Workplace Accommodation

**Considerations Due to COVID-19**

Any and all requests for workplace accommodations due to circumstances that may arise from or are related to COVID-19 must follow the Workplace Accommodations Policy and procedures found below, and will be reviewed and approved by Human Resources on a case-by-case basis. Faculty and staff with concerns due to circumstances or medical conditions that place them in a higher risk group may request accommodations in advance of returning to work on campus when the University re-opens.

Accommodation requests under this policy, including COVID-19-related requests, are limited to those that pertain directly to faculty and staff members only. Requests that pertain to the care of family members must qualify under the provisions of the Family and Medical Leave Act (FMLA) and/or the University’s Personal Leave of Absence policy. Use of available sick and/or vacation time will be determined based upon the approval provisions of the appropriate policy.

Requests by faculty and staff to work remotely must be submitted in writing to Human Resources and will be determined on a case-by-case basis in conjunction with the appropriate department head and/or dean, based on factors including the position and the needs of the department. To request a workplace accommodation that involves a temporary telework arrangement due to COVID-19, please fill out the request form here.

Villanova University is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. The University provides reasonable accommodations:

- When an applicant with a disability requires an accommodation to have equal opportunity to compete for a job;
- When an employee with a disability requires an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- When an employee with a disability requires an accommodation to enjoy equal access to benefits and privileges of employment.

**Background**

The University will process requests for reasonable accommodations and will provide reasonable accommodations, where appropriate, in a prompt manner in accordance with the procedures set forth below. The procedures also provide guidance to individuals with disabilities on steps to request accommodations and what to expect.
Definitions

- **The Americans with Disabilities Act Amendments Act (ADAAA)** – the law that clarifies the mandate for the elimination of discrimination against individuals with disabilities. The law is designed to strengthen the protections under the Americans with Disabilities Act and broaden the coverage of individuals under the Act.

- **Essential functions** – those duties that bear more than a marginal relationship to the job at issue. If the position exists to perform a function, then that function is essential. A function may also be essential if:
  - it requires specialized skills
  - it requires a significant amount of time
  - there are significant consequences if the function is not performed
  - there are a limited number of employees to perform the function

- **Individual with a disability** – a person with a physical or mental impairment that substantially limits one or more major life activities.

- **Qualified individual with a disability** – one who possesses the requisite skills, education, experience and training for a position, and who can, with or without reasonable accommodation, perform the essential functions of the position that individual desires or holds.

- **Reasonable accommodation** – modifications or adjustments to the job application process or work environment necessary to enable a qualified individual with a disability to be considered for a position, perform the essential functions of her/his job or enjoy equal benefits and privileges of employment.

- **Substantial limitations** – an impairment that prevents the performance of a major life activity that an average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average person in the general population.

- **Undue hardship** – significant difficulty or expense on the University, which refers not only to financial difficulty, but also to accommodations that would be unduly extensive, substantial or disruptive, or those that would fundamentally alter the nature or operation of the position.

Procedures

**Time limits:** Absent extenuating circumstances, requests for reasonable accommodations should be processed within fifteen (15) workdays of receipt by the supervisor or Human Resources Department. If
there is a delay in processing the request, the individual with the disability should be notified in writing and informed of the date on which the supervisor/Human Resources professional expects the process to be completed.

**Employee**

**Step 1. Initiating a Request:** An applicant or employee is responsible for requesting an accommodation for a disability. The request should be made to either the employee’s supervisor or the Benefits Analyst in the Human Resources Department. The request should be made in writing, by submitting the “Employee Disability Accommodation Request Form” to the employee’s supervisor or Human Resources. Employees may also request orally to these individuals and should include the following information:

1. the impairment and expected duration;
2. the limitations caused by the impairment and how those limitations impact the employee’s performance of specific requirements of the position; and
3. the accommodation, which the employee and/or the employee’s healthcare provider believe, will enable the employee to perform the essential functions of the position. The employee should provide his/her healthcare provider with the “Documentation of Disability Employee Information and Healthcare Provider statement” and a job description identifying the essential functions of the job. This information may be obtained from the employee’s supervisor or the Benefits Analyst.

**Step 2. Engage in an interactive dialogue:** The employee should engage in an interactive dialogue with the supervisor or Benefits Analyst about the specific impact of the impairment on job performance and to determine an appropriate reasonable accommodation.

