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**INTRODUCTION:** To communicate our commitment to the principles of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

**SCOPE:** Applies to all employees, student employees and applicants.

**POLICY:** Consistent with our Catholic and Vincentian mission and with prevailing law, Niagara University is committed to providing equal employment opportunities and will not treat an employee or applicant unfavorably because of a disability.

**DISABILITY DISCRIMINATION:** Disability Discrimination and Work Situations: The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Disability Discrimination and Harassment: It is illegal to harass an applicant or employee because he or she has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

**DISABILITY DEFINED:** The ADA's definition of disability requires an individual to meet one of three criteria:

- A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).

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- A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).
- A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he/she does not have such an impairment).

**ESSENTIAL  
FUNCTIONS OF JOB:**

Essential functions are the fundamental job duties of the position. Relevant factors include whether the reason the position exists is to perform that function, the number of other employees available to perform the function, and the degree of expertise or skill required to perform the function.

**REASONABLE  
ACCOMMODATION**

The law requires that we provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Reasonable accommodation might include, for example, making the workplace accessible for wheelchair users or providing a reader or interpreter for someone who is blind or hearing impaired.

An accommodation is not required if it causes undue hardship. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. The accommodation cannot be refused because it

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involves some cost. The exact accommodation that employee or job applicant wants, if more than one accommodation, Niagara University reserves the right to choose which one to provide.

**PROCEDURE:**

Initial requests for reasonable accommodation should be done by contacting the Benefits Manager and do not need to be in writing. Individuals may request accommodations in conversation or may use any other mode of communication. Supervisors who become aware of an employee in need of an accommodation shall direct the employee to the Benefits Manager.

The Benefits Manager will provide the individual with a Medical Certification Form. Employees will also be provided with a copy of his/her job description. The form will need to be completed by the treating physician and provide reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation.

The Benefits Manager will respond expeditiously to a request for reasonable accommodation. If the Benefits Manager and the individual with a disability need to engage in an interactive process, this too should proceed as quickly as possible. Similarly, the Benefits Manager should act promptly to provide the reasonable accommodation. Unnecessary delays can result in a violation of the ADA.

**COMPLAINT PROCEDURE:**

The individual should be willing to discuss possible ways or resources that can provide for a successful reasonable accommodation. In the event that individual is refused accommodations, is dissatisfied with the alternatives offered, or believes he or she is discriminated against because of a disability, a formal or informal complaint may be filed.

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All ADA complaints are considered to be allegations of discrimination and therefore must be filed with the Director of Human Resources, Niagara University, P.O. Box 1911, Niagara University, New York 14109, (716) 286-8690.