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University of Oregon

**Workplace Accommodation Process Guide**

**Contents**

[I. Process Guide Scope 1](#_Toc11915872)

[II. University Commitment to Supporting Individuals with Disabilities 1](#_Toc11915873)

[III. Accommodation Process - Employees 1](#_Toc11915874)

[A. Process Overview 1](#_Toc11915875)

[B. Requesting an Accommodation 2](#_Toc11915876)

[1. General Information 2](#_Toc11915877)

[2. Accommodation Request Form 3](#_Toc11915878)

[3. Types of Accommodations (and Limitations) 3](#_Toc11915879)

[C. Eligibility for Workplace Accommodations 4](#_Toc11915880)

[1. Disability Determination 4](#_Toc11915881)

[2. Privacy of Medical Information 5](#_Toc11915882)

[D. Interactive Accommodation Process 6](#_Toc11915883)

[1. Generally 6](#_Toc11915884)

[2. Good-Faith Effort and Shared Understanding and Expectations 7](#_Toc11915885)

[3. Interim Accommodations during the Interactive Process 7](#_Toc11915886)

[E. Departmental/Unit Right to Choose the Accommodation Provided 7](#_Toc11915887)

[F. Reconsideration of Approved Accommodations 8](#_Toc11915888)

[G. Accommodation Funding 8](#_Toc11915889)

[H. Discretion to Act 8](#_Toc11915890)

[I. Responsibilities of the ADA Coordinator, or designee, in the Accommodation Process 8](#_Toc11915891)

[1. Brainstorm Accommodation Ideas 8](#_Toc11915892)

[2. Supplemental Requests for Medical Information 9](#_Toc11915893)

[3. Independent Medical Examination 9](#_Toc11915894)

[4. Undue Hardship Analysis 10](#_Toc11915895)

[5. Analysis of Job Functions 10](#_Toc11915896)

[6. “Qualified” Analysis 11](#_Toc11915897)

[7. Maintaining Accommodation Records 11](#_Toc11915898)

[J. Informal, Short-Term Accommodations 11](#_Toc11915899)

[IV. Reassignment Process 12](#_Toc11915900)

[A. Generally 12](#_Toc11915901)

[B. Eligibility for Reassignment as an Accommodation 12](#_Toc11915902)

[C. Written Notice of Opportunity to Pursue Reassignment 13](#_Toc11915903)

[D. Timeline for Reassignment and Review of Open Positions 13](#_Toc11915904)

[E. Limits of Reassignment 14](#_Toc11915905)

[F. Medical Status and Requests for Documentation 14](#_Toc11915906)

[G. Leave Status, Pay, and Benefits during the Reassignment Process 14](#_Toc11915907)

[H. Right to Waive Opportunity to Pursue Reassignment 15](#_Toc11915908)

[V. Request for Review 15](#_Toc11915909)

[A. Generally 15](#_Toc11915910)

[B. Prerequisite to Requesting Review 15](#_Toc11915911)

[C. Process for Review 15](#_Toc11915912)

[D. Bases of Review 16](#_Toc11915913)

[E. Possible Outcomes of a Request for Review 16](#_Toc11915914)

[VI. Additional Resources 16](#_Toc11915915)

[A. UO Human Resources 16](#_Toc11915916)

[B. UO Safety and Risk Services Ergonomics 16](#_Toc11915917)

[C. UO Office of Investigations and Civil Rights Compliance 17](#_Toc11915918)

[D. UO Ombuds Program 17](#_Toc11915919)

[E. Cascade Centers Employee Assistance Program 17](#_Toc11915920)

[F. Bureau of Labor and Industries 17](#_Toc11915921)

[G. Equal Employment Opportunity Commission 17](#_Toc11915922)

[VII. Appendices 17](#_Toc11915923)

[A. APPENDIX 1: Accommodation Request Form](#_Toc11915928)

[B. APPENDIX 2: Medical Provider Form](#_Toc11915930)

[C. APPENDIX 3: Release of Medical Information Authorization Form](#_Toc11915931)

[D. APPENDIX 4: Request for Review](#_Toc11915932)

# University Commitment to Supporting Individuals with Disabilities

The university values diversity and is committed to supporting all employees to achieve success in their jobs. The university also recognizes that disability is an important part of diversity, and that reasonable accommodations can help ensure access to, and success in, the workplace.

Workplace accommodations are intended to help enable employees with disabilities overcome the impact of disability-related limitations so that they can effectively perform the essential functions of their job and/or otherwise enjoy an equal employment opportunity. Accommodations come in many different forms – such as ergonomic furniture or a modified schedule – and each request requires an individualized assessment.

# Process Guide Scope

This document is intended to provide members of the campus community with helpful information regarding the process for university employees to request workplace accommodations and related considerations, such as privacy of medical information, the role of the ADA Coordinator, and reassignment. This document does not address other aspects of the university’s disability-related efforts, such as student accommodations, accommodations for qualified applicants, or members of the public. This document is not meant to be contractual in nature or to conflict with or supersede other contracts or collective bargaining agreements.

While this document covers many aspects of the accommodation process, it is not comprehensive. Moreover, due to the evolving landscape of accessibility and disability rights laws, including the Americans with Disabilities Act, as amended (ADA), the applicability of certain guidance set forth herein may change over time. Accordingly, reasonable efforts will be made to update this document in a timely manner to ensure the university community has good and accurate information at its disposal.

# Accommodation Process - Employees

## Process Overview

The university seeks to provide a straightforward, transparent process for requesting workplace accommodations. While more detailed information is provided in the subsections below, this process typically includes four steps:

1. **The employee must request an accommodation.**

Employees may request an accommodation orally or in writing. When an employee engages in the accommodation process they are asked to complete an Accommodation Request Form. Absent a request, the university will not presume that an employee with a disability requires an accommodation to effectively perform the functions of their position.

1. **The university must determine whether the employee is eligible for an accommodation.**

In order to be eligible, the employee must have a medical condition that qualifies as a “disability” as that term is defined under the ADA. Unless the impairment is obvious, the employee is asked to have their healthcare provider (primary care physician, surgeon, therapist, counselor, etc.) complete the Medical Provider Form and submit it to the ADA Coordinator, or designee, for review. The responses provided therein are typically sufficient for the ADA Coordinator, or designee, to determine whether the medical condition qualifies as a disability. Medical information obtained by the ADA Coordinator is confidential.

1. **The employee, unit, HR-Partner (when applicable), and ADA Coordinator, or designee, must engage in interactive, good-faith discussions to identify and implement reasonable, effective accommodations.**

How the interactive process occurs will vary depending upon the situation. The interactive process may be very short and straightforward where the employee and unit are in agreement about what is reasonable and should be effective for the employee’s needs. In other circumstances, the interactive process may require the ADA Coordinator, or designee, to meet with the employee and department on several occasions (either separately or as a group) to brainstorm alternative accommodation ideas that may be effective but less operationally impactful.

