

Workplace Accommodations

A Resource Document for CTY Summer Programs Employees and Applicants

Johns Hopkins University Disability Policy

Johns Hopkins University does not discriminate on the basis of race, color, gender, religion, age, sexual orientation, national origin, disability, gender identity or expression, genetic information, veteran or marital status or any other legally protected characteristic. Consistent with its obligations under the law, the university is committed to providing qualified individuals access to academic and employment programs, benefits and activities on the basis of demonstrated ability, performance and merit, without regard to personal factors that are irrelevant to the program involved.

Johns Hopkins University provides reasonable and appropriate workplace and/or academic accommodations to qualified employees and students consistent with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendments Act of 2008 (ADAAA). This policy addresses who is eligible for accommodations and the procedures by which an employee can request accommodations.

What is an Accommodation?

A reasonable workplace accommodation is any modification or adjustment to a job's customary tasks or responsibilities that enables qualified staff with a "disability" to perform essential job functions without undue hardship on Johns Hopkins University's routine operations. A reasonable workplace accommodation assures that a qualified individual with a disability has employment rights and privileges equal to those of employees without disabilities.

Who is Eligible?

A disability is defined by the Rehabilitation Act of 1973 and by the Americans with Disabilities Act of 1990 and the American with Disabilities Amendments Act of 2008 as a physical or mental impairment that substantially limits one or more of an individual's major life activities (such as mobility, walking & standing, learning, sensory ability, etc.). For additional information go to: <http://www.eeoc.gov/policy/adaaa.html>

Disability and Accommodation Determination Process

1.) Disclosure:

- The staff member lets CTY know (verbally or in writing) that s/he has a condition which requires an adjustment/change to perform his/her job.

2.) Referral:

- If the staff member discloses to summer site administrators/supervisors or to full time Baltimore staff (program manager, assistant program manager, other full time summer programs staff) and requests accommodations, a referral should be made to CTY Disability Services Administrator or Johns Hopkins University Director of ADA Compliance.

- The staff member should also complete a *CTY Summer Programs Staff Request for Reasonable Workplace Accommodations* form.

3.) Interactive Process:

- CTY's Disability Services Administrator or Johns Hopkins University Director of ADA Compliance will interview the staff member to discuss the condition and the request for accommodation/adjustment.

4.) Medical/Physical Documentation:

- Working with CTY's Disability Services Administrator or JHU's Director of ADA Compliance on what documentation is appropriate, the staff member will gather and provide any documentation requested.

5.) Review of Records/Information and Job Analysis:

- CTY's Disability Services Administrator or JHU's Director of ADA Compliance determine if the staff member has a disability covered under the ADA law.
- CTY Summer Programs staff provide the job description and essential job functions to CTY's Disability Services Administrator or JHU's Director of ADA Compliance. This is reviewed to aid in determining if the request for accommodation is reasonable.

6.) Accommodation Consideration:

- The staff member, CTY program manager/assistant program manager (in conjunction with on-site supervisors), and CTY's Disability Services Administrator or JHU's Director of ADA Compliance will discuss via phone/email the reasonableness and implementation of the accommodations.

7.) Accepting/Alternative Accommodations:

- a.) *Accepting*: If the CTY program manager/assistant program manager (and on-site supervisors) accepts the recommended accommodations, the *Supervisor Accommodation Agreement Form* is signed.
- b.) *Suggesting Alternative*: The program manager may suggest alternate accommodations. These are discussed with the staff member and CTY's Disability Services Administrator or JHU's Director of ADA Compliance.

Whom to Contact

Melissa Kistler

CTY Disability Services Administrator

Phone: 410-735-6206

Email: melissa.kistler@jhu.edu

JHU Director, ADA Compliance, Office of Institutional Equity

Phone: 410-516-8075/ Relay Service Dial 711

Email: oi@jhu.edu

Staff Member's Responsibility

- ✓ Disclose the need for accommodations.
- ✓ Need not specifically use the words "accommodation" or "disability." A request for "help," or workplace adjustment or technology change, for example, might trigger obligations under the ADA.
- ✓ May choose to discuss his/her condition and accommodation request with supervisor, CTY Disability Services Administrator, or JHU's Director of ADA Compliance.
- ✓ Although not required to disclose the nature of his/her disability or condition with the supervisor, if s/he does, that information may be disclosed to others in connection with the accommodations process.
- ✓ Provide the necessary medical documentation to CTY's Disability Services Administrator or JHU's Director of ADA Compliance or designee for review.

Supervisor's Responsibility

- ✓ If the staff member discloses to the supervisor, the supervisor should refer the staff member to CTY's Disability Services Administrator or JHU's Director of ADA Compliance. These individuals are responsible for

obtaining information from the staff member regarding the need for and the nature of the requested accommodations. These individuals will stay in communication with the supervisor.

- ✓ Provide information concerning the staff member's essential job functions and his/her job description.
- ✓ Provide feedback concerning the request including comments concerning the reasonableness of the request.
- ✓ Make a good faith effort to provide a reasonable accommodation to an individual covered by the ADA.

Other Considerations

Undue Hardship

It is not necessary to provide a reasonable accommodation if doing so would cause an *undue hardship*, an accommodation that would be unduly costly, extensive, substantially disruptive, or would fundamentally alter the nature or operation of the program. The cost of the accommodation, the employer's overall size, overall financial resources, and the nature and structure of its operation are factors considered. If a particular accommodation poses undue hardship, the university must identify another accommodation that will not pose such a hardship.

Workplace Environment

The ADA permits an employer to require that an individual not pose a direct threat to the health or safety of the individual or others in the workplace. A direct threat means a significant risk of substantial harm. An employer can neither reject nor terminate an individual because s/he poses a slightly increased risk of harm to him/herself or to others. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the safety or health of staff members in the workplace, the employer must consider whether the risk can be eliminated or reduced to an acceptable level with reasonable accommodation.