

ADA Accommodation Process

*...The University Community
A Welcoming Environment*

February 25, 2008

ADA Responsibility

- ADA responsibilities are distributed across the University to support and facilitate ADA accommodations
 - ADA Coordinator - University Risk and Compliance: 845-1323
 - ADA Compliance Committee
 - – cross divisional representation
 - Students – Disability Services: 845-1637
 - Faculty – Dean of Faculties: 845-4274
 - Staff – Employee Services: 862-3331

ADA Requirements

- Texas A&M University provides a welcoming environment to individuals with disabilities.
- Title I of the ADA requires the University to provide reasonable accommodation to qualified individuals with ADA disabilities who are employees or applicants for employment.
- Title II requires the University to provide accommodations for individuals with ADA disabilities who attend an event sponsored by the University.

ADA Definitions

- Reasonable accommodation
 - Not specifically defined in statute
 - In general - modifications or adjustments to facilitate:
 - Job application process
 - Work environment, or circumstances under which a position is normally performed
 - Required only for ADA disabilities

- Qualified individuals
 - Individuals who, with or without accommodation, can perform the essential functions of the position
 - Individuals with disabilities defined by statute as ADA covered disabilities

ADA Definitions

(continued)

- ADA disability
 - A physical or mental impairment that substantially limits one or more major life activities, for example:
 - Walking
 - Seeing
 - Hearing
 - Speaking
 - Breathing
 - Learning
 - Performing manual task
 - Caring for oneself
 - Working, etc.

Accommodation Request

- Unless the disability is obvious, an individual is responsible for informing the employer that an accommodation is needed
- Requests for accommodations do not have to be made in writing
- Requests are usually initiated with an individual's supervisor

Interactive Process

- Upon notification of a disability, an interactive process is promptly initiated
 - Determine if there is an ADA disability
 - (Documentation about the disability may be required from physician or licensed professional)
 - An effective accommodation is selected based on an individual's needs to perform the job (not necessarily an individual's wants)
 - Determine accommodation on a case-by-case basis
 - Similar disabilities may be accommodated differently due to job requirements, the individual's specific limitations, other circumstances
 - If agreement on a reasonable accommodation is not reached, the matter can be escalated
 - Faculty may address matters to the Dean of Faculties

What is Reasonable

- A Modification or adjustment that:
 - Effectively meets the needs of individual
 - Seems reasonable on its face, i.e. ordinary
 - Appears feasible or plausible
 - In context of job performance
 - Enables individual to perform essential functions of a position
 - Enables employee to enjoy benefits and privileges of employment that employees without disabilities enjoy
 - Does not create undue hardship on employer

Reasonable Accommodation Examples

- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules
- Acquiring or modifying equipment
- Changing tests, training materials, procedures
- Providing qualified readers or sign language interpreters
- Reassignment to a vacant position
- Use of leave

Leave as an Accommodation

- Accrued leave (sick leave, vacation leave) is taken first, then sick leave pool may be available
- FMLA leave may be used if appropriate and may run concurrently with vacation and/or sick leave
- Leave of absence without pay may be allowed if the leave is necessitated by the employee's disability
 - If an individual cannot return to work in the same job capacity, reassignment may be made to a different position
 - If an individual is unable to return to the work environment after a reasonable time, they may no longer qualify under the ADA
 - Employer does not have to grant indefinite leave

Examples of Accommodations

- Accommodations for faculty
 - Hiring of new faculty with disability
 - Relocation of office space to another building
 - Relocation to quieter work area (not private office)
 - Paratransit services
 - Disabling blinds in classroom
 - Airline travel
- Accommodations for others that impact faculty
 - Accessible seating in class rooms for students with disabilities
 - Rescheduling of classes (more accessible room)
 - Moving a class to another room or building
 - Braille signage
 - Continuing education - sign language interpreter

Formal Guidance

- System Regulation 33.02.02: Compliance with the Employment Provisions of the ADA
- TAMU Rule 33.02.02.M1: Reinstatement of Faculty Member on Sick Leave or Leave Without Pay Related to a Disability
- See the University Rules website <http://rules-saps.tamu.edu/>

ADA Website

Americans with Disabilities Act

Menu

[Report an ADA Issue](#)
[ADA Compliance Contacts](#)
[ADA Quick Reference](#)
[ADA Links](#)

Visit the ADA Website at <http://compliance.tamu.edu/ADAMenu.aspx>

ADA Accommodations

For questions, please contact:

- Charley Clark cbc@tamu.edu, 845-1323
- Annette Wallis a-wallis@tamu.edu, 862-7737
- Clay Simmons clay@tamu.edu, 862-1624