1. **The ADA Coordinator, or designee, will memorialize the outcome of the employee’s engagement in the accommodation process.**

There are a variety of outcomes that could be communicated including, but not limited to: the agreed upon accommodations; a determination that the employee does not have a disability and is not eligible for an accommodation; or a determination that there are no reasonable accommodations that would enable the employee to effectively perform the functions of their position.

The outcome of the employee’s engagement in the accommodation process may be memorialized in an email, letter, or memorandum of understanding, as deemed appropriate by the ADA Coordinator, or designee. The contents of the communication are confidential, should be kept in a file separate from the employee’s personnel file, and should not be shared with others except on a need to know basis, as determined by the ADA Coordinator, or designee.

## Requesting an Accommodation

### General Information

Generally, an employee initiates the accommodation process by informing a supervisor or the ADA Coordinator, or designee, that, because of medical reasons, they would like a change in the work environment or in the way things are customarily done. An individual need not have a particular accommodation in mind when making their needs known.

A request for accommodation can be made orally or in writing at any time during the course of the individual’s employment. When making the request, the employee does not need to use the word “accommodation”, disclose their medical diagnosis, refer to their condition as a disability, or mention the ADA. Additionally, a request for accommodation can be made by an employee’s support person – such as a spouse, healthcare professional, or other representative.

Once on notice of an employee’s request for accommodation, the supervisor or HR Partner is encouraged to contact the ADA Coordinator, or designee, to seek consultation about the situation and discuss appropriate next steps. Generally, under these types of circumstances the supervisor or HR Partner should send the employee a brief email recapping their conversation, identifying what accommodation was requested (if any), directing them to contact the ADA Coordinator to engage the accommodation process, and attaching PDF copies of the Accommodation Request Form and Medical Provider Form (located on Human Resources’ website). A copy of this email should also be sent to the ADA Coordinator, or designee.

In the event that the unit would approve the request irrespective of whether the employee has a disability then they should follow that same practice in these circumstances. In other words, employees with disabilities should not be required to take the added step of engaging in the accommodation process with the ADA Coordinator if their request would be approved regardless of disability status.

While the university is generally required to engage in the interactive process once a request has been made, it does not guarantee that the employee is eligible for accommodations or that the requested accommodation is reasonable. Furthermore, if an employee chooses not to contact the ADA Coordinator or submit an Accommodation Request Form then the university is not obligated to provide an accommodation and it will not be presumed that one is required for the employee to effectively perform the functions of their position or otherwise enjoy an equal employment opportunity.

### Accommodation Request Form

An employee who would like to request an accommodation should complete the Accommodation Request Form. The Accommodation Request Form is available on the Human Resources website <https://hr.uoregon.edu/employee-labor-relations/accommodations>. A hard copy may be obtained from the Human Resources Service Center on the 4th floor of 677 E. 12th Ave.

When an employee fills out the Accommodation Request Form they should be as specific as possible with respect to how their medical condition impacts their ability to perform the functions of their job, and what accommodations they believe would be effective. The requested accommodation identified in the Accommodation Request Form is used as a starting point for the interactive process. As explained in more detail below, depending upon the request, the department and/or ADA Coordinator, or designee, may propose alternative ideas during the interactive process.

Upon receipt of a completed Accommodation Request Form, the ADA Coordinator, or designee, will typically contact the employee to discuss the request by phone or in-person. The ADA Coordinator or designee will also inform the appropriate departmental contact (often the supervisor and/or HR Partner) of the employee’s decision to engage the accommodation process and next steps.

If an employee (or their support person) refuses to complete an Accommodation Request Form then the ADA Coordinator, or designee, may determine that the employee has chosen not to engage the accommodation process (and is therefore, not entitled to an accommodation).

### Types of Accommodations (and Limitations)

While each request is assessed on an individual basis (and not every accommodation is reasonable in every circumstance), there are a many different types of accommodations, including but not limited to:

* Ergonomic furniture or other equipment
* Modifications to the work environment (lighting, acoustics, etc.)
* Assistive software/technology
* Modifications to how work is performed, procedures, or policies
* Reassignment of marginal job functions
* Travel-related needs
* Parking and transportation
* Leave of absence
* Reassignment (in limited circumstances)

Certain accommodations are generally outside the scope of what is reasonable and therefore, cannot be accommodated by the university. Those include, but are not limited to:

* An indefinite leave of absence
* Excusing performance of essential job functions (also known as “light duty”)
* Purchase of personal care devices (wheelchairs, hearing aids, etc.)
* A permanent reduction in FTE
* A new supervisor

## Eligibility for Workplace Accommodations

### Disability Determination

To be eligible for workplace accommodations an employee must have a disability. Consistent with the ADA, “disability” is defined as a medical condition that substantially limits one or more major life activities ***or*** having a record of such an impairment.[[1]](#footnote-1) An employee who is “regarded as” disabled but who does not have a substantially limiting medical condition (or record of such an impairment), is not eligible for workplace accommodations.

An employee who requests an accommodation may be asked to have their healthcare provider complete the university’s Medical Provider Form and submit it to the ADA Coordinator, or designee. The Medical Provider Form is narrowly tailored to help ensure receipt of limited information necessary to assess an employee’s eligibility for workplace accommodations. The university does not want a complete medical history or any more medical information than is required to effectively analyze the request for accommodation. The Medical Provider Form is available from the Human Resources website <https://hr.uoregon.edu/employee-labor-relations/accommodations> and a hard copy may be obtained from the Human Resources Service Center on the 4th floor of 677 E. 12th Ave.

In addition to providing information necessary about the employee’s medical condition, the Medical Provider Form also serves as an opportunity for the healthcare provider to recommend accommodations they believe would help the employee. While the healthcare provider’s recommendations are often helpful, they do not have any weight in the university’s assessment of whether the accommodation is reasonable or an undue hardship.

Upon receipt of a completed Medical Provider Form, the ADA Coordinator, or designee, will review the responses and determine whether the information establishes that the employee’s medical condition qualifies as a disability. If the information received does not establish that the medical condition qualifies as a disability then the ADA Coordinator, or designee, will inform the employee of that conclusion in writing. Under such circumstances, the employee may follow-up with their healthcare provider for reconsideration, or seek a second opinion from another provider and ask them to complete the Medical Provider Form.

Under some circumstances, the ADA Coordinator, or designee, may rely upon information contained in a letter from the employee’s healthcare provider in lieu of a completed Medical Provider Form, so long as the information is sufficient to substantiate the existence of a disability and/or need for reasonable accommodation. The ADA Coordinator, or designee, will make such determinations on a case-by-case basis.

