

UADA Policy 405.8 Division of Agriculture Disability Policy

Purpose

It is the policy of the University of Arkansas System Division of Agriculture, as authorized by Section 503, 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act of 1990; and the ADA Amendments Act (ADAAA) of 2008 shall protect individuals with disabilities from discrimination and provide reasonable accommodations. The Division prohibits discrimination based on disability in all services, programs and activities, aspects of the application process and employment relationship. The Division will make good faith efforts to provide reasonable accommodations to applicants, employees, visitors, and participants in programs and services. The Division prohibits discrimination in employment against individuals with disabilities who, with or without reasonable accommodation can perform essential functions of the job. The Division endeavors to make reasonable accommodations for the functional limitations of applicants, employees, and visitors with disabilities, and disabled veterans pursuant to applicable federal and state laws.

Scope

This policy applies to all applicants seeking employment with the Division, Division employees, visitors to locations owned by the Division and others participating in Division programs or services. This policy and procedures related to disability accommodations for applicants seeking employment, employees, and visitors to Division locations, and others participating in Division programs or services, are coordinated by the Division's Office of Program and Employment Compliance. Contact information:

Office of Program and Employment Compliance
Attn: ADA Coordinator
2301 South University Avenue
Little Rock, AR 72204
University of Arkansas System
Division of Agriculture

(501) 671-2015 (office)
compliance@uada.edu

Definitions

1. **Applicant**: Any individual pursuing employment with the Division by submitting appropriate application materials for a specific, vacant position.
2. **Disability**: For purposes of considering accommodations, a disability is defined as a physical or mental impairment that substantially limits one or more major life activities.
3. **Direct Threat**: A significant risk to the health or safety of the individual with disability or others when this risk cannot be eliminated by a Reasonable Accommodation. An employee must be able to perform the essential functions of a position, with or without accommodations, without posing a direct threat.
4. **Essential Job Functions**: Job activities that are determined by the employer to be essential or core to performing the job. A function may be essential because, for example, the position exists to perform the function; there are a limited number of employees available who could perform the function; and/or the function is highly specialized, and the incumbent is hired for special expertise or ability to perform it.
5. **Event Accommodation**: An adjustment, auxiliary aid or service that provides a person with a disability equal access to an event, lecture, meeting, program, service and/or facility. Accommodations can include but are not limited to interpreters, captionist, written materials in alternate format, listening devices and physically accessible locations.
6. **Interactive Process**: Collaboration and communication between the employer (Division officials) and employee to explore discuss and determine the appropriate reasonable accommodation(s), if any. The employer and employee are expected to engage in the interactive process in a “good faith” manner.
7. **Major life Activities**: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working; major bodily functions and functions of the organs.
8. **Qualified Individual with a Disability**: An individual who possesses the requisite skills, education, experience and training for a position, and who can, with or without reasonable accommodation, perform the essential functions of the position the individual desires or holds.
9. **Physical or Mental Impairment**: Any disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological,

musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine; or, any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.

10. **Reasonable Accommodation:** A modification, exception or a change to how things are customarily done in a position, practice, policy or the work environment that enables a qualified person with a disability an opportunity to be considered for a position, perform the essential functions of a position, or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated applicants or employees without disabilities. The Divisions obligation under the ADA is to provide a *reasonable* accommodation for a disability, not necessarily, the individual’s preferred accommodation.

Examples may include, but are not limited to: job restricting, part-time or modified work schedules, providing qualified readers or interpreters, acquiring or modifying equipment or devices, assisting a current employee to seek a vacant position for which the individual is qualified, and other similar accommodations. These are examples, but the type of accommodation is based upon the facts of each individual, on a case-by-case basis.

11. **Undue Hardship:** An action requiring significant difficulty or expense when considered in light of a number of factors, such as the nature and cost of the accommodation needed; the effect or impact of the accommodation upon the unit or department and its operation; the Division’s size, financial resources, and the nature of its structure or operation. Undue hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position. Undue hardship is determined on a case-by-case basis.

Policy

Accommodation Request Process:

A. Employees

1. **Requests:** An employee seeking a reasonable accommodation for a disability should submit an Accommodation Request Form and Medical Inquiry Form to the ADA Coordinator or the Deputy ADA Coordinator. The accommodation request will not be processed without the completed Accommodation Request Form. The Medical Inquiry Form will be required, unless the disability/impairment is obvious, and the request corresponds with the disability. The employee must submit the Medical Inquiry Form to their licensed physician or healthcare provider for completion, then submit all forms to the ADA Coordinator or Deputy ADA Coordinator in the Office of Program and Employment Compliance.

If an employee notifies a supervisor of a need for a reasonable accommodation for a disability, the supervisor should inform the employee that the Division has established procedures for determining reasonable accommodations on a case-by-case basis and refer the employee to the ADA Coordinator or the Deputy ADA Coordinator. Questions regarding an employee's medical condition should be left to the Divisions ADA Coordinator.

