

Title/Subject: **WORK ACCOMMODATION PROCESS**

Applies to:  faculty  staff  students  student employees  visitors  contractors

Effective Date of This Revision: March 2021

Contact for More Information: Faculty Personnel Services; Human Resources

Board Policy  Administrative Policy  Procedure  Guideline

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**I. POLICY:** The Work Accommodation Process, following the guidelines established by federal disability legislation, is a collaborative process between the employee; the supervisor; the Work Accommodation Coordinator (Coordinator)<sup>1</sup>; and other appropriate CMU personnel. The Work Accommodation Process is a consistent procedure to explore with qualified employees with disabilities possible workplace accommodations when requested by the employee.

## II. DEFINITIONS

### a) *Disability*

A person is considered to have a disability if (1) he or she has a physical or mental impairment that substantially limits one or more major life activities such as, but not limited to: hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning, or working; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment.

### b) *Reasonable Accommodation*

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include (but is not limited to):

- Acquiring or modifying equipment or devices
- Job restructuring
- Modifying work schedules
- Adjusting or modifying employment testing, training materials, or policies
- Providing readers and interpreters
- Making the workplace readily accessible to and usable by people with disabilities
- Providing accessible parking

### c) *Qualified Person with a Disability*

A person who, *with or without reasonable accommodation*, is able to perform the essential functions of the position.

**III. PROCEDURES AND GUIDELINES:** Following the guidelines established by federal disability legislation, CMU will provide accommodation after evaluating whether a disability exists. Temporary, non-chronic impairments of short duration, with little or no long term or permanent impact, are usually not disabilities. Such impairments may include, but are not limited to: broken limbs, sprained joints, concussions, appendicitis, and influenza.

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### **The Work Accommodation Process**

1. When the employee with an impairment desires an accommodation to assist in the performance of a job, the request and ensuing action must follow the process below:
  - a) The employee makes a verbal or written request for accommodation of their supervisor.
  - b) When the supervisor receives a request for accommodation from an employee, they will complete the supervisor's portion of the Work Accommodation Request Form (available on the Human Resources "Forms" page <https://www2.cmich.edu/fas/hr/Pages/Forms.aspx> and give the form to the employee with a copy of the Work Accommodation Process. The employee must then submit the completed Work Accommodation Request form to the appropriate Coordinator.
2. The Coordinator reviews the request and determines that:
  - (a) the documentation is adequate and that the Coordinator agrees with the requested accommodation. If the Coordinator determines that the documentation provided is adequate, they will inform the employee of the status of the request, and work with the supervisor to implement the requested accommodation.
  - (b) more documentation is needed. If more documentation is needed, the Coordinator will inform the employee of the status of the request and will send the employee a Medical Records Release packet, which includes a Medical Information/Records Request and Release Form to be completed by the health care provider, usually a physician. This packet may also include a description of the employee's job duties and essential functions.<sup>2</sup>
4. Upon receipt of the completed Medical Information/Records Request and Release Form from the health care provider the Coordinator may consult with medical experts and/or the Work Accommodation Team to determine if the employee meets disability criteria and, if so, to discuss accommodation options.<sup>3</sup> The team members may consult with the employee and others regarding accommodation options. The Coordinator makes the final decision on whether to accept or deny the request for accommodation after reviewing all the documentation submitted from all involved parties.
5. Following consultation:
  - (a) If the employee's request for accommodation is denied, the Coordinator will communicate the decision to the employee and the employee's supervisor.
  - (b) If the request for accommodation is granted, the Coordinator will communicate the decision to the employee and the employee's supervisor. The Coordinator and the employee's supervisor are responsible for implementing the accommodation.
6. If the employee is dissatisfied with accommodations that are provided to them, they may ask the Coordinator to reconsider the decision. If the employee is dissatisfied with accommodations that are provided to them, they may, within five working days after receiving notice of the outcome of the initial accommodation request, ask the Coordinator to reconsider the decision. The Coordinator will inform the employee of the outcome of any such reconsideration within 20 working days of receiving the request for reconsideration.

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If the employee is unsatisfied with the outcome of the request for reconsideration, they may, within five working days after receiving notice of the reconsideration decision, submit a written request to the Coordinator asking that the matter be referred to the **Accommodation Review Committee** (“ARC”) for review.

The ARC is comprised of:

- (a) the Work Accommodation Coordinator for staff,
- (b) the Work Accommodation Coordinator for student employees
- (c) the Work Accommodation Coordinator for faculty, and
- (d) the Director of Student Disability Services.

The Coordinator making the initial determination does not sit on the ARC empanelled for the review. The empanelled ARC will review the accommodation request *de novo* and, after a complete review of the file and interviews of parties where deemed necessary by the ARC, will make a final determination on the matter within 20 working days of receipt of the written request for review. The ARC’s decision shall not be subject to further appeal.

7. All forms (both internal and external) and any medical documentation submitted regarding the work accommodation request will be collected by the Coordinator and retained in a file by the Coordinator. All documentation will be kept separate from the employee’s personnel file.

**Who to Contact**

Questions and comments related to the CMU Work Accommodation Process should be referred to the Work Accommodation Coordinator (for staff: 774-7180; for student employees: 989-774-3881; or for faculty: 774-4701).

*Central Michigan University reserves the right to make exceptions, modify or eliminate this policy. This document supersedes all previous policies, procedures and directives relative to this subject. Please refer questions or concerns to the Originating Department.*

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<sup>1</sup> Work Accommodation Coordinators

<b>Employee Population</b>	<b>Work Accommodation Coordinator</b>
Staff and temporary employees	Assistant Director/Employment Services
Student employees	Manager/Student Employment Services
Faculty	Director/Faculty Employee Relations in Faculty Personnel Services

<sup>2</sup> Essential functions are determined by the office of Human Resources, Student Employment Services or Faculty Personnel Services with input from the supervisor or department chair and employee, as needed.

<sup>3</sup> The Work Accommodation Team consists of the appropriate Work Accommodation Coordinator, and ad hoc members, as needed, (e.g., University Health Services, Employee Assistance Program, Student Disability Services, psychiatric and medical specialist, or supervisor).