An employee with a disability that constitutes an “obvious impairment” (e.g., an employee who is deaf) is not required to submit medical documentation establishing their eligibility for workplace accommodations. Similarly, documentation may not be required where the university already knows about the employee’s disability (e.g., there is documentation on file from an earlier request) and the individual’s medical condition has not changed.

If an employee refuses to provide supporting medical information, the ADA Coordinator may determine that the employee has not engaged the process in good-faith and deny the request for accommodation.

### Privacy of Medical Information

Any medical information an employee chooses to disclose to their supervisor, HR Partner, or the ADA Coordinator, or designee, is confidential.[[2]](#footnote-2) Accordingly, this information will not be shared with other university employees except on a need to know basis as determined by the ADA Coordinator.

Similarly, any information the ADA Coordinator, or designee, receives from an employee’s healthcare provider regarding a medical diagnosis (whether included in a Medical Provider Form or supplemental request for information) is confidential and will not be shared with the employee’s colleagues, supervisor, or others, except on a need to know basis as determined by the ADA Coordinator.

This confidentiality requirement does not preclude the ADA Coordinator, or designee, from sharing limited information about the functional impact of an employee’s medical condition on their ability to perform the functions of their position in order to brainstorm possible accommodations or assess whether the employee is qualified to effectively perform the functions of their position with or without reasonable accommodations. For example: the ADA Coordinator, or designee, may inform an employee’s supervisor that the medical condition permanently restricts the employee from lifting more than 10 pounds or working on a computer for longer than 30 minutes per day.

Although some information shared with the ADA coordinator, or designee, is private, it is important to understand that in accordance with university policy, the ADA Coordinator may be required to report information shared with appropriate persons. For more information about these reporting obligations, please see: <https://investigations.uoregon.edu/employee-responsibilities> and [https://policies.uoregon.
edu/fraud-waste-and-abuse-reporting-0](https://policies.uoregon.edu/fraud-waste-and-abuse-reporting-0)

Employees who wish to consult with a confidential resource who does not have reporting obligations should contact the Ombuds Program (https://ombuds.uoregon.edu) or the Employee Assistance Program (<https://hr.uoregon.edu/er/general-information/employee-assistance-program>).

## Interactive Accommodation Process

### Generally

Once an individual’s eligibility for accommodations is established, the ADA Coordinator is responsible for engaging the employee and unit in an interactive discussion aimed at identifying and implementing reasonable, effective accommodations for the employee.

The specific approach utilized for conducting the interactive process will vary depending upon the situation. In some circumstances, the ADA Coordinator will have separate conversations with the employee and department about the request for accommodation. In other instances, the ADA Coordinator, or designee, will schedule a meeting with the employee and department to engage in a collaborative discussion of possible accommodation ideas, and challenges associated with implementing the request. While the ADA Coordinator, or designee, maintains discretion to determine the appropriate approach, employees and supervisors are encouraged to weigh-in on their preferred means of conducting the interactive process.

At the outset of the interactive process, employees requesting the purchase of an accommodation (e.g., ergonomic furniture, noise cancelling devices, air filters, or full-spectrum lights) are encouraged to conduct some initial research into the options available in order to determine what may be effective for their specific circumstances. While there are many online resources that can provide ideas, the Job Accommodation Network (<https://askjan.org/>) has an extensive database that may be a good place to start. As noted in subsection E below, the department may choose to provide a less expensive alternative provided that it is effective.

It is the university’s intention to address requests for accommodation in a timely fashion. The precise timeline will vary depending upon several factors, which may include the urgency of the need, the complexity of the request, and the ADA Coordinator’s workload. While patience is appreciated, we strongly encourage employees with time-sensitive needs to let them be known at the time the Accommodation Request Form is submitted. Employees may also request a status update at any time.

### Good-Faith Effort and Shared Understanding and Expectations

Participants in the accommodation process, including but not limited to the ADA Coordinator, or designee, the employee, supervisor/department, and HR Partner, are expected to engage in good-faith. This good-faith effort requires active participation, compassionate listening, and willingness to brainstorm possible solutions. Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation.

In support of our institutional commitment to inclusion and diversity, participants in the interactive process should acknowledge that:

* Disability is an important part of diversity.
* Workplace accommodations help enhance diversity by ensuring that employees with disabilities are able to enjoy equal employment opportunities.
* Everyone involved is expected to help define and understand the need for accommodation, discuss constraints (operational, cost, etc.), and propose solutions that may be effective.
* The accommodation process may require ongoing communication and collaboration in order to identify an effective solution.
* There are limits to what the university can accommodate and in some circumstances, the university may not be able to effectively accommodate someone in their position.

### Interim Accommodations during the Interactive Process

In some circumstances the ADA Coordinator, or designee, may encourage the supervisor/department to provide one or more requested accommodations on an interim basis while the employee engages the accommodation process. Whether an interim accommodation is appropriate will be assessed on a case-by-case basis and may include consideration of factors such as: the operational impact of the requested accommodation and/or the likelihood that the disclosed medical condition qualifies as a disability.

As with all accommodations, if concerns about the operational impact of an interim accommodation arises after it has been agreed to then the ADA Coordinator, or designee, may review/reconsider whether continuing to provide the accommodation is reasonable. If the ADA Coordinator determines that the interim accommodation is not reasonable, then the parties are expected to re-engage in the interactive process to determine whether there are reasonable accommodations that would effectively meet the individual’s needs.

## Departmental/Unit Right to Choose the Accommodation Provided

In the event that there is more than one reasonable accommodation that could be effective for the employee’s needs then the department is able to choose the accommodation provided. For example, if the employee requests a specific sit/stand desk, the department may choose to provide an alternative so long as it is equally effective for the employee’s disability-related needs.

If, after a reasonable trial period, the employee believes that the accommodation provided is not effective then they should inform the ADA Coordinator, or designee, and re-engage the accommodation process.

## Reconsideration of Approved Accommodations

In some circumstances, identifying an effective, and operationally manageable accommodation may require some trial and error. For that reason, if an approved accommodation is proving operationally challenging then a department/unit may request the ADA Coordinator’s review and reconsideration.

If, upon review, the ADA Coordinator, or designee, determines that the approved accommodation is an undue hardship then the parties should re-engage in the interactive process to determine whether there are alternative accommodations that are reasonable and would effectively meet the individual’s needs.

A supervisor who has reason to believe that an employee may no longer need a reasonable accommodation should contact the ADA Coordinator, or designee. The ADA Coordinator, or designee, will decide if it would be appropriate to contact the employee to discuss whether they have a continuing need for the approved accommodation.

## Accommodation Funding

In most circumstances, the department/unit is expected to cover the cost of any approved workplace accommodation. For that reason, departments are encouraged to budget for possible accommodation needs on an annual basis. In the event that the department/unit budget will not cover the necessary accommodation then the department should seek funding from appropriate sources within the organizational hierarchy. The ADA Coordinator, or designee, is willing to assist the department in its efforts to seek funds within the organization.

