

GENESE0

THE STATE UNIVERSITY OF NEW YORK

Approved By: Cabinet
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Category: Human Resources
Contact: Human Resources
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Request for Reasonable Accommodation by Employees and Job Applicants Policy

I. Policy

- A. 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. Reasonable accommodations will be provided to qualified employees with disabilities to enable performance of the essential functions of the positions for which they are applying or in which they are 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.
- B. This policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, employment application, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions.
- C. The provision of reasonable accommodation assists the agency, as an employer, to:
 1. overcome otherwise exclusionary employment practices, policies and consequences;
 2. provide equal opportunities for participation in education and training programs;
 3. enhance the retention and upward mobility of qualified employees with disabilities; and
 4. ensure the accessibility of procedures for swift and judicious resolution of complaints with this policy and other already existing policies and procedures.

II. Definitions

- A. **Disability** – as defined by NYS law:
 1. a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or

2. a record of such an impairment or
 3. a condition regarded by others as such an impairment.
- B. Essential Function** – fundamental duty of the position.
1. A duty may be considered an essential function if:
 - i. the position exists to perform that function
 - ii. there are a limited number of employees available who could fulfill that function and/or
 - iii. the function is highly specialized.
 2. In determining whether a duty is essential, it is also relevant to consider the amount of time spent performing the function, consequences of not allowing someone to perform the function, written job description, work experience of people who are performing the job or who have performed the job in the past, and terms of any applicable collective bargaining agreements.
- C. Qualified Employee with a Disability** – an individual with a disability who can perform the essential functions of the position, with or without reasonable accommodation.
- D. Reasonable Accommodations** – actions taken which permit an employee or applicant with a disability to perform the activities involved in the position held or sought in a reasonable manner provided that such actions do not impose an undue hardship or eliminate essential functions of the job. These include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring, and modified work schedules.

III. Medical Documentation

- A. SUNY Geneseo must consider an individual's ability to perform the essential functions of the position and therefore may request medical documentation or require a medical examination to identify an individual's functional limitations. All medical information of , employees and applicants will be considered a confidential medical record, maintained in a secure location separate from personnel files and accessible only to Human Resources staff. Human Resources will not disclose confidential information regarding the disability, and will only share information as necessary to implement the request or, if the disability requires emergency treatment, or if any specific procedures are necessary in case of evacuation.

IV. Request for Reasonable Accommodation

- A. Employees or applicants requiring a reasonable accommodation for a disability may make a request, regardless of title, salary grade, bargaining unit, or employment status.
1. *Employment Applicants*
 - i. Applicants who require reasonable accommodations with respect to applying, interviewing, or any other aspect of the hiring process should contact Human Resources to make appropriate arrangements. Human Resources will not disclose confidential information regarding the applicant's disability, and will only share information as necessary to implement the request.
 2. *Employees*

- i. An employee who requires a reasonable accommodation for a disability may make a request directly to their first-line supervisor, or the Affirmative Action Office. If the employee's request can be easily accommodated and the supervisor determines that medical confirmation of the disability is not required, the supervisor may fulfill the request on an informal basis, without consultation with or approval from the Affirmative Action Office.
 - ii. If the request is made through the Affirmative Action Office, it will be forwarded to the employee's supervisor for action, unless it is determined that consultation with the Affirmative Action Office is necessary.
 - iii. Requests for Reasonable Accommodation must be submitted on the [Request for Reasonable Accommodation Form](#) found on the Human Resources website in the "Forms" section. Printed forms are also available in the Human Resources and Affirmative Action Office located in 318 Doty Hall.
3. Maintenance of Records
- i. 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.

V. Process for Employee Accommodation

- A. Employee completes the [Request for Reasonable Accommodation Form](#) (Sections A and B) and submits to supervisor or the Affirmative Action Office.
- B. Supervisor reviews request and (i) approves or (ii) forwards to Affirmative Action Office for review and consultation. Supervisor completes Section C of form. The Affirmative Action Office will contact the applicant within one week of the supervisor's acknowledgement.
- C. 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.
- D. 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.
- E. The review process includes an assessment of all relevant information. 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. It is essential that the employee and the College's designated person responsible for

reasonable accommodation engage in dialogue 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.

- F. The form will be returned to the employee for review. The employee then returns the original of this form to the Affirmative Action Office within one week.
- G. Complaints
 1. Individuals, who believe that there is a violation of this policy, disagree with the determination regarding a request for accommodation, or who believe they have been treated in a discriminatory manner, may pursue a complaint under Geneseo's Internal Discrimination Complaint Procedure.
 2. In addition to the options stated above, other alternatives may be available. This includes but is not limited to filing a complaint with any compliance agency designated under Section 503/504 of the Rehabilitation Act of 1973, filing a complaint under the New York State Human Rights Law and/or initiating a private right of action to challenge an alleged discriminatory act. For further information on these options, call the Office of Advocate for the Disabled at (800) 522-4369 (voice and TTY/TDD), (518) 473-4231 (TTY/TDD).
 3. You may file any one or all of these complaints at any point after the first College denial of your request for an accommodation. *You may also simultaneously avail yourself of the external review process.*