

# University of Oregon

## Interactive ADA Eligibility/Accommodation Process

The Office of Affirmative Action & Equal Opportunity (OAAEO) is charged with coordinating the University's compliance with the employment provisions of the Americans with Disabilities Act (ADA).

Under the ADA, an individual with a disability is someone who has a physical or mental impairment that substantially limits the individual in performing one or more major life activities.<sup>1</sup>

When an employee believes that he/she is an individual with a disability and requires some form of accommodation in the workplace AND communicates that need to his/her supervisor or the OAAEO, we have an obligation under the ADA to engage in an interactive eligibility/accommodation process. The process is intended 1) to determine whether the employee qualifies as an individual with a disability under the ADA, and 2) to guide the reasonable accommodation process. That process involves the following:

- Where the employee has contacted his/her supervisor, the supervisor should assure the employee that the university takes its obligations under the ADA seriously, that the process is coordinated by the OAAEO, and refer the employee to OAAEO.

Once an individual has initiated discussion of his/her disability and possible need for accommodation with the OAAEO, the process involves the following:

- Where either the disability or the need for the requested accommodation is not obvious, the OAAEO requests supporting medical documentation that establishes that the individual is an individual with a disability as defined under the law and provides specific guidance as to limitations and how those may interfere with the employee's ability to perform the essential functions of his/her job.
- The employee making the request for accommodation is responsible for providing appropriate supporting medical documentation. As a courtesy to the employee and to ensure that the health professional knows what information is necessary, the OAAEO requests supporting medical documentation directly from the employee's health professional(s), after the employee signs a Release of Medical Information Form authorizing the request.
- **IMPORTANT NOTE: The only information from supporting medical documentation that is shared with an employee's supervisor is information regarding any disability-related limitations that may interfere with the employee's ability to perform the functions of his or her position. Information regarding the underlying medical condition is NOT shared with the supervisor.**
- One of the questions asked of the health professional(s) is whether current disability-related limitations affect the employee's ability to perform the essential

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<sup>1</sup> Individuals who are regarded as having a disability or who have a record of a disability are also protected from discrimination under the ADA. However, because they don't actually have a disability, would not require reasonable accommodation.

functions of his/her job. So that the health professional has an accurate understanding of job functions, OAAEO will request a job description for the position held by the individual. It is important that the job description be current and accurately reflects the duties of the position. Sometimes the job description requires additional explanation to fully reflect what is involved in performing the duties of the position.

- Once supporting documentation is received, the OAAEO evaluates whether it establishes eligibility under the ADA.
  - If the documentation does not establish eligibility, the employee and the supervisor are advised that no accommodation is necessary.
  - If the documentation establishes eligibility, but the disability-related limitations do not affect the employee's ability to perform any of the functions of his/her position, then the employee and supervisor are advised that the individual qualifies as an individual with a disability under the law, but does not presently require reasonable accommodation.
  - If the documentation establishes eligibility and the disability-related limitations affect the employee's ability to perform any of the essential functions of his/her position, then the Office of Affirmative Action will arrange a meeting with the employee and supervisor to discuss limitations and possible reasonable accommodations.
- Reasonable accommodation can involve a number of possibilities including, but not limited to, the following:
  - Job restructuring with reassignment of marginal functions. It is not reasonable to reassign essential functions.
  - Acquisition of assistive devices such as automated equipment, voice recognition computer software, etc.
  - Modified work schedule to allow more frequent but shorter breaks or more frequent breaks within an extended work day.
  - Modifying how or when tasks are accomplished.
- Once appropriate reasonable accommodations have been identified, those are confirmed in writing and implemented. In some cases, there is no obvious accommodation and the accommodation process may involve some trial and error. The ADA process requires allowing a reasonable period of time to see if an employee is able to satisfactorily perform the essential functions of his/her job with the agreed upon reasonable accommodation(s). In some cases, an agreed upon accommodation may not be effective in overcoming the employee's limitations. If the employee feels that an accommodation is not effective, he/she is responsible for letting his/her supervisor know so that the issue of reasonable accommodation can be revisited.

- Ultimately, an employee must be able to satisfactorily perform the essential functions of his/her job, with or without reasonable accommodation. The reasonable accommodation process does not require that an employer accept less than satisfactory performance of essential job functions.
- NOTE: Employees are protected from retaliation or harassment for engaging in protected activity. Requesting and engaging in the reasonable accommodation process is protected activity. It is crucial that supervisors participate in the process in good faith and consistently treat the employee in a respectful manner throughout the process.