



Policy #53004

AMERICANS WITH DISABILITIES ACT (ADA) -EMPLOYEE-

Effective Date: January 15, 2018

Revised Date: March 25, 2021

Responsible Office: Office for Civil Rights and Title IX

Division: Operations

I. PURPOSE/OBJECTIVE

To provide a clear and strong statement regarding the University's compliance with the Americans with Disabilities Act (ADA) as amended, and the Rehabilitation Act of 1973. The Americans with Disabilities Act (ADA) as amended is a federal law that requires employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. The Rehabilitation Act of 1973, as amended (Rehab Act) prohibits discrimination based on disability in programs receiving federal financial assistance in federal employment and in the employment practices of federal contractors. Additionally, this policy will provide guidance with implementation and dissemination of guidelines and procedures for enforcement.

II. STATEMENT OF POLICY

It is the policy of Grambling State University to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission. (EEOC). Furthermore, it is the University's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The Process

The University President has designated the Office for Civil Rights and Title IX with the administrative responsibility to execute this policy, including the resolution of a reasonable accommodation, safety/direct threat, and undue hardship issues. When an applicant with a disability requests an accommodation, which can be reasonably accommodated without creating an undue hardship or causing a direct threat to

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workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

Grambling State University will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the University.

All employees are required to comply with the University's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made regarding the employee's immediate employment situation.

Unless prescribed by a physician, individuals who are currently using illegal drugs are excluded from coverage under the University's ADA policy.

Persons requesting reasonable accommodations provided by the Americans with Disabilities Act as amended should contact:

Office for Civil Rights and Title IX
crawfordb@gram.edu
GSU Box 4233
Brown Hall, Room 127
Phone: (318) 274-2660 or (318) 274-2784
Fax: (318) 274-3297

Link: [GSU -ADA Employee Request for Accommodations](#)

Link: [GSU -ADA Physician's Documentation of Medical Condition](#)

As used in this policy, the following terms have the indicated meaning:

- **Disability**: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities**: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending,

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speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

- **Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition; cosmetic disfigurement; or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional, or mental illness and specific learning disabilities.
- **Substantially limiting:** In accordance with the Americans with Disabilities Act (ADA) as amended final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADA regulations.
- **Direct threat:** A significant risk to the health, safety, or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- **Undue hardship:** An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - The nature and cost of the accommodation.
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.

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- The overall financial resources of the employer; the size, number, type and location of facilities.
- The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the facility involved in making the accommodation to the employer.
- **Essential functions of the job:** Those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are disabilities, impairments, or reasonable accommodations covered by this policy.

AMERICANS WITH DISABILITIES ACT (ADA) FAQs

Who is protected against employment discrimination under the ADA?

Employment discrimination is prohibited against "qualified individuals with disabilities." Persons discriminated against because they have a known association or relationship with a disabled individual are also protected. The ADA defines an "individual with a disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Who is a qualified person with a disability?

A qualified individual with a disability is a person who meets legitimate skill, experience, education, other requirements of an employment position that they hold or seek, and who can perform the "essential functions" of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation.

What does it mean to be substantially limiting?

According to the EEOC, an impairment "substantially limits" a major life activity if the person is either:

- unable to perform a major life activity that the average person in the general public can perform, or
- is significantly restricted as to the condition, manner, or duration under which they perform the activity as compared to the condition, manner, or duration under which the average person in the general public performs the activity.

The determination of whether an impairment substantially limits a major life activity must be made without regard to mitigating measures, including but not limited to: medication, prosthetics, hearing devices, or mobility devices.

What are major life activities?

Major life activities are activities that are fundamental to life and that the average person can perform with little or no difficulty, including but not limited to: caring for oneself, walking, talking, breathing, sitting, lifting, seeing, performing manual tasks, reaching, learning, speaking, working, standing, etc.

Major life activities also include the operation of a major bodily function including but not limited to: normal cell growth, as well as functions of the immune, neurological, and endocrine systems.

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In order to be covered under the ADA, the person must have an impairment that significantly limits one or more of these major life activities. The examples listed above are not exhaustive.

What are essential functions?

Essential functions are tasks that are fundamental and not marginal to the performance of the position or to satisfaction of educational requirements.

What is a reasonable accommodation?

A reasonable accommodation is a modification or adjustment to a job, learning process, or the work environment that enables an otherwise qualified applicant or employee to perform the essential functions of his or her job. It is the employee's responsibility to request the accommodation and to supply the proper medical documentation supporting the need for such modification.

How do I request a reasonable accommodation?

If you are an employee having difficulties performing the essential functions of your job due to a medical condition, contact the Office for Civil Rights and Title IX.

Office for Civil Rights and Title IX

crawfordb@gram.edu

GSU Box 4233

Brown Hall, Room 127

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The Office for Civil Rights and Title IX will work interactively with you and your supervisor to determine whether a reasonable accommodation is warranted and, if so, what the reasonable accommodation should entail.