SAN FRANCISCO STATE UNIVERSITY

REASONABLE ACCOMMODATION

POLICY AND PROCEDURES FOR EMPLOYEES WITH DISABILITIES

Academic Senate Policy S93-187

Policy Statement

San Francisco State University is committed to providing reasonable accommodation to faculty and staff with disabilities so as to comply with Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and Titles I and II of the Americans with Disabilities Act of 1990, and to support affirmative efforts to increase representation of employees with disabilities in its work force as provided for in CSU policy.

Definition of Terms

Reasonable accommodation is defined as efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of employees with disabilities. Under Section 503 of the 1973 Rehabilitation Act, institutions receiving federal aid are to provide such reasonable accommodation to employees with disabilities who are otherwise qualified to perform related job responsibilities. A person with a disability is qualified if, with reasonable accommodation, he or she is also able to perform the essential functions of the job for which he or she is hired. Essential job functions are defined as those job tasks which are fundamental and not marginal.

A qualifying disability is a physical or mental impairment which results in the actual or perceived inability to perform one or more major life functions. Reasonable accommodation is made when an impairment cannot be compensated for through personal prescription or non-prescription medical appliances or procedures.

Undue hardship is defined as a determination made that reasonable accommodation cannot be accomplished without substantially altering the intent of the program or job, or without excessive financial difficulty on the part of the employer.

Designations of Responsibility

1. Determination to provide reasonable accommodation is the responsibility of the University President.

2. The position of the Physical and Environmental Disability Coordinator has been established to advise and assist the President in providing reasonable accommodation.

3. Authority to ensure university compliance with Section 503 of the Rehabilitation Act of 1973 is normally delegated by the President to the Physical and Environmental Disability Coordinator.

4. The Physical and Environmental Disability Coordinator shall serve as campus liaison to the CSU Disabled Employees Affirmative Action Program and shall be responsible for preparing requests for supplemental funding for reasonable accommodations to that program.

5. Employees are responsible for making requests for reasonable accommodations in a timely manner and for providing requisite documentation.
6. The University is responsible for providing justified reasonable accommodations in a timely manner as required by the employee’s job responsibilities.

Objectives

1. To ensure that SFSU is in compliance with federal and state law and CSU policy.

2. To support recruitment and retention of faculty and staff with disabilities.

3. To create conditions which permit employees with disabilities to expend their full work time and energy on the duties of their job.

4. To extend the work life and improve the work environment of employees with disabilities.

Provisions

Reasonable accommodations are provided to employees with qualifying disabilities to enable them to perform job-related tasks which they would otherwise be unable to accomplish, or to participate in university activities open to other employees from which they would otherwise be excluded, because of their disability. Accommodations are not provided to assist the employee in non-job related activities, nor do personal prescription devices such as hearing aids or glasses constitute reasonable accommodations unless these are needed solely for job-related activities.

2. Reasonable accommodations include but are not limited to the following categories:

a. Adaptive equipment.

b. Non-adaptive equipment normally not provided for employees in the individual's position category.

c. Assistance from student assistants, existing employees, or specialist non-employees such as sign-language interpreters.

d. Exemptions from, or revisions of, university regulations pertaining to the employee's category, provided such exemptions or revisions do not violate federal or state law or code, or CSU policy.

e. Access to physical facilities not usually available to persons in the employee's category, provided that such access is consistent with health and safety considerations.

f. Job restructuring or re-scheduling.

3. All equipment purchased as a reasonable accommodation is the property of San Francisco State University, which shall maintain it in working order.
Procedures

1. Employees with disabilities who require specific reasonable accommodations shall make written requests to their unit heads on forms provided by the Physical and Environmental Disability Coordinator. Employees are responsible for providing the Physical and Environmental Disability Coordinator with a copy of every request for a reasonable accommodation.

2. Unit heads are responsible for making reasonable accommodations in a timely manner as required by the employee's job responsibilities. In the event a unit head does not concur with the request, s/he shall notify the Physical and Environmental Disability Coordinator immediately, indicating which of the following is/are the reason(s) for non-initiation of the request:

   a. The employee is believed not to have a qualifying disability.

   b. The accommodation is not job-related.

   c. The accommodation will not successfully enable the employee to perform job activities which would otherwise be precluded by the employee's disability.

   d. An alternative accommodation or job restructuring, as specified in the notification to the Physical and Environmental Coordinator, will be more effective in enabling the employee to perform the job activities.

   e. Authority for implementing the accommodation lies outside the unit head's jurisdiction or ability to make arrangements.

   f. Cost of the accommodation exceeds the unit's financial capacity.

