



UNIVERSITY POLICY

SUBJECT: AFFIRMATIVE ACTION/EEO **TITLE:** INDIVIDUALS WITH HANDICAPS/DISABILITIES

CODING: 00-01-35-40:00 **ADOPTED:** 02/24/81 **AMENDED:** 11/01/97

I. PURPOSE

To establish a policy which ensures employment and educational opportunities and the provision of services are extended to individuals with handicaps and disabilities in accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

II. ACCOUNTABILITY

Under the direction of the President, the Associate Vice President for Affirmative Action and Equal Employment Opportunity (AA/EEO) shall ensure compliance with this policy. The Associate Vice President for Affirmative Action and Equal Employment Opportunity in concert with the Deans and Vice Presidents shall implement this policy.

III. DEFINITIONS

A. Handicapped or disabled person:

1. having a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. having a record of such an impairment; or
3. being regarded as having such an impairment.

IV. POLICY

A. Requirements:

1. Educational and employment opportunities and the provisions of any and all public services are administered without discrimination against individuals with handicaps and disabilities in compliance with the Rehabilitation Act of 1973 as amended thereof, and the Americans with Disabilities Act (ADA) of 1990.
2. Qualified individuals with handicaps and disabilities shall be treated without discrimination because of the handicap or disability in all aspects of employment such as: hiring, advancement, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, benefits, and selection for training including apprenticeship.

3. Affirmative action steps shall be taken to employ and advance in employment individuals with handicaps and disabilities.
4. Reasonable accommodations to the known physical or mental limitations of otherwise qualified employees or job applicants with disabilities shall be made, except where such accommodations are determined to be precluded by business necessity and/or imposes an undue hardship.
5. All facilities will be reviewed to ensure they are accessible in accordance with the ADA requirements. Any barriers to accessibility shall be eliminated through readily achievable methods as defined by the ADA Act. All newly constructed facilities will be made accessible in accordance with the requirements specified in the ADA Act.
6. Employment
 - a. Physical and mental job qualification requirements shall be related to the specific job or jobs and shall be consistent with business necessity and the safe performance of the job.
 - b. No qualified individual with a disability will be denied employment because of the disability.
 - c. Job qualification requirements will be reviewed periodically to ensure they do not tend to screen out individuals with handicaps or disabilities and any physical and mental job qualifications are job related and consistent with the safe performance of the job.
 - d. Compensation to handicapped or disabled individuals will not be reduced because of disability income, pension or any other benefit due to a physical or mental disability.
7. Examinations and courses will be offered in ways and places that are accessible to persons with disabilities or alternative arrangements will be offered.
8. Periodically, all individuals shall be invited to take advantage of the UMDNJ AA/EEO program for individuals with handicaps and disabilities. Such information shall be confidential except that:
 - a. Supervisors and managers may be informed regarding any accommodations and restrictions on the work or duties of handicapped individuals.
 - b. First aid and safety personnel may be informed, where appropriate, if the condition may require emergency treatment.
 - c. Governmental officials investigating compliance with the ADA and Rehabilitation Acts will be provided information upon request.
9. Reasonable Accommodations
 - a. Employees, applicants and students, etc. desiring reasonable accommodations under the handicap plan shall make a request to the supervisor, Human Resources Department or Student Affairs Office, or AA/EEO Office, whichever is appropriate. All such requests will be discussed with the AA/EEO Office.

- b. All reasonable accommodation efforts shall be documented with the AA/EEO Office. An explanation of the reasons for any reasonable accommodation requests precluded by business necessity or undue hardship shall be provided by the responsible individual to the AA/EEO Office.

10. Determination of Handicapped or Disabled Status

- a. The AA/EEO Office after consultation with the Office of Legal Management shall determine handicapped or disabled status. The AA/EEO Office shall consult with appropriate agencies and review relevant material in making this determination and ensure the determination meets the requirements of Section 503 of the Rehabilitation Act and the definition of disability as defined by the Americans with Disabilities Act of 1990.
- b. The applicant or employee may be required to provide medical documentation of the impairment and their ability to perform work or, in the alternative, the University may require the applicant or employee to undergo a medical examination at University expense. These arrangements will be made by the department in consultation with the AA/EEO Office.
- c. Any determination of handicap or disability must meet the requirement of Section 60-741.5(c) of the Rehabilitation Act and the requirements as indicated in the Americans with Disabilities Act of 1990 and must be for the purpose of affirmative action and proper job placement. Information obtained shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped or disabled individuals.

B. Responsibilities:

- 1. The AA/EEO Office is responsible for:
 - a. providing an annual program for individuals with handicaps and disabilities;
 - b. notifying in confidentiality, the managers and supervisors of handicapped/disabled individuals, in order to coordinate the annual program; and
 - c. determining handicapped or disabled status after consultation with the Office of Legal Management.
- 2. Individuals with handicaps and disabilities are responsible for:
 - a. requesting reasonable accommodations.;
 - b. providing medical documentation of their impairment and their ability to perform work, if necessary; and
 - c. taking a medical examination, at the University's expense, if necessary.
- 3. Supervisors of handicapped and disabled individuals are responsible for:
 - a. making and documenting reasonable accommodations and notifying the AA/EEO Office of these arrangements;
 - b. documenting and communicating to the AA/EEO Office any reasons why accommodations could not be made;

- c. coordinating medical examinations, if necessary; and
 - d. retaining records of reasonable accommodations requested, made and refused.
4. The Office of Legal Management is responsible for assisting the AA/EEO Office in determining handicapped or disabled status.

President