

# ADA Division Procedures

## I. INTRODUCTION

The University of Illinois at Urbana-Champaign is committed to creating an equitable and inclusive environment and recognizes individuals with disabilities, individuals of diverse religious beliefs, and pregnant and parenting employees as valued components of diversity and our campus community. The primary function of reasonable workplace accommodations is to ensure equal employment opportunities to applicants, candidates, and employees and enhance overall workplace productivity.

The ADA Division of the Office for Access and Equity is the office responsible for the reasonable accommodation process for all job applicants and employees of the UIUC. The goal of the process is to create a more inclusive environment where applicants and employees with disabilities, pregnant and parenting employees, and employees of diverse religious backgrounds, can request and receive reasonable accommodations necessary to reach their full potential in the workplace.

## II. SCOPE

The ADA Division Procedures are intended to be the exclusive procedures for providing reasonable accommodations in the workplace for individuals with disabilities, as required by law, at the University of Illinois at Urbana-Champaign for current employees, applicants for employment. The Reasonable Accommodations under the Americans with Disabilities Act, [Campus Administrative Policy \(HR-67\)](#) is the policy that governs these procedures.

These procedures also include the campus procedures for the provision of religious workplace accommodations and pregnancy/parenting workplace accommodations in accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Illinois Human Rights Act, at the University of Illinois Urbana-Champaign. These procedures also include workplace accommodations for individuals seeking pregnancy/parenting accommodations under federal and state laws, including the Pregnancy Discrimination Act (PDA), ADA, and Illinois Pregnancy Accommodation Law.

The ADA Coordinator/Director of the ADA Division has authority over this procedure document. The ADA Coordinator/Director can be reached at 217-333-0885 or [adacoordinator@illinois.edu](mailto:adacoordinator@illinois.edu).

## III. DEFINITIONS

**Accommodation Medical Request Form:** means the form provided by the ADA Division to the employee requesting a reasonable accommodation. The [Accommodation Medical Request Form](#) should be completed by the employee's treating physician and provided to the ADA



Division. In most cases, the employee's request for an accommodation cannot proceed prior to receipt of the completed form.

**Accessibility Specialist:** means the ADA Division employees responsible for engaging in the interactive process with the employee. The Accessibility Specialist reviews medical documentation, meets with the employee, recommends reasonable accommodations, and prepares documents related to the reasonable accommodation implementation.

**ADA Coordinator:** means the individual responsible for coordinating and monitoring the university's efforts to comply with Section 504 of the Rehabilitation Act of 1973 (codified e), the [Americans with Disabilities Act of 1990](#), and other federal and state laws and regulations pertaining to the rights of persons with disabilities.

**Appeal:** means a request by the employee or the employing unit to reconsider the determination of a finding of a disability or the determination of a reasonable accommodation.

**Authorization to Release Medical Records:** means the form that an employee may complete to authorize the ADA Division to contact their doctor to receive medical information and/or documentation to support the employee's request for a reasonable accommodation.

**Business Day:** Any day in which the normal operating business of the university is conducted. Generally, this means Monday through Friday, but excludes federal and state holidays on which the university is closed.

**Case Manager:** means the ADA Division employee responsible for providing confirmation of an accommodation request, collecting documentation from employees, and assisting with employee scheduling, questions, and case management.

**Days:** means calendar days; unless otherwise specifically noted, days are considered calendar days.

**Director:** means the director of the ADA Division of the Office for Access and Equity.

**Disability:** means with respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded by the employer as having such an impairment.

**Employee:** means any individual who performs services for the university in exchange for pay, benefits, or University affiliate status, including but not limited to: tenure and tenure track faculty, specialized faculty, academic professionals, visiting academic professionals, residents, civil service personnel, extra-help personnel, academic hourly personnel, graduate assistants (including teaching assistants and research assistants), pre-professional graduate assistants, pre and postdoctoral research associates, undergraduate or graduate hourly students, and visiting scholars.



**Employing Unit** means the unit in which the employee is seeking a reasonable accommodation. The employing unit will engage with the ADA Division in the interactive process.

**Ergonomic Assessment:** means an evaluation by a Certified Ergonomic Assessment Specialist (CEAS) of the employee's workspace, job related tools, and environment using OSHA ergonomic assessment tools to determine risk factors and potential reasonable accommodations to assist the employee in performing the essential functions of their position.

**Essential Functions:** means the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including but not limited to the following:

1. The function may be essential because the reason the position exists is to perform that function.
2. The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or;
3. The function may be highly specialized so that the incumbent in the position is hired for the individual's expertise or ability to perform the particular function.

**Health Equity:** means when all members of society enjoy a fair and just opportunity to be as healthy as possible.

**Interactive Process:** means the informal confidential dialogue between the university and the employee to identify reasonable accommodations.

**Interim Accommodation:** means a short-term measure put in place until a permanent accommodation is determined. An interim accommodation does not require an employee to have medical documentation prior to receipt of an interim accommodation.

**Job Description:** means a document developed by the employer that provides an understanding of the duties and responsibilities related to a job. A job description generally includes the following components: 1) essential job functions; 2) knowledge and critical skills; 3) physical demands; 4) environmental factors; 5) a percentage breakdown of essential functions of the position; and 6) any explanatory information that may be necessary to clarify job duties or responsibilities. Some job descriptions may also include the roles of the ADA and other federal laws such as the Occupational Safety Health Act (OSH Act).

