



# Equal Employment for Individuals with Disabilities

## Policy 4.45

### Office of Human Resources

Applies to: Faculty, staff, student employees, and graduate associates

## POLICY

Issued: 10/16/1992  
 Revised: 10/01/2009  
 Edited:  
 Reviewed:

It is the policy of The Ohio State University that discrimination on the basis of disability is prohibited. Pursuant to the ADA Amendments Act of 2008 (ADAAA), Titles I and II of the [Americans with Disabilities Act](#) (ADA) of 1990, and Section 504 of the [Rehabilitation Act of 1973](#), the university provides equal employment opportunities and reasonable accommodation for qualified individuals with disabilities.

## Definitions

Term	Definition
<b>Disability</b>	A physical or mental impairment that substantially limits one or more of the major life activities of an individual or a record of such impairment or being regarded as having such an impairment. The impairment can be a disability even if episodic or in remission.
<b>Qualified individual with a disability</b>	An individual with a disability who, with or without reasonable accommodation, can perform essential functions of the employment position that such individual holds or desires.
<b>Essential job functions</b>	Those functions actually performed in the job, the removal of which would fundamentally alter the position. To determine whether a function is essential, it must be determined whether the position exists to perform that function and whether there are other employees available to share that function, as well as the degree of expertise required to perform the function. Whether a function is essential also depends on the content of the written job descriptions, the terms of the collective bargaining agreement, the time spent performing the particular function, and the consequences of failing to require the employee to perform the function.
<b>Reasonable accommodation</b>	A modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions. Such accommodation is required unless it poses an undue hardship on the employer. The determination of what accommodation is reasonable in a particular situation involves a process in which the department and the employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations.
<b>Undue hardship</b>	Any accommodation that is substantial or disruptive or would be unduly costly to the university or that would fundamentally alter the nature or operation of the unit.
<b>Major life activities</b>	Include caring for oneself, performing manual tasks, walking, sitting, standing, lifting, reaching, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, as well as the operation of major bodily functions including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This is not an exhaustive list.
<b>Substantially limits</b>	An impairment is substantially limiting if it significantly restricts the duration, manner, or condition under which an individual can perform a particular major life activity as compared to the ability of the average person in the general population to perform that same major life activity. In these instances, the following factors will be considered: (1) the nature and severity of the impairment; (2) the duration or expected duration of the impairment; (3) the permanent or long-term impact resulting from the impairment.

## Policy Details

- I. It is a violation of university policy to discriminate in employment against a qualified person in regard to any employment practice or term, condition, or privilege of employment because that person currently has a disability, at one time had a disability, or is regarded as having a disability. It is also a violation of this policy to deny an employment opportunity or benefit or otherwise discriminate against an individual, whether or not the individual has



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a disability, because that individual has a known relationship or association with a person who has a disability. This prohibition applies to job application procedures, hiring, advancement, and discharge of employees; employee compensation; job training; and all other terms and conditions of employment.

- II. It is university policy to determine essential job functions based on an individualized inquiry into each position filled and to determine whether the person with a disability can perform these functions unaided or with reasonable accommodation.
- III. It is against university policy to use qualification standards or selection criteria that would screen out, or tend to screen out, individuals with disabilities, unless such measures are both job related and necessary to the safe and efficient operation of the business.
- IV. The affirmative obligation to provide reasonable accommodation applies to individuals seeking employment with the university and to current staff members who become disabled while employed with the university.

## PROCEDURE

Issued: 10/16/1992  
 Revised: 10/01/2009  
 Edited:  
 Reviewed:

### I. Dispute Resolution Process

- A. Individuals who believe they have been excluded from an employment opportunity, benefit or program or have been denied a reasonable accommodation are encouraged to contact the Office of Human Resources, [Organization and Human Resources Consulting](#) (OHRC) or the ADA Coordinator’s Office.
- B. ADA Coordinator’s Office or OHRC staff is available to consult and assist with requests for accommodations or concerns related to a potential accommodation under this policy.
- C. Informal resolution is strongly encouraged but does not preclude the submission of a [formal complaint](#).

## Responsibilities

Position or Office	Responsibilities
Employing Unit	1. Each dean, vice president, director, department chair, and/or administrative officer of an operational unit will assist the Office of Human Resources and the ADA Coordinator’s Office in the implementation and dissemination of this policy. Such officials are responsible for reviewing their units’ recruitment, interviewing, selection, and employment practices and for implementing changes as necessary to assure compliance with this policy. 2. Each unit is responsible for ensuring the confidentiality of medical records in accordance with <a href="#">Policy 1.20 – Personnel Records</a> .
Office of Human Resources	1. Work in partnership with the ADA Coordinator’s Office to establish reasonable accommodations for employees. 2. Coordinate and implement this policy and guidelines including the investigation of complaints pursuant to <a href="#">Policy 8.20 – Employment Disputes and Complaints of Discrimination</a> . 3. Coordinate temporary accommodations as reasonable through Integrated Disability. 4. Provide educational tools about disability policy and law to managers and employees.



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Position or Office	Responsibilities
<b>University ADA Coordinator</b>	<ol style="list-style-type: none"><li>1. Coordinate university policies and procedures relating to persons with disabilities.</li><li>2. Track university progress and file reports relating to university policies and procedures as well as state and federal laws relating to persons with disabilities.</li><li>3. Consult with employing units, offices, and individuals as appropriate.</li><li>4. Provide educational tools about disability policy and law to managers and employees.</li></ol>
<b>Employee</b>	<ol style="list-style-type: none"><li>1. Inform the Office of Human Resources or the ADA Coordinator's Office of a need for an accommodation.</li><li>2. Submit necessary medical documentation to support the request for an accommodation.</li><li>3. Engage in good faith the interactive process with the supervisor, the Office of Human Resources and/or the ADA Coordinator's Office to assess and establish a reasonable accommodation.</li><li>4. Adhere to this policy.</li></ol>

### Resources

- [Americans with Disabilities Act \(ADA\) web site](#)
- [Applying Performance and Conduct Standards to Employees with Disabilities](#)
- [Guidelines for Investigating Complaints of Discrimination and Harassment](#)
- [Job Accommodation Network](#)
- [Rehabilitation Act of 1973](#)
- [The Ohio State University ADA web site](#)
- [U. S. Equal Employment Opportunity Commission](#)

### Contacts

Subject	Office	Telephone	E-mail/URL
<b>Policy</b>	Organization and Human Resource Consulting, Office of Human Resources	614-292-2800	<a href="mailto:ohrc@hr.osu.edu">ohrc@hr.osu.edu</a> <a href="http://hr.osu.edu/ohrc">hr.osu.edu/ohrc</a>
<b>Disability benefits and temporary accommodations</b>	Integrated Disability, Office of Human Resources	614-292-3439	<a href="mailto:id@hr.osu.edu">id@hr.osu.edu</a> <a href="http://hr.osu.edu/benefits/disabilitybenefits">hr.osu.edu/benefits/disabilitybenefits</a>
<b>Accommodations</b>	ADA Coordinator's Office	614-292-6207	<a href="mailto:ada-osu@osu.edu">ada-osu@osu.edu</a> <a href="http://ada.osu.edu">ada.osu.edu</a>
<b>Students with disabilities</b>	Office of Disability Services	614-292-3307	<a href="mailto:odsexam@studentlife.osu.edu">odsexam@studentlife.osu.edu</a> <a href="http://www.ods.ohio-state.edu">www.ods.ohio-state.edu</a>

### History

Issued: 10/16/1992  
Edited: 09/06/2002  
Revised: 10/01/2009