors also must not discuss an employee’s disability or accommodation with the employee’s co-workers.

F. Time Frame for Processing Requests and Providing Reasonable Accommodations:

The intent is that all accommodation requests (including implementing an approved reasonable accommodation) will be processed as quickly as feasible. As a general rule, the interactive process for accommodations will begin upon receipt of the Request for Workplace Accommodation form. The employee should provide the required medical documentation within 10 business days from notification of it being required to the ADA Resource Center for Equity and Accessibility. Upon receipt of the medical documentation, the ADA Resource Center for Equity and Accessibility will complete its consultations with employees and/or supervisors within 30 business days. The ADA Resource Center for Equity and Accessibility will strive to complete the process for requests, from initiation to completion, within 45 business days. Complicated requests may take additional time.

G. Workplace Accommodation Implementation:

When a reasonable accommodation for an employee has been approved, both the employee and the supervisor will be notified. If the approved accommodation requires purchasing equipment or modifying the employee workspace, the cost of implementing the accommodation is the responsibility of the employee’s department. If the implementation cost is outside the constraints of the department’s budget, the department can ask for relief. Relief requests will initially go to the department head’s supervisor. The final appeal authority for relief of a reasonable accommodation implementation cost is the Vice Provost for Administration and Finance. An example of a cost relief chain is: Facilities Support requests relief to the Associate Vice Provost for Campus Operations who, in turn, can request relief to the Vice Provost for Administration and Finance.

H. Accommodation Follow-up:

Once an accommodation has been approved, a representative from the ADA Resource Center for Equity and Accessibility may schedule a review of the accommodation with the requesting employee and/or the employee’s supervisor to discuss implementation of the accommodation and its effectiveness. Such reviews should occur periodically to ensure ongoing effectiveness – and continuing need – of the accommodations. Either the employee or supervisor may request such a review at any time.
I. Dispute Resolution:

After the resolution of a reasonable accommodation request by the ADA Resource Center for Equity and Accessibility, employees may appeal the decision to the Vice Provost for Administration and Finance. An individual must submit the appeal within **10 business days** of receiving the Workplace Accommodation Determination.

The Vice Provost for Administration and Finance will respond to the appeal within **20 business days** of receipt of the appeal. The Vice Provost for Administration and Finance’s decision on the appeal will constitute final agency action and there will be no further appeal within the University.

Nothing in these procedures should be construed to impede or prohibit a timely filing of a discrimination complaint with the appropriate external government agency (e.g., Kansas ADA Coordinator, Kansas Human Rights Commission, U.S. Equal Employment Opportunity Commission). This procedure also does not prohibit a timely filing of an internal discrimination complaint, unrelated to a request for an accommodation, through the Office of Institutional Opportunity and Access discrimination complaint resolution procedure.

If you have questions about the reasonable accommodation dispute resolution process at KU or about the ADA, contact the HRM Help Desk at hrdept@ku.edu or 785-864-4946.

J. The Timeline

To help keep track of the accommodation process, employees are encouraged to track the below steps, which can serve as a roadmap:

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<tr>
<th>Date</th>
<th>Action Item:</th>
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<tbody>
<tr>
<td>_______</td>
<td>Review the University workplace accommodation policy and procedures.</td>
</tr>
<tr>
<td>_______</td>
<td>Make your request(s) known to your supervisor OR contact HRM help desk to initiate the formal accommodation procedure.</td>
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<tr>
<td>_______</td>
<td>Once you receive the Formal Request for Workplace Accommodation forms, visit the <em>Job Accommodation Network</em> website, and utilize this resource to assist you in completing your documentation. Complete the Formal Request for Workplace Accommodation form and return it to the ADA Resource Center for Equity and Accessibility.</td>
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<tr>
<td>_______</td>
<td>If medical documentation is required, ensure your healthcare provider provides the Medical form to the ADA Resource Center for Equity and Accessibility</td>
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<tr>
<td>_______</td>
<td>Engage in the interactive process with supervisor and a representative from the ADA Resource Center for Equity and Accessibility to discuss what accommodations can be provided that are appropriate for the employee and the Unit.</td>
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