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SECTION: HUMAN RESOURCES

AREA: EMPLOYEE RELATIONS

SUBJECT: AMERICANS WITH DISABILITIES ACT IN EMPLOYMENT

PURPOSE

The University of Arkansas for Medical Sciences desires a uniform and thorough application of the Americans with Disabilities Act (ADA) with regards to applicants and employees. This policy will serve as a guide to managers and supervisors in their responsibility under this Act.¹

POLICY

1. The University of Arkansas for Medical Sciences does not discriminate on the basis of disability in any term, condition, or privilege of employment. All aspects of employment are covered, including social and recreational programs.
2. Non-discriminatory assurances are given to all individuals.
3. An individual with a disability is a person who:
 - has a physical or mental impairment which substantially limits one of life's major activities of caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, and reaching; included within this definition are any physiological disorder or condition, cosmetic disfigurement or anatomical loss, and any mental or psychological disorder
 - has a record of such an impairment.
 - is regarded as having such an impairment.
 - is associated with an individual with a disability.
4. UAMS will not limit, segregate, or classify applicants or employees which thereby affects their opportunities or status because of their impairment.
5. The Office of Human Resources will assure that all tests and other selection criteria accurately reflect skills and aptitudes necessary to perform the job, are business related, and are consistent with business necessity. Further, standards, criteria, and methods of administration will not have the effect of discrimination on the basis of disability.

6. OHR will assure that inquiries into the nature and/or severity of an individual's disability will be job related and will occur **only** after a conditional offer of employment.
7. OHR will assure that all medical records for employees are maintained separately and confidentially as required by the ADA. Likewise, worker compensation and benefit histories are maintained separately from master personnel files.
8. UAMS will avoid contractual or other arrangements that may subject an applicant or employee with an impairment to discrimination.

PROCEDURE

1. Managers and supervisors will identify the essential functions of the job and the essential physical requirements for each position reporting to them, and will make decisions of hiring, promotion, demotion, performance evaluation, and other employment actions on the basis of these essential criteria. Such essential functions shall be identified in Position Classification Questionnaires (PCQ) and in Personnel Requisitions, and shall be reflected in performance evaluation documents.
2. When a qualified individual with an impairment, either an applicant or a current employee, is unable to perform the essential functions of the position unassisted, the manager or supervisor will seek "reasonable accommodation" so that the individual is enabled to perform the essential functions. The process of finding available options for "reasonable accommodation" should include the input of the individual with the impairment, OHR and outside support agencies when necessary.
3. The manager or supervisor will contact OHR for guidance prior to taking any employment action when:
 - a "reasonable accommodation" for the qualified individual with a impairment cannot be found,
 - such accommodation poses an "undue hardship" on the department,
 - the qualified individual with an impairment might pose a health or safety hazard to employees, visitors, or patients,
OR
 - the individual cannot be hired or be continued in employment because of inability to perform the essential functions of the job.
4. In a case where the accommodation seems to be an "undue hardship," OHR will assist the department in seeking alternative accommodations and in finding additional financial and

other resources from the University and/or the State of Arkansas in order to accomplish the necessary accommodation.

5. Managers and supervisors should participate in basic management training on the ADA as offered by the OHR and the UAMS Training Consortium.

REFERENCE

1 UAMS Administrative Guide Policy 3.1.12. Compliance with the Americans with Disabilities Act