

## NONDISCRIMINATION ON THE BASIS OF DISABILITY

---

### SUMMARY

Wake Forest University (WFU) is committed to the fair and equal employment of individuals with disabilities. It is the policy of WFU to reasonably accommodate qualified individuals with disabilities when accommodation is necessary to allow an individual to compete for a job, perform the essential functions of a job, and/or enjoy equal benefits and privileges of employment, unless the accommodation would impose an undue hardship. This policy applies to WFU employees and applicants for employment. All definitions and applications of this policy will be interpreted to be consistent with the employment provisions of the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendments Act of 2008 (ADAA).

### DEFINITIONS:

**Disability** is a physical or mental impairment that substantially limits the individual in one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

**Substantially Limited** refers to the degree to which an impairment affects the life of the individual. Generally, this means that the impairment significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity compared to a non-disabled person.

**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. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Qualified Individual** is an individual who meets all education, experience, and other criteria required to perform the essential functions of a job.

**Reasonable Accommodation** is a modification or adjustment to a job, employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy equal employment opportunity. Examples of accommodations include providing assistive equipment or devices, modifying training or work materials, making facilities accessible, modifying work schedules, and altering marginal job functions.

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

---

**Undue Hardship** is an action that is unduly costly, extensive, or disruptive, or would fundamentally alter the nature or operation of WFU, or would pose an imminent threat of harm to the disabled employee or other persons.

### **PRACTICE:**

#### **REQUESTS FOR REASONABLE ACCOMMODATION**

Under this policy, a request for reasonable accommodation has been made when:

1. An employee requests an accommodation. The employee need not use the term accommodation or request a specific accommodation but may merely indicate to a supervisor or manager that a medical condition is interfering with the performance of the employee's job duties.
2. The need for accommodation is obvious to a supervisor or manager.
3. A supervisor or manager has knowledge that an employee has a medical condition and that the employee's job performance is unsatisfactory or declining.
4. An employee exhausts the job-protected leave-of-absence entitlement under the Family and Medical Leave Act and remains unable to perform the essential functions of her or his job due to a continuing medical condition.
5. An employee reaches a point in recovery from a workplace injury where it is determined that the employee will not be able to perform the essential functions of the job without an accommodation due to a permanent or long-term impairment resulting from the injury.

#### **MANAGEMENT RESPONSE TO REQUESTS FOR REASONABLE ACCOMMODATION**

When a request for reasonable accommodation has been made, the employee's supervisor, manager, or case manager will promptly inform an appropriate Human Resources representative.

A Human Resources representative will engage department management and the employee in an interactive process to determine if the employee's medical condition is a disability; identify the specific job-related limitation created by the condition; and identify potential accommodations that may effectively allow the employee to perform the essential functions of the job.

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

---

### **MEDICAL INQUIRIES AND EXAMINATIONS**

1. When necessary to support a request for reasonable accommodation, WFU may request documentation of the employee's medical condition and the functional limitations created by the condition.
2. Any medical documentation will be collected on a form specifically designated for the purpose and will be maintained separately from all other employment records in a secure manner. The ADAA Request for Accommodation Form can be found at:  
<http://hr.wfu.edu/files/2011/10/ADAA-Request-for-Accommodation-Form.pdf>
3. Information about an employee's medical condition will be disclosed only on a need to know basis and will be maintained confidentially in so far as it does not interfere with WFU's legal obligations.

### **IMPLEMENTING ACCOMMODATIONS**

1. When it is determined that an employee has a disability and that an accommodation is necessary to allow the employee to perform the essential function of the job, WFU will select and implement the accommodation that is the most appropriate for both the individual and WFU.
2. An employee's preference for a specific accommodation will be given consideration but WFU is free to choose among equally effective accommodations and may choose one that is less expensive or easier to provide.
3. Reasonable accommodations will not include altering the essential functions of a job, lowering performance standards, or anything that creates an undue hardship.
4. If an implemented accommodation is not effective at allowing the employee to perform the essential functions of the job, other potentially effective accommodations will be implemented until one proves effective or all potential accommodations have been exhausted.
5. The costs for reasonable accommodations of disabled applicants and employees are a responsibility of the employing department/office.

## **NONDISCRIMINATION ON THE BASIS OF DISABILITY**

---

### **ACCOMODATIONS FOR JOB APPLICANTS**

WFU will make reasonable accommodations to allow job applicants to complete the WFU employment application process. When a job applicant indicates a need for accommodation or the need for accommodation is obvious, an Human Resources representative will discuss the need for accommodation and possible alternatives with the applicant.

### **ACCOMODATIONS FOR STUDENTS**

Student requests for disability accommodations should be referred to, and will be evaluated by, Disability Services for Students.

### **OTHER ACCOMODATIONS REQUESTS**

Requests for accommodations or access to University facilities or University sponsored activities or events should be referred to the department or office responsible for maintaining the facility or the department/office sponsoring the activity or event.

### **COMPLAINTS**

Employees or individuals who believe they have been treated in a discriminatory manner in violation of this policy, or who believe that a determination regarding eligibility for a reasonable accommodation or the provision of a reasonable accommodation has been made improperly, are encouraged to contact Human Resources .