

DEPAUL UNIVERSITY



Accommodation Policy; Disability and Pregnancy

Category: Human Resources

Responsible Department: Employee Relations and Equal Employment Opportunity

Responsible Officer: Vice President, Human Resources

Effective Date: 6/7/2017

Policy Summary

Backed by its Vincentian values, DePaul University is committed to providing equal opportunity employment opportunities and reasonable accommodation for qualified employees and applicants with disabilities. DePaul University will provide a reasonable accommodation to qualified individuals with disabilities to enable them to safely and effectively perform the essential functions of their positions, to enjoy equal benefits and privileges of employment, or, in the case of application for employment, to participate in the employment process. Individuals with disabilities will be provided equal employment opportunities in accordance with DePaul policy and applicable law, including the Americans with Disabilities Act of 1990, as amended, the Rehabilitation Act of 1973, as amended, the Pregnancy Discrimination Act (PDA) and other applicable federal, state, and local laws and regulations.

DePaul will make, upon request and appropriate documentation, reasonable accommodation for an individual with a disability who meets the necessary skill, experience, education, training and other job-related requirements of a position and who can perform the essential functions of the job with or without accommodation unless doing so would impose an undue hardship on the University.

Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Student Employees

This policy affects all members of the above groups.

Policy

Definitions

- **Essential functions:** duties that bear more than a marginal relationship to the job at issue.
- **Individual with a disability:** a person with a physical or mental impairment that substantially limits one or more major life activities. For purposes of accommodation under this policy, this can include an individual who is pregnant, recovering from childbirth, or who has a medical condition related to pregnancy.
- **Qualified individual with a disability:** a person possesses the requisite skills, education, experience and training for a position, and who can perform the essential functions of the position, with or without reasonable accommodation.
- **Reasonable accommodation:** modifications or adjustments to the work environment or the job application process necessary to enable a qualified individual with a disability to be considered for a position, to perform the essential functions of the job, or to enjoy equal benefits and privileges of employment.
- **Substantial limitations:** an impairment that prevents the performance of a major life activity that an 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.
- **Undue hardship:** significant difficulty or expense on the University which refers not only to financial difficulty, but to accommodations that would be unduly extensive, substantial or disruptive, or those that would fundamentally alter the nature or operation of the position.

Implementation and Responsibility

Employee:

If an employee has identified a medical condition/disability and/or a temporary condition related to pregnancy/childbirth that affects his or her ability to perform the essential functions of the job it is the employee's responsibility to alert the University. Employees seeking accommodation are expected to participate in the interactive process with the Office of Human Resources, Employee Relations and Equal Employment Opportunity to identify an effective reasonable accommodation

The employee is responsible for contacting Human Resources, Employee Relations and Equal Employment Opportunity if an agreed-upon accommodation is not implemented in an effective and timely manner or if the accommodation is not working.

Manager:

If the manager receives a request for an accommodation from an employee it is the responsibility of the manager to inform the employee of the process and refer the employee to the appropriate individual in the Office of Human Resources, Employee Relations and Equal Employment Opportunity.

The manager is responsible for contacting the Office of Human Resources, Employee Relations

and Equal Employment Opportunity if an agreed-upon accommodation is hindering the business function of the University or affecting the employee's ability to successfully complete the essential functions of their job.

Managers are not to informally implement accommodations under this policy without working with the Office of Human Resources, Employee Relations and Equal Employment Opportunity.

Office of Human Resources, Employee Relations and Equal Employment Opportunity

Employee Relations and Equal Employment Opportunity is responsible for evaluating the request, determining what type of documentation is necessary, and determining if the requested accommodation is appropriate and effective.

Process

A.) Disability Request: If an employee has identified a medical condition/disability that affects his or her ability to perform the essential functions of the job he or she should begin the interactive process by completing the disability employee accommodation request form and sending it to employeerelations@depaul.edu.

Pregnancy Request: If an employee has identified a temporary medical condition related to pregnancy/childbirth that affects her ability to perform the essential functions of the job, she should begin the interactive process by completing the pregnancy accommodation request form and sending it to employeerelations@depaul.edu.

Please note that employees who have a temporary disability caused by pregnancy are not required to advise DePaul University of their pregnancies. However, if an accommodation is requested the employee will need to provide information about the disability and/or temporary condition and the need for accommodation, as described in this policy.

B.) Discussion: Once the Employee Relations and Equal Employment Opportunity representative receives the employee accommodation request form he or she will reach out to acknowledge the request and discuss the accommodation the employee is requesting and the need for additional documentation.

