

The Americans with Disabilities Act and Employment

Reasonable Accommodation

George Mason University is committed to providing equal employment opportunities for persons with disabilities. George Mason University provides reasonable accommodations to qualified job applicants and employees with disabilities in accordance with the Americans with Disabilities Act and §504 of the Rehabilitation Act of 1973. This brochure is designed to help job applicants, employees, supervisors and managers understand how reasonable accommodations help ensure equal employment opportunities for persons with disabilities.

Who is protected under the ADA and §504?

- An individual who has a disability. An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities;
- An individual who has a record of such an impairment; or
- An individual who is regarded as having such an impairment.

What is a reasonable accommodation?

- A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy equal employment opportunities.
- "Reasonable accommodation" is the key to the George Mason University's equal opportunity policy for persons with disabilities. The university will reasonably accommodate qualified individuals with physical or mental disabilities unless the accommodation imposes an undue hardship.

Who is a qualified individual?

- A qualified individual is someone who has the skills, experience, education and other qualifications required for the position, and who, with or without reasonable accommodation, can perform the essential functions of the job.

What are essential functions?

Essential functions are those duties that are considered to be most critical to the job. When determining essential functions employers look at several factors, including:

- Whether removing a function would fundamentally change the job;
- Whether the position exists to perform the function;
- Whether the function is highly specialized and the person in the position was hired for special expertise or the ability to perform the function;

The Americans with Disabilities Act and Employment

- Whether there are a limited number of other employees available who could perform the function, or among whom the function could be distributed.

When do employers need to consider a reasonable accommodation?

Employers are required to consider reasonable accommodations for known disabilities. It is up to the applicant or employee to inform the employer that an accommodation is needed. Federal and state laws prevent employers from asking a person if she or he has a disability. However, if a supervisor

- Observes that an employee is having difficulty performing his or her job; and
- Reasonably believes that those difficulties may be related to a disability; then
- The supervisor should contact the ADA Coordinator for assistance. The supervisor should never act on a belief that an employee has a disability without consulting with the ADA Coordinator.

What are examples of reasonable accommodations?

To be reasonable, an accommodation must be necessary, effective and related to the job. Reasonable accommodations may include, but are not limited to:

- Providing assistive devices, such as text telephones (TTY's) or telephone amplifiers, tactile markings on equipment, or special computer equipment. These devices often enable persons with a disability to perform tasks of the job they would not otherwise be able to do. They may also increase the quantity, quality or efficiency of a person's work;
- Providing interpreters. This can enable a person with a hearing impairment to fully participate in testing, training, performance evaluations and general communications;
- Modifying the worksite to enable a person with a disability to perform his or her job duties more effectively. Modifications may include space dividers, flex-time, rearranged office furniture and equipment, and accessible routes;
- Adjusting work schedules through job sharing, part-time work or flexible hours.

When is a reasonable accommodation an undue hardship?

Employers are required to provide an accommodation unless they can show it would be unduly costly, extensive, substantial or disruptive, or that the accommodation would fundamentally alter the nature of their operation. Factors considered when determining undue hardship include:

- The overall size of the employer, including number of employees, number and type of facilities, and budget;
- The type of operation, including the composition and structure of the workforce;
- The nature and cost of the accommodation; and
- The reasonable ability to finance the accommodation.

The Americans with Disabilities Act and Employment

A determination that an accommodation imposes an undue hardship will always be made in consultation with the ADA Coordinator.

For more information

To learn more about your rights and responsibilities as an employee or a supervisor, to request a reasonable accommodation, or to file a complaint of discrimination, please contact:

Ruth J. Townsend, ADA Coordinator
Office of Equity and Diversity Services
D 105 Mason Hall MS 2C2
Voice: (703) 993-8730
TTY: (703) 993-8787
rtownse2@gmu.edu

This document can be made available in alternative formats such as Braille, large print, or audiotape upon request to the Office of Equity and Diversity Services at the numbers above.