**Medical Documentation:** means the documentation requested in most cases by the ADA Division from the employee to establish that the employee has a qualifying disability and to determine the functional limitations of the employee's disability. Where the employee's disability is nonobvious, the ADA Division may request and review this documentation. Failure to provide the ADA Division with medical documentation sufficient to establish a determination of a disability will result in a denial of reasonable accommodations.



**OVCDEI:** Office of the Vice Chancellor for Diversity, Equity, and Inclusion

**Qualified Employee with a Disability** means an individual who meets the requirements for the position and can, with or without reasonable accommodation, perform the essential functions of the job in question.

**Reasonable Accommodation:** means modifications or adjustments to a job-related activity, an employment practice, or the work environment that makes it possible for a qualified employee with a disability to perform essential job functions and enjoy equal employment opportunities. A few examples of reasonable accommodations include:

1. Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
2. Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials or policies, adjusting work schedules, and providing qualified readers or interpreters.

**Reasonable Accommodation Document:** means the written document that is generated at the conclusion of the interactive process.

**Reassignment:** means an accommodation whereby the employee is moved to a vacant position as a reasonable accommodation of last resort. Reassignment must be provided to an employee who, because of a disability, can no longer perform the essential functions of their current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship. An employee must be "qualified" for the new position. An employee is "qualified" for a position if they:(1) satisfy the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position, with or without reasonable accommodation. The employee does not need to be the best-qualified individual for the position in order to obtain it as a reassignment. Reassignment does not generally apply to civil service positions.

**Request for Reasonable Accommodation:** means any communication in which an individual asks or states that the applicant or employee (or their designee) needs a modification because of a medical condition or disability. An accommodations request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA."

**Temporary Accommodation:** means an accommodation generally lasting no more than six months.

**Trial Accommodation:** means a reasonable accommodation identified during the interactive process that the employee and employing unit agree to implement on a trial basis.

**Undue Hardship:** means an action that would be unduly burdensome, or that would fundamentally alter the nature and structure of the operation or unit where the employee is currently working.



## IV. INTERACTIVE PROCESS PROCEDURES

### A. Requesting a Reasonable Accommodation

The reasonable accommodation process begins when the ADA Division of the Office for Access and Equity (OAE) at the University of Illinois at Urbana-Champaign becomes aware that an applicant or employee may need an adjustment or modification concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a disability or chronic medical condition. Notification may include documentation from the employee directly and/or from the employee's physician. An applicant or employee may request a reasonable accommodation at any time, orally or in writing.

A reasonable accommodation request can also be made by an employee's representative (e.g. family member). If a representative makes the request on behalf of the employee, the request should be confirmed with the applicant or employee. The ADA Division will determine if the employee is asking for a reasonable accommodation if the initial nature of the request is unclear. Supervisors and unit representative should not ask an employee about their medical conditions, and employees should not provide medical documentation directly to their supervisor or unit representatives.

A request for a reasonable accommodation can be submitted in one of the following ways:

- Online: [https://illinois-accommodate.symplicity.com/public\\_accommodation/](https://illinois-accommodate.symplicity.com/public_accommodation/)
- Email: [accessandequity@illinois.edu](mailto:accessandequity@illinois.edu)
- Phone: 217-333-0885

#### **Requests directly to the ADA Division:**

If an employee or applicant makes a reasonable accommodation request to the ADA Division, an email will be sent to the applicant or employee verifying receipt of the request for a reasonable accommodation within one (1) business day.

#### **Requests to other supervisors or HR Representatives:**

If an employee or applicant makes a reasonable accommodation request to an individual other than the ADA Division, such as a supervisor or human resource staff member, the university representative should communicate the request to the ADA Division within 24 hours. The ADA does not require any particular words to request an accommodation. Therefore, an employee who states that they are having difficulties performing their job due to an underlying condition should be directed to the ADA Division. While a supervisor or HR representative may not request an accommodation on behalf of the employee without the employee's consent, the supervisor or HR representative may call or email the ADA division with the employee present, or with their permission, to request that the ADA division contact the employee to assist them in filing a request for a reasonable accommodation.

**Collecting Medical Documentation:**

The ADA Division of the Office for Access and Equity will evaluate each individual request on a case-by-case basis. While the ADA Division may require medical documentation, the ADA Division will also consider 1) the employee's self-report and how they may be limited by their impairment. An employee's narrative of their experience of disability, barriers, and effective and ineffective accommodations is an important tool which, when structured by interview or questionnaire and interpreted, may be sufficient for establishing disability and a need for accommodation. The ADA Division may also consider observation and interactions and conclusions formed by Accessibility Specialists and ADA Division employees, during interviews and conversations or in evaluating the effectiveness of previously implemented accommodations.

