



KENNESAW STATE
UNIVERSITY

Policy Title	ADA Reasonable Accommodation Policy
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Responsible Office	Human Resources
Contact Information	Office of Human Resources Phone: 470-578-6030 Email: hr@kennesaw.edu

1. Policy Purpose Statement

This policy is to inform all Kennesaw State University (KSU) employees and job applicants that the University complies with the Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This policy provides for the procedures established to assist job applicants and KSU employees, including faculty and staff with disabilities, with requesting a reasonable accommodation.

2. Background

The Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Amendments Act (ADAAA), prohibits discrimination in the workplace on the basis of a disability and requires that employers provide reasonable accommodation to qualified individuals with a disability. Kennesaw State University also has a [Non-Discrimination Policy](#) that similarly prohibits discrimination on the basis of disability. Therefore, absent undue hardship, both the ADA and KSU policy require the University to provide a reasonable accommodation to job applicants and employees who are qualified individuals with a disability so they may perform the essential job duties of a position.

3. Scope (Who is Affected)

All KSU employees, including faculty, staff, and student employees, and applicants for employment at KSU.

Note: KSU students (undergraduate and graduate) should refer to the Office of Student Disability Services at <https://sds.kennesaw.edu/>.

4. Exclusions or Exceptions

None

5. Definitions and Acronyms

Applicant: An individual pursuing an employment opportunity with the University by submitting a completed application for a specific, vacant position.

Employee: Any faculty member, staff member, or student employed by KSU, including hourly, salary, part-time, and full-time employees.

Essential Function(s): The ADA generally defines essential functions to mean the fundamental job duties of the position the individual with a disability holds or desires. This term does not include the marginal functions of the position. A job function may be considered essential because for any of several reasons, including, but not limited to, the following: (1) the function may be essential because the reason the position exists is to perform that function; (2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or (3) the job function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Disability: Defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Human Resources (HR): KSU Office of Human Resources.

Major Life Activities: Identified by the ADA to include, but not limited as, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions.

Major Bodily Functions: Identified by the ADA to include, but not limited as, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Accommodation: A modification or adjustment to the job application process, 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.

Substantial Limitation (Substantially Limiting): Defined by the ADA as the inability of an individual to perform a major life activity as compared to most people in the general population.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodation or auxiliary aides or services; or learned behavioral or adaptive neurological modifications.

Qualified Individual with a Disability: An individual with a disability (*see definition above*) is qualified if he or she possesses the requisite skills, education, experience, and other job-related requirements of the position the individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position. An applicant must satisfy the minimum qualifications for the job for which he or she is applying in order to be considered qualified.

Undue Hardship: The ADA defines undue hardship as significant difficulty or expense incurred by an employer, with respect to the provision of an accommodation. Hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive; or one that would fundamentally alter the nature of the position or operation of the business. Factors considered in determining whether an accommodation is an undue hardship may include cost of the accommodation, size of the employer, financial resources, and the nature and structure of the operation.

6. Policy

Kennesaw State University will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so creates an undue hardship to the University or the accommodation causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated or reduced by reasonable accommodation.

7. Associated Policies/Regulations

- a. [University System of Georgia Human Resource Administrative Practice Manual, Employment: Americans with Disabilities Act](#)
- b. [U.S. Equal Employment Opportunity Commission Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)
- c. [U.S. Department of Labor Office of Disability Employment Policy](#)
- d. [KSU Non-Discrimination Policy](#)

8. Procedures Associated with this Policy

Reasonable Accommodations Request Procedures

- A. Employees or Hiring Managers should contact Human Resources (HR) regarding requests for accommodations because of a disability. Human Resources has the responsibility of engaging in the interactive process for determining whether an employee or applicant is a qualified individual with a disability for purposes of providing reasonable accommodations.
- B. An employee or applicant with a disability who desires an accommodation to perform essential job functions must submit a request using the following form: [KSU Accommodation Request Form](#).
- C. Medical documentation may be requested by HR. It is the responsibility of the employee to provide the requested medical documentation regarding the request for reasonable accommodation by the deadline given. The medical documentation only goes to HR.
- D. HR will meet with the employee or applicant upon receiving the medical documentation and accommodation request to facilitate an interactive process to determine the

accommodations that will be provided to the employee or applicant. HR will also facilitate discussions with the department manager/supervisor or Hiring Manager as part of the accommodation determination process.

The decision as to the appropriate (reasonable) accommodation is made on a case-by-case basis. Employees are not guaranteed to receive their preferred reasonable accommodation but will receive an accommodation that is effective. The principal test is whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average similar-situated person without a disability.

All employees are required to comply with the University's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be addressed.

The HR department is responsible for implementing the ADA Reasonable Accommodation Policy, including the resolution of reasonable accommodation, safety/direct threat, and undue hardship issues.

Appeal

Denial of an accommodation may be appealed to the University's Chief Human Resources (CHRO). The CHRO will determine whether the denial of accommodation complies with the policy and procedures outline herein. The decision of the CHRO is a final decision.

Confidentiality

While supervisors will know the functional limitations of an employee or applicant and HR will have access to medical documentation regarding an employee's or applicant's diagnosis, the information will be kept confidential and only revealed with the consent of the employee or applicant.

Other Procedures:

[KSU ADA Accommodation Request Process](#)

9. Forms Associated with this Policy

- a. [KSU Accommodation Request Form](#)
- b. [KSU Employee ADA Medical Certification Form](#)

10. Violations

Violators of the Americans with Disabilities Act (ADA) Reasonable Accommodation Policy may be subject to disciplinary action up to, and including, termination.

11. Review Schedule

This policy is reviewed annually by the Chief Human Resources Officer or designee.