

LOYOLA LAW SCHOOL
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: Law School	
SUBJECT: Reasonable Accommodations	Page 1 of 5
Policy Number:	Supersedes: NONE
Effective Date: 10/7/14	Previously Issued: N/A

1. STATEMENT OF POLICY:

The Law School strives to ensure accessibility in employment to all applicants, faculty and staff members in a manner consistent with federal and state laws. To that end, the Law School makes reasonable accommodations for otherwise qualified applicants, faculty or staff members who are disabled or become disabled and need assistance to perform the essential functions of their positions.

2. DEFINITIONS

“Disability” for the purpose of this policy means a physical or mental impairment that limits one or more of that person’s major life activities, or a record of such an impairment.

“Essential Function,” for the purpose of this policy means tasks and duties fundamental to a given position that must be performed in the job, either with or without reasonable accommodation. These tasks and duties include, but are not limited to, those for which the position was created, tasks and duties that cannot be delegated or that only a limited number of persons can perform, the time spent on such tasks and duties and/or the consequences of not requiring the applicant, faculty or staff member to perform that function. Essential Functions may be identified in a job description and/or performance evaluation. Essential Functions do not include marginal functions of an employment position. Determination of the Essential Functions of a position must be done on a case-by-case basis, so that the determination is based on the job as actually performed.

“Qualified Individual,” for the purpose of this policy means an applicant, faculty member, or staff member who, with or without reasonable accommodation, has the necessary skills, qualifications, experience, and abilities to perform the Essential Functions of a position (s)he occupies or for which (s)he is applying.

“Reasonable Accommodation,” for the purpose of this policy means any modification or adjustment to job duties or tasks, the work environment, or any other action that promotes equal access to employment for persons with disabilities. Reasonable Accommodations include, but are not limited to, accessible facilities, job restructuring or reassignments, modifications to work schedules, leaves of absence, transfers, ergonomic adjustments, acquisition or modification of equipment or devices, the provision of qualified readers or interpreters, and modifications to workplace policies and procedures. Examples of actions that may not be considered a Reasonable Accommodation include, but are not limited to, the following: (1) offering a temporary job; (2) creating a new position; (3) transforming a temporary light duty position into a permanent one; (4) lowering quality and quantity of work standards as an accommodation; (5) making other employees work harder; (6) moving another employee; (7) changing supervisors, or (8) reassignment to a position that is not vacant or not funded.

“Undue Hardship,” for the purpose of this policy means the point at which an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of a unit/department. Determination of undue hardship is always made on a case-by-case basis, considering factors such as the nature and cost of the Reasonable Accommodation needed and the impact of the Reasonable Accommodation on the operations of the Law School.

The Law School intends that these definitions shall be interpreted in accordance with California and Federal law. Applicants, faculty or staff members with any questions about this policy should consult Human Resources.

3. POLICIES/PROCEDURES:

The Law School is committed to the fair and equal treatment of individuals with disabilities. The Law School will make reasonable accommodations for the known physical or mental disability of a qualified applicant, faculty or staff member so that the individual can perform the essential functions of the position, unless the accommodation would produce an Undue Hardship to the Law School. A Reasonable Accommodation will be determined as appropriate under the circumstances and through consultation with the employee in the interactive process.

The Reasonable Accommodation procedures set out below are intended to be a flexible and collaborative process for providing reasonable accommodations for qualified applicants, faculty or staff members with disabilities. The Law School will work closely with the applicant, faculty/staff member at each stage of the application process or employment, and individual steps may be modified or omitted to suit individual circumstances of each case. However, generally, the process will include the steps set forth below.

Information Regarding Reasonable Accommodations

Applicants for employment, faculty or staff members with general questions regarding Reasonable Accommodation should contact Human Resources, 919 Albany Street, Los Angeles, CA 90015, phone: 213.736.1415.

Requesting a Reasonable Accommodation

An applicant should promptly notify Human Resources of the need for a Reasonable Accommodation. Where accommodation is requested during the job application process, the Law School will consult with the job applicant to determine Reasonable Accommodation for the duration of the process.

A faculty or staff member should promptly notify his or her Chair/immediate supervisor or Human Resources of the need for Reasonable Accommodation. A faculty or staff member may start the interactive process by asking for an accommodation, orally, in writing or by someone on his or her behalf. A Chair/supervisor who receives a request for a Reasonable Accommodation should promptly notify Human Resources and involve Human Resources in discussions regarding Reasonable Accommodations for a faculty/staff member.

While it is generally up the applicant, faculty or staff member seeking Reasonable Accommodation to inform the Law School of the need for accommodation, the Law School will initiate the interactive process in cases where the need for an accommodation is readily apparent and it has knowledge of a qualified individual's disability or where such knowledge can be reasonably inferred under the circumstances. If

management becomes aware of a disability and the possible need for accommodation, management should promptly consult with Human Resources regarding how to initiate the interactive process.

The Interactive Process

The interactive process is an ongoing dialogue between the applicant, faculty or staff member and appropriate representatives of the Law School about possible options for reasonably accommodating the applicant, faculty or staff member's disability. The Law School will engage in a timely, good faith, interactive process with the applicant, faculty or staff member to determine effective Reasonable Accommodations, if any, in response to a request for Reasonable Accommodations, in accordance with applicable law.