## Discretion to Act

Some actions, such as permanently reducing an employee’s FTE or removing an essential function from their position, are generally not required to comply with the ADA. However, under certain circumstances, the university may take action (solely at its discretion) that is not required by the ADA. The decision to take such steps is not precedential and is not evidence of whether what is provided would be reasonable or an undue hardship in other circumstances. Any discretionary actions taken which exceed the institution’s obligations under the ADA may also be reconsidered and reversed.

## Responsibilities of the ADA Coordinator, or designee, in the Accommodation Process

### Brainstorm Accommodation Ideas

The ADA Coordinator is committed to working with employees and departments to identify and implement reasonable, effective accommodations. As part of the interactive process, the ADA Coordinator will ask questions, conduct research, and offer ideas for accommodations.

In order to provide this support, it is important for the employee to explain how their physical or mental limitation impacts their work and what they believe would be effective for addressing those challenges. Similarly, the department is asked to provide a copy of the position description (when requested), explain the responsibilities of the position in relation to the larger mission of the office, their expectations for the employee, and any concerns they may have with respect to a requested accommodation.

### Supplemental Requests for Medical Information

In some circumstances the university may need to request supplemental information from the employee’s healthcare provider. The scope of any such inquiry would be narrowly tailored, and may include questions seeking:

* Clarification regarding the scope and anticipated duration of an employee’s physical or mental limitations;
* Clarification regarding the impact of an employee’s medical condition and their ability to perform essential functions of a position;
* Information necessary to ensure that the employee is able to safely perform the functions of their job; or
* Any other information deemed appropriate and necessary by the ADA Coordinator, or designee.

Before making a supplemental request for information, the ADA Coordinator, or designee, will ask the employee to sign a Release of Medical Information Form authorizing the ADA Coordinator, or designee, to contact their healthcare provider.

Supplemental request for information are done in writing and may be made directly by the ADA Coordinator or by providing the employee with a copy of letter to give the healthcare provider.It is the employee’s responsibility to ensure their healthcare provider responds to the request for information. If an employee refuses to permit the ADA Coordinator to request supplemental medical information, then the university may not move forward with addressing their request for accommodation.

### Independent Medical Examination[[3]](#footnote-3)

In limited circumstances, an employee may be asked to undergo an independent medical examination if the ADA Coordinator has reason to believe the medical documentation provided is insufficient. As stated in applicable guidance from the Equal Employment Opportunity Commission[[4]](#footnote-4):

**Documentation is insufficient**if it does not specify the existence of an ADA disability and explain the need for reasonable accommodation. Documentation also might be insufficient where, for example: (1) the health care professional does not have the expertise to give an opinion about the employee's medical condition and the limitations imposed by it; (2) the information does not specify the functional limitations due to the disability; or, (3) other factors indicate that the information provided is not credible or is fraudulent. If an employee provides insufficient documentation, an employer does not have to provide reasonable accommodation until sufficient documentation is provided.

Under such circumstances, the ADA Coordinator will provide the employee with written notice of the basis for believing the information is insufficient and – in most circumstances – provide the employee with a reasonable opportunity to provide sufficient documentation.

The university is responsible for paying for the cost of any independent medical examination needed in these circumstances. In the event that an independent medical examination is necessary then the ADA Coordinator will seek to ensure that the scope is appropriately limited. Any medical information obtained in connection with an independent medical examination will be kept confidential, and only shared with those on a need-to-know basis as determined by the ADA Coordinator.

### Undue Hardship Analysis

The ADA Coordinator, or designee, is responsible for assessing whether a requested accommodation is reasonable or an undue hardship. The university is not required to provide an accommodation that constitutes an undue hardship.

In accordance with applicable guidance[[5]](#footnote-5), “undue hardship” means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Most undue hardship assessments at the university involve non-financial considerations, such as the timely performance of job duties, the impact on other employees’ ability to perform the functions of their job, and the ability to effectively serve applicable stakeholders (e.g., students, other departments on campus, alumni and donors, members of the public, etc.). Undue hardship assessments can also include financial considerations.

Each request for accommodation is assessed on a case-by-case basis. What is reasonable in one position may constitute an undue hardship in another. For example, the ability to effectively accommodate an employee’s lifting restriction may be different in an office than a non-office setting. Conversely, the ability to effectively accommodate an employee’s condition that impacts their ability to use a computer may be different in an office than a non-office setting.

When a requested accommodation is determined to be an undue hardship the ADA Coordinator, or designee, will try to identify alternative, reasonable accommodations that would be effective. In the event that there are no reasonable accommodations that would enable an employee to effectively perform the functions of a position then the employee is no longer qualified for the position.

### Analysis of Job Functions

The ADA Coordinator, or designee, is responsible for determining whether an employee’s job responsibility is an “essential” or “marginal” function of their job. This assessment may be done in consultation with the supervisor/department, appropriate HR Partner, central Human Resources, and employee.

In accordance with applicable guidance[[6]](#footnote-6), factors to consider in determining if a function is essential include:

* whether the reason the position exists is to perform that function;
* the number of other employees available to perform the function or among whom the performance of the function can be distributed; and
* the degree of expertise or skill required to perform the function.

When assessing whether a job function is essential, the ADA Coordinator may request a copy of the employee’s position description and collect other information as appropriate, regarding:

* the actual work experience of present or past employees in the job,
* the time spent performing a function,
* the consequences of not requiring that an employee perform a function, and
* the terms of a collective bargaining agreement.

### “Qualified” Analysis

An employee with a disability is qualified for a position if they: (1) satisfy the requisite skill, experience and other job-related requirements; and (2) are able to perform the essential functions with or without reasonable accommodation.

When questions arise regarding the impact of an employee’s limitations on their ability to perform the functions of their job, with or without reasonable accommodations, the ADA Coordinator, or designee, is responsible for determining whether the university is able to effectively accommodate that employee in their current position. When an employee is unable to perform the functions of their job with or without reasonable accommodations they will be provided with an opportunity to pursue reassignment to an open and available position as set forth in Section IV, below.

### Maintaining Accommodation Records

The ADA Coordinator, or designee, is responsible for maintaining the university’s records related to requests for disability-related accommodations. These records include: (1) accommodation request forms submitted to the ADA Coordinator, or designee; (2) medical documentation received by the ADA Coordinator, or designee; and (3) relevant communications received or sent by the ADA Coordinator, or designee.

An individual may make a written request to the ADA Coordinator, or designee, for a copy of the aforementioned records at any time during or after their engagement in the accommodation process. Documents related to an employee’s request for accommodation are retained in accordance with the applicable provisions of the university’s document retention schedule, the ADA, and any other applicable law.

