



Accommodation Requests

Policy Title: Accommodation Requests
Section: Employment and General Policies
Effective Date: February 11, 2014
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Revised:

I. PURPOSE

To establish guidance and a procedure for accommodating disabled employees.

II. INTRODUCTION

Franklin Pierce University is committed to providing reasonable accommodations to those employees and applicants for employment (collectively referred to as “employees” in this document) who are both disabled and otherwise qualified within the meaning of the Rehabilitation Act, the Americans with Disabilities Act and the New Hampshire Human Rights Act.

III. APPLICATION OF POLICY

This policy shall apply to all campuses of Franklin Pierce University. Each campus shall post in conspicuous places the right of employees to request and receive reasonable accommodations and the procedure to do so on that campus.

IV. POLICY

To ensure that all qualified employees with disabilities have equal employment opportunities Franklin Pierce University will provide reasonable accommodations through the process set forth below.

V. PROCEDURE

An employee must make a request for accommodation to the appropriate institutional representative as set forth below in order to start the interactive process.

Request for Accommodation:

A request for an accommodation is a statement that an employee needs a work related adjustment or change in working condition, benefit or privilege of employment for a reason related to a mental or physical disability. A timely request for accommodation may be made orally or in writing by the employee, the employee’s health care provider or other person authorized by the employee to act on the employee’s behalf. A timely request is one that allows the University a meaningful opportunity to review and consider the request.

Documentation Required:

All requests for an accommodation whether written or oral, will be required to be supported by current and valid medical documentation from the employee’s physician or health care practitioner regarding their disability. If an employee declines to provide appropriate documentation, or to authorize the University to contact the health care provider, the University will assess the request for accommodation based on the information available.



However, failure to provide appropriate medical information or to cooperate in the University's efforts to obtain sufficient information may result in a denial of the request for accommodation.

All medical information received by the University will be retained separately from the employee's personnel file and will be shared only within the Administration as required to determine the reasonable accommodation necessary and in accordance with applicable law.

Interactive Process:

A request for accommodation will be evaluated and addressed through an interactive process between the employee and the University's representative. When a request for accommodation is made and the medical information is received, the Benefits Manager will meet with the employee to make an individualized assessment of what, if any, reasonable accommodation may be made that will allow the employee to perform the essential functions of their job. In some circumstances the process may also involve authorized health care professionals who can provide relevant information about the employee's disability, their ability to perform the essential functions of the job and their need for accommodation, as well as other professionals with knowledge or expertise relevant to the process.

VI. UNIVERSITY RESPONSIBILITIES

The Human Resource Office through the Benefits Manager will be responsible for applying this policy. Upon receipt of a request and supporting medical documentation, the Benefits Officer in the Office of Human Resources will promptly review all information regarding the employee's disability, the requested accommodation and any other pertinent information. The Benefits Manager may, with the employee's consent, consult confidentially with any person assessing the employee's condition and/or with other institution personnel who are necessary to the consideration of an appropriate decision. The Benefits Manager will discuss with any eligible employee any accommodations that will permit the employee to perform the essential functions of the job, is reasonable and does not constitute an undue hardship for the institution.

Through the interactive process the Benefits Manager will, in good faith, attempt to reach agreement with the employee on whether there is a reasonable accommodation available and if so the nature of the accommodation. If the employee and the Benefits Manager do not agree on the form of reasonable accommodation, the employee may consult with the Director of Human Resources & Risk Management through the complaint procedure outlined below and may be offered an alternative reasonable accommodation if one can be identified. It is ultimately the University's responsibility to determine the reasonable accommodation. The University will keep a record of the interactive process together with any accommodations that have been considered and the response or result of the offer of reasonable accommodation and a description of the accommodation ultimately offered.

Implementation:

If a reasonable accommodation has been identified and agreed upon by the University and the employee, information regarding the accommodation will be given to the employee's supervisor or other personnel, as needed, to implement the accommodation. The Benefits



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Manager will facilitate any discussion with the employee's supervisor or other necessary personnel as requested by the employee.

Complaints:

Any employee who has a complaint regarding disability discrimination, including but not limited to a claim that the University has failed to make reasonable accommodation, must attempt to resolve that complaint through the following complaint procedure:

1. A written complaint containing the name, address and telephone number of the employee as well as the location, date and description of the complaint must be submitted to the Director of Human Resources & Risk Management as soon as possible, and no later than twenty (20) calendar days after the occurrence of the event. Alternative means of complaining, such as personal interview or tape recording may be used, if required, because of an individual's disability. For good cause shown the University may, in its sole discretion, extend the time period beyond twenty (20) days.
2. As soon as practical after receipt of the complaint, the Director of Human Resources & Risk Management will meet with the employee to discuss the complaint. As soon as practical after the meeting the Director of Human Resources & Risk Management will explain the position of the University in a format accessible to the employee and where practical, offer options for substantive resolution.
3. Within ten (10) calendar days after receiving the Director's decision, the employee may appeal to the University President or designee who will meet with the employee to discuss the appeal as soon as practical. As soon as practical following that meeting the President or designee will issue a final decision regarding the complaint in a format accessible to the employee.

Confidentiality:

All persons participating in assessments and decisions relating to issues of disability and reasonable accommodation shall keep confidential all information related to such matters, except as disclosure is required in order to make such an assessment or decision or determine or implement a reasonable accommodation, or to respond to an external complaint or proceeding or as otherwise required by law.

Record Retention:

Franklin Pierce University Human Resources Office must retain all documentation relating to disability determinations, including but not limited to records of interactive process, grievances, appeals and University responses for at least seven (7) years for employees and three (3) years for employment applicants.

No portion of this policy is intended to expand or diminish any right or obligation imposed by external law, collective bargaining agreement or other contract or binding obligation.