



THE UNIVERSITY OF TEXAS AT EL PASO

ADA ACCOMMODATIONS





EQUAL OPPORTUNITY OFFICE

ADA ACCOMMODATIONS

The University of Texas at El Paso (UTEP) is committed to providing reasonable accommodations to students, employees, applicants for employment or admission, and other beneficiaries with documented disabilities, to provide them with equal opportunities to participate in UTEP programs, services, and activities in compliance with section 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disability Act (ADA) of 1990, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Individuals with permanent or long-term medical conditions who need assistance to perform their essential job functions or perform academically may seek an ADA accommodation. A qualified person with a disability will be considered for reasonable accommodation unless it is determined that doing so would cause an undue hardship on the University.

Employees may request a workplace ADA accommodation by contacting the Equal Opportunity Office (EOO) at 915-747-5662 or visit www.utep.edu/eoaa.

Students may request an ADA accommodation for the academic setting by contacting the Center for Accommodations and Support Services (CASS) at 915-747-5148 or visit www.sa.utep.edu/cass.

WHAT IS ADA AND ADAAA?

The Americans with Disabilities Act of 1990 (ADA)

The purpose of the law is to make sure that individuals with disabilities have the same rights and opportunities as everyone else. It was the nation's first comprehensive civil rights law that addressed the needs of individuals with disabilities, and prohibited discrimination in employment, public services, public accommodations and telecommunications. The ADA is viewed as an "equal opportunity" law for individuals with disabilities.

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

The law made a number of significant changes to the definition of "disability" under the Americans with Disabilities Act (ADA). The goal was to make it easier for an individual seeking protection under the ADA to establish that he/she has a disability within the meaning of the ADA.

IMPORTANT DEFINITIONS

"Individual with a disability" is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

"Qualified individual" with a disability is defined as an individual who possesses the requisite skills, education, experience, knowledge, and other job requirements, and who can, with or without reasonable accommodations, perform the essential functions of the job.

"Essential job functions" are a position's fundamental duties. A person cannot perform the job without them.

“Substantial limitation” is defined as an impairment that prevents the performance of a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the average person in the general population.

“Accommodation” is defined as a reasonable modification or adjustment to the job application process or the work environment that enables a qualified person with a disability to perform the essential functions of that job.

“Undue hardship” shall conform to definitions provided by the courts, ADA and ADAAA. In determining whether an accommodation would impose an undue hardship, factors to be considered include, but are not limited to, the nature and cost of the accommodation, financial considerations, the impact of the accommodation upon the nature and operation of the department, and how the request affects the health and safety of other employees or students.

IMPAIRMENTS COVERED UNDER ADA

A physical impairment is any medical disorder, condition, disfigurement or loss affecting one of the body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine.

A mental impairment is any mental or psychological disorder, such as intellectual disability, formerly mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

HOW DOES ADA DEFINE MAJOR LIFE ACTIVITIES?

The ADA defines major life activities as those the average person in the general population can perform with little or no difficulty. They are :

- the ability to see, hear, eat, sleep, walk, stand, sit, reach, lift, bend, speak, breathe, learn, read, work, think, concentrate, communicate, care for oneself, perform manual tasks, and interact with others.

EXAMPLES OF SOME MEDICAL CONDITIONS CONSIDERED AS DISABILITIES

- HIV infection, multiple sclerosis, muscular dystrophy, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, schizophrenia, diabetes, cancer, epilepsy, autism, and cerebral palsy.

EXAMPLES OF ADA REASONABLE ACCOMMODATIONS

- Modified work schedules
- Rearrangement of office furniture
- Obtaining or modifying office equipment/devices
- Purchases of equipment, office furniture and/or other work-related items
- Making facilities readily accessible
- Breaks during work hours
- Reassignment of workspace location
- Service animals in the workplace

*** If an ADA reasonable accommodation is associated with an incurred cost they are to be funded by the respective department. However, if a building modification is needed, it will be reviewed by Facilities Services.**

DISCLOSURE

A disclosure is when an employee informs UTEP that they have a medical condition that may be covered under ADA and the medical condition impacts their work performance. The disclosure can be made through the ADA interactive accommodation process. The employee will be asked these questions.