2. **Disability Assessment:** The ADA Coordinator will determine whether the employee has a disability by evaluating the individual medical information received from the Medical Inquiry Form as necessary to make that determination. The ADA Coordinator or ADA Deputy Coordinator will contact the medical provider if additional information is needed to determine if the individual has a disability defined by the ADA or to assist in determining an effective reasonable accommodation.
3. **Interactive Process:** The ADA or Deputy ADA Coordinator will facilitate the interactive process with the employee, the appropriate supervisor(s), and other Division officials as appropriate.
4. **Documentation:** At the conclusion of the interactive process, the ADA or Deputy ADA Coordinator will be sure that the process is documented. The ADA or Deputy ADA Coordinator will work with the employee's supervisor and the employee regarding the implementation of any reasonable accommodation. If not approved because it would constitute an undue hardship, the ADA or Deputy ADA Coordinator will document the basis for that determination in consultation with the supervisor. The supervisor is required to provide a statement regarding why undue hardship to the ADA Coordinator.
5. **Evaluation:** The ADA or Deputy ADA Coordinator should evaluate the approved accommodation within three months of approval to assess the effectiveness or need to make an adjustment to the accommodation.
6. **Reassignment:** In the event that an employee is not able to perform the essential functions of their job, even with a reasonable accommodation or because any accommodation would result in undue hardship, Human Resources and the ADA Coordinator may identify vacant positions that the employee is qualified, with or without a reasonable accommodation. This will be determined on a case-by-case basis. Any search for a vacant position will not exceed thirty calendar days.
7. **Time Periods:** An employee may request a reasonable accommodation at any time during their employment with the Division. The Division will make every reasonable effort to ensure that the request for a reasonable accommodation is processed in a timely manner.

B. Participants in Divisions Programs and Services: To request a reasonable accommodation based on disability if an individual is participating a Division program or activity, the participant should contact the appropriate department, county office, or station. The host/organizer should the ADA or Deputy ADA Coordinator in the Office of Inclusion, Access, and Compliance to assist in providing a reasonable accommodation. Visitors or Participants can submit an Accommodation Request Form to the ADA or Deputy ADA Coordinator.

C. Job Applicants with Disabilities: Applicants with disabilities seeking accommodations or needing assistance with the initial application process should contact the Human Resources Department at 501-671-2219 or email humanresources@uada.edu. If a hiring manager or search committee is informed that a candidate needs a reasonable accommodation during the interview process notify the Office of Program and Employment Compliance to assist in providing a reasonable accommodation.

Language Barriers: The Division is committed to providing meaningful access to programs and services. Please notify the ADA or Deputy ADA Coordinator if materials need to be translated, need sign language interpreters, or need other type of interpreter(s) for a service or program. If possible, when requesting services, allow two weeks for the ADA or Deputy ADA Coordinator to acquire or provide the service requested. Alternative means of communication is available to individuals with disabilities and those with Limited English Proficiency. A disclaimer stating English is the official and authoritative language will be placed on all translated material and interpretative services.

Confidentiality: Medical information obtained in connection with a request for reasonable accommodation shall be maintained by the ADA Coordinator or Deputy ADA Coordinator in files separate from the individual's personnel file. Such information is restricted to a need-to-know basis. The ADA Coordinator and Deputy ADA Coordinator may share certain information with an employee's supervisor or other Division official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Employees receiving such information in connection with the reasonable accommodation process must keep the information confidential. Employees are not required nor encouraged to disclose medical information or information about an impairment(s) to their supervisors.

Records: Primary documentation pertaining to the reasonable accommodation request for applicants seeking employment, employees, visitors, and others participating in services and programs will be kept in the Office of Program and Employment Compliance.

Administrative Review: An employee or participant in a program or activity may request an administrative review by the Assistant Vice President and Chief Human Resources Officer. The administrative review may be based only on one or more of the following reasons:

- A. If the decision is contradictory to Division policy or applicable law; or
- B. The interactive process did not substantially comply with the guidelines in this policy.

The request for review must be submitted with ten (10) business days after the employee or participant receives the official written decision notice. The Assistant Vice President shall communicate his or her decision in writing and that decision is final and not subject to further appeal.

Complaint: Any applicant, employee, visitor, or participant who believes that they have been discriminated against, harassed on the basis of a disability, or retaliated against due to an accommodation request should contact the Office of Program and Employment Compliance.

Retaliation: The Division prohibits any form of retaliation against persons who have an actual or perceived disability or to an employee who has requested or received an accommodation.

Voluntary Self-Identification: Any Division employees who have a disability or have a disability that requires an accommodation are encouraged to indicate their disability status by utilizing the Voluntary Self-Identification process by filing out the form found on the Office of Program and Compliance Website.