

# Reasonable Accommodation Policy

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Reasonable Accommodation

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## Purpose

It is the policy of the State of North Carolina to reasonably accommodate qualified individuals with disabilities and those who are pregnant unless the accommodation would impose an undue hardship. While many pregnant individuals and individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process.

The purpose of this policy is to assist agency and university employers, current employees, and applicants for employment in requesting and processing reasonable accommodation requests. The overall intent of this policy is to ensure that the State of North Carolina fully complies with the Americans with Disabilities Act (ADA), Pregnancy Discrimination Act, the Americans with Disabilities Amendment Act (ADAA), and maintains equal opportunity in employment for all qualified persons with disabilities and those who are pregnant. This policy also prohibits retaliation against employees.

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## Definitions

Disability – a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or being regarded as having such an impairment.

Essential Functions – the fundamental duties of the position or the primary reasons the position exists.

Pregnant – concerning pregnancy, childbirth, or a related medical condition.

Qualified Individuals with Disabilities - a qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

## Reasonable Accommodation Policy (cont.)

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Reasonable Accommodation – a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability or one who is pregnant to enjoy equal employment opportunities.

Undue Hardship - an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

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### Coverage

This policy applies to all applicants and employees with qualifying disabilities or those who are pregnant. If requested, reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time or are considered “probationary” or “non-career status”, as well as temporary employees.

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### Reasonable Accommodation (Disability)

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if requested and if it would not impose an "undue hardship" on the operation of the employer's business.

Reasonable accommodation for a disability may include, but is not limited to:

1. Making existing facilities used by employees readily accessible to and usable by persons with disabilities such as modifying existing office equipment for an employee in a wheelchair.
2. Job restructuring, modifying work schedules, reassignment to a vacant position such as allowing an employee with diabetes regularly scheduled breaks during the workday to eat properly, monitor blood sugar and insulin levels, or allowing an employee with cancer leave to have radiation or chemotherapy treatments.
3. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters such as providing a deaf applicant a sign language interpreter during the job interview or providing a blind employee someone to read information posted on a bulletin board.

## Reasonable Accommodation Policy (cont.)

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Agencies may consider proposing temporary accommodation(s) if the agreed-upon accommodation cannot be provided immediately.

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### Reasonable Accommodations (Pregnancy)

A covered employer is required to make a reasonable accommodation for the pregnancy of a qualified applicant or employee if requested and if it would not impose an "undue hardship" on the operation of the employer's business.

Reasonable accommodations may include:

1. Redistributing marginal or nonessential functions (for example, occasional lifting) that a pregnant worker cannot perform, or altering how a non-essential or marginal function is performed.
2. Modifying workplace policies, such as allowing a pregnant worker more frequent breaks or allowing her to keep a water bottle at a workstation even though keeping drinks at workstations is generally prohibited.
3. Modifying a work schedule so that someone who experiences severe morning sickness can arrive later than her usual start time and leave later to make up the time.

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### Accommodations that May Not be Considered Reasonable

There are several modifications or adjustments that are not considered forms of reasonable accommodation. An employer does not have to eliminate an essential function from the position, nor is an employer required to lower quality or production standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. An employer does not have to create a new position to accommodate an employee.

An employer is not obligated to provide personal use items needed in accomplishing daily activities both on and off the job (i.e., eyeglasses, hearing aids, prosthetic limbs, or a wheelchair). Furthermore, an employer is not required to provide personal use amenities, such as a refrigerator, if those items are not provided to employees without disabilities.

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## Reasonable Accommodation Policy (cont.)

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### Process to Request Reasonable Accommodation

#### Employees:

1. The employee shall inform their supervisor, EEO Officer, or HR Director or designee of the need for an accommodation. Supervisors who have been notified by an employee of an accommodation need should contact the designated EEO or HR official for assistance.
2. The EEO Officer or HR Director/Designee may request documentation of the individuals' functional limitations to support the request. Any medical documentation must be collected and maintained in accordance with appropriate confidentiality procedures.
3. When a qualified individual with a disability or who is pregnant has requested an accommodation, the employer shall, in consultation with the employee:
  - a. Discuss the purpose and the essential functions of the particular job involved.
  - b. Determine the precise job-related limitation.
  - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.

Select and implement the reasonable accommodation that is the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the employer is free to choose among reasonably effective accommodations and may choose the one that is less expensive or easier to provide.

4. The EEO Officer or HR Director/Designee will work with the employee to obtain technical assistance, as needed.
5. The EEO Officer or HR Director/Designee will provide a written decision to the employee within a reasonable amount of time, not to exceed 30 days from original employee request, unless a longer time is agreed upon by the employee and the employer.

## Reasonable Accommodation Policy (cont.)

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### Applicants

1. The job applicant shall inform the supervisor, EEO Officer, or HR Director/Designee of the need for an accommodation. Hiring officials who have been notified by an applicant of a need for accommodation should contact the designated EEO or HR official for assistance. The EEO Officer or HR Director/Designee will discuss the needed accommodation and possible alternatives with the applicant.
  2. The EEO Officer or HR Director/Designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
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### **Appeals**

Applicants or employees who are dissatisfied with the decision(s) pertaining to their accommodation request may file a grievance in accordance with the North Carolina State Government employee grievance policy within 15 calendar days of receiving the decision. Applicants or employees may also elect to file a grievance directly with the Equal Employment Opportunity Commission (EEOC). Individuals who file a grievance directly with the EEOC may not, however, file a contested case with the Office of Administrative Hearing if the internal process has not been completed.

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