Upon receipt of a request for a reasonable accommodation, in most cases, the Case Manager will provide the requestor with an [Accommodation Medical Request Form](#). If the disability is obvious, and the need for a reasonable accommodation is known, the ADA Division may not require medical documentation from the requestor. However, if the ADA Division requests the Accommodation Medical Request Form be completed, the interactive process will not move forward until the medical documentation or the Accommodation Medical Request Form are returned. Employees may also choose to access the Accommodation Medical Request Form directly and provide the form to the ADA Division upon requesting a reasonable accommodation. The applicant or employee may also request that the ADA Division contact their health care provider directly. If the requestor chooses this option, the requestor will be asked to complete and submit a medical release of information form. The medical documentation request is limited to the requestor's disability and the functional limitations for which the reasonable accommodation is being requested.

Where documentation is required by the ADA Division for workplace accommodations, said documentation should be recent, which generally means within the twelve (12) months preceding the request. However, the extent of documentation and time frame may be adjusted at the discretion of the ADA Division based on factors including but not limited to, information in the medical documentation, the chronic nature of particular diagnoses and issues of Health Equity.

Documentation should also be provided from the medical professional, counselor, or mental health provider with whom the employee receives treatment for the medical condition or disability necessitating the request for the reasonable accommodation. The employee should provide their treating medical professional, counselor, or mental health provider with information about their job duties and functions to assist the ADA Division in determining the appropriate reasonable accommodations for the employee to perform the essential functions of their job.

The Genetic Information Nondiscrimination Act of 2008 (GINA) generally prohibits employers from requesting or requiring genetic information from an employee or family member. Employees and healthcare providers should not provide any genetic information when responding to a request for medical information.

**Confidentiality:**

An employee's request for a reasonable accommodation under the ADAAA and all steps taken to review the request and provide any accommodation should be treated as confidential. Information should be disclosed only on a need-to-know basis.

When an employee requests an accommodation, all documentation and information concerning the individual's medical condition or medical history should be collected on forms provided by the ADA Division, or directly from the employee's treating medical provider and kept separate from the employee's personnel file. Medical documentation will not be shared with the employing unit, and employees are urged to refrain from providing medical documentation (not including a return-to-work slip/note) to their employing unit.

**B. Time Frame for Processing Reasonable Accommodations Requests**

The ADA Division processes reasonable accommodations efficiently and strives to complete all reasonable accommodations within thirty (30) days from the date that the employee meets with the Accessibility Specialist or provides all requested medical documentation, whichever event occurs later. Cases will be put on hold if the Accessibility Specialist believes additional medical documentation is necessary to process the request upon reviewing the initial medical documentation. Employees who submit an initial reasonable accommodation request without documentation will receive the first request for medical documentation in the initial outreach email within 24 hours of submitting their request, and an additional two emails thereafter. If the ADA Division does not receive a response to the initial two emails, the ADA Division will close the request upon the sending of the third outreach email. Closed cases may be reopened at any time upon request of an employee or applicant seeking a reasonable accommodation.

**Extensions:**

An extension of the time frame for providing a reasonable accommodation will be considered in circumstances that could not reasonably have been anticipated or avoided in advance or beyond the ADA Division's ability to control. The extension request from the Accessibility Specialist must be in writing to the ADA Director and will be granted when the conditions above are met. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the reasonable accommodation will be extended as necessary. The Accessibility Specialist should request the extension no later than 48-72 hours before the original expiration of the thirty-day time frame to provide advance notice to the parties engaged in the interactive process. When the extension is granted, the employee, supervisor, and any additional individuals with a need to know will be informed about the extension and anticipated completion of the interactive process by the Accessibility Specialist.

Most commonly, extensions are granted for the following reasons:

- Additional time is necessary due to departmental meeting availability;
- Additional time is essential to work with the unit or department regarding the reasonable accommodation;



- Additional time is needed to continue to engage with the employee regarding the appropriate reasonable accommodation;
- Additional research or purchasing is necessary to facilitate the accommodation; and
- High case volume of the Accessibility Specialists resulting in delay as determined by the ADA Division Director.

### **C. Determination of Disability**

Upon receipt of medical documentation, where a disability is not obvious, the Accessibility Specialist assigned to a case will make a determination as to whether a disability exists, as a designee of the ADA Director. If the Accessibility Specialist is unsure whether the documentation supports a determination of a disability, the Accessibility Specialist will request that the ADA Director, acting as the ADA Coordinator, makes the final determination of disability. If the ADA Director determines that a disability determination is not warranted, the employee will be provided notice in writing of this determination, and the case will be closed. If the employee disagrees with the ADA Director's determination, they may appeal in writing to the Associate Vice Chancellor for Access and Equity within ten (10) days to reverse the disability determination. The decision by the Associate Vice Chancellor for Access and Equity is final (See Section K).

When 1) a denial of a disability determination is made, or 2) where the Vice Chancellor for Access and Equity upholds the determination of a disability finding of the ADA Division, the employee is not precluded from requesting a reasonable accommodation at a later date. If circumstances change and employee believes that an accommodation is needed due to workplace obligations associated with evolving limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation), another request should be submitted. It is important to note that the ADA Division will not refuse to process a request for a reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

### **D. Initiation of the Interactive (IP) Process**

If a determination of disability has been made, the Accessibility Specialist will meet first with the employee requesting the reasonable accommodation. The Accessibility Specialist will document the meeting with notes and will discuss the following items in the meeting:

1. the nature of the job-related challenge that is generating the request
2. review the employee's diagnosis and limitations
3. the accommodation solution(s) that may be effective for the individual to successfully perform the essential functions of the job
4. any recommended accommodations presented by the employee to address their needs

Where necessary, the Accessibility Specialist will utilize resources, including [the Job Accommodation Network](#) (JAN), to determine potentially appropriate reasonable accommodations for the employee before meeting with the employing unit.

