

# COMPLIANCE NOTES:

## Accommodations – ADA and Title IX

The Americans with Disabilities Act, as amended (ADAAA), and Section 504 of the Rehabilitation Act (Section 504), collectively prohibit discrimination against individuals with disabilities, and require covered employers to provide reasonable accommodation to qualified employees with disabilities. In accordance with these laws, the University of Tennessee Health Science Center is obligated to engage in an interactive process with eligible employees to determine whether reasonable accommodation should be provided.

### WHO IS PROTECTED UNDER SECTION 504 AND THE ADA?

Section 504 and the ADA protect qualified individuals with disabilities. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The question of whether a particular condition is a disability within the meaning of Section 504 and the ADA, and determinations regarding an employee's eligibility for accommodation, are evaluated on a case-by-case basis.

### WHAT CONSTITUTES A REQUEST FOR ACCOMMODATION?

According to the U.S. Equal Employment Opportunity Commission (EEOC), an employee is not required to mention the ADA or use the phrase "reasonable accommodation" when making such a request. Accordingly, anytime an employee indicates that he or she is experiencing limitations related to a medical condition, the employer should consider whether the employee is making a request for accommodation.

### WHAT SHOULD I DO IF AN EMPLOYEE REQUIRES ACCOMMODATION?

**When a supervisor believes an employee may require accommodation, the supervisor should:**

1. Refer the employee to resources available on the Office of Compliance website;
2. Alert Office of Compliance to the potential need for accommodation.

Once Office of Compliance has been notified of the situation, our ADA/Section 504 Coordinator or Deputy Coordinator will contact the employee to provide an overview of the accommodation request process, and ensure that the employee has access to the official request forms.

If an employee proceeds in seeking accommodation, Office of Compliance will review information submitted by the employee and his or her health care provider to reach a preliminary eligibility determination. If the employee is eligible for accommodation, Office of Compliance will facilitate the prescribed process (see "THE INTERACTIVE PROCESS," on reverse) through which the employee's needs and potential reasonable accommodations are identified and evaluated.

### APPLICABLE LAWS

- Americans with Disabilities Act of 1990 (ADA)
- ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments Act of 1972
- Tenn. Code Ann. § 50-1-305

As a public institution that receives federal funding, the University of Tennessee Health Science Center is required to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The Health Science Center is committed to providing a campus which is accessible to everyone.

#### Office of Compliance

920 Madison, Suite 825  
Memphis, TN 38163  
t 901.448.2112 | f 901.448.1120  
oc-hsc@uthsc.edu  
[uthsc.edu/oc](http://uthsc.edu/oc)

#### Telecommunications Device for the Deaf

t 901.448.7382



THE UNIVERSITY OF  
TENNESSEE  
HEALTH SCIENCE CENTER.

COMPLIANCE

## REASONABLE ACCOMMODATIONS

A reasonable accommodation is any adjustment or modification to the work environment, or to the manner or circumstances in which a job is customarily performed, which would enable a qualified employee to perform his or her job, or enjoy equal benefits and privileges of employment.

## EXAMPLES OF REASONABLE ACCOMMODATIONS INCLUDE:

- Making existing facilities accessible
- Modified work schedules
- Acquiring or modifying equipment
- Paid or unpaid leave

An accommodation must be effective in meeting the employee's needs, and must be necessitated by the employee's disability. Appropriate forms of reasonable accommodation will vary widely, depending on the circumstances of the case in question.

## UNDUE HARDSHIP AND REASONABLENESS STANDARD

A modification that would impose significant difficulty or expense on the employer, or alter the nature of the business, would impose an "undue hardship." An employer is not required to implement such an accommodation.

Adjustments or modifications which would eliminate or fundamentally alter an essential function of the position are inherently unreasonable, and need not be considered.

*For information regarding student accommodations, please contact:*

**Teaching and Learning Center (TLC)**  
8 S. Dunlap GEB, Room BB9  
Memphis, TN 38163  
sassi@uthsc.edu  
t 901.448.7745 | f 901.448.1451  
[uthsc.edu/tlc](http://uthsc.edu/tlc)

## THE INTERACTIVE PROCESS

### What is the Interactive Process?

When a qualified employee's disability and need for accommodation are not obvious, the employer and employee must engage in an informal, interactive dialogue to identify the following: functional limitations created by the employee's disability; the essential functions of the employee's position; the employer's operational needs; and potential reasonable accommodations which could enable the employee to overcome his or her functional limitations.

### What does the Interactive Process entail?

Office of Compliance facilitates the Interactive Process by coordinating meetings with the employee, the employee's supervisor, and any other necessary representatives. During such Interactive Process Meetings, the attendees provide the information which Office of Compliance will require to evaluate the employee's request. The employee is asked to describe the functional limitations he or she is experiencing, while the supervisor and other departmental representatives provide information relating to the essential functions of the employee's position, as well as other details regarding the department's operational needs. The group will then discuss potential adjustments that could be implemented, and which would effectively remove the limitations or barriers the employee has encountered.

As the process requires input from multiple stakeholders and a fact-intensive analysis, the process often requires multiple meetings, some of which take place on an ad hoc basis. Additionally, the process sometimes requires the employee's health care provider to supplement the medical documentation with more specific information and details.

### What happens at the conclusion of the Interactive Process?

Based on information collected through these meetings, Office of Compliance in conjunction with appropriate institutional representatives, will evaluate the employee's request. Office of Compliance will convey the outcome of this evaluation to the employee and supervisor.

Office of Compliance will then facilitate next steps as needed. If an appropriate form of reasonable accommodation is identified, Office of Compliance will assist the department in implementing the adjustment, and monitoring the accommodation to ensure it is effective.

If no reasonable accommodation is identified, Office of Compliance will assist the department in evaluating alternative accommodations, if applicable (e.g., working with Human Resources to identify vacant jobs for which the employee qualifies, and may apply for equal consideration).

## ADA ACCOMMODATION PROCESS OVERVIEW

### PHASE 1 ASSESS

Is the employee eligible?  
What are the employer's needs?

### PHASE 2 ANALYZE

What are the essential functions?  
Is the request reasonable? Would it create an undue hardship?

### PHASE 3 IMPLEMENT

Implement and monitor.  
Consider alternative accommodations.

The University of Tennessee is an EEO/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services.

