

Guidelines for Disability Accommodations

The Americans with Disabilities Act and the New Jersey Law Against Discrimination prohibit discrimination on the basis of disability. In this regard, the university provides reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship.

The Office of Employment Equity is responsible for overseeing and coordinating requests for accommodation received from staff employees with disabilities. These Guidelines are established for the use of staff employees when making a request for accommodation. Laxmi Vazirani, Disabilities Specialist in the Office of Employment Equity, can address questions regarding the Guidelines. Ms. Vazirani can be reached at 848-932-3974.

Employees Requesting Accommodations

1. Inform your supervisor or the Disabilities Specialist in the Office of Employment Equity of the need for a reasonable accommodation¹ based on a disability. The request may be made by you or a family member in person, via phone, email or fax. In addition, a request may be made by submitting a completed Accommodation Request Form².
2. Upon request, submit a completed Medical Inquiry Form³ to your supervisor or to the Disabilities Specialist.
3. Engage in the interactive process⁴ with your supervisor and the Disabilities Specialist to determine whether a reasonable accommodation would be effective.
4. Contact your supervisor or the Disabilities Specialist once an accommodation is made if:
 - a. the approved accommodation is not effective;
 - b. a modification to the existing accommodation is necessary; or
 - c. the approved accommodation needs to be extended beyond the current “end date.”A request to extend the duration of an accommodation must be made at least two weeks prior to the expiration of a current accommodation.
5. If you feel medical leave may be an appropriate option, review Family Medical Leave Act (FMLA)⁵ options with your supervisor and/or unit designee.

¹ **Reasonable accommodation** – Any change in the work environment that enables an individual with a disability to enjoy equal employment opportunities. For additional information on reasonable accommodations, please visit: <http://www.eeoc.gov/policy/docs/accommodation.html>.

² **Accommodation Request Form** – Available on the UHR website at <http://uhr.rutgers.edu/GetAForm.htm>.

³ **Medical Inquiry Form** – Available on the UHR website at <http://uhr.rutgers.edu/GetAForm.htm>.

⁴ **Interactive process** – The employer and the individual with a disability should engage in an informal process to clarify what the individual needs and identify the appropriate reasonable accommodation. The employer may ask the individual relevant questions that will enable it to make an informed decision about the request. This includes asking what type of reasonable accommodation is needed.

6. Inform the Disabilities Specialist of the need for a reasonable accommodation, if appropriate, when you are transferring to another unit within the university.

Supervisors

1. Be aware that a request for accommodation based on a disability may be made by an employee or a family member in person, via phone, email or fax. Alternately, an employee may submit a completed Accommodation Request Form to the Disabilities Specialist, who will then contact you.
2. Contact the Disabilities Specialist when:
 - a. an employee requests an accommodation based on disability;
 - b. an employee notifies you, upon return to work, of a medical restriction which has been identified by Occupational Health or a health care provider following a work related injury, a medical absence, FMLA leave or if they receive such a restriction while on active status; or
 - c. an employee informs you that she or he cannot perform certain job duties due to health reasons.
3. Do NOT contact the health care provider directly. If you think that additional information from the health care provider is necessary, contact the Disabilities Specialist.
4. Before contacting the Disabilities Specialist, please ascertain the employee's view on the accommodations that would allow her or him to perform the essential functions⁶ of her or his position.
5. Contact Occupational Health if a case involves a serious medical condition in a safety sensitive or a physically strenuous position, after any serious injury, a recent hospitalization, or a work related injury.
6. Notify your unit designee/HR liaison⁷ of a request for accommodation from an employee.
7. Inform the employee that she or he may contact the Disabilities Specialist directly to review possible accommodation options.
8. Identify the essential functions of the employee's position and provide her or him with a copy of the same.

⁵ **Family Medical Leave Act (FMLA)** – FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Additional information is available at: <http://policies.rutgers.edu/PDF/Section60/60.3.8-current.pdf>.

⁶ **Essential Functions** – A function of a position is considered essential if:

- the position exists to perform the function;
- there are a limited number of employees available who could perform the function;
- the function is highly specialized.

⁷ **Unit designee/HR liaison** – Individual who handles the human resources paperwork for your unit.

