



**New Jersey Institute of Technology  
University Policies and Procedures**

**Date: August 31, 2017**

***Subject:* EMPLOYMENT-RELATED REASONABLE ACCOMMODATION POLICY AND PROCEDURE**

**PURPOSE:**

The purpose of this policy and procedure is to assist the university in the following:

1. Assuring equal access to employment opportunities and practices;
2. Providing equal opportunities for participation in education and training programs for employees;
3. Enhancing the retention and upward mobility of qualified employees with disabilities.

**APPLICABILITY:**

This policy and procedure applies to all prospective and current employees of the university.

**POLICY:**

1. In accordance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended (ADA) and the New Jersey Law against Discrimination (NJLAD), the university will not discriminate against qualified individuals with disabilities in employment, and will provide reasonable accommodation to a qualified employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the university ("undue hardship").
2. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, as amended, the university will not discriminate against qualified individuals with disabilities on the basis of disability in services, programs or activities. Student requests for reasonable accommodation in services, programs or activities are to be made to the Dean of Students and Campus Life.
3. A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability.

4. To be eligible for a reasonable accommodation an employee or applicant must have a disability defined as a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or is regarded as having such impairment, or has a disability as otherwise defined in the NJLAD.
5. The university provides reasonable accommodation:
  - a. when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
  - b. when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
  - c. when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., details, trainings, office-sponsored events).
6. Possible accommodations may include, but is not limited to the following:
  - a. making existing facilities accessible;
  - b. modified work schedules;
  - c. acquiring or modifying equipment; or
  - d. providing assistive technology for hearing or visually impaired employees/applicants.

**PROCEDURE:**

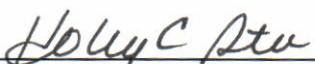
1. An employee or applicant with a disability, family member, health care professional or other representative who is acting on behalf of the employee/applicant may initiate a request for reasonable accommodation orally or in writing. An individual's written or oral request will start the reasonable accommodation process.
2. Request for reasonable accommodation, are to be submitted to the Director of Employee and Labor Relations in the Department of Human Resources (the "Director"). If a supervisor and/or manager receives a request for reasonable accommodation, this request should be immediately referred to the Director for examination and consideration.
3. The Director shall initiate an interactive process to determine whether a reasonable accommodation can be made. During this process the Director shall work closely with the individual making the request and the individual's department and/or division supervisor and/or manager. The interactive process means that the individual requesting the accommodation and the Director must communicate with each other about the request, the precise nature of the incapacity or disability that is generating the request, how the disability is prompting the need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs. During this process the Director will consider:

- a. the request and accommodations proposed by the employee/applicant;
  - b. the input of the direct supervisor/manager;
  - c. the official job description;
  - d. the actual duties to be performed;
  - e. the essential functions of the position;
  - f. where necessary and appropriate, medical documentation related to the individual's condition and their job functions and limitations; (See below)
  - g. possible accommodations that can be made;
  - h. the impact on the department and/or division;
  - i. any other relevant information.
4. During the interactive process, the Director shall keep the individual requesting the accommodation informed of its review and provide him or her with opportunities to provide additional input, as appropriate.
  5. Where the disability and/or need for an accommodation is not obvious, the Director may ask the individual requesting the accommodation to submit medical documentation from his/her treating physician or other health care professional about his/her disability and functional limitations. The Director may also request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.
  6. Where the documentation submitted by the employee is insufficient to substantiate the disability and need for accommodation, the Director may have the individual go to a health care professional of the university's choosing and at its expense, for the purpose of documenting the disability and need for accommodation. Appropriate medical releases shall be secured from the individual/applicant where required.
  7. Unless there are extenuating circumstances, within 20 business days from the date the request was initially made to the Director, the individual making the request should be advised verbally and in writing of the outcome of the interactive process and the accommodation to be made. If the request is denied, the written notice should clearly specify the reasons for the denial, and if applicable, why the accommodation would pose an undue hardship to the department or division.

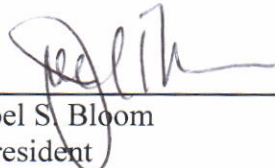
**EFFECTIVE DATE OF POLICY**

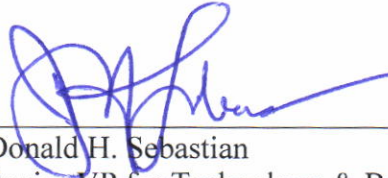
This policy takes effect upon adoption, and supersedes and revokes any former reasonable accommodation policies and procedures.

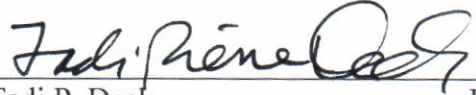
**REVIEW:**

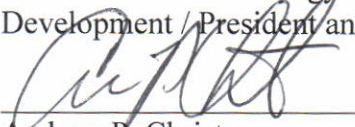
 9/5/17  
Date  
Holly C. Stern, Esq.  
General Counsel  
Vice President for Legal Affairs

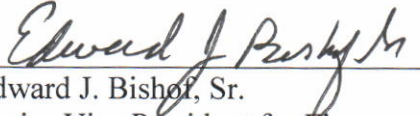
**APPROVAL:**

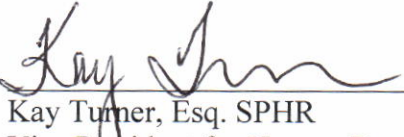
 9/7/17  
Date  
Joel S. Bloom  
President


 9/7/17  
Date  
Donald H. Sebastian  
Senior VP for Technology & Business  
Development / President and CEO of NJII

 9/7/17  
Date  
Fadi P. Deek  
Provost and  
Senior Executive Vice President

 9/7/17  
Date  
Andrew P. Christ  
Vice President for Real Estate  
Development and Capital Operations

 8/31/17  
Date  
Edward J. Bishop, Sr.  
Senior Vice President for Finance and  
Chief Financial Officer

 8/13/17  
Date  
Kay Turner, Esq. SPHR  
Vice President for Human Resources

 9/5/17  
Date  
Kenneth Alexo, Jr.  
Vice President Development and Alumni Relations  
President of the Foundation at NJIT