

**GOVERNORS STATE UNIVERSITY**  
**POLICY REGARDING REASONABLE ACCOMMODATIONS FOR EMPLOYEES**  
**WITH DISABILITIES OR PREGNANCY**  
**(INTERIM)**

<b>Approved By:</b>	The President
<b>History:</b>	Issued on September 13, 2021
	Revised on: <u>N/A</u>
	Last Reviewed on: <u>N/A</u>
<b>Related Policies:</b>	Board of Trustee Governing Policy, Art. II, Section 2
<b>Responsible Official:</b>	Vice President of Human Resources

**I. Introduction & Policy**

In accordance with federal, state, and local laws, and with Governors State University (the “University”) Mission and Core Values, the University seeks to retain a diverse workforce, provide equal employment opportunities to all qualified persons, and to prohibit discrimination in all employment practices against qualified individuals with disabilities, who are pregnant, or who have known association or relationship with an individual with a Disability (all capitalized terms used herein shall have the meaning ascribed below in Section III). Discrimination is prohibited in connection with any employment practices, including, but not limited to: job application procedures; hiring; firing; advancement; compensation; benefits; training; and other terms, conditions, and privileges of employment.

Therefore, it is the policy of the University to provide Reasonable Accommodations upon request for Qualified Individuals with a Disability or Pregnancy who are employees or applicants for employment, unless (i) the Reasonable Accommodation would impose an Undue Hardship on the University or (ii) doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by Reasonable Accommodation. The University complies with all

applicable federal, state, and local laws, regulations and guidelines as they may be amended, including but not limited to the Americans with Disabilities Act of 1990 (“ADA”), including changes made by the ADA Amendments Act of 2008, 42 U.S.C. §§ 12101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*, and the Illinois Human Rights Act, 775 ILCS 5/1-101. Such Reasonable Accommodations for Qualified Individuals with a Disability or Pregnancy shall be made in a timely manner and on an individualized and flexible basis, and shall be the result of a dialogue between the requesting individual and designated representatives of the University as part of the Interactive Process.

## **II. Purpose**

The purposes of this policy are to (i) enhance the University’s ability to attract and retain a diverse and talented workforce, (ii) effect the University’s commitment to nondiscrimination and provide equal employment opportunities, and (iii) ensure compliance with applicable federal, state, and local laws.

## **III. Definitions**

- A. **“ADA Coordinator for Employment Issues”**: The Vice President for Human Resources or his/her designee.
- B. **“Disability”**: With respect to an individual – (A) a physical or mental impairment that substantially limits one or more major life activities; (B) a record of such impairment; or (C) being regarded as having or perceived to have an impairment.
- C. **“Interactive Process”**: The process by which the University and individual requesting a Reasonable Accommodation engage to discuss physical or mental abilities and limitations to determine whether the individual’s medical condition meets the definition of Disability, as they relate to the discussion of the job’s essential functions, and to determine possible job Reasonable Accommodations, as defined below in Section III.G, if any. As part of this process, documentation may be necessary to determine an employee’s Disability, as defined above in Section III.B, and Reasonable Accommodation, as defined below in Section III.G.
- D. **“Major Life Activities”**: Major life activities include, but are not limited to, caring for one’s self, performing manual tasks, walking, sitting, standing, seeing,

hearing, eating, breathing, speaking, sleeping, reproducing, working, learning, thinking, concentrating and interacting with others, and the operation of a major bodily function.

- E. **“Pregnancy”**: The period of time when a fetus develops in a woman’s uterus, including but not limited to medical or common conditions relating to pregnancy or childbirth.
- F. **“Qualified Individual”**: A person who meets legitimate skill, experience, education, and other requirements of an employment position that he or she holds or seeks, and who can perform the essential functions of the position with or without Reasonable Accommodation.
- G. **“Reasonable Accommodation”**: A modification or adjustment to a job or the work environment that will enable a Qualified Individual with a Disability to participate in the application process, to perform essential job functions, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without a Disability. Examples of Reasonable Accommodation may include, but are not limited to: making facilities readily accessible; modifying work schedules; reassignment to a vacant position; or acquiring or modifying equipment or devices.
- H. **“Undue Hardship”**: An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the University and/or the particular department at which the accommodation is to be made. Factors to be considered when determining whether an Undue Hardship exists include, but are not limited to: the cost of the accommodations, the University’s overall financial resources, the financial resources of the particular department at which the accommodation is to be made, the number of employees within the department, and the total number of employees of the University.

#### **IV. Requesting a Reasonable Accommodation**

It is the responsibility of individual employees to identify themselves as individuals with a Disability or Pregnancy when seeking a Reasonable Accommodation. An employee who believes he or she needs a Reasonable Accommodation to perform an essential function of the job should make the request to the ADA Coordinator for Employment Issues. Once a request for a Reasonable

Accommodation is received by the ADA Coordinator for Employment Issues, the individual will then be required to complete and submit the Reasonable Accommodation Request Form.

Employees seeking a Reasonable Accommodation must timely cooperate with the University during the Interactive Process, including attending meetings and/or providing documentation where requested. It is also the responsibility of individual employees to document their Disability or Pregnancy from an appropriate licensed professional, and to demonstrate how the Disability or Pregnancy limits their ability to complete the essential functions of their job, where requested by the University. Medical documentation will be kept confidential as the law requires.

All requests for Reasonable Accommodation shall be responded to in a timely manner. The University reviews all requests for Reasonable Accommodation on a case-by-case basis. Through the Interactive Process, a Reasonable Accommodation will be selected that is most appropriate for both the University and the individual requesting the Reasonable Accommodation when available. While an employee's preference will be considered, the University is free to choose between equally effective Reasonable Accommodations. The University is not obligated to provide a Reasonable Accommodation that causes an Undue Hardship.

#### **V. Supervisor's Responsibility**

Supervisors and the Human Resources Department are responsible for notifying the ADA Coordinator for Employment Issues of any Reasonable Accommodation or request for Reasonable Accommodation brought to their attention. In certain circumstances, it may be appropriate for the supervisor to seek consultation with the ADA Coordinator for Employment Issues to determine if the University should initiate the Interactive Process.

Oftentimes, supervisors will be responsible for implementing any granted Reasonable Accommodation. Supervisors shall keep the request and fact of Reasonable Accommodation confidential except as necessary to effectuate the Reasonable Accommodation.

**VI. Complaint Process**

If an applicant or employee believes he or she has been discriminated against in employment on the basis of Disability or Pregnancy or has been unlawfully denied a Reasonable Accommodation, he or she should file an internal complaint with the Human Resources Department, or bring the matter to the attention of the ADA Coordinator for Employment Issues, the University Chief Diversity Officer, or any other supervisor with whom the applicant or employee feels comfortable discussing the matter. No retaliation will be taken or tolerated against any applicant or employee who makes a report under this Policy or who participates in a complaint investigation.

**VII. Delegation of Authority**

The President delegates authority to the Vice President of Human Resources to adopt and implement procedures necessary to implement this Policy.

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Therese King Nohos, J.D.  
Interim Vice President, Human Resources *and*  
Vice President, General Counsel

APPROVED BY: \_\_\_\_\_ DATE: 10-8-21

Cheryl Green, Ph.D.  
President