9. Engage in the interactive process with the employee and the Disabilities Specialist to determine how the employee's disability limits her or his performance of the essential functions and to identify a reasonable accommodation that would allow the employee to perform the essential functions of the job. Consider:
 - a. the employee's preference and opinion as to what works best for her or him; and
 - b. whether this or other accommodations can be reasonably met. The Disabilities Specialist can assist you with this determination.
10. If you believe that you cannot reasonably accommodate an employee:
 - a. first consult with the Disabilities Specialist to refer the employee to the appropriate human resources unit⁸ so that they may assist the employee with identifying a vacant position within the university, in the same or lower pay grade/range, for which the employee is qualified; and
 - b. if after consultation with Disabilities Specialist, it is determined that a transfer is not possible and you are considering termination, contact (**prior** to sending letter of termination):
 - i. the Office of Labor Relations (OLR) for unionized employees; or
 - ii. the appropriate human resources unit for all other employees.
11. If you approve the accommodation request:
 - a. inform the employee, in writing, of the approval;
 - b. specify the duration of the approval;
 - c. copy unit designee/HR liaison and the Disabilities Specialist;
 - d. copy OLR if the employee is subject to a collective bargaining agreement;
 - e. implement the accommodation; and
 - f. remind the employee to provide an updated note from the health care provider to Occupational Health or the Disabilities Specialist at least two weeks prior to the expiration of the approved accommodation, if an extension of the current accommodation will be requested.
 - g. do not suspend a medical restriction if the employee fails to supply a medical update. Instead, schedule an appointment for the employee with Occupational Health to determine whether restrictions must remain in force or can be safely removed.
12. Contact the Disabilities Specialist:
 - a. before sending out any notification of denial of accommodation;
 - b. when the approved accommodation is not effective;
 - c. when a modification to the existing accommodation is necessary; or

⁸ **Human resources units**

On the New Brunswick campus – Consulting and Staffing (UHR)
On the Newark campus – Associate Director for Human Resources
On the Camden campus – Manager, Human Resources

- d. when an employee requests to extend the current accommodation beyond the expiration of an approved accommodation.
13. Review FMLA options with employee or refer to unit designee/HR liaison, if appropriate.
14. Ensure that medical information is kept confidential as a separate medical file in a locked cabinet, apart from personnel files, with a specific person or persons designated to have access to it.
15. If you receive inquiries from co-workers, maintain confidentiality. You **may not** discuss these matters with other employees in the unit. Only those who need to know should receive information regarding the accommodation, and they should only receive information that they need to know.

Disabilities Specialist

1. Provide consultative services to staff, supervisors, and administrators regarding accommodations.
2. Obtain required documents from employees.
3. Engage in the interactive process with supervisor and employee to determine how the employee's disability limits performance of the essential functions, and assist with identifying a reasonable accommodation that would allow the employee to perform the essential functions of the position.
4. Identify resources and coordinate identification and provision of work-related assistive devices and/or auxiliary aids needed as an accommodation.
5. Coordinate with supervisor and other offices (e.g., Occupational Health, University Counsel, REHS, OLR and appropriate human resources unit), if needed.
6. When appropriate, inform employee, in writing, of the approval or denial of the requested accommodation (copy the supervisor, unit designee, OLR and appropriate human resources unit). If approved, specify the duration of the approval.
7. Maintain confidentiality (i.e., only those who need to know should receive information regarding the accommodation, and, they should only receive information that they need to know).
8. Maintain record of accommodation requests.
9. When appropriate, contact health care provider.

Occupational Health

1. Inform the supervisor and the Disabilities Specialist when an employee requires either permanent or temporary medical restrictions which suggest the possible need for ADA or NJLAD accommodations. Specify the nature and duration of the restriction(s).
2. Inform the employee that she or he may contact the Disabilities Specialist directly for assistance in requesting an accommodation.

3. Coordinate with the supervisor and other offices (e.g., Disabilities Specialist, University Counsel, REHS, OLR and appropriate human resources unit), as needed.

Unit Designee/HR Liaison

1. Contact the employee's supervisor upon receipt of medical documentation indicating work restrictions that apply to an employee following a work related injury, medical absence, FMLA leave, or if they receive such restrictions while on active status.
2. If an extension of the current accommodation will be requested, remind the employee to provide an updated note from the health care provider to the Disabilities Specialist or Occupational Health at least two weeks prior to the expiration of the approved accommodation.

Human Resources Staff

1. When brought to your attention that an employee has returned to work with restrictions following a medical leave, remind the supervisor and employee to contact the Disabilities Specialist.
2. When referred by the Disabilities Specialist, assist the employee by identifying a vacant position, in the same or lower pay grade/range, for which she or he is qualified.
3. When a vacant position is identified, refer employee to the hiring department for consideration.

Contact:

Laxmi Vazirani, Disabilities Specialist
Office of Employment Equity
University Human Resources
Rutgers, The State University of New Jersey
57 US Highway 1, New Brunswick, NJ 08901-8554
(848) 932 3974
(732) 932 0049 (fax)
laxmi.vazirani@rutgers.edu
oe@hr.rutgers.edu