**Supervisor/ Benefits Analyst in Human Resources Department**

**Step 1. Responding to a request for an accommodation**

- When an individual makes an oral or written request, the supervisor, in consultation with the Benefits Analyst must ensure that the “Disability Accommodation Request Form” is filled out, In
the event the individual only makes an oral request, the supervisor or the Benefits Analyst must ensure that the “Documentation of Request for Accommodation Form” is filled out.

- If an individual makes a reasonable accommodation request to someone other than the Benefits Analyst, such as his/her supervisor, then that person should forward the request to the Benefits Analyst within two (2) business days.

- **Responding to an obvious disability:** If both the disability and the need for the accommodation are obvious and the requested reasonable accommodation does not present an undue hardship, in order to eliminate unnecessary review and delay in providing the reasonable accommodation, the supervisor may provide the reasonable accommodation after discussing the request with the Benefits Analyst and the employee. The Benefits Analyst should document in writing the request and the reasonable accommodation provided. The documentation should be provided to the supervisor for implementation.

- **Responding when the disability is not obvious:** When the disability or the need for an accommodation is not obvious, the supervisor should promptly consult with the Benefits Analyst. The Benefits Analyst will determine if it is necessary to request (additional) medical documentation. All medical documentation should be kept confidential, separate from general personnel files, and shared only with those who are involved in the decision-making process. The medical documentation should include the following:
  1. the impairment and its expected duration;
  2. the limitations caused by the impairment and how it impacts the performance of the essential functions of the individual’s position; and
  3. the accommodation the employee and/or the employee’s healthcare provider believe will enable the employee to perform the essential functions of the position.

- **Additional Information:** If additional medical information is needed from the employee’s healthcare provider, the Benefits Analyst will provide the employee with a medical certification letter and medical information request form. Both documents should be returned to and maintained by the University Human Resources Department.

**Step 2. Agreeing on a reasonable accommodation:** The supervisor and the Benefits Analyst should continue an interactive dialogue with the employee when (1) the specific limitation, problem or barrier is unclear; (2) an effective reasonable accommodation is not clear or agreeable to both the employee and the Benefits Analyst; or (3) the parties are choosing among different reasonable accommodations.
The dialogue may not be necessary where the existence of the disability and the need for the accommodation are obvious, and the Benefits Analyst and employee agree upon the most effective reasonable accommodation. Neither a supervisor nor the department should make a determination that a specific accommodation is unreasonable or creates an undue hardship without consulting with the Benefits Analyst.

- **Unsure whether the condition qualifies as a disability:** If the Benefits Analyst is unsure whether a condition qualifies as a disability under the ADAAA or whether an accommodation is reasonable he/she should consult with the Associate Vice President for Human Resources and the General Counsel’s office.

- **Condition does not qualify as a disability:** If the Benefits Analyst determines that the employee’s condition does not qualify as a disability, that the Benefits Analyst should communicate determination to the employee in writing. A determination that the condition does not qualify as a disability covered by the ADAAA does not preclude the supervisor, at her/his discretion, from granting the employee’s request as a means of assisting the employee. If the supervisor decides to grant an employee’s accommodation request when the condition is not covered by the ADAAA, the supervisor must document this with Human Resources and advise the employee that:
  1. the condition is not a disability covered by the Act nor does the supervisor regard the employee as disabled under the Act, and
  2. the accommodation is being provided at management’s discretion and is not an entitlement; and
  3. the accommodation may be withdrawn or modified at any time at the discretion of the department.

The supervisor should document this conversation in writing and provide a copy to Human Resources and the employee.

**FORMS**

- Employee Disability Accommodation Request Form (Typable)
- Employee Disability Accommodation Request Form (PDF)
- Documentation of Disability Employee Information and Healthcare Provider Statement

**Additional Assistance**
• **Technical Assistance:** The employee, supervisor and Human Resources professionals may seek the advice or assistance of the Department of Health and Environmental Safety regarding technical assistance or the General Counsel’s Office regarding any issues that are not resolved during the accommodation process.

• **EEO Complaints:** Complaints based on a denial of a reasonable accommodation, disability discrimination, and/or retaliation may be filed with the Associate Vice President for Human Resources with a copy to the General Counsel’s office in accordance with the University’s Non-Discrimination Policy.