## Informal, Short-Term Accommodations

While the university recommends employees who request an accommodation be referred to the ADA Coordinator to engage the formal accommodation process, a department may provide an informal accommodation based exclusively on an employee’s representation about the impact of a medical condition (whether permanent or temporary) on their ability to perform the functions of their job. A department should not request the employee provide medical documentation in support of an informal accommodation.

If a supervisor/department would like to informally accommodate an employee then they are strongly encouraged to speak with their unit-level HR Partner before doing so. Departments are also encouraged to consult with the ADA Coordinator, or designee, to ensure what has been agreed-upon is properly documented and the scope is understood by all involved.

The university encourages departments who provide informal accommodations with an operational component to do so on a trial basis for no longer than 1 – 2 months. As a best practice, if the employee would like to continue the accommodation thereafter they should seek to do so through the accommodation process administered by the ADA Coordinator.

While a department may informally accommodate an employee, that decision does not preclude the department from subsequently asking the employee to work with the ADA Coordinator, or designee, to formalize the accommodation, or from requesting the ADA Coordinator to review the scope or terms of the informal accommodation. Review and reconsideration of an informal accommodation by the ADA Coordinator, or designee, may be appropriate if questions or concerns arise regarding the employee’s need for the accommodation, the effectiveness of the accommodation, or the operational impact of continuing to provide the accommodation.

Informal accommodations are non-precedential and if asked, the ADA Coordinator may determine that it would constitute an undue hardship if formally requested. If the ADA Coordinator determines that an informal accommodation constitutes an undue hardship then the employee and department are expected to engage in the formal accommodation process to determine whether there are reasonable accommodations that would be effective.

# Reassignment Process

## Generally

A qualified employee will be offered the opportunity to pursue reassignment if the ADA Coordinator, or designee, determines:

1. there are no accommodations that would effectively enable the individual to perform the essential functions of their position (e.g., they are not “qualified” for their current position”); or
2. the only effective accommodation would cause an undue hardship.

In limited circumstances, the ADA Coordinator, or designee, may offer reassignment to an open position within the employee’s current department if both the employee and department agree reassignment would be an effective way of accommodating the employee’s needs.

Reassignment is considered the university’s accommodation of last-resort. As a result, the university will always seek to identify reasonable, effective accommodations in an employee’s current position before considering reassignment.

## Eligibility for Reassignment as an Accommodation

Consistent with federal law, an employee must be “qualified” in order to be eligible for reassignment. An employee is qualified if they:

(1) have the requisite skill, experience, and meet the other job-related requirements of the position; and

(2) can perform the essential functions of the open and available position either with or without reasonable accommodation.

An employee who requires an indefinite leave of absence is not typically eligible for reassignment because it would not be an effective accommodation. In the event that the ADA Coordinator, or designee, determines that an employee is not qualified for reassignment (and cannot be accommodated in their current position) then they will inform the employee of that decision, and request that Human Resources process the separation of their employment for medical reasons. This determination is not subject to review or reconsideration pursuant to Section V, below.

## Written Notice of Opportunity to Pursue Reassignment

The decision to move someone into the reassignment process will be made in consultation with the Senior Director of Employee and Labor Relations, or designee, and is not subject to review or reconsideration pursuant to Section V, below. The ADA Coordinator, or designee, will provide the employee with a written explanation of the basis for that decision.

Once an employee is moved into the reassignment process the position they vacated becomes open and the department may choose to take any action they deem appropriate (e.g., initiate the hiring process, or restructure or end the position).

## Timeline for Reassignment and Review of Open Positions

When an employee chooses to participate in the reassignment process, the ADA Coordinator, or designee, will undertake a good faith effort for a reasonable period of time that generally lasts sixty (60) days to identify a suitable position for their reassignment.

The work experience, skills, and qualifications set forth in the employee’s résumé will be used as a starting point to identify potentially suitable vacant positions. For that reason, employees who engage in the reassignment process are encouraged to provide the ADA Coordinator, or designee, with an electronic or hard copy of their résumé as soon as possible.

The ADA Coordinator, or designee, will review open positions that are equivalent – in terms of responsibility, pay, etc. – to the employee’s prior job. In the event there are no comparable positions suitable for reassignment then the ADA Coordinator, or designee, will also look for lower level positions as a reassignment opportunity in a lower salary range and/or with fewer responsibilities. If reassignment to an equivalent position is not possible then lower level positions will be considered.

While the ADA Coordinator, or designee, will bring potentially suitable positions to the individual’s attention, they are also expected to regularly review the university’s jobs website and inform the ADA Coordinator, or designee, immediately if they see any open positions they believe they are qualified and able to perform with or without reasonable accommodation.

If a potentially suitable position is identified then the employee may be asked to send the ADA Coordinator, or designee, a Word Document with answers to any supplemental questions asked of all applicants. This will help assess whether the employee is qualified. At the same time, the ADA Coordinator, or designee, will contact the department to request an opportunity to meet with the supervisor and other appropriate stakeholders to discuss the requirements of the position and review the employee’s resume (the employee’s name and other identifying information will be redacted). Following that meeting, if the ADA Coordinator, or designee determines that the position may be suitable for reassignment then they will schedule an opportunity for the employee to meet with the department for an informational interview.

Reassignment is not a competitive hiring process. Therefore, if the ADA Coordinator determines after consultation with the supervisor, department head, HR Partner, HR Talent Acquisition team, and/or administrator that the employee is qualified for a particular vacancy, it may be offered to the employee as an accommodation.

If no suitable reassignment opportunity is identified during the sixty (60) day reassignment period then the university will process the separation of the individual’s employment for medical reasons.Medical separation is not a for-cause termination, and it would not preclude the employee from applying competitively for open and available university positions in the future.

## Limits of Reassignment

While the university will seek to find a suitable opportunity for the employee’s reassignment, it is not obligated to create a new position or bump a qualified employee from a position currently occupied in order to reassign someone.

Furthermore, the ADA Coordinator, or designee, will not consider a promotional opportunity in reassignment. Therefore, employees in the accommodation process are encouraged to apply competitively for any promotional opportunities they believe they are qualified to perform either with or without reasonable accommodation.

## Medical Status and Requests for Documentation

If the employee’s medical condition changes during the reassignment period then they are encouraged to have their healthcare provider submit an updated Medical Provider Form and Employee Status Report to the ADA Coordinator, or designee.

Depending upon the requirements of the position, the ADA Coordinator, or designee, may request additional information from the employee’s healthcare provider in order to assess whether they would be able to effectively perform the essential functions of the position with or without reasonable accommodations.

Updated medical documentation will not alter the decision to move the employee into the reassignment process but it may impact the type of positions considered for reassignment.