Once the Law School is informed or becomes aware of the need for an accommodation of a person with a disability, the Law School will coordinate the interactive process. Participants in the interactive process may include the applicant or faculty/staff member, his/her health care provider, and other appropriate Law School representatives. The applicant, faculty or staff member must respond to reasonable requests for information in a timely manner and must engage in the interactive process. This interactive process may occur by telephone, email, letter, a meeting, or all such methods, depending on the complexity of the requested accommodation. While the Law School will consider the Reasonable Accommodation preference of the applicant, faculty or staff member, the Law School is permitted to select and implement a Reasonable Accommodation that allows the applicant, faculty, staff member to perform the Essential Functions of the job, or to apply for the job, and that is more appropriate for both the employer and the applicant, faculty or staff member.

Medical Documentation

The Law School's practice is to request medical certification to support requests for a Reasonable Accommodation where the need for accommodation or disability is not obvious. The medical certification should specify whether the applicant, faculty or staff member can perform the Essential Functions of the job, and if so, what the specific limitations and/or restrictions are as related to the Essential Functions, the anticipated duration of any such limitations and/or restrictions, and a suggestion of Reasonable Accommodations that would allow the applicant, faculty or staff member to perform the Essential Functions of the job. The applicant, faculty or staff member is responsible for submitting appropriate medical documentation to Human Resources. All medical documentation will be maintained in separate and confidential files. Only those with a business reason to know of the documentation will have access to those files.

On occasion, where permitted by law, the Law School may request clarification, more detailed medical documentation or a medical examination, at its expense, to determine whether the individual requesting accommodation is capable of performing essential job functions. Such cases will be considered on a case-by-case basis.

Please note that the Law School does not request a diagnosis or any genetic information in such documentation.

Selection of Accommodation

Human Resources, the supervisor and others who have a legitimate business reason to be involved may participate in determining effective Reasonable Accommodations. Where there is more than one Reasonable Accommodation option, the Law School will consider the individual's preference in selecting

the most appropriate option. However, the Law School retains discretion to select among equally effective accommodations and is not required to provide the preferred form of accommodation if there are options that are more cost-effective or easier to provide.

Undue Hardship

The Law School is not required to provide accommodation where doing so would result in Undue Hardship.

Additionally, the Law School is not required to provide any accommodation required by the applicant, faculty or staff member outside of the job or job application process (e.g., eyeglasses, hearing aids, prosthetic limbs.) Such items are only considered Reasonable Accommodations if they are provided strictly for job-related purposes, only. Further, the Law School is not required to provide any accommodation where it would result in a direct threat to the applicant, faculty or staff member, or to others, where the Essential Functions of the position still cannot be performed even with such accommodation, or where as otherwise excepted by law.

Implementation of Reasonable Accommodations

Human Resources will ensure that the applicant, faculty or staff member is informed of decisions made regarding Reasonable Accommodations or, if appropriate under the circumstances, of a decision that Reasonable Accommodation cannot be made because it will present an Undue Hardship to the Law School.

If the request is granted, the response will include the anticipated date of full implementation. If the request is denied, the response will include reasons for the decision. The individual seeking accommodation will have the right to discuss the decision and present alternative accommodation measures.

In instances where there is no Reasonable Accommodation that would enable the applicant, faculty or staff member to perform the Essential Functions of the job, including unpaid leave and assignment to a vacant position, the applicant, faculty or staff member may be terminated, but only with the express authorization of Human Resources.

Appeals

An applicant for employment, faculty or staff member who wishes to make a complaint about the manner by which an accommodation request was handled, or about perceived discrimination against the applicant/faculty or staff member based on disability and/or a request for accommodation, should contact the Law School Associate Dean for Finance and Administration, 919 Albany Street, Los Angeles, CA 90015 phone: (213) 736-7420, or by email at debra.martin@lls.edu. Complaints will proceed through the Law School's Discriminatory Harassment Complaint Process policy.

Reassessment of Reasonable Accommodations

Changes in circumstance, whether in the faculty/staff member's condition or in workplace factors, may warrant re-evaluation of the Reasonable Accommodation. The interactive process is ongoing. If a given accommodation is not effective or no longer effective, the Law School and the faculty/staff member will continue to engage in the interactive process to identify possible alternatives or additional accommodations.

Discrimination Complaints to External Agencies

This policy reflects the Law School's commitment to the provision of equal employment opportunities to all job applicants and faculty/staff members with disabilities. Nothing in this policy precludes the right of any faculty/staff member or job applicant to lodge formal discrimination complaints with any federal, state, municipal or any other agency that has jurisdiction over such matters.

Applicants, faculty and staff may contact the U.S. Department of Education Office for Civil Rights, the U.S. Equal Employment Opportunity Commission or the California Department of Fair Housing and Employment to file a complaint of discrimination based on disability and/or request for accommodation. However, a complaint filed with any outside government agency will not suspend the investigation or resolution of a complaint of discrimination filed pursuant to the Law School's internal policies and processes.

No Retaliation

The Law School prohibits retaliation against an applicant, faculty or staff member who makes a request for Reasonable Accommodation and against participants in the Reasonable Accommodation process. Any applicant, faculty or staff member found to have engaged in such retaliation may be subject to discipline, up to and including termination.