Employees may elect to include a support person to be present during the interactive process. However, the ADA Division requires that the employee requesting the accommodation provide advance notice of the inclusion of a support person in any phone calls or meetings with the Accessibility Specialist or other ADA Division meetings.

The ADA Division does not consent to have meetings with their office recorded unless a request to record has been received and approved by the ADA Division based on a functional limitation due to a disability.

### **Administrative Leave:**

Employees seeking reasonable accommodations may request an accommodation at any time. However, if an employee is placed on administrative leave during the interactive process, the ADA Division will review the individual case and reserves the right to place the case on hold until such time as the employee's administrative leave has ended or in preparation for the employee's return to pre-administrative leave status.

### **E. Ergonomic Assessments**

When medical documentation from an employee's treating physician indicates that an ergonomic assessment is necessary to determine the employee's appropriate reasonable accommodations, the Accessibility Specialist will request the ADA Director's approval to engage in the ergonomic assessment. Approval will be in writing and uploaded to the case in the ADA Division database. If, upon reviewing the medical documentation, the Accessibility Specialist believes that an ergonomic assessment is necessary to determine the appropriate reasonable accommodations, the Director will approve the ergonomic assessment and provide notation of the approval in the case. Ergonomic assessments are provided by a CEAS certified Accessibility Specialist from the ADA Division. Ergonomic assessments may also be performed remotely by the CEAS remote certified Accessibility Specialist. Recommendations from the ergonomic assessment will be reviewed and discussed as to their reasonableness by the Accessibility Specialist and the department before implementing the recommended reasonable accommodations. If the unit or Accessibility Specialist disagree as to the appropriate reasonable accommodation, they should agree to consult with the ADA Director to reach a determination.

### **F. Consultation with the ADA IT Coordinator**

Where the Accessibility Specialist determines that the appropriate reasonable accommodation for the employee involves a technological component (software, technological hardware etc.), the Accessibility Specialist will include the ADA IT Coordinator in the determination of the appropriate reasonable accommodation. The ADA IT Coordinator will assist the Accessibility Specialist to identify the appropriate reasonable accommodation. The ADA IT Coordinator will engage in the interactive process with the employing unit, when requested by either the Accessibility Specialist, or employing unit to answer questions related to the proposed reasonable accommodation. While the employing unit is responsible for implementation of the



agreed upon reasonable accommodation, the ADA IT Coordinator will provide guidance and oversight to ensure implementation of the reasonable accommodation in a reasonable timeframe upon completion of the ADA interactive process.

### **G. Interactive Process Meeting**

After meeting with the employee, the ADA Division will send an email to the employee's immediate supervisor and unit HR representative to request the interactive process meeting. The employing unit should not forward or share the email requesting a meeting with any individuals without an explicit need to know basis regarding the employee's request for a reasonable accommodation. If the receiver of the request does not believe it has been sent to the appropriate parties to facilitate the request, the receiver should reply to the email to the ADA Division directly to determine the proper individual to receive such a request.

The ADA Division will also ask for the employee's job description and will provide an Essential Functions Analysis Form (EFA) to the immediate supervisor to complete. For employees with no job description document, a faculty prospectus, most recent job performance evaluation, or determination of division of duties document may be acceptable. The Accessibility Specialist will not move forward with the interactive process until these documents are provided to the ADA Division before the interactive process meeting. If the ADA Division does not receive the documents with enough time to review the documents prior to the meeting, the Accessibility Specialist will cancel the meeting at their discretion and reschedule. These documents are essential to the Accessibility Specialist to ensure they are aware of the employer's determination of the employee's essential functions. Employing units are strongly encouraged to complete the EFA and provide a job description as soon as possible, not to exceed seven (7) days, to advance the interactive process as quickly as possible.

Upon determining a meeting date and time for the participants, the ADA Division will send a confirmation of meeting email, which will include the functional limitations from the employee's medical documentation to provide the employing unit context for the reasonable accommodation request. No diagnosis information or medical documentation will be provided to the employing unit at any time. If the employing unit has questions regarding the functional limitations the employing unit representatives should direct those questions to the Accessibility Specialist and not the employee. The Accessibility Specialist will determine if the information being requested is able to be shared.

All participants involved in the interactive process meeting should be identified to the ADA Division before the confirmation of meeting email is sent to the employing unit. The ADA Division will ask for this information when setting the meeting time and date. If the ADA Division employee has concerns regarding the number of individuals being included in the meeting, they may ask for the reasons for their inclusion, and may, with Director approval, ask the additional employees to be excluded from the meeting.

The employee requesting the reasonable accommodation will not be present for the meeting.



After completing the interactive process meeting, the Accessibility Specialist will review notes from the meeting and draft the proposed Reasonable Accommodation Document. The Reasonable Accommodation Document will include the proposed reasonable accommodations as determined by the interactive process and the Accessibility Specialist's recommendation.

