

# ADA (AMERICANS WITH DISABILITIES ACT) ACCOMMODATION

**POLICY NUMBER:**HR-ADA

**POLICY TYPE:** ADMINISTRATIVE

**RESPONSIBLE OFFICIAL TITLE:** CHIEF HUMAN RESOURCES OFFICER

**RESPONSIBLE OFFICE:** OFFICE OF HUMAN RESOURCES – ADA COORDINATOR

**EFFECTIVE DATE:** UPON BOARD APPROVAL – 9/11/2019

**NEXT REVIEW DATE:** BOARD APPROVAL PLUS ONE (1) YEAR – 9/11/2020

**SUPERSEDES POLICY:** AMERICANS WITH DISABILITIES ACT (ADA)

**BOARD OF REGENTS REPORTING (CHECK ONE):**

☒ PRESIDENTIAL RECOMMENDATION (CONSENT AGENDA/VOTING ITEM)

☐ PRESIDENTIAL REPORT (INFORMATION ONLY)

## **I. POLICY STATEMENT**

Northern Kentucky University (NKU) is committed to supporting equality of employment opportunity by affirming the value of diversity and inclusiveness. This commitment includes embracing people with disabilities. As part of this commitment, the university will make good faith efforts to provide reasonable accommodations for employees to perform the essential functions of their jobs, as well as for those accommodations requested during the employment process.

## **II. ENTITIES AFFECTED**

This policy applies to all NKU employees including faculty, staff, student employees, and people with disabilities applying for employment at NKU.

## **III. AUTHORITY**

In addition to being a violation of university policy, discrimination against people with disabilities is prohibited by state and federal laws including [KRS 344.010\(5\)](#) and [KRS 344.120](#), as well as the [Americans with Disabilities Act \(ADA\) of 1990](#) and the [Americans with Disabilities Act Amendments Act \(ADAAA\) of 2008](#).

## **IV. DEFINITIONS**

**ADA:** The [Americans with Disabilities Act \(ADA\) of 1990](#) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

**ADAAA:** The [ADA Amendments Act \(ADAAA\) of 2008](#) expands on the ADA by emphasizing that the definition of disability should be construed in favor of “broad coverage” to the maximum extent permitted by the terms of the ADA.

**Disability:** The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals and defines disability as “(A) a physical or mental impairment that substantially limits one or more major life activities of [an] individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” Additionally, the determination of a disability “shall be made without regard to the ameliorative effects of mitigating measures,” e.g., medication or hearing aids.

**Equal Employment Opportunity:** Equal employment opportunity (EEO) means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability.

**Reasonable Accommodation:** Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity.

## V. RESPONSIBILITIES

The Office of Human Resources is responsible for implementing the policy by providing current information on any changes to the ADA on the Office of Human Resources' website (<https://inside.nku.edu/hr.html>) and is also responsible for responding to requests for reasonable accommodations in a timely manner.

## VI. PROCEDURES

Applications for reasonable accommodations and information about the process for application are made accessible for employees and applicants for employment on the Office of Human Resources' website or in the Office of Human Resources (see Section VIII below).

## VII. TRAINING

The Office of Human Resources provides training on-demand for supervisors regarding the request for reasonable accommodations process.

## VIII. REFERENCES AND RELATED MATERIALS

### REFERENCES & FORMS

ADA and ADAAA Accommodation Request Process:

<https://inside.nku.edu/content/dam/humanresources/docs/employeerelations/Accommodation%20Request%20Process.pdf>

ADA Job Accommodation Request and Medical Inquiry Form:

<https://inside.nku.edu/content/dam/humanresources/docs/employeerelations/ADA%20Medical%20Release%20Consent%20form%20Rev%201-2017.pdf>

### RELATED POLICIES

Family and Medical Leave: <https://inside.nku.edu/policy/policies/azlisting.html>

Furniture Standard and Acquisition Requirements: <https://inside.nku.edu/policy/policies/azlisting.html>

Web Accessibility: <https://inside.nku.edu/policy/policies/azlisting.html>

Service and Assistance Animals: <https://inside.nku.edu/content/dam/policy/docs/Policies/ServiceAnimals.pdf>

Temporary Disability (Sick Time): <https://inside.nku.edu/policy/policies/azlisting.html>

### REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
Revision	September 11, 2019
Policy – Americans with Disabilities Act (ADA)	

# ADA (AMERICANS WITH DISABILITY ACT) ACCOMMODATION

## PRESIDENTIAL APPROVAL

### PRESIDENT

Signature

Ashish Vaidya

Date

5/14/19

Ashish K. Vaidya

## BOARD OF REGENTS APPROVAL

### BOARD OF REGENTS (IF FORWARDED BY PRESIDENT)

This policy was forwarded to the Board of Regents on the **Presidential Report (information only)**.  
Date of Board of Regents meeting at which this policy was reported: \_\_\_\_/\_\_\_\_/\_\_\_\_.

☒ This policy was forwarded to the Board of Regents as a **Presidential Recommendation (consent agenda/voting item)**.

☒ The Board of Regents approved this policy on 9 / 11 / 19.  
(Attach a copy of Board of Regents meeting minutes showing approval of policy.)

☐ The Board of Regents rejected this policy on \_\_\_\_/\_\_\_\_/\_\_\_\_.  
(Attach a copy of Board of Regents meeting minutes showing rejection of policy.)

### EXECUTIVE ASSISTANT TO THE PRESIDENT/SECRETARY TO THE BOARD OF REGENTS

Signature

Bonita Brown

Date

9/18/19

Print Name

Bonita Brown