Americans with Disabilities Act (ADA) Overview

Human Resources & Organizational Effectiveness

June 25, 2019
ADA Accommodations

System Regulation 08.01.02

Civil Rights Protections for Individuals with Disabilities

– What is the regulation
– Report of condition
– Interactive process
– Medical documentation
– Reasonable accommodation
Service Animals, Emotional Support Animals, and Other Animals on Campus

• Service Animals
  – Must be trained as a service animal in the specific work or task related to the disability
  – Only allowed to ask 2 questions
    • Is this a service animal required because of a disability?
    • What work or task has the service animal been trained to do?
  – Not required to wear any type of service animal identification
Service Animals, Emotional Support Animals, and Other Animals on Campus

• Emotional Support Animals
  – Must be approved on a case-by-case basis as a reasonable accommodation
  – Are not considered to be service animals
  – Improperly representing an emotional support animal as a service animal is in violation of State of Texas Human Resources Code Section 121.006(a).
Essential Functions

Job functions are essential if they are:

- The reason the position exists
- Limited number of employees who know how to do the task
- Limited number of employees overall who can pick up the work
Report of Disability

Reporting of Condition can have many different forms:

– Verbal
– Email
– Text
– FMLA Leave
Start the Process

“Interactive Process” simply means that employees with disabilities who request an accommodation will work together with the employer regarding reasonable accommodations.
HR Liaison/Supervisor Responsibilities

- Employee requests an accommodation
  - Give ADA packet (request form & medical certification)
- Upon return of documents, send a copy to OCRM
- Contact OCRM to discuss request, limitations and accommodations
ADA Accommodations Process Flowchart

START

Employee makes ADA Accommodation request to Supervisor (verbal or written)

Supervisor tells HR Liaison, who gives Employee the ADA Packet

ADA Packet Documents:
- ADA Request for Accommodations (Form #912)
- Medical Questionnaire for Reasonable Accommodations Requests (Form #913)

Employee submits documents to HR Liaison

HR Liaison reviews and submits documents to HR OCRM

Document Needed:
- ADA – Accommodation Summary & Response (Form #914)

Decision

HR Liaison notifies HR OCRM, Supervisor implements accommodation

Accommodation Granted

Supervisor meets with Employee to discuss essential functions, understand functional limitations, and brainstorm accommodations

HR OCRM consults ADA Coordinator - more interactive process requested

Decision

END

Accommodation Denied

Request Accommodation Again

Request for Accommodation is denied

Accommodation is reversed
Denying an Accommodation

• If an alternate accommodation is not available, or an accommodation is not going to be approved, OCRM must be notified before a final decision is declared.

• The ADA Coordinator must approve the decision before it is declared final.
• Realize you have an ADA request
  – There are no magic words required
  – There is no time frame
  – It is not FMLA or sick leave pool, however these can happen simultaneously
• Look for ADA clues
  – Intermittent FMLA
  – Return to work with restrictions
  – Sudden performance deficiencies
• Issue the ADA information and consult with OCRM
• Focus on essential job duties and be creative
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