



POLICY

Title: Disability Accommodation for Employees and Applicants for Employment

About This Policy

Responsible Official:	Vice President for Human Resources, Diversity and Multicultural Affairs	Approval Authority:	President
Policy Number:	V. 7.1.2	Effective Date:	April 18, 2019
Revision History:	V.7.1.1 Approved January 17, 2012		
Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):			
Title(s)/Department(s):		Contact Information:	
ADA/504 Coordinator		University of Vermont 233 Waterman Building Burlington, VT 05405 (802) 656-0945	
Director, Office of Affirmative Action and Equal Opportunity		University of Vermont 428 Waterman Building Burlington, VT 05405 (802) 656-3368	

Policy Statement

The University of Vermont is committed to providing a workplace that is free from unlawful discrimination and is accessible to all individuals in conformity with state and federal laws. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504); the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 (the ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008, (the ADAAA); and Title 21 VSA 495 prohibit employers from discriminating against qualified individuals with disabilities and require that reasonable and effective accommodations be provided to prospective and current employees. It is, therefore, the policy of the University of Vermont not to discriminate against qualified applicants or employees with disabilities. The University will provide reasonable and effective accommodations and auxiliary services to such individuals in order for them to fully participate in the application process, perform their job, and enjoy equal benefits and privileges of employment at the University. It is also the policy of the

University not to discriminate against any individual who is regarded as having a disability and to prohibit retaliation against any individual seeking an accommodation for a disability, filing complaint under this Policy, or cooperating in an investigation related to a complaint of discrimination under this policy.

Reason for the Policy

This policy establishes that the University of Vermont does not discriminate against qualified individuals with disabilities in any aspect of employment, including application, hiring, promotion, discharge, compensation, training, benefits or other conditions of employment. The University is committed to providing reasonable and effective accommodations to all qualified individuals who have a disability. This policy further establishes that the ADA/504 Coordinator, or designee, is the University official responsible for providing prospective and current employers with information on how to obtain certification of a disability and how to seek reasonable accommodation(s) for a disability.

Applicability of the Policy

This policy applies to all employees and applicants at the University of Vermont. Students who also hold positions of employment with the University are covered by this policy for accommodation requests related to their employment¹.

Definitions

Disability: A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. A person may have a disability even if the effects of the disability are episodic or in remission. Temporary conditions may also be substantially limiting.

Qualified Individual with a Disability: An individual with a disability who meets legitimate skill, experience, education, or other requirements of an employment position that they hold or seek, and who can perform the essential functions of the position with or without reasonable accommodation.

Reasonable Accommodation: Reasonable accommodation involves removal of workplace barriers. It is any change or adjustment to a job or work environment that permits an employee with a disability or record of a disability to perform their job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. When an employee cannot be reasonably accommodated in their current position, the University may require a non-competitive transfer to a vacant position, barring undue hardship. Prior to transfer or reassignment to a vacancy, it must be determined that the employee is qualified for the position and can perform the essential functions of the position, with or without reasonable accommodation(s).

Reasonable Accommodations cannot include:

- Accommodations that pose an undue administrative or financial burden on the University
- Accommodations that pose a direct threat to the health or safety of the employee or other individuals

¹ Students seeking reasonable accommodation in academic or other programs of the University, not related to their employment, should refer to the University Policy for [Disability Certification, Accommodation, and Support – Students](#)

- Removal of essential functions, creation of new jobs, or lower standards

Regarded as Disabled: An individual is regarded as disabled if the individual establishes that they have been subjected to an action prohibited under the ADAAA because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. Regarded as disabled does not apply to impairments that are transitory and minor.

Transitory Impairment: An impairment with an actual or expected duration of six months or less.

Vacant Position: A position that is available when an employee asks for a reasonable accommodation or that the employer knows will become available within a reasonable amount of time, which is determined on a case-by-case basis.

Procedures

Persons interested in applying for employment at the University who require accommodation(s) for the application and/or selection process should contact the ADA/504 Coordinator.

Employees who require a reasonable accommodation for a disability in order to perform their job should contact the ADA/504 Coordinator to establish they are an individual with a disability. The ADA/504 Coordinator will guide the interactive process to determine reasonable accommodations. Detailed procedures applicable to employees and applicants requesting accommodation for a disability are available: [University Operating Procedure for Disability Accommodation for Employees and Applicants for Employment](#) [hyperlink pending].

Supervisors who are approached by Faculty and Staff regarding any difficulty or barrier in their work due to a physical or mental condition should refer the employee to the ADA/504 Coordinator. If a supervisor chooses to directly grant an accommodation to an employee without a referral to the ADA/504 Coordinator, they must make the Coordinator aware of the accommodation that was granted.

In order to determine that an individual has a disability, the ADA/504 Coordinator may request medical documentation from the employee or applicant for employment. If documentation provided by an individual is insufficient to establish they are disabled and/or to determine reasonable accommodations, the ADA/504 Coordinator or their designee reserves the right to request additional medical documentation, from a health care provider, reasonably necessary to establish disability and determine appropriate and effective accommodations.

Documentation of disability furnished by the applicant or employee will be kept separate from their personnel file. The ADA/504 Coordinator will share pertinent information regarding the disability with University personnel as appropriate and in accordance with applicable law and policy.

If an applicant for employment or an employee believes they have been discriminated against at the University because they have a disability or record of a disability, is regarded as having a disability, or is affiliated with an individual with a disability, they should contact AAEO for further information, assistance or to make a complaint. Procedures for filing a complaint and for investigation of complaints are available: [Procedural Guidelines for Handling and Resolving Discrimination Complaints](#).

Additional Public Agencies Enforcing Federal and State Laws Prohibiting Disability-Based Discrimination

U.S. Equal Employment Opportunity Commission

Employees or applicants for employment seeking further information or guidance on the application of the ADA to the University and the information outlined in this Policy may also contact the U.S. Equal Employment Opportunity Commission.

Employees or applicants for employment who believe their rights under the ADA have been violated may file a complaint with either the EEOC's Boston Office (serving Vermont) or National Headquarters:

U.S. Equal Employment Opportunity Commission – Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Website: <http://www.eeoc.gov/>
Telephone: (800) 669-4000

U.S. Equal Employment Opportunity Commission - Headquarters
131 M Street, NE
Washington, DC 20507
Website: <http://www.eeoc.gov/>
Telephone: (202) 663-4900 / (TTY) (202) 663-4494

Vermont Attorney General's Office, Civil Rights Unit

Employees may also contact the Vermont Attorney General's Office to request an investigation of disability based discrimination:

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
<http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>
(888) 745-9195; (802) 828-3657
ago.civilrights@vermont.gov

Forms/Flowcharts/Diagrams

- None.

Related Documents/Policies

- [Disability Certification, Accommodation and Support Policy - Students](#)
- [Procedural Guidelines for Handling and Resolving Discrimination Complaints](#)
- [Procedural Guidelines for Disability Accommodation for Employees and Applicants for Employment](#)

Regulatory References/Citations

- Section 504 of the Rehabilitation Act of 1973;
- 29 U.S.C. 794 (Section 504);
- The Americans with Disabilities Act of 1990, 42 U.S.C. 12131 (the ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008, (the ADAAA); and
- Title 21 VSA 495

Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

Effective Date

Approved by the President April 18, 2019