## Leave Status, Pay, and Benefits during the Reassignment Process

An employee in the reassignment process is on a protected leave of absence. This leave may be protected by accrued leave, FMLA/OFLA or as an unpaid ADA-protected leave (if the employee has exhausted, or is not eligible for, FMLA/OFLA).

An employee will remain on pay status for a portion or the entirety of the reassignment period if they have accrued paid leave (sick or vacation), advanced sick leave (where applicable), short or long-term disability benefits or hardship leave (where applicable). For administrative convenience, the department the employee worked in prior to reassignment is responsible for processing any timesheets for paid leave the employee may submit during the reassignment period.

Employees who are engaged in the reassignment process may be eligible for continuing health benefits. For information about eligibility for health benefits employees should contact Human Resources, Benefits (541) 346-3159.

## Right to Waive Opportunity to Pursue Reassignment

Employees may waive the opportunity to pursue reassignment as an accommodation. If an employee chooses to do so then Human Resources will move forward with processing the medical separation of their employment effective immediately.

The university will also move forward with processing the medical separation of an individual’s employment if they fail to respond to the offer to engage the reassignment process within the time period mentioned in the letter informing them of the opportunity to pursue reassignment (typically one week from the date of the letter).

# Request for Review

## Generally

In the event that an employee is not satisfied with the outcome of their engagement in the accommodation process then within 365 calendar days of the underlying decision at issue, they may request review and input by the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee. Current and former employees can always seek the assistance of outside agencies. The contact information for several relevant agencies – including the EEOC and BOLI - are listed in Section VI, below.

The review process set forth herein does not apply to circumstances giving rise to concerns of disability discrimination (e.g., a hostile work environment, disparate impact arising out of a university practice, or disparate treatment resulting in an adverse employment action), or retaliation (including, but not limited to alleged retaliation for requesting an accommodation or participating in the process). Applicants or employees who believe they have experienced such wrongdoing are encouraged to contact the university’s Office of Investigations and Civil Rights Compliance to file a complaint (see, contact information in Section VI, below).

## Prerequisite to Requesting Review

Prior to requesting review, individuals must submit a Review Request Form (see, Section VII, below) to the ADA Coordinator. Upon receipt of the completed form, the ADA Coordinator has 10 business days to respond. If the ADA Coordinator proposes a reasonable plan to address the employee’s concerns then the employee should undertake a good faith effort to re-engage the process at that time. Failure to re-engage the process in good-faith may result in those responsible for undertaking the review to refer the employee back to the ADA Coordinator, or designee, for further engagement in the process, or denial of the employee’s request for review.

## Process for Review

If the ADA Coordinator chooses not to propose a plan of action, if the employee does not agree with the recommendation or if the plan of action is not successful, as determined by either the employee or the ADA coordinator, then either may send the Review Request Form to the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, for their review and consideration.

At that time, the individual requesting review of an accommodation decision must complete a Medical Information Release authorizing the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, to discuss their medical circumstances, and review any documentation, on file with the ADA Coordinator. This form may be submitted by email (hrinfo@uoregon.edu), fax (541-346-2548), or hand-delivered to the HR Service Center (677 East 12th Ave., 4th Floor). Upon receipt of a completed Review Request Form, the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, will contact the employee and the ADA Coordinator, or designee, for information regarding the request for accommodation and the outcome.

## Bases of Review

An employee may request review of the ADA Coordinator’s, or designee’s, decision on the following basis:

1. The ADA Coordinator, or designee, overlooked relevant information that was readily known at the time, and would have changed the decision;
2. The ADA Coordinator, or designee failed to follow these guidelines and the failure to do so substantively changed the outcome of the decision; or
3. The ADA Coordinator’s, or designee’s, decision was arbitrary and capricious.

The ADA Coordinator is the university’s principal subject-matter expert on the Americans with Disabilities Act, as amended. Accordingly, certain determinations made by the ADA Coordinator that impact compliance with the ADA, such as whether an applicant or employee is qualified, a direct threat to health or safety, or that a requested accommodation is an “undue hardship”, as defined by the ADA, are not subject to review under this process.

## Possible Outcomes of a Request for Review

When appropriate, the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, may propose the following outcomes to a request for review:

1. Affirm the decision of the ADA Coordinator, or designee;
2. Referral back to the ADA Coordinator, or designee, to continue work on identifying and implementing reasonable, effective accommodations;
3. Direct involvement by the Senior Director of Employee and Labor Relations, or designee, in addressing the individual request for accommodation;
4. Reconsideration of the decision to deny the request for a preferred accommodation; or
5. Other outcomes as determined appropriate by the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee.

# Additional Resources

## UO Human Resources

Address: 677 E. 12th Ave., 4th Floor, Eugene OR 97403-5210

Website: <https://hr.uoregon.edu>

Phone Number: (541) 346-3159

Email: hrinfo@uoregon.edu

Facsimile: (541) 346-2548

## UO Safety and Risk Services Ergonomics

Address: 171 Franklin St. Suite 2A, Eugene OR 97403

Website: <https://safety.uoregon.edu/ergonomics>

Email: safety@uoregon.edu

## UO Office of Investigations and Civil Rights Compliance

Address: 677 E. 12th Ave., 4th Floor, Eugene OR 97403-5210

Website: <https://investigations.uoregon.edu/>

Phone Number: (541) 346-3123

Email: icrcinfo@uoregon.edu

## UO Ombuds Program

Address: 1685 E. 17th Ave. Eugene, OR 97403

Website: <https://ombuds.uoregon.edu/>

Phone Number: (541) 346-6400

Email: ombuds@uoregon.edu

## Cascade Centers Employee Assistance Program

Website: [www.cascadecenters.com](http://www.cascadecenters.com)

Phone Number: (800) 433-2320

Email: info@cascadecenters.com

## Bureau of Labor and Industries (BOLI)

Address: 800 NE Oregon Street, Suite 1045, Portland, OR 97232

Website: <https://www.oregon.gov/boli/pages/index.aspx>

Phone Number: (971) 673-0761

Email: mailb@boli.state.or.us

## Equal Employment Opportunity Commission (EEOC)

Website: <https://www.eeoc.gov/>

Phone Number: 1-800-669-4000

Email: info@eeoc.gov

# Appendices

## APPENDIX 1: Accommodation Request Form

## APPENDIX 2: Medical Provider Form

## APPENDIX 3: Release of Medical Information Authorization Form

## APPENDIX 4: Request for Review

## APPENDIX 1: Accommodation Request Form

# EMPLOYEE REQUEST FORMDISABILITY-RELATED ACCOMMODATIONS

The University of Oregon is committed to providing reasonable workplace accommodations to qualified employees with disabilities.

