



Policy Name: Reasonable Accommodations for Disabilities Policy

Policy Approvals/Endorsement/Notice Required:

	Name	Signature	Date
Dean or Assistant/Associate Vice President			
Vice President			
PEC (<i>Notice or review</i>)			
All University Committee (<i>Notice or review</i>)			
President (<i>Notice or review</i>)	John Keenan		
Board of Trustees (notice)			



University Administrative Policy

Policy Name: Reasonable Accommodation Policy

Responsible Office: HR/EO

Originator of the Policy: Ezekiel Holt

Effective Date:

Revision History:

Web Link: <https://www.salemstate.edu/policies/>

1. Rationale

To provide all employees with a detailed guide to the reasonable accommodations process. Salem State University is committed to processing requests for reasonable accommodations and will provide reasonable accommodations where appropriate in a prompt and efficient manner.

2. Statement of Policy

- A. Salem State provides reasonable accommodations in the form of reasonable modifications to policies, practices, or procedures to make its services, programs, and activities accessible to qualified individuals unless the modification would fundamentally alter the nature of the position.
- B. Reasonable accommodations are determined on a case by case basis through an interactive process between the employee and Salem State in consultation with employee's physician as appropriate.
- C. Pursuant to the Massachusetts Pregnant Workers Fairness Act, employees are entitled to request an accommodation on the basis of pregnancy.
- D. Individual employees are responsible for identifying themselves as an individual with a disability when seeking an accommodation and providing appropriate medical documentation upon request demonstrating how the disability limits their ability to complete the essential functions of their job. All medical documentation will be kept confidential by the University.
- E. The employee's administrative unit is responsible for funding any approved accommodation. The ADA Coordinator will seek additional funds in the event the cost presents a substantial financial hardship to the administrative unit.
- F. All employees must maintain institutional standards of performance.

- G. Therapy and comfort animals are not permitted on campus unless approved as an accommodation through the interactive process with Salem State.
- H. Service animals are permitted in all areas the public is permitted to go.
- I. Due to the COVID-19 pandemic, Salem State will consider accommodation requests for employees with at-risk or immunodeficient members of household as an exception. Salem State does not consider employees applying under these conditions to be disabled or subject to other protections under the Americans with Disabilities Act. This exception is in place only for the duration of the COVID-19 pandemic and will become void following the resumption normal operations as indicated by the Department of Public Health.
- J. Due to the COVID-19 pandemic all employees are required to wear masks when on campus. Employees may be required to wear specific, disposable masks provided by the university at no cost to the employee based on their unique operational or instructional requirements. This includes, but is not limited to, clear masks required to effectively communicate with students and employees as a reasonable accommodation under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

3. Scope

This policy shall govern accommodations for employees and applicants and candidates for employment with Salem State University.

4. Procedure

- A. **The Interactive Process:** The interactive process is a collaborative effort between the employee and Human Resources and Equal Opportunity to discuss the need for an accommodation as well as identify effective accommodations solutions. The interactive process begins when an employee discloses a disability or health condition and requests an accommodation, a manager or HR/EO employee representative recognizes an obvious challenge of an applicant, candidate or employee due to a disability, or when an employee returns to work with an on-going health care condition or disability. HR/EO may require the employee to obtain medical documentation from their physician if the disability is not immediately evident, HR/EO needs more information on the nature and impact of the disability and/or accommodation recommendations from a medical perspective. HR/EO will provide the employee with a memorandum detailing the approved accommodation; however, the employee may reengage in the interactive process at any time if the accommodation is not meeting their needs. Please be aware that the university may not approve initial requested accommodations and may make an alternative recommendation provided it meets the same needs.
- B. **Forms:** HR/EO uses two forms to facilitate the interactive process, an Accommodation Request Form that details what the employee is experiencing and what accommodation they are requesting and a Physician Letter that the employee may be requested to have filled out by their treating physician.

- C. **Confidentiality:** All medical documentation is filed separately from the employee’s HR file and is accessible only on an as-needed basis by the ADA Coordinator and other limited Human Resources personnel.
- D. **Grievance:** Employees may reengage in the interactive process at any time when an accommodation ceases to be effective. Complaints alleging discrimination on the basis of disability may be submitted to the ADA Coordinator as soon as possible but no later than 60 calendar days after the alleged violation. Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Salem State University and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, or if the complaint refers to actions taken by the ADA and Leave Coordinator, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Director for Labor Relations or their designee. Within 15 calendar days after receipt of the appeal, the Director for Labor Relations or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Director for Labor Relations or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ADA and Leave Coordinator or their designee, appeals to the Director for Labor Relations or their designee, and responses from these two offices will be retained by the Salem State University for at least three years.

Alternatively, any employees who wish to file a complaint alleging any bias, including on the basis of disability, may file a complaint with the Equal Opportunity Coordinator at any time.

5. Fiscal Considerations

	Direct Costs / Savings / Revenue Generation	Indirect Costs / Savings / Revenue Generation
Initial Implementation	TBD	TBD
Ongoing	TBD	TBD

6. Responsibilities

Responsible Party	List of Responsibilities
Employee	<ol style="list-style-type: none"> 1. Request an accommodation. 2. Engage in the interactive process. 3. Submit medical documentation to physician if

	necessary.
Human Resources and Equal Opportunity	<ol style="list-style-type: none"> 1. Intake request for an accommodation. 2. Engage in the interactive process. 3. Provide physician paperwork to employee if necessary. 4. Seek input from supervisor on operational impact of proposed accommodation if necessary. 5. Seek funding for prohibitively expensive accommodations 6. Provide subject matter expertise to employees, management and public. 7. Approve final accommodation.
Employee's Supervisor	<ol style="list-style-type: none"> 1. Refer employees with disability related concerns to Human Resources and Equal Opportunity. 2. Provide details on operational impact of proposed accommodations. 3. Provide funding for equipment purchased as an accommodation 4. Ensure the employees experience no disparate treatment as a result of a real or perceived disability
Healthcare Provider	Provide required expert medical opinion indicating the underlying condition requiring and accommodation and providing recommendations for accommodation

7. Policy Enforcement

Violation(s)	<ol style="list-style-type: none"> 1. Failure of employee to engage in the interactive process. 2. Failure of university to engage in the interactive process. 3. Failure of the university to implement agreed-upon accommodations. 4. Failure of the supervisor to ensure that employee experience no disparate treatment because of real or perceived disability.
Potential consequences	<ol style="list-style-type: none"> 1. Failure on the part of the employee will result in abrogation of the interactive process. 2. Failure on the part of the university or supervisor could result in a grievance filed in accordance with university procedures, complaints to the Massachusetts Commission against Discrimination or Equal Employment Opportunity Commission and/or a lawsuit filed against the university.
How to report	Contact ADA Coordinator

1. Reference Documents

Policy or Document	Web Address
Americans with Disabilities Act	http://www.ada.gov/pubs/adastatute08.pdf

2. Contact(s)

Subject	Office or Position	Telephone Number	Email
Policy Clarification	Leave and ADA Coordinator	978-542-7229	eholt@salemstate.edu

3. **Effective Date:** Upon approval by the president.
4. **Dissemination:** Posted on the university web site.
5. **Review Cycle:** Initial review after 12 months; subsequent review every 5 years.