The Accessibility Specialist will provide the Reasonable Accommodation Document to the employing unit for their review and acknowledgement. If the employing unit acknowledges the document and no changes are requested, then the Accessibility Specialist will send the Reasonable Accommodation Document to the employee for their review and approval. If the employing unit has any recommended edits, the Accessibility Specialist will determine if the recommended requests significantly alter the reasonable accommodation, or if the request(s) is appropriate given the nature of the employee's limitations. If the Accessibility Specialist believes the suggested edits are appropriate, the Accessibility Specialist will provide the Reasonable Accommodation Document draft with these edits to the employee for their approval. If the employee has no concerns, a Final Reasonable Accommodation Document is provided to the employee and the employing unit. The employing unit is required to keep this document confidential and maintain the Reasonable Accommodation Document in a file separate from the employee's personnel file. Any reasonable accommodations within the document must be implemented as soon as possible for the employee. Any implementation logistics and/or costs associated with implementing an employee's reasonable accommodation is the responsibility of the employing unit. Where the employing unit believes there is potential for undue hardship with the suggested reasonable accommodation, the employing unit should provide this information to the Accessibility Specialist before the finalization of the Reasonable Accommodation Document.

#### **H. Expedited Processing of Reasonable Accommodation Requests**

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. The expedited review includes situations where the employee needs a reasonable accommodation because of an immediate safety concern, participation in a meeting of an individual that may require an interpreter with short notice, or to enable an applicant applying for a job to do so without impediments. The expedited review process is utilized only for short term accommodations outside of the scope of temporary or interim reasonable accommodations.

#### **I. Temporary/Trial Accommodations**

While many reasonable accommodations are implemented on a permanent basis, some reasonable accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the employee's limitations, restrictions, specific accommodation needs, and the impact accommodation will have on job performance and business operations. Situations that can warrant provision of a temporary or trial accommodation may include, but are not limited to:

- when time is needed to research a permanent accommodation solution, to acquire equipment, arrange a service, or identify an alternative vacancy;



- when it is necessary to test a reasonable accommodation to determine if it is effective;
- when the medical impairment is temporary but sufficiently severe enough to entitle the employee to accommodation;
- when it is necessary to avoid temporary adverse conditions in the work environment; or
- when a reasonable accommodation can currently be provided, but may eventually pose an undue hardship if provided long-term;
- when the employee is awaiting reassignment of their position.

### **J. Monitoring an Accommodation**

It is the obligation of the employee to monitor the accommodation's effectiveness in performing the essential functions of their job. It is also the obligation of the employing unit supervisor to monitor the effectiveness of the reasonable accommodation. However, this monitoring for effectiveness should not occur within the structure of any performance reviews. While employees with disabilities must be able to perform essential functions of their job with or without accommodation, it is also the supervisor and employer's responsibility to provide a reasonable accommodation that is effective for the employee. As stated in the Reasonable Accommodation Document, if either the employing unit or the employee believes a reasonable accommodation is no longer effective or less effective than previously thought, then the interactive process should be reengaged by reaching out to the ADA Division.

### **K. Other forms of Accommodations**

#### **Pregnancy/Parenting Accommodations:**

Individuals who experience a medical condition related to pregnancy or childbirth should request reasonable accommodations through the ADA Division [self-service portal](#). Medical documentation is generally required to process pregnancy accommodations; however, medical documentation will not be requested for parenting accommodations for lactation purposes. If an employee needs an accommodation for lactation, they should request a reasonable accommodation and complete the pregnancy/parenting accommodation form through the self-service portal. Examples of reasonable accommodations include light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees. Further impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia) may be disabilities under the Americans with Disabilities Act (ADAAA). An employing unit may be required to provide a reasonable accommodation for a pregnancy-related disability, absent undue hardship

Graduate student employees who need an accommodation related to their workplace responsibilities should also request a reasonable accommodation through the ADA Division. If reasonable academic accommodations are necessary, the ADA Division will collaborate with the Title IX Office to determine appropriate reasonable accommodations. Students who are not employees seeking pregnancy-related accommodations should request these through the Title IX Office.

Like disability and religious accommodations, the pregnancy/parenting accommodations may take up to thirty (30) days to complete the interactive process. However, the ADA Division will provide interim accommodations when necessary to ensure the employee's health and/or safety.

**Parking Accommodations:**

Employees may request a parking accommodation on a temporary or permanent basis. The employee is required to provide medical documentation to support their request, and it generally should be no more than twelve (12) months old. Most often, parking accommodations address disabilities related to mobility, including but not limited to, walking due to an arthritic, neurological, oncological, or orthopedic condition. While the parking accommodation process is under the ADA Division's purview, the assigning of parking spaces and the processing of the request for a parking space is completed by the Parking Department. Parking spaces identified in a parking accommodation case may still be subject to the university's standard parking fee structure. Similar to other reasonable accommodations, parking accommodations may take up to thirty (30) days to complete

Parking accommodations are facilitated by ADA Division Case Managers, and do not require the ADA Division engage in the interactive process with the employee's supervisor. In most cases, an employee cannot be provided more than one accessible space at a time on campus. Employees are encouraged to notify the ADA Division as soon as possible if the employee's needs or location change over time.