Workplace accommodations are intended to assist individuals with disabilities overcome limitations that interfere with their ability to perform the functions of their
job, to engage in the application process and to enjoy the benefits and privileges of employment. Examples of disability-related accommodations include ergonomic
furniture, modifications to university policies, assistive technology, reassignment of marginal job functions, or extended leave.

Human Resources (HR) administers the university’s disability accommodation process for employees. This includes determining whether an employee’s medical condition constitutes a disability as defined under the Americans with Disabilities Act, as
amended, and working to ensure that employees with disabilities have an opportunity to engage in an interactive process with the objective of providing reasonable
accommodations that will enable them to perform the essential elements of their job. Each request for accommodation is assessed on an individual basis.

As an initial step in the accommodation process, please complete this form. This will
help us understand how your medical condition impacts your ability to perform the
functions of your job and what accommodations you believe would be effective at overcoming those limitations. Please note that while the university takes an employee’s specific request for accommodation into account, it may provide a different, effective accommodation.

Once completed, please send this form (or a copy) to Human Resources by regular mail 5210 University of Oregon, Human Resources ADA Coordinator, Eugene, OR 97403,
or fax (541) 346-2548 or email to WorkplaceADA@uoregon.edu. Upon receipt, an employee from HR will contact you to discuss next steps in the accommodation
process. An employee’s active participation in identifying reasonable accommodations is required and any medical information obtained by HR is maintained confidentially.

Please do not hesitate to contact the ADA Coordinator at (541) 346-3159 or by email
at WorkplaceADA@uoregon.edu if you have any questions.

We look forward to working with you through this process.

**Human Resources, ADA Coordinator**

5210 U n i v e r s i t y of Oregon, Eugene, OR 97403 - 5210

**T** (541) 346-3159 **F** (541) 346-2548 hr.uoregon.edu

*An equal-opportunity, affirmative-action institution committed to cultural diversity and compliance with the Americans with Disabilities Act*

**Please provide the following information:**

Date:

Name:

Duck ID:

Job Title and Department:

Manager/Supervisor:

Your Contact Information:

Preferred Email Address:

Preferred Phone Number:

Preferred Mailing Address:

Please provide answers to each of the following inquiries:

1. Do you have a medical condition that impacts your ability to perform the functions of your job? Yes \_\_\_ No \_\_\_ If yes, what job functions are impacted?
2. Is the medical condition temporary or permanent? If the condition is not permanent, please identify the anticipated duration of the condition.

Page **2** of **3**

1. Workplace accommodations are intended to help an employee overcome physical or
mental limitations caused by a disability that interfere with their ability to perform the functions of their job. Please identify the workplace accommodations that you are requesting and be as specific as possible (e.g., assistive technology, reader, interpreter, schedule change).
2. Please provide any additional information that you believe is relevant to your request for accommodation.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_  |  \_\_\_\_\_\_\_\_\_\_\_  |
| Employee Signature  | Date  |

Page **3** of **3**

## APPENDIX 2: Medical Provider Form

**REQUEST FOR INFORMATION**

**REGARDING ELIGIBILITY AND NEED FOR**

**REASONABLE WORKPLACE ACCOMMODATIONS**

The University of Oregon has an affirmative duty and is committed to providing reasonable workplace accommodations to individuals with disabilities. We are seeking your assistance collecting information necessary to determine whether the University employee identified below – who we understand is your patient – has a medical condition that qualifies as a disability under the Americans with Disabilities Act, as amended (ADA), and what workplace accommodations, if any, you would recommend.

As you may know, the term disability is defined broadly under the ADA. The
University’s obligation to provide reasonable workplace accommodations extends to individuals who:

* Currently have a physical or mental impairment that substantially limits one or
more major life activities; or
* Have a record of, and are still impacted by, such an impairment.

Your assistance is critical in evaluating and providing workplace accommodations.
Please complete and sign this form and return a copy to Human Resources by fax at (541) 346-2548 or email at WorkplaceADA@uoregon.edu.

Please do not hesitate to contact the ADA Coordinator at (541) 346-3159 or by email at WorkplaceADA@uoregon.edu if you have any questions.

**TO BE COMPLETED BY UNIVERSITY OF OREGON EMPLOYEE:**

Employee/Patient Name:

Job Title and Department:

Name of Healthcare Provider:

**Human Resources, ADA Coordinator**

5210 U n i v e r s i t y of Oregon, Eugene OR 97403 - 5210

**T** (541) 346-3159 **F** (541) 346-2548 hr.uoregon.edu

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**TO BE COMPLETED BY THE EMPLOYEE’S HEALTHCARE PROVIDER**

1. Does the above-named individual have a physical or mental impairment that currently limits, or previously limited, their ability to perform one or more major life
activities or the operation of a major bodily function? Yes \_\_\_ No \_\_\_

If yes, please identify all of the major life activities or major bodily functions affected. Major life activities include, but are not limited to: sitting, standing, lifting, walking, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, caring for oneself, performing manual tasks, interacting with others, seeing, hearing,
eating and sleeping.

Please describe the nature, scope, and anticipated duration of those limitations.

1. In your professional opinion, is the above-named individual more limited than the
average person in the general population in their ability to perform any of the major life activities or major bodily function identified in response to Question 1? Yes \_\_\_ No \_\_\_

If yes, please identify the life activities or bodily functions which are substantially limited.

**Page 2 of 5**

1. Do the limitations identified in response to Question 1, if any, interfere with the employee’s ability to perform the functions of their job? Yes \_\_\_ No \_\_\_

If yes, please describe how the limitations impact their ability to perform the functions of their job. A copy of the employee’s job description may be provided by Human
Resources upon request.

1. Does the above-named individual require workplace accommodations in order to effectively perform the functions of their job? Yes \_\_\_ No \_\_\_

If yes, please identify any accommodations that you would recommend the University provide so that they are able to effectively perform the functions of their position. If possible, please name several alternatives that may be effective. Please be as specific as possible.

**Page 3 of 5**

1. Does the above-named individual currently have a substantially limiting medical
condition that requires a leave of absence from their position? Yes \_\_\_ No \_\_\_

* 1. If yes, why do they need a leave of absence? (e.g., surgery and/or recovery,
	adjustment to a new medication regiment, doctor visits, etc.)

* 1. How much leave, if any, do you anticipate they will need?

* 1. Do you anticipate that they will be able to maintain regular and reliable attendance,
	and perform the essential functions of their position (either with or without reasonable accommodations) following a leave of absence? Yes \_\_\_ No \_\_\_

(6) Please provide any additional information that you believe is relevant to the university’s assessment of whether the above-named individual’s medical condition is a disability under the ADA and with respect to their request for workplace accommodations.

**Page 4 of 5**

Any information that you provide regarding your patient’s underlying medical condition[[7]](#footnote-7) will be collected and maintained in a confidential file separate from their personnel records and treated as a confidential medical record to the extent required by law.

