

Human Resource Office Policy
Request for Reasonable Accommodation
By Employees and Job Applicants

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Category: Human Resources
Contact: Human Resources
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POLICY

The State University of New York at Geneseo (SUNY Geneseo) is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities. It is the policy of SUNY Geneseo to provide reasonable accommodation to a qualified person with a disability to enable such person to perform the essential functions of the State government position for which he or she is applying or in which he or she is employed. This policy is based on the New York State Human Rights Law, Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA), Executive Order 6, and Executive Chamber Memorandum, entitled *Equal Access to State Agency Employment, Programs and Services for Individuals with Disabilities*, issued in 1996, as well as *Executive Chamber Memorandum Technology Policy 96-13--Accessibility to Technology*, issued November 1996 and *Technology Policy 99-3: Universal Accessibility for New York State Web Sites*, issued September 1999.

The policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions.

The provision of reasonable accommodation assists the agency, as an employer, to:

- overcome otherwise exclusionary employment practices, policies and consequences;
- provide equal opportunities for participation in education and training programs;
- enhance the retention and upward mobility of qualified employees with disabilities; and
- ensure the accessibility of procedures for swift and judicious resolution of complaints with this policy and other already existing policies and procedures.

Confidentiality

SUNY Geneseo will protect and maintain the privacy and confidentiality of medical information provided by, or on behalf of employees and applicants with disabilities. All medical information will be treated as a confidential medical record. All medical information will be maintained in a secure location separate from personnel files which will only be accessible to the staff in the Human Resources office. The only exception is that supervisors and managers may be informed about necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment, or if any specific procedures are needed in case of fire or other evacuations.

Medical Documentation

As part of the Request for Reasonable Accommodation, SUNY Geneseo may request documentation or require a medical examination to identify the individual's functional limitations to support the request. A reasonable accommodation must take into consideration the specific abilities and functional limitations of a particular applicant or employee with a disability and the specific functional requirements of a particular job.

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Request for Reasonable Accommodation

Employees or applicants with disabilities may request reasonable accommodation, regardless of title, salary grade, bargaining unit, or employment status.

The need for an accommodation may be brought to the attention of SUNY Geneseo in any of the following situations:

- a job applicant may request an accommodation for a civil service examination and/or an interview;
- a new employee identifying himself/herself as having a disability may request an accommodation to perform the job;
- an employee returning to work after experiencing an illness or injury may request an accommodation;
- a current employee with a disability whose medical condition has changed may request an accommodation for the first time or a change in accommodation; or
- any employee with a disability may request an accommodation at any time.

a. *Applicants*

SUNY Geneseo provides reasonable accommodation to applicants with disabilities who request such accommodation. Reasonable accommodation requests are received by Human Resources and/or the Affirmative Action Office.

b. *Current Employees*

Current employees request an accommodation through their first-line supervisor, or the Affirmative Action Office. If an employee makes his or her request through the Affirmative Action Office for reasonable accommodation, it will be sent directly to the supervisor for action. The supervisor either approves the request, or if the supervisor is unable to make a decision, he/she defers to the Affirmative Action Office to resolve the issue.

It is important to note that most requests for accommodation can be approved at the supervisory level, particularly those of a minor nature. However, because determinations as to the type of accommodations need to be made on a case-by-case basis, or because an accommodation may be complex or may require agency expenditures, it may be appropriate for the supervisor to obtain the input of his or her supervisor, a higher-level manager or the Affirmative Action Office.

The request for reasonable accommodation is submitted on the application form "Request for Reasonable Accommodation," located on the Human Resources website in the "Forms" section. Printed forms are also available in the Human Resources and Affirmative Action Office located in 219 Erwin Hall.

Maintenance of Records

The Affirmative Action Office is responsible for maintaining records regarding the number of accommodations requested and the outcome of reasonable accommodation requests. At the end of the process, the original form remains on file in the Affirmative Action Office.

PROCEDURES

1. Employee requesting a reasonable accommodation completes the Request for Reasonable Accommodation form (Sections A and B). The application for reasonable accommodation may be submitted to the supervisor or the Affirmative Action Office. **All information received by agency personnel pertaining to the request is kept confidential.** All medical information is maintained separately from personnel records.

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2. The applicant's supervisor reviews the request and either approves the application or requests that the agency continue to review the request. If the application is approved, the supervisor forwards the original application to the Affirmative Action Office for filing. If the application is not approved by the supervisor, it will be forwarded to the Affirmative Action Office for further review. Supervisor completes Section C of form. The Affirmative Action Office will contact the applicant within one week of the supervisor's acknowledgement.
3. The Affirmative Action Office may need additional information to make a determination. If additional medical documentation is needed, the applicant is asked to inform his/her doctor of the pending application for an accommodation, and have the doctor send medical documentation, indicating the limitations that the applicant's disability would place on job performance, to the Affirmative Action Office. A date by which the information should be sent is noted on the form.

If no other additional information is needed, the agency review process includes an evaluation of all relevant information, which may include an interview with the applicant and/or the applicant's supervisor. After completion of the review, the applicant is informed in writing by the agency head regarding the agency's decision. The Affirmative Action Office indicates a date by which the decision will be made and completes section D of the form.

4. The form will be returned to the applicant for review. The applicant then returns the original of this form to the Affirmative Action Office within one week.
5. The agency review process includes an assessment of all relevant documentation by the agency's designated responsible person for reasonable accommodation. This may include asking for medical and other documentation, meeting with the employee and/or supervisor, arranging for a job analysis, consultation with relevant State agencies or community-based organizations providing services to persons with disabilities. The agency's designated responsible person for reasonable accommodation is to determine whether or not there is an accommodation that would enable the individual to perform the essential functions of his/her job in a reasonable manner, or to enjoy equal benefits and privileges of employment. In making this determination, it is essential that the agency's designated person responsible for reasonable accommodation initiates dialogue with the individual regarding what type of accommodation may be effective. At the conclusion of the review process, the Affirmative Action Officer will complete section E of the form if the accommodation is approved, or section F of the form if the request for accommodation is denied.
6. The form will be returned to the applicant for review. The applicant then returns the original of this form to the Affirmative Action Office within one week.
7. If the request for accommodation is denied, the President will send the applicant a letter confirming the decision within five business days.
8. If the request for an accommodation is denied, a reason for the denial must be given to the employee. The employee is also given information on additional alternatives for next steps. Specific alternatives are outlined on the Request for Reasonable Accommodation form.
9. If the applicant wishes to use the external review process, he/she completes this section of the application and returns it to the agency's designated responsible office within one week.

In this section of the application, the applicant authorizes the agency to release all information pertaining to his/her request for an accommodation to the Department of Civil Service. The applicant is asked to sign and date the statement. The Affirmative Action Office returns the original of this form within one week to the Reasonable Accommodation Unit--New York State Department of Civil Service.

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10. The three-member Compliance Review Board currently includes the President of the Civil Service Commission, who serves as Chairperson, the State Advocate for Persons with Disabilities and the Director of the Governor's Office of Employee Relations. The Board is an advisory body and after reviewing the request, it will send a letter to the agency head either concurring with the agency's decision to deny the request, or asking the agency to reconsider the decision. *However, the final agency determination rests with the agency head.* The external review process is completed in approximately 12 weeks.

11. To bring the external review process to closure, the College President informs the employee in writing of his/her final decision and also sends a copy of the Compliance Review Board's letter which contains its determination. This should be accomplished within two weeks after the agency head receives notification from the Compliance Review Board.