**Religious Accommodations:**

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees based on their sincerely held religious beliefs and may require an employer to accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship. Employees who need religious accommodations should make their request through the [self-service portal](#). Employees will not be required to provide documentation or attestations from a place of worship but will be asked to provide a narrative of the requested accommodation and explain why it is necessary. Examples of common religious accommodations include: flexible scheduling, voluntary shift substitutions or swaps, job reassignments, modifications to workplace policies or practices, leave for religious observances, wearing particular head coverings or other religious dress, or wearing certain hairstyles or facial hair.

Similar to disability and pregnancy accommodations, religious accommodations may take up to thirty (30) days to complete the interactive process.

**Travel Accommodations:**

When an employee has requested a travel accommodation related to the class of airfare or other modes of transportation, the employee is required to provide medical documentation to support their request, and it generally should be no more than twelve (12) months old. The documentation should be from the medical professional with knowledge of the employee's medical condition which is necessitating the travel accommodation. Employees should not



provide medical documentation to their supervisor, nor should they upload medical documentation as an attachment to their requests for reimbursements

The interactive process described in Section IV is required for travel accommodations. An employee will not need to engage in the interactive process each time they travel, but rather they should reengage with the ADA Division if they 1) need additional reasonable accommodations or alteration to the accommodation in the future or 2) no longer need the reasonable accommodation.

Upon completion of the interactive process and the Reasonable Accommodation Document is finalized, the employee and the employee's supervisor will be provided with a Supplemental Travel Document which will include an ADA Division reference number (AXXXX-Year) and will indicate that the employee is approved for a particular class of travel. This document should be kept by the supervisor, along with the Reasonable Accommodation Document, in a separate file and can be included in requests for travel reimbursement and travel arrangement purposes.

### **Reasonable Accommodations for Members of the Public:**

The university also must provide reasonable accommodations to members of the public who attend university-sponsored events and request a reasonable accommodation. The sponsoring university unit is responsible for such provision. Members of the public who need a reasonable accommodation should contact the sponsoring university unit with as much advance notice as possible. Similar to workplace accommodations, the university is not required to provide the specific accommodation requested. Individuals with disabilities who are participating in administrative proceedings such as those under the Title IX Sexual Misconduct Procedures should contact the ADA Coordinator to engage in the interactive process in collaboration with the Title IX Coordinator. For additional questions regarding reasonable accommodations for members of the public please contact the ADA Coordinator.

### **L. Appeals Process**

The appeals process provides two distinct areas of appeal for disability related accommodations: 1) an appeal of a denial of a disability determination and 2) an appeal of the reasonable accommodation determined by the Accessibility Specialist during the interactive process.

#### **Denial of Disability Determination Appeal:**

When the ADA Division determines that an applicant or employee's medical condition does not rise to the level of a disability, the Division will send a denial of disability to the employee, stating the reason for the denial and notifying the employee of their appeal rights and the appeals process.

If an applicant or employee disagrees with the determination of disability, the applicant or employee may appeal this determination in writing within ten (10) calendar days to the ADA Coordinator by email at [adacoordinator@illinois.edu](mailto:adacoordinator@illinois.edu). The appeal should include the basis for the disagreement with the determination and any additional documentation or information that the employee determines is applicable to their request for appeal

The Director will consider the appeal and issue a final decision within ten (10) calendar days of receiving the appeal.

**Appeal of Final Reasonable Accommodation Recommendation:**

When an applicant or employee disagrees with the final reasonable accommodation identified by the Accessibility Specialist, the employee may request that the Accessibility Specialist alert the ADA Director to engage in a review of the Accessibility Specialist's reasonable accommodation

If after such review, the employee does not agree with the ADA Division Director's review finding, the applicant or employee may appeal the decision within ten (10) business days of the decision to the Associate Vice Chancellor for Access and Equity by completing the [Appeal a Reasonable Accommodation Finding Form](#) and submitting it to [diversity@illinois.edu](mailto:diversity@illinois.edu).

The Associate Vice Chancellor for Access and Equity will:

- Review the RA request and all related documentation, standards, procedures and potential accommodations considered;
- Meet and/or consult with the individual or/and others involved parties if necessary;
- Review the Appeal a Reasonable Accommodation Finding Form;
- Inform the employee and the employing unit (if applicable) of the finding of the Appeal.

The finding of the Associate Vice Chancellor for Access and Equity is final. The Associate Vice Chancellor will issue a written determination within fifteen (15) business days of the appeal.

**M. Conflicts of Interest:**

The ADA Division will routinely review requests for any apparent or perceived conflicts of interests with individuals requesting accommodations. Where appropriate, the ADA Director will direct ADA Division employees to provide any concerns of a conflict of interest to the ADA Director. If necessary, the ADA Director will reassign a case to ensure that an appearance of a conflict of interest is removed. If the recusal results in the removal of the ADA Director or the Associate Vice Chancellor for Access and Equity from hearing an appeal, the ADA Division Director and the Associate Vice Chancellor for Access and Equity will work to identify an appropriate OVCDEI staff member to decide the appeal.