While it is ultimately the University’s responsibility to determine whether the medical condition is a disability or the requested accommodations are reasonable, your assistance is critical in evaluating and providing workplace accommodations.

Healthcare Provider Name (Print)

Healthcare Provider Signature Date

## APPENDIX 3: Release of Medical Information Authorization Form

**RELEASE OF MEDICAL INFORMATION
AUTHORIZATION FORM**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ authorize the University of Oregon (UO) ADA Coordinator, or designee, and UO legal counsel to review certain medical records or summaries of records that exist and are authored by the health care provider(s) or staff listed below. This authorization for release is limited to those records or summaries regarding my medical condition as they relate to my UO employment, as reflected in the attached job description and any other supporting documentation. In addition, the same health care provider(s) may provide information to the UO ADA Coordinator, or designee, and UO legal counsel related to specific accommodations that could be made to assist in my ability to perform the essential job functions of my employment position with UO.

I also authorize my health care provider(s) and staff to discuss that medical information and related issues such as my ability to perform the essential functions of my UO employment and possible accommodations for any disability, with the UO ADA Coordinator, or designee, and UO legal counsel. I understand that contact between these individuals is for the purpose of assessing my physical and/or mental condition in relation to the duties that are associated with my university employment, whether such accommodations are warranted, and if so, what form they should take.

This authorization continues from this date until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_

Healthcare Provider(s) and Staff:

Name:

Address:

Phone Number:

Facsimile Number:

Name:

Address:

Phone Number:

Facsimile Number:

## APPENDIX 4: Request for Review

**REQUEST FOR REVIEW**

**ACCOMMODATION PROCESS OUTCOME**

The University of Oregon is committed to providing reasonable workplace accommodations to employees with disabilities. In the event that an employee is not satisfied with the outcome of their engagement in the accommodation process then they may request review and input by the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee.

Before requesting review, the employee (or support person) must complete this form and submit it to the ADA Coordinator by email (WorkplaceADA@uoregon.edu or fax 541-346-2548. Upon receipt, the ADA Coordinator has 10 business days to respond. If the ADA Coordinator proposes a plan for addressing the employee’s concerns then the employee is expected to undertake a good faith effort to re-engage the process at that time.

If the ADA Coordinator chooses not to propose a plan of action, if the employee does not agree with the recommendation, or if the plan of action is not successful, as determined by either the employee or the ADA Coordinator, then either may send the Review Request Form to the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, for their review and consideration.

In addition to completing this form, individuals seeking review must also complete a Medical Information Release authorizing the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, to discuss their medical circumstances, and review any documentation, on file with the ADA Coordinator. This form may be submitted by email (hrinfo@uoregon.edu), fax (541-346-2548), or hand-delivered to the HR Service Center (677 East 12th Ave., 4th Floor).

Upon receipt of a completed Review Request Form, the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, will contact the employee and the ADA Coordinator, or designee, for information regarding the request for accommodation and the outcome. More information about the review process can be found in the Workplace Accommodation Process Guide on the HR website.

The review process identified herein does not apply to circumstances giving rise to concerns of disability discrimination (e.g., a hostile work environment, disparate impact arising out of a university practice, or disparate treatment resulting in an adverse employment action), or retaliation (including, but not limited to alleged retaliation for requesting an accommodation or participating in the process).

Applicants or employees who believe they have experienced such wrongdoing are encouraged to contact the university’s Office of Investigations and Civil Rights Compliance by phone (541) 346-3123, email icrcinfo@uoregon.edu, or file a complaint via their website: <https://investigations.uoregon.edu/>.

**Please provide the following information:**

Name:

Duck ID:

Preferred Email Address:

Preferred Phone Number:

Preferred Mailing Address:

Date:

Job Title and Department:

Manager/Supervisor:

1. Have you submitted a completed copy of this form to the ADA Coordinator? Yes[ ]  No [ ]

If no, please send this form to the ADA Coordinator as described above. Within 10 business days of receipt, the ADA Coordinator will respond with a proposed course of action to address your concern, or forward it to the Senior Director of Employee and Labor Relations, or designee, and Associate Vice President/Chief Civil Rights Officer, or designee, for their review and consideration.

1. Please identify the basis for review that you are requesting:

[ ]  The ADA Coordinator, or designee, overlooked relevant information that was readily known at the time, and would have changed the decision.

[ ]  The ADA Coordinator, or designee failed to follow the Workplace Accommodation Process Guide and the failure to do so substantively changed the outcome of the decision.

[ ]  The ADA Coordinator’s, or designee’s, decision was arbitrary and capricious.

1. Please provide a brief narrative description of your concern:

**Page 2 of 3**

1. Please identify the outcome you are requesting from this review:[[8]](#footnote-8)

I certify that, to the best of my knowledge and recollection, the information provided herein is accurate.

|  |  |
| --- | --- |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employee Signature |  \_\_\_\_\_\_\_\_\_\_\_Date  |
|  |  |
|   |  |

1. *See*, [29 CFR 1630.2(g)](https://www.law.cornell.edu/cfr/text/29/1630.2) [↑](#footnote-ref-1)
2. The terms “confidential” and “confidentiality” are understood as set forth in the EEOC Enforcement Guidance regarding Disability-Related Inquiries and Medical Examinations of Employees under the Americans with Disabilities Act (7/27/2000) (“The ADA requires employers to treat any medical information obtained from a disability-related inquiry or medical examination (including medical information from voluntary health or wellness programs), as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Employers may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials investigating compliance with the ADA.”). [↑](#footnote-ref-2)
3. In addition to the reasons set forth below, the university may request an employee undergo an independent medical for other reasons that are outside the scope of the accommodation process (e.g., fitness for duty, concern of potential “direct threat” to health and/or safety, etc.). [↑](#footnote-ref-3)
4. *See*, [EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA)](https://www.eeoc.gov/policy/docs/guidance-inquiries.html) [↑](#footnote-ref-4)
5. *See*, [29 CFR 1630.2(p)](https://www.law.cornell.edu/cfr/text/29/1630.2) [↑](#footnote-ref-5)
6. *See*, [29 CFR 1630.2(n)](https://www.law.cornell.edu/cfr/text/29/1630.2) [↑](#footnote-ref-6)
7. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family
 member of the individual, except as specifically allowed by this law. To comply with this law, we are
asking that you not provide any genetic information when responding to this request for medical
information. “Genetic information” as defined by GINA, includes an individual’s family medical history,
the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an
individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Page 5 of 5** [↑](#footnote-ref-7)
8. 1 In accordance with Section V(D) of the Workplace Accommodation Process Guide, please be advised that certain determinations made by the ADA Coordinator are not subject to review under this process.

**Page 3 of 3** [↑](#footnote-ref-8)