   A copy of this notification shall be sent to the employee who made the request.

3. In the event a request is forwarded by a unit head, the Physical and Environmental Disability Coordinator shall:

   a. If 2.a. above is given as a reason, determine whether the employee has a qualifying disability.

   b. If 2.b. above is given as a reason, in consultation with the employee and the supervisor, determine whether the accommodation is job-related.

   c. If 2.c. above is given as a reason, determine whether the accommodation will successfully enable the employee to perform job activities.

   d. If 2.d. above is given as a reason, in consultation with the employee and the supervisor, approve substitution of the alternative accommodation for the original request as long as the alternative will be effective.

   e. If 2.e. above is given as a reason, obtain action from the appropriate authority or unit.
If 2.f. above is given as a reason, pursue resources to support the accommodation; or refer the request, with an analysis to the Vice President to whom the employee’s unit reports; or determine that the request constitutes an undue hardship measured against the university’s overall budget or program objectives or standards.

The Physical and Environmental Disability Coordinator shall inform the employee of the action taken, with a copy to the unit head. Final determination, either initiating or denying the accommodation, shall be completed by the Physical and Environmental Disability Coordinator, compatible with the requirements of the employee’s work responsibilities. Employees with qualifying disabilities shall not be penalized for impaired performance of job activities for which reasonable accommodation is needed during the period which elapses while the accommodation is being accomplished.

Non-retaliation

No employee may be excluded from participating in any activity, or otherwise disadvantaged, because of a previous request for a reasonable accommodation, whether or not the accommodation was provided.

Appeal and Grievance

Employees who believe appropriate reasonable accommodation has not been provided for them in a timely manner as specified by the policy and procedures stated above may seek reconsideration and/or redress through established university policies and procedures, existing collective bargaining agreements, and state and federal remedies.

Representation

In requesting a reasonable accommodation, employees may be assisted by their collective bargaining agents, or any other representative of their choice.

Additional Assignments of the Physical and Environmental Disability Coordinator in Implementing Reasonable Accommodations

The Physical and Environmental Disability Coordinator also shall:

1. Provide advice and information about appropriate and effective reasonable accommodations.
2. Provide assistance in locating and ordering appropriate adaptive equipment or auxiliary aides, and arrange for maintenance of equipment purchased for reasonable accommodation.
3. Ensure that justified accommodations are made in a timely manner, and advise the President of failures or delays in making reasonable accommodations which might bring the university into noncompliance with the law.
4. Enforce the preservation of confidentiality of medical information.
5. Post notices and announcements regarding reasonable accommodation at locations throughout the university, in appropriate university publications, and in a wide variety of adaptive media.
6. Conduct training for supervisors and other university personnel in making reasonable accommodations.
7. Engage in broad-based educational efforts which further an atmosphere of openness regarding reasonable accommodations for employees with disabilities.
8. Maintain an inventory record of equipment purchased for reasonable accommodations, and records of all implemented accommodations.
Reasonable Accommodations in the Employee Recruitment Process

All position vacancy announcements shall be posted and/or disseminated in adaptive media appropriate for print disabled applicants. Any position vacancy announcement which is made available to the public on telecommunications equipment shall also be made available on adaptive telecommunications equipment for hearing impaired applicants. Any position vacancy announcement which lists a telephone number must also list an adaptive telecommunications number at which the same information is available.

Position applications, position descriptions and other information provided to applicants shall be available in standard adaptive media for print disabled applicants and, if applicants are offered information using telecommunications equipment, such information shall also be offered on adaptive telecommunications equipment.

Information sent to all applicants shall state that the university makes reasonable accommodations during the testing and/or interviewing process for candidates with qualifying disabilities. Such accommodations may include but shall not be limited to adaptive test instruments or administrations, interpreters, readers, scribes, extended time for or restructuring of interviewing, assistance with mobility on campus, and reimbursement for travel of an attendant accompanying a candidate to an interview if the candidate's travel is reimbursed.

4. a. Chairs of search committees or hiring supervisors shall ascertain whether candidates with qualifying disabilities require reasonable accommodation and shall arrange for needed accommodations.

b. The appointing officer shall ensure that justified reasonable accommodations are provided to candidates with qualifying disabilities.

c. The Physical and Environmental Disability Coordinator shall provide advice and support in determining whether an accommodation is reasonable and effective in obtaining the accommodation.

5. Applicants who believe they have been denied reasonable accommodations in the recruitment process may seek redress through state and federal remedies.

**APPROVED BY PRESIDENT CORRIGAN ON MAY 27, 1993**