Purpose

The University of Massachusetts Medical School (UMMS) is actively engaged in providing a barrier free workplace in which all individuals can use and develop their talents and contribute to the mission and culture of the Medical School. The disability accommodation is an important tool for ensuring access to opportunity for individuals with a disability. This procedure explains the goals and scope of the accommodation process, how employed individuals and campus guests with disabilities can initiate the accommodation process, how the process works, and the role of all parties in the accommodation process.

Scope

The disability accommodation process is an interactive process, which requires cooperation and communication between the individual requesting the accommodation, the Diversity & Inclusion Office (“DIO”) and, as needed a representative of the employing department or activity that can be engaged to address the barrier. To the extent possible, the DIO will strive to maintain the privacy of the individual requesting the accommodation.

Individuals actively participate in the accommodation process by communicating their needs and interests and actively engaging in the conversations that may be necessary to develop an effective and timely accommodation plan. The DIO strongly encourages employees to discuss their need for an accommodation with the DIO first so we can assist employees with this sometimes sensitive and personal situation. This procedure does not cover matriculated students. Student educational accommodations are facilitated by the Department of School Services. The office can be reached at (508) 856-5033, http://www.umassmed.edu/schoolservices.

PROCEDURE

Background

A disability is defined as a physical or mental impairment that substantially limits one or more major life activities; and there is a record of such impairment or the individual is regarded by an employer as having such an impairment.

Employees or perspective employees must be qualified to perform the required or essential duties of a job, with or without a reasonable accommodation. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. The employing department or the department sponsoring an activity is
responsible for covering the costs of an accommodation. However, the majority of accommodations can be provided at little or no expense

REQUESTING an ACCOMMODATION

A request for reasonable accommodation is the first step in an informal, interactive process that produces the accommodation plan and guides its implementation.

An individual with a disability may request a reasonable accommodation at any time during the application processes, during the period of employment, or when visiting the campus for any event or activity open to the general public.

- an employee with a disability can request an accommodation even if one was not requested at the point of applying or receiving a job offer.
- Rather, an individual with a disability may request a reasonable accommodation at any time there is a workplace barrier that is preventing them from effectively competing for a position, performing a job function, or gaining equal access to a benefit of employment.

When an employee makes a request for accommodation, this request does not necessarily mean that UMMS is required to provide the accommodation. In some instances, before addressing the merits of the accommodation request, UMMS may need to determine if the individual's disability meets the Department of Justice (“DOJ”) and Americans with Disabilities Act (“ADA”) definition of "disability," a prerequisite for the individual to be entitled to a reasonable accommodation:

HOW TO INITIATE AN ACCOMMODATION REQUEST

- There are many ways in which an employee may initiate a request for a reasonable accommodation (i.e. a written letter from a licensed health professional; conversation with supervisor or DIO or initiated by the employee’s spouse).

- If the employee’s supervisor becomes aware of a request for accommodation before DIO, the supervisor should direct the employee to the DIO website or the DIO Office, where the employee making the request for a reasonable accommodation can access a copy of the Accommodation Request Form.

- The employee should complete the Accommodation Request Form thoroughly. Missing or inaccurate information may delay the process.
All relevant supporting medical documentation must be submitted with the application. Incomplete request forms that do not meet the guidelines will not be processed. The DIO will work with the employee to gather the information needed.

In some cases, medical documentation may not be required if a disability and need for accommodation are obvious.

**INFORMAL, INTERACTIVE PROCESS**

After it is confirmed by the DIO that the employee has a disability as defined by the ADA and DOJ, the DIO will engage in an informal, interactive dialogue with the employee and the employee’s supervisor that includes the type of reasonable accommodation being requested and how the supervisor/department can accommodate the employee.

The exact nature of the interactive dialogue will vary based on the individual’s situation. In some instances, both the disability and the type of accommodation required will be obvious, and thus there may be little need to engage in discussion. In other situations, the employer may need to ask questions concerning the disability, and the individual's functional limitations in order to identify an effective accommodation.

If there are two possible reasonable accommodations, and one costs more or is more burdensome to UMMS than the other, the DIO and the department may choose the less expensive or less burdensome accommodation as long as it is effective (i.e., it would remove a workplace barrier, thereby providing the individual with an equal opportunity to apply for a position, to perform the essential functions of a position, or to gain equal access to a benefit or privilege of employment).

Reasonable accommodation expenses are covered by the department for which the requesting employee works. UMMS must provide reasonable accommodation that will provide employees with an equal opportunity to participate in employer-sponsored training, meetings, workshops and other job related activities absent undue hardship. The DIO does not provide funding to departments for reasonable accommodations. However, the DIO is responsible for determining what accommodation requests are “reasonable” and whether these requests present “undue hardship” to UMMS.

**GUIDELINES FOR MEDICAL DOCUMENTATION**

These guidelines are designed to assist your licensed health professional in preparing documentation of your disability in order to help determine the appropriate accommodation. Please forward documentation that meets these guidelines to the DIO.
• Documentation must be provided by a licensed health professional (i.e., doctor, clinician, therapist) qualified to diagnose in the appropriate area of specialization.

• Documentation must be on letterhead, typed, dated, signed, and otherwise legible.

• Documentation is based on a current evaluation (within three months).

