

**NUMBER: 4.4.08****DATE: 09/01/2000****REVISION: 08/16/2017****PAGE: 1 of 3****SECTION: HUMAN RESOURCES****AREA: EMPLOYEE RELATIONS****SUBJECT: AMERICANS WITH DISABILITIES ACT IN EMPLOYMENT****PURPOSE**

The University of Arkansas for Medical Sciences (UAMS) desires a uniform and thorough application of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) with regards to applicants and employees, and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

**SCOPE**

This policy applies to all employees and applicants for employment at UAMS.

**POLICY**

The ADA and the ADAAA prohibit employers from discriminating against applicants and individuals with disabilities and, require employers to provide reasonable accommodations, so that they may perform the essential job duties of the position.

This policy serves as a guide to managers and supervisors in their responsibility under these Acts.

1. UAMS 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, eating, sleeping, breathing, learning, reading, concentrating, thinking, communicating, working, standing, lifting, and bending; included within this definition are 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.<sup>1</sup>

- has a record or known history of such an impairment.
  - is regarded as having such an impairment without reference to any “mitigating measures” available to the employee or applicant.
  - has an impairment that is episodic or in remission and would substantially limit a major life activity when active.
  - 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 (OHR) 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. They will make decisions on hiring, promotion, demotion, performance evaluation, and other employment actions on the basis of these essential criteria. Such essential functions shall be identified in the Position Classification Questionnaires (PCQs), 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 a "reasonable accommodation" in an effort to ensure the individual is enabled to perform the essential functions of the job. For guidance with applicants, contact OHR Recruitment Services/Talent Management at (501) 296-1715.
3. The process of finding available options for "reasonable accommodations" for employees should be initiated by first contacting OHR Employee Relations. Managers and supervisors can also go to [www.hr.uams.edu](http://www.hr.uams.edu) and access “Initiating the ADA Process” document for

detailed guidance. The manager or supervisor **must** also contact OHR Employee Relations for guidance prior to taking any adverse employment action when:

- a "reasonable accommodation" for the qualified individual with an 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 continue employment because of inability to perform the essential functions of the job.
4. After OHR Employee Relations is contacted (and where appropriate), the "Request for Reasonable Accommodation" form will be forwarded to the individual with the impairment. In addition to requesting the completed form, OHR Employee Relations will request a copy of the PCQ, and medical documentation stating the medical diagnosis of the impairment and/or any other necessary documents for the process.
  5. In determining available options for a "reasonable accommodation", OHR Employee Relations will mediate the process by conducting an "interactive meeting" while reviewing the input of the individual with the impairment, department representatives, and outside agencies when necessary.
  6. In a case where the accommodation seems to be an "undue hardship," OHR Employee Relations will assist the department in seeking alternative accommodations and in possibly finding additional financial and other resources from the University and/or the State of Arkansas in order to accomplish the necessary accommodation.
  7. Managers and supervisors must participate in basic management training on the ADA and the ADAAA offered by the OHR Employee Relations. All classes are listed in My Compass.
  8. To seek assistance with our student population, contact the Title IX/ADA Coordinator, Academic Affairs Administration Office at (501) 526-5641.

## **REFERENCE**

<sup>1</sup> Americans with Disabilities Act of 1990, as Amended, Definition of disability  
UAMS Administrative Guide Policy 3.1.12, Compliance with the Americans with Disabilities Act  
UAMS Administrative Guide Policy 4.1.08, Workers' Compensation  
UAMS Administrative Guide Policy 4.6.11, Family and Medical Leave Act  
Section 504, Rehabilitation Act of 1973

Signature:  Date: August 16, 2017