



## Reasonable Accommodation Guide

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## Introduction

Oregon Tech's reasonable accommodation process is designed to help employees with disabling conditions remain in their jobs, with or without accommodation.

This guide affects all employees and candidates for employment with the University. Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment procedures with the University, including but not limited to: application, recruitment, selection/hiring, promotion, testing, medical examinations, layoff/recall, assignments, termination, evaluation, compensation, disciplinary actions, leave, training, employee benefits including insurance, and employer supported activities. It also covers appointees.

This guide further provides general information to managers, supervisors, job applicants, and employees regarding the rights and protections that individuals with disabilities have under Title I of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101) and Oregon state law (ORS 659A) regarding reasonable accommodations and disability-related employment discrimination.



#### EXAMPLES OF PHYSICAL BARRIERS

- Workplace access
- Use of equipment
- Communicating by different means

#### EXAMPLES OF SOCIETAL BARRIERS

- Prejudice
- Fear
- Misconceptions about job performance

Signed into law on September 25, 2008, the ADA Amendments Act of 2008 (ADAAA) provides additional protections effective January 1, 2009. In amending the ADA, Congress made it clear that the definition of disability should be construed in favor of broad coverage of individuals and generally not require extensive analysis.

### How does Oregon's anti-discrimination law differ from the ADA?

Oregon's anti-discrimination law offers most of the same employment protections as the ADA. Whether federal or state law applies is based upon the number of people a private employer employs. Oregon's law covers private employers with 6 or more employees. The ADA covers private employers with 15 or more employees.

Oregon's law covers employment agencies, labor organizations and all non-federal public corporations and entities, including the state.

### Do I have a disability as defined by the ADA?

The term disability has a particular meaning under the ADA. Just because you have a condition commonly considered a disability does not necessarily mean you have a disability under the ADA. Whether you meet the ADA definition of disability is determined by looking at all the facts and circumstances surrounding your impairment and how the impairment limits you. Nor are you automatically considered to have a disability under the ADA if you receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

It is the effect an impairment has on your ability to do major life activities that determines whether you are protected by the ADA.

### What is the ADA definition of disability?

The ADA definition of disability is:

- A physical or mental impairment that substantially limits one or more major life activities
- A record of such an impairment
- Being perceived by your employer as having a physical or mental impairment.

### What is a physical or mental impairment?

Physical or mental impairments include a broad range of illnesses, conditions and disorders.



#### EXAMPLES OF PHYSICAL AND MENTAL IMPAIRMENTS

- Epilepsy
- HIV infection/AIDS
- Intellectual disability
- Paralysis
- Serious mental illness
- Specific Learning Disability (SLD)
- Substantial hearing/visual impairment
- Traumatic brain injury (TBI)

#### What conditions are excluded from ADA protection?

Certain conditions are excluded from ADA protection. The effects of minor, temporary and non-chronic conditions such as pregnancy, a broken limb or a common cold or infection are short-term and therefore they do not substantially limit a major life activity. Current illegal drug use is not a disability under the ADA.



## What are major life activities?

Major life activities are activities that people do throughout the day. Only one major life activity need be substantially limited.

Examples of major life activities include:

- Bending
- Breathing
- Caring for oneself
- Communicating
- Concentrating
- Eating
- Performing manual tasks
- Reading
- Seeing
- Sleeping
- Speaking
-



Example: *Answering the telephone, assisting callers, routing calls, and taking messages are essential job functions of a receptionist.*

A limited number of employees are available to perform this duty.

Example: *There are only three other employees who can do this job and they cannot complete their duties and yours as well.*

The position requires training or expertise.

Example: *All registered nurses (RNs) must be licensed. In order to be licensed, an RN must graduate from an approved nursing program and pass a national licensing exam.*

## What is a reasonable accommodation?

A reasonable accommodation is any modification or adjustment to a job, or to the work environment, that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.

Reasonable accommodations may also include adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of (e)-31-3 (h)5.6 01nhnvsfithantdisabilatis.







Other examples of reasonable accommodation include job restructuring, a modified work schedule, assistive technology, or modifying an exam. Reasonable accommodation also may include reassigning you to a vacant position for which you are qualified, if you are unable to do your original job because of your disability.

Oregon Tech is not required to lower quality or quantity standards as an accommodation; nor are they obligated to provide personal use items such as glasses or hearing aids.

In order to decide which accommodation is the appropriate one, Oregon Tech will base decisions based on the particular facts of each case. Any reasonable accommodation must be effective. That means the accommodation must give you the chance to achieve the same level of performance, and to enjoy similar benefits, as an average person without a disability in the same situation.

## Are there limits on accommodations?

Oregon Tech is required to provide a reasonable accommodation to you as a qualified applicant or employee with a disability unless Oregon Tech can show that the accommodation modifies or eliminates an essential function of the job or would be an undue hardship.

## What is an undue hardship?

Undue hardship means something that requires significant difficulty or expense, when compared to a number of factors.

These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of Oregon Tech's operation. Undue hardship is determined on a case-by-case basis.

If a particular accommodation you suggest would be an undue hardship, Oregon Tech will try to identify another accommodation that would not be an undue hardship. Also, if the cost of an accommodation would impose an undue hardship on your employer, you will be given the option of paying some of the costs or getting the accommodation from another source. However, Oregon Tech will not require applicants or employees to pay for an accommodation or accept a lower salary because of an accommodation.

## Can I bring my service animal to work?

Allowing you to bring your service animal into your workplace is a form of reasonable accommodation. As with any accommodation request, your employer must consider allowing you to use your service animal at work unless doing so poses an undue hardship or could disrupt the workplace.

Your employer may require documentation that your service animal is fully trained, is needed to address your functional limitations resulting from your physical or mental disability, and capable of functioning in the work environment. This documentation does not need to be from a medical professional.



## Can I take time off work as a reasonable accommodation?

Maybe. Reasonable accommodations may include getting flexible leave, or getting additional unpaid