**N. Information Tracking and Recordkeeping for Audit Purposes:**

To ensure compliance with these Procedures, the ADA, and Section 503 of the Rehabilitation Act, an ADA Division employee will complete a level one review of the case and will complete an Accommodations Closure Checklist (ACC) upon finalization of each reasonable accommodation case. The ACC should be completed within seven (7) days of finalizing the reasonable accommodation. However, the Director retains the right to extend the time for completion at their discretion based on the staffing levels and workload of the unit. It is the expectation that documentation including email correspondence with the requestor and the department and HR

representatives be uploaded to the database upon their receipt, in order to allow for quick review by any ADA Division member attempting to assist an employee or unit representative. The documentation, will, at a minimum be checked for completion and upload by the ADA Division Director or their designee. Upon completion, the Director or designee will review each ACC and case in the ADA Division database and ensure all documentation is uploaded prior to case closure. Upon satisfactory review, the ADA Director or designee will request the Case Manager to close the file. Accommodation files may be reopened upon request of the applicant or employee or employing unit to reengage the interactive process.

ACC's are not required in cases where a request was submitted in error, an employee withdrew a request prior to submitting medical documentation or at any time prior to the initial meeting with the Accessibility Specialist. Subsequent or secondary ACC's are also not required in cases previously closed with an ACC, have been reopened for additional accommodation needs including but not limited to extensions of temporary accommodations, reengagement of the process by the unit or employee. Cases that are closed in the ADA Division database without an ACC must be noted with approval of closure without the ACC document.

## **V. COVID-19 Interim Accommodations Procedures (7.1.21-subject to change)**

### **A. COVID-19 Interim Accommodations Procedures**

To be responsive to the campus community, the ADA Division has developed the following procedures for individuals requesting workplace accommodations based on underlying medical conditions or risk factors indicated as those more likely to get severely ill from COVID-19 by the CDC found here: [CDC Risk Factors](#). As of 7/1/21 this includes cancer, having a history of cancer chronic kidney disease, chronic lung diseases including COPD (chronic obstructive pulmonary disease), moderate-to-severe asthma, interstitial lung disease, cystic fibrosis, and pulmonary hypertension, dementia or other neurological conditions, Down syndrome, immunocompromised state (weakened immune system) including from solid organ transplant or blood stem cell transplant, HIV, overweight, obesity or severe obesity, (body mass index [BMI] of 25 or higher), serious heart conditions, such as heart failure, coronary artery disease, cardiomyopathies, cerebrovascular disease or stroke, hypertension, pregnancy and recently pregnant people (defined as at least 45 days since giving birth), substance use disorders, Sickle cell disease, and Type 1 or Type 2 diabetes mellitus and those who smoke or formerly smoked.

Interim accommodations may include exclusion from particular job functions that may place the employee at a higher risk for exposure to COVID-19 or working remotely. It should be noted that while vaccinations are currently available, not all individuals can receive vaccinations due to underlying medical conditions or disabilities. Further, the CDC warns that individuals who are immunocompromised or who take medication that weakens their immune system may still contract COVID-19. Individuals requesting an interim accommodation due to underlying medical conditions included in the paragraph above should utilize the [Reasonable Accommodations Request Form](#). Upon submission, the ADA Division case managers will acknowledge receipt of the request within 24 hours. The ADA Division will then determine

whether the information regarding a diagnosis or underlying medical condition provided (and any accompanying medical documentation if applicable) indicates the employee has an underlying medical condition that is considered an increased risk for complications due to COVID-19.

If the preliminary information supports a finding of increased risk for severe complications, the ADA Division will reach out to the employee by email and/or phone to confirm any additional details and explain the ADA interactive process. However, to provide a rapid response to employees in this category, the ADA Division will confirm with the employee that they approve the ADA Division informing their employing unit of their request. The ADA Division will explain to the unit that the preliminary information provided to the ADA Division warrants a continuation of current accommodation, providing a new workplace accommodation including but not limited to remote work or a shift to remote work or the immediate alteration of the employee's current work responsibilities during the full interactive process.

Upon confirmation from the employee, the ADA Division will provide a COVID-19 Interim Reasonable Workplace Accommodation Document to the employing unit supervisor and HR representative. The email will request that the unit acknowledge receipt of this Interim Reasonable Accommodation document where the employing unit agrees that the essential functions of the employee's position can be done remotely, or that the alteration to their position can be managed in the short term to minimize the effect on the employee's health/safety. The employee will be provided with a decision through the ADA Division as soon as practicable.

The COVID-19 Interim Reasonable Accommodation is **not** a permanent Reasonable Accommodation. The COVID-19 Interim Reasonable Accommodation is only intended to be in effect while the employee gathers outstanding medical documentation in order for the ADA Division to formally engage in the interactive process with the employing unit to determine the appropriate reasonable accommodation on a long-term basis. The employee and employing unit will be required to engage in the ADA interactive process, as outlined in the ADA Division procedures. However, the COVID-19 Interim Reasonable Accommodation Document allows the employee to continue to perform their essential functions during the full ADA Interactive Process timeframe.

