

## Personnel Policy Manual

### << **Appendix B: Policy on Accommodations for Employees with Disabilities** >>

Johns Hopkins Medicine is committed to providing equal employment opportunities for all employees, including those with disabilities. Consistent with its obligations under Section 504 of Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Americans with Disabilities Amendments Act of 2008, the University provides reasonable workplace accommodations to qualified employees with disabilities.

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. Reasonable accommodation may include but is not limited to: making facilities accessible, adjusting work schedules, telework, restructuring jobs, the reallocation or redistribution of non-essential, marginal job functions, providing assistive devices or equipment, and modifying work sites.

This policy addresses who is eligible to receive accommodations, the process by which employees or learners can request accommodations, and the expectations of supervisors and managers in engaging in the interactive process to determine what accommodations are appropriate.

#### **I. Eligibility/Definitions**

All qualified employees with disabilities, including regular, full-time, part-time, temporary, casual or limited employees, are eligible to request workplace accommodations. An employee is considered to have a disability under this policy if he or she has a

- "Actual Disability": a physical or mental impairment that substantially limits one or more major life activities of the individual
- "Record of": a record of such an impairment
- "Regarded as": being regarded as having such an impairment, which means that the individual has been subjected to an action prohibited by the ADA as amended because of an actual or perceived impairment that is not both "transitory and minor"

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. They also include the operation of major bodily functions.

An employee is considered qualified if he or she has the requisite skills, experience and education to perform the job, and is able to perform the essential functions of the job with or without accommodation.

#### **II. The Interactive Process**

The interactive process of determining what accommodations are reasonable and appropriate for an employee with a disability is done on a case-by-case basis and involves the employee, the supervisor/manager, Human Resources, the Office of Institutional Equity (OIE), and, as needed, Occupational Health Services (OHS), MySupport and the Department of Health, Safety and the Environment (HSE).

##### **A. Making a Request**

Employees can request an accommodation at any time during the application process or while employed. An employee can request an accommodation even if it was not requested when applying for a job or after receiving a

job offer. In general, a request for an accommodation should be made when it is clear that due to a disability, there is a workplace barrier that is preventing the employee, from competing for a job, performing a job, or gaining equal access to a benefit of employment

To initiate the process, the employee should submit an Accommodation Request Form to OIE. If an employee makes a request for accommodation to someone other than OIE staff, such as a supervisor, manager or Human Resources professional, these individuals should refer the employee to the Director, ADA Compliance in the Office of Institutional Equity and make sure to document all of the communications.

#### B. Documentation Requirements

Once an accommodation request has been received, OIE will gather the necessary information to process the request. Necessary information may include documentation (inc. nature, severity, duration and impact to the essential functions of the job) of the functional limitations of the disability and need for reasonable accommodation. In some cases, the employee's disability and need for accommodation are obvious and no additional information is needed. For example, if an employee who recently started using a wheelchair indicates that he needs a ramp to get into the workplace, the disability and need for accommodation are obvious. This step will likely also include a conversation with the employee and OIE.

#### C. The Interactive Process

After receiving sufficient documentation and speaking with the employee, OIE will contact the supervisor/manager and the appropriate Human Resources representative to explore whether the requested accommodation is reasonable. In some cases, an employer may feel that an accommodation would cause an undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including: (i) the nature and cost of the accommodation needed; (ii) the overall financial resources of the facility making the reasonable accommodation; the number of persons employed at this facility; the effect on expenses and resources of the facility; (iii) the type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer; (iv) the impact of the accommodation on the operation of the facility.

In the event that the requested accommodation is found to be unreasonable, the parties are expected to work together to determine what, if any, alternative accommodations may meet the employee's needs or if reassignment needs to be considered. After the parties have agreed on what accommodations are reasonable, OIE will provide an Accommodation Agreement Form for the parties to sign that documents the approved accommodations.

Both the employee and the supervisor/manager may request a review of the accommodations at any time. An employee's receipt or denial of an accommodation does not prevent him or her from making another request at a later date if his or her needs change. Similarly, supervisors and managers may request a review of the approved accommodations if they believe that the business needs of the department currently make them unreasonable. The parties may contact the Director, ADA Compliance in the Office of Institutional Equity to arrange a review of the accommodations.

### **III. Accommodation Requests in the Pre-Hire Process**

People with disabilities applying for positions at the University may request any accommodations they require to have an equal opportunity to participate in the pre-hire process. Applicants who require an accommodation should

contact the appropriate divisional office as noted on the job posting to make their request. Supervisors, Managers and Human Resources staff may contact the Office of Institutional Equity if they are unsure whether or not an accommodation requested during the pre-hire process is reasonable or if they require resources on how to fulfill the applicant's request.

#### **IV. Appeal Process**

If an employee makes a request that he or she believes is reasonable and it is denied, or if an employee's approved accommodations are not implemented, the employee, may contact the Office of Institutional Equity to file a complaint.

#### **V. Contact**

Questions regarding this policy should be referred to the Director, ADA Compliance in the Office of Institutional Equity at (410) 516-8075 or [oidisability@jhu.edu](mailto:oidisability@jhu.edu). More information is available at: <http://accessibility.jhu.edu/>