- What is your medical condition?
- How does that medical condition affect your capacity to learn and/or perform the essential functions of the job effectively?
- What specific work-related duties are impacted by the medical condition?
- What reasonable accommodation(s) are being requested to enable the employee to perform the essential functions of the job?

*** It is important to focus on what you need to perform the essential job duties of your job when requesting an ADA accommodation. Employees are not required to disclose their medical condition directly to their supervisor, but this information should be disclosed to the EOO.**

The employee's disability self-disclosure should be used only for the purpose of determining an accommodation. UTEP does not discriminate on the basis of sex, age, race, color, religion, disability, national origin, sexual orientation, gender identity, genetic information or veteran status.

ADVANTAGES OF DISCLOSURE

- To receive reasonable accommodation(s)
- Support modifications
- Develops self-advocacy skills

- Reduces stress and increases comfort level
- Pursue available benefits

UTEP ADA INTERACTIVE ACCOMMODATION PROCESS

The EOO will engage in an interactive process with the employee and will review the employee's needs in relationship to the essential functions of the position. Each ADA request will be evaluated on a case-by-case basis. The process consists of:

- The EOO meets with the UTEP employee to discuss the ADA interactive accommodation process. **It is the** employee's responsibility to request the ADA reasonable accommodation.
- The employee submits the Employee Accommodation Request Form, which is available on the EOO website under Disability Resources or in the EOO.
- The EOO provides the UTEP employee with a questionnaire for their healthcare provider.
- Upon receipt of the healthcare provider questionnaire, the EOO will assess the ADA request.
- If the employee has a medical condition that is covered under the ADA, the EOO, under the direction of the ADA coordinator, will work with the employee and supervisor to identify reasonable accommodation(s) that will enable the employee to continue performing the essential functions of the job.
- An ADA Determination Letter will be issued to the employee and supervisor upon acknowledgement and acceptance of the identified ADA accommodation(s) by the employee.
- The ADA Determination Letter will indicate an end date for the identified accommodation(s) in order to continue the interactive process with the employee and his/her healthcare provider.
- If the accommodation(s) needs to continue beyond the

end date, the employee will be asked to go through the ADA interactive accommodation process to re-evaluate for continuation/modification of the accommodation(s).

CONFIDENTIALITY

Any records or information obtained as part of the accommodation process will remain separate from the employee's personnel file and will be kept confidential in the EOO. Such records shall be shared with only those University employees who have a need to know in order to implement the accommodation request, and shall not be released except as required by law.

OTHER UTEP BENEFITS

Family and Medical Leave Act (FMLA) of 1993

The University provides up to 12 weeks of unpaid family medical leave to eligible employees. FMLA can be taken continuously or intermittently during the approved period. Please contact UTEP's Office of Human Resources at 915-747-5202 or visit www.utep.edu/hr for more information regarding this benefit.

UTEP's Employee Assistance and Work/Life Program (EAP)

The University offers this program to all UTEP employees. It offers a free, confidential benefit offering short-term counseling, resources and referrals for the employee and their dependents. To obtain more information about Deer Oaks EAP services, contact them directly at 866-327-2400 or visit www.utepeap.com.

Counseling and Psychological Services (CAPS)

Services are free for currently enrolled UTEP students. Counseling information and services are confidential. For more information, please contact 915-747-5302 or visit www.utep.edu/counsel.

Policy Information

The full text of the University's policy can be found in the Handbook of Operating Procedures (<http://admin.utep.edu/Default.aspx?alias=admin.utep.edu/hoop>)

Section VI, Chapter O2:

Accommodations for Individuals with Disabilities



EQUAL OPPORTUNITY OFFICE

Kelly Hall, Room 302

914-747-5662

TTY 915-747-5213

Fax 915-747-6308

E-mail: eoaa@utep.edu

www.utep.edu/eoaa