## **B. COVID-19 Alternative Nasal Testing Requests**

Employees unable to participate in the campus saliva testing due to an underlying medical condition or disability are eligible to utilize the COVID-19 Alternative Nasal Testing procedure by requesting an alternative test through the ADA Division Accommodation Request Portal. Employees who submit medical documentation with their initial request will have their request and medical documentation reviewed within 24-48 hours. Upon review, if no further medical documentation is needed, the ADA Division will request the employee's name to be added to the alternative testing schedule through McKinley Health Center. Upon confirmation that the employee's name was added to the alternative testing list, approval of the employee's request for a permanent basis and instructions about scheduling future testing will be sent to the employee by email. Ultimately, it is the employee's responsibility to continue to schedule alternative COVID-19 tests in compliance with university requirements.



If an employee submits a request for the COVID-19 Alternative Nasal Testing procedure without medical documentation upon their initial submission, the employee's request will be reviewed, and a 21-day approval will be provided within 24-48 hours of submission. The employee will receive notice of this approval and instructions for providing medical documentation prior to the expiration of the 21-day temporary approval. If an employee does not submit the required medical documentation within the 21-day timeframe, the temporary approval for the alternative testing will be cancelled and the employee must begin/resume testing in compliance with campus testing requirements.

Once a submission is received without medical documentation, the ADA Division will provide the standard outreach email notification sequence of the missing documentation before closing the request (see Section IX). Once medical documentation is received, the Case Manager will review the medical documentation, and if necessary, will contact the employee to request additional details or medical documentation. If the medical documentation provided is satisfactory to support a permanent nasal test alternative, the Case Manager will provide the employee's name to McKinley Health Center. Upon confirmation that the employee's name was added to the alternative testing list, approval of the employee's request for a permanent basis and instructions about scheduling future testing will be sent to the employee by email.

The ADA Division does not facilitate COVID-19 Alternative Nasal Testing accommodations to individuals with multiple "inconclusive" or "failed" saliva tests unless there is an underlying medical condition necessitating the repeated failure or inconclusive results for which the employee can obtain medical documentation. Employees who have five (5) repeated inconclusive or failed COVID-19 saliva tests without an underlying medical condition should request alternative testing by contacting McKinley Health Center.

### **C. COVID-19 Curbside/Drive Up Accommodations Requests**

Employees who due to underlying disability or underlying condition are unable to participate in the walk-up COVID-19 testing sites are eligible to utilize the COVID-19 Curbside/Drive up COVID-19 testing sites by requesting a curbside/drive up accommodation through the ADA Division Accommodation Request Portal. Employees who submit medical documentation with their initial request will have their request and medical documentation reviewed within 24-48 hours. Upon review, if no further medical documentation is needed, the ADA Division will provide the employee with a weblink to schedule an appointment time to utilize the curbside/drive up testing cite at State Farm Center. Once the submission is received by the site organizers, the employee will be contacted with an appointment time. Employees are responsible to follow the instructions of the site planners and weblink in order to be accommodated through the curbside/drive up testing site. Ultimately, it is the employee's responsibility to continue to schedule the curbside/drive up COVID-19 tests in compliance with university requirements.

If an employee submits a request for COVID-19 Curbside/Drive up COVID-19 testing site access without medical documentation upon their initial submission, the employee's request will be reviewed, and a 21-day approval will be provided within 24-48 hours of submission. The employee will receive notice of this approval and instructions for providing medical



documentation prior to the expiration of the 21-day temporary approval. If an employee does not submit the required medical documentation within the 21-day timeframe, the temporary approval for the alternative site approval will be cancelled and the employee must begin/resume testing in compliance with campus testing requirements.

Once a submission is received without medical documentation, the ADA Division will provide the standard outreach email notification sequence of the missing documentation before closing the request (see Section IX). Once medical documentation is received, the Case Manager will review the medical documentation, and if necessary, will contact the employee to request additional details or medical documentation. If the medical documentation provided is satisfactory to support curbside/drive up testing accommodation, the Case Manager will provide the employee name to the SHIELD Team. Upon confirmation that the employee's name was added to the COVID-19 Curbside/Drive up COVID-19 testing list, approval of the employee's request for a permanent basis and a weblink to schedule an appointment time to utilize the curbside/drive up testing cite at State Farm Center. Once the submission is received by the site organizers, the employee will be contacted with an appointment time. Employees are responsible to follow the instructions of the site planners and weblink in order to be accommodated through the curbside/drive up testing site. Ultimately, it is the employee's responsibility to continue to schedule the curbside/drive up COVID-19 tests in compliance with university requirements.

## **VI. Discrimination Complaints**

It is the [policy](#) of the university not to engage in discrimination or harassment against any person because of race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, arrest record status, unfavorable discharge from the military, or status as a protected veteran and to comply with all federal and state nondiscrimination, equal opportunity, and affirmative action laws, orders, and regulations.

To submit a discrimination or harassment claim, you can complete an [Online Report Submission](#), or use the [Accessible Reporting Form](#).

[The Procedures for Addressing Discrimination, Harassment, and Non-Title IX Sexual Misconduct Complaints](#) and the [Procedures for Addressing Title IX Sexual Harassment Complaints](#) are also available for review.

## **VII. Inquiries and Distribution**

Individuals wanting additional information about these Procedures may contact the ADA Coordinator [at adacoordinator@illinois.edu](mailto:adacoordinator@illinois.edu) or 217-333-0885. These procedures will be provided in some alternative formats upon request.