Medical Documentation: Employee Relations and Equal Employment Opportunity will request the employee's health care provider complete the Health Care Provider Certification form in order to evaluate the requested accommodation.

Under certain circumstances, Employee Relations and Equal Employment Opportunity may request re-certification, for the purpose of determining the appropriateness of the current accommodation and whether the individual still meets the definition of a disabled person.

C.) Evaluation: Once all required documentation is received the Employee Relations and Equal Employment Opportunity Specialist will work with the employee and the respective manager on identifying an accommodation that will enable the employee to be successful in performing the essential functions of their job.

Accommodations are determined by following an individualized assessment of each request. The factors considered when determining the need for a reasonable accommodation include, but are not limited to:

1. What is the nature of the employee's physical or mental condition and how does it affect his or her needs in the workplace setting?
2. Does the employee's physical or mental condition limit one or more major life activities?
3. Will the requested accommodation allow the employee to perform the essential job functions effectively?
4. Will the requested accommodation alter or remove an essential function of the job?
5. What impact will the requested accommodation or modification have on the department or unit?

Although the interactive process is designed to identify mutually acceptable accommodations, DePaul University is not required to make a specific accommodation requested by the employee and may provide an alternative, effective reasonable accommodation. DePaul University is not required to provide an accommodation that imposes an undue hardship on the University or that changes the essential functions of the position.

D.) Notification: The Employee Relations and Equal Employment Opportunity representative will provide the employee and manager written notification of the determination. If the determination includes an accommodation, the notice will include the specifics related to the implemented accommodation.

Funding:

If the Office of Human Resources, Employee Relations and Equal Employment Opportunity identifies a reasonable accommodation which requires funding, the department bears the responsibility for funding the accommodation. If the cost is beyond the department's budget, the budget manager should seek financial assistance from the most appropriate next level.

Confidentiality and Records

Human Resources will maintain the documentation relating to requests for accommodation and accommodations provided. All requests and documentation for reasonable accommodation will be treated as confidential employee records and maintained separately from general personnel files. All information regarding an employee's disability will also be kept confidential, except as required to inform managers and others on a need-to-know basis about any work restrictions and safety precautions.

Emergency Evacuation Procedures

For assistance during an emergency building evacuation, the Office of Public Safety must have the ability to identify individuals who need evacuation assistance, including the type of assistance required. All students, faculty and staff, including visitors with disabilities and special requirements including those with mobility, visual, auditory, or cognitive impairments, who need assistance in an

emergency evacuation are encouraged to self-identify and register with the Office of Public Safety at the beginning of each academic quarter. To self-identify, please contact the Assistant Director of Emergency Management at (773) 325-4414 with your schedule and classroom or office information. Please review the Emergency Procedures and Communications policy for further guidelines to follow in an emergency.

Retaliation Prohibited

DePaul University prohibits retaliation and the threat of retaliation against any person for requesting or obtaining an accommodation under this policy. Any employee who engages in retaliation in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment.

Other Resources

Please note that this Policy constitutes the University's Section 504 Grievance Procedure. ER&EEO is the University's Section 504 Coordinator for Grievance Procedures. Any employee, applicant, or student who believes that they may have been discriminated against based on a disability, or retaliated against because they complained about discrimination or because they have requested an accommodation may file a complaint through this Policy.

The Office of Human Resources (Director, Employee Relations & EEO) is the University's Section 504 Coordinator for Grievance Procedures. Any employee, applicant, or student who believes that they may have been discriminated against based on a disability, or retaliated against because they complained about discrimination or because they have requested an accommodation should refer to the Anti-Discrimination and Anti-Harassment Policy and Procedures and contact the Office of Human Resources, Employee Relations & EEO for information about filing a complaint of discrimination, retaliation, or harassment based on physical or mental disability.

Students and applicants for admissions seeking accommodations for physical or mental disabilities should contact the University's Section 504 Coordinator for Students (Director, Center for Students with Disabilities).

Procedures

None.

Divisional Collaborations

Center for Students with Disabilities - Loop Campus
25 East Jackson Blvd
Lewis 1420
(312) 362-8002

Facility Operations - Loop Campus

14 E. Jackson Blvd

Daley 600

(312) 362 8682

Office of Student Employment - Loop Campus

1 East Jackson Boulevard

DePaul Center 9500

(312) 362-5599

Contact Information

Office of Human Resources**Mailing Address:**

1 East Jackson Boulevard

Chicago, Illinois 60604

Office Location:

14 East Jackson Boulevard

13th Floor

Chicago, Illinois 60604

(312) 362-8500

Appendices

None.

History/Revisions

Origination Date:

Last Amended Date: 05/18/2020

Next Review Date: