



REASONABLE ACCOMMODATION POLICY

Responsible Officials: Jennifer Murray, Human Resources
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Responsible Office: Office of Human Resources

Statement of Policy: SUNY Potsdam is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities. It is the policy of SUNY Potsdam to provide reasonable accommodation to a qualified person with a disability to enable such person to perform the essential functions of the State government position for which he or she is applying or in which he or she is employed. This policy is based on the New York State Human Rights Law, Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA), and all applicable Executive Orders and Memoranda.

The Policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions.

The provision of reasonable accommodations assists the College to:

- 1) Overcome otherwise exclusionary employment practices, policies and consequences;
- 2) Provide equal opportunities for participation in education and training programs;
- 3) Enhance the retention and upward mobility of qualified employees with disabilities; and
- 4) Ensure the accessibilities of procedures for swift and judicious resolution of complaints with this policy and other already existing policies and procedures.

The College will consider requests for reasonable accommodation for any applicant or employee who is a qualified individual with a disability and who believes he/she may need such accommodation to participate in the application process, to perform essential job functions, and/or to receive equal benefits and privileges of employment.

A. Procedures

1. Requesting a Reasonable Accommodation

- a. Employees or applicants with disabilities may request a reasonable accommodation regardless of title, salary grade, bargaining unit, employment status or jurisdictional classification. An employee with a disability may request an accommodation at any time.
- b. All requests for reasonable accommodations must be processed by the Responsible Official. The Responsible Official will process the request in consultation with the appropriate parties, which may include the supervisor/department in the case of an employee.
- c. Only the Responsible Official may render a determination on any such request for reasonable accommodation. **Supervisors/Departments do not have authority to approve employee requests for reasonable accommodation.**
- d. The responsibility for initiating a request for accommodation lies with the individual with a disability. Individuals requesting accommodation must submit the College's Employee Request for an Accommodation Form to the Responsible Official. If the request is made to the employee's supervisor, the supervisor must forward the request to the Responsible Official.
- e. The Responsible Official may request additional information or supporting documentation from the individual requesting reasonable accommodation. Such additional information/supporting documentation must be provided to the Responsible Official, upon request, in order to continue with the review and assessment process. Such information/documentation includes, but is not limited to, information regarding the specific functional limitations of the individual, information regarding the precise job limitations imposed by the disability, medical documentation, and/or information regarding specific type or types of accommodations that might be effective. The Responsible Official may require the individual requesting accommodation to submit the Request for Medical Information Form.
- f. Once the Responsible Official has been provided with the sufficient information/documentation, such official will determine whether or not there is an accommodation that would enable the individual to perform the essential functions of their job in a reasonable manner, or to enjoy equal benefits and privileges of employment. Such determination will be made in consultation with the employee's supervisor.

- g. The appropriateness of an accommodation is determined through an interactive process that involves the individual with a disability, the individual's supervisor/department (where applicable), and the Responsible Official. The College is ultimately responsible for selecting the accommodation that enables the employee to perform the essential functions of the position.

2. Appeal of Denial or Modification of Reasonable Accommodation

- a. Where the Responsible Official determines that the College will offer an accommodation different from the one requested and/or the College is unable to provide a reasonable accommodation, the individual requesting accommodation will be provided with information on additional alternatives, which includes filing an appeal or filing a discrimination complaint if the individual believes that the College's denial of the accommodation was unlawful.
- b. An individual wishing to initiate an appeal must do so within 15 calendar days from the date of denial or modification of a reasonable accommodation by submitting a written complaint to the Affirmative Action Designee, Nicole Bacon-Ward, Human Resources Associate, at (315) 267-209 or baconwns@potdam.edu. Such Designee shall first mediate to try to resolve the issues informally between the employee and the College to find an appropriate accommodation. If an appropriate accommodation cannot be determined, then the Designee shall investigate the complaint and make a recommendation to the Chief Diversity Officer. The Chief Diversity Officer will make the final decision on appeal.
- c. An individual wishing to file a discrimination complaint should follow the College's [Discrimination Complaint Procedure](#). Such procedure contains pertinent information regarding the options for filing internal complaints or external complaints through federal and/or State oversight agencies, including the Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights.

B. Additional Information

- 1. In accordance with federal and state regulation, any documentation submitted for the purposes of requesting a reasonable accommodation is kept separate from personnel records and is confidential.
- 2. In accordance with federal and state regulation, the College will treat disability-related information in a confidential manner.

C. Definitions

1. **Essential Job Functions:** Essential functions are those fundamental to the position; a function is essential if not performing that function would fundamentally change the job or occupation for which the position exists.
2. **Person with a Disability:** A person who has “a physical, mental, or medical impairment,” who upon provision of reasonable accommodation if needed, is able to perform in a reasonable manner, the activities involved in the job or occupation sought or held. Individuals with a disability also include persons who have a record or history of impairment, even if they do not currently have impairment. These individuals are protected from bias, but only current impairments need to be reasonably accommodated. Persons who have a condition regarded by others as an impairment, or who are incorrectly perceived as having an impairment, are also protected from discrimination. However, only actual impairments need to be reasonably accommodated.
3. **Physical, Mental or Medical Impairment:** Any impairment “resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.”
4. **Qualified Person with a Disability:** A person with a disability who, as defined below, can reasonably perform the activities involved in the job, and who satisfies the requisite skill, experience, education and other job-related requirements of the position which the individual holds or desires.
5. **Reasonable Accommodation:** The New York Human Rights Law, the Rehabilitation Act of 1973, and The Americans with Disabilities Act (ADA) of 1990 require that employers provide reasonable accommodation to the known physical or mental limitations of otherwise qualified applications or employees with disabilities, unless it can be demonstrated that providing such accommodations would result in undue financial or operational hardships. Reasonable accommodation refers to the modifications or adjustments to a job application process which enables a qualified individual with a disability to be considered for the position sought and to modifications or adjustments to the work environment or the manner in which a job is performed. An accommodation is reasonable if it removes or mitigates the barriers to performance caused by the individual’s impairment, and does not cause undue hardship to the employer.
6. **Undue Hardship:** This means significant difficulty or expense to the employer. In determining whether an accommodation would result in undue hardship, any relevant factor may be considered.

Responsibilities

This policy identifies the following responsibilities as assigned to those cited below.

Role	Individual/Group	Contact Information
Comply with	All College staff	n/a
Policy Executor(s)	Human Resources	315-267-4816

Change History

Date	Change History
April 17, 2023	Updated Appeal Contact Information
January 1, 2023	Updated Appeal Contact Information
May 31, 2022	Replaced previous policy.

Effective Date: 5/31/22

Responsible Party: Human Resources

Contact Information: 315-267-4816