  Documentation must include:

  1. Clear support of the existence of the claimed disability with relevant medical and other history.

  2. A description of the functional limitations resulting from the disability.

  3. A description of current treatments and assistive devices and technologies, with estimated effectiveness in ameliorating the impact of the disability.

  4. Clear support of the direct link to and need for the requested accommodation(s).

If an individual provides insufficient documentation, the DIO will explain why the documentation is insufficient and allow the individual an opportunity to provide the missing information in a timely manner. Documentation is insufficient if it does not specify the existence of a disability according to the ADA or if it does not clearly explain the need for reasonable accommodation.

Employee’s medical documentation and information will be kept confidential and will stay housed within DIO. Requests for accommodations do not become part of an employee’s personnel record.

**EMPLEEES RESPONSIBILITIES**

• Request needed accommodations to all work tools, training, professional development resources and services that are available to all employees.

• Contact DIO in order to initiate the process to obtain an accommodation in order to do your job (508) 856-2179.

• File a completed Reasonable Accommodation Request Form with the DIO.

• Provide appropriate documentation of a disability including the functional limitation(s) of the disability and its impact on ability to perform the job within current conditions, services and activities at UMMS.
• Cancel or renew requests for accommodations as indicated within the approved accommodation document.
• Work cooperatively with DIO and your department to ensure accommodation is within agreed upon timeframes.

DEPARTMENT HEADS, MANAGERS AND SUPERVISORS RESPONSIBILITIES
• Establish essential requirements and standards for job responsibilities, performance deliverables or activities at UMMS.
• Refer employees to the DIO when there is a formal or informal request or inquiry of an accommodation.
• Provide access to all work tools and materials, training, professional development programs, services and activities at UMMS.
• Follow published procedures for requesting accommodations, access to training or other work related activities offered to all employees.
• Base all employment decisions (application process, hiring, training, assignments, evaluation, promotion, discipline, and termination) on an applicant or employee’s qualifications and performance, not on a disability or need to accommodate (it’s against the law).
• Ensure job descriptions contain the essential functions, requirements and standards for the job, work deliverables and work conditions.
• Consult with the DIO before making disability related decisions.
• Maintain confidentiality regarding the disability and accommodations (refrain from discussion with co-workers or colleagues, do not place medical information out in the open).
• Refer applicants/employees to the DIO for information and/or assistance with disability accommodation procedures.
• Review accommodations periodically to ensure that they are effective.
• Provide budget for responsible accommodations.
• Requests for accommodations are not part of an employee’s personnel file.
• Implement agreed upon accommodations and make adjustment as needed.
• Ensure that all Electronic Information Technology is assessable to all employees and individuals with disabilities. Programs or activities open to the public must be accommodated.
• When in doubt, contact DIO.

DIO RESPONSIBILITIES
• Review submitted documentation without bias and seek appropriate relevant professional expertise when necessary.
• Request and receive, through Medical Doctor or Employee Health, current documentation that identifies the existence of a disability and explains the functional limitations of the disability.
• Deny an accommodation, adjustment or auxiliary aid that fundamentally alters a job’s description and deliverables.
• Confer with the employee and other relevant parties when determining accommodations, work conditions adjustments or auxiliary aids and services.
• Provide information in accessible formats upon request.
• Respond to requests in a timely basis.
• Suggest appropriate and reasonable accommodations, work condition adjustments or auxiliary aids and services based upon documentation submitted to the office.
• Recommend equally effective accommodations, adjustments or auxiliary aids and services.
• Facilitate resolution of accommodation disputes between Manager/Department and Employee.
• Maintain appropriate confidentiality of documentation and information.

DEFINITIONS

The definitions used in this glossary were taken from the Americans with Disabilities Act (ADA), United States Equal Employment Opportunity Commission (EEOC) guidance, and other reference materials. They are commonly used terms and may have various definitions depending on their context.

Accessible:
Refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Americans with Disabilities Act (ADA):
a comprehensive, federal civil rights law that prohibits discrimination on the basis of disabilities in employment, state and local government programs and activities, public accommodations, transportation, and telecommunications.

Disability:
With respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Equal Employment Opportunity:
An opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.
Qualified Individual:
an individual who satisfies the requisite skill, experience, education and other job-related
requirements of the employment position such individual holds or desires, and who, with or
without reasonable accommodation, can perform the essential functions of such position. The
ADA prohibits discrimination on the basis of disability against a qualified individual.

Reasonable Accommodation:
A reasonable accommodation is a modification or adjustment to a job or the work environment,
that does not cause the employer undue hardship, and that will enable a qualified applicant or
employee with a disability to participate in the application process or to perform essential job
functions. Reasonable accommodation is determined by an interactive process that is determined
on a case by case basis. Examples of reasonable accommodations include making existing
facilities accessible; job restructuring; part-time or modified work schedules; acquiring or
modifying equipment; changing tests, training materials, or policies; providing qualified readers
or interpreters; and reassignment to a vacant position.

Undue Hardship:
Undue hardship refers to the employer’s significant difficulty or expense and focuses on the
resources and circumstances of the particular employer in relationship to the cost or difficulty of
providing a specific accommodation. Undue hardship refers not only to financial difficulty, but
to reasonable accommodations that are unduly extensive, substantial or disruptive, or those that
would fundamentally alter the nature or operation of the business.

CONTACT INFORMATION
UMass Medical School
Office of Diversity & Inclusion
(508) 856-2179
Diversity@umassmed.edu