



# POLICY & PROCEDURE MANUAL

## North Dakota State College of Science

### Americans with Disabilities Act Policy

Source: NDSCS President

Applies to: All Employees and Applicants

Purpose: North Dakota State College of Science (NDSCS) is committed to providing equal opportunity to both applicants for employment and employees with disabilities by providing reasonable accommodations. To fulfill this commitment, NDSCS has established the following guidelines.

### Policy

#### General

#### GUIDELINES

##### 1. Definitions:

##### a. Disability

The term "disability" means, with respect to an individual

(i) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(ii) a record of such an impairment; or

b. Qualified Individual The term "qualified individual" means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this subchapter, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job

c. Essential Job Functions 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 description, the time spent performing the particular function, and the consequences of failing to require the Employee to perform the function.

d. Reasonable Accommodation

The term "reasonable accommodation" may include

- i. making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- ii. job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities

e. Undue Hardship

- i. In general

The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (ii).

- ii. Factors to be considered

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include

(i) the nature and cost of the accommodation needed under this chapter;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

- (iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

f. Major Life Activities

(i) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(ii) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

g. Substantially Limits An impairment is substantially limiting if it significantly restricts the duration, manner, or condition under which an individual can perform major life activity as compared to the ability of the average person in the general population to perform that same major life activity.

2. APPLICANTS FOR EMPLOYMENT:

- a. Applicants for employment who have a disability may request reasonable accommodation at any time during the application process. Requests for accommodation may be made orally to the hiring department or the Office of Human Resources. Requests will be addressed in a timely fashion. Applicants will be asked to confirm their request in writing, but the arrangements for accommodation will not depend on receipt of the written request.

3. EMPLOYEES:

- a. The Office of Human Resources is responsible for the coordination and implementation of this policy and guidelines as it relates to employees. Audits of requests for accommodations will be conducted through the Office of Human Resources.

- b. Each Dean, Director, Department Chair and/or Administrative Officer will assist the Office of Human Resources in the implementation and dissemination of this policy. Such officials are responsible for reviewing recruitment applications, interviewing, selecting and employment practices and for implementing changes as necessary to assure compliance with this policy.
- c. It is the obligation of all employees of the College to adhere to this policy in their areas of responsibility.
- d. Request for reasonable accommodation: An employee whose disability requires reasonable accommodation in order to perform his/her job may request reasonable accommodation from the supervisor at any time during his/her employment. Such requests may initially be made orally, and the supervisor will assess and address the request in a timely fashion.
- e. Process for addressing requests for accommodation: The employee and supervisor should engage in a discussion to clarify what the employee needs and identify appropriate reasonable accommodation. As soon as possible after the employee's notification:
  - ii. The College will attempt to provide the accommodation in the form requested by the employee. The employee may refuse an alternative reasonable accommodation but such refusal may mean the individual no longer is qualified for the job.
- f. Documentation of disability and need for accommodation: Employee will be expected to confirm the request in writing to the supervisor within two weeks of the verbal notification. The employee will be asked to provide relevant, written documentation of a disability unless both the disability and the need for accommodation are obvious. Documentation should be from an appropriately certified or licensed health care or rehabilitation professional and must specify the existence of a Section 504/ADA disability and explain the need for reasonable accommodation.
  - iii. Documentation provided by an Employee should include the following:
    1. A statement identifying the disability, the date of the current diagnostic evaluation and the date of the original diagnosis, including diagnostic criteria and/or tests used.
    2. A description of the current functional impact of the disability.
    3. Treatments, medications, assistive devices/services currently prescribed or in use.
    4. A description of the expected progression or stability of the impact of the disability over time.
    5. The relevant credentials of the diagnosing professional(s) such as medical specialties or professional licensure.
  - iv. Any written documentation provided by an employee requesting accommodation will be submitted to the Office of Human

Resources where it will be maintained in a confidential file separate from the employee's official personnel file.

- v. Occasionally, the documentation provided by the employee may not be sufficient to make a determination of the appropriate reasonable accommodation. In such a circumstance, the College may require the employee to go to a health care professional of the College's choice in order to adequately document the need for accommodation and identify appropriate accommodations. Any medical examination required under these circumstances will be limited to determining the existence of a disability and the functional limitations that require reasonable accommodation.
- vi. Any costs related to the College's request for the additional medical documentation described in (iii) will be the responsibility of the College.

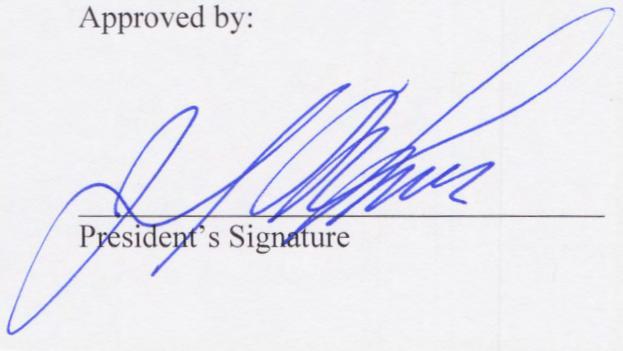
4. STUDENTS:

- a. Student requests for accommodation must be referred to, and will be evaluated by, the Student Accessibility Coordinator. All Student accommodation requests, including those made by Student applicants seeking accommodation in any academic program application process, will be evaluated in accordance with the criteria established and defined by the ADA. Accommodations provided to Students in accordance with the ADA will apply to all college programs, services and activities.
5. An applicant or an employee with a disability, as defined by law, who is dissatisfied with the response to his/her request for reasonable accommodation and wishes to take formal action may file a grievance using NDSCS Equal Opportunity Grievance Procedures Policy.

**Where to Obtain Additional Information**

You may speak to your supervisor, call the Human Resources Office at 701-671-2903, or email HR at [ndscs.hr@ndscs.edu](mailto:ndscs.hr@ndscs.edu).

Approved by:



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President's Signature

8-15-19  
Date