

Core Services

- ✓ Technical assistance to managers and supervisors
- ✓ Retain faculty & staff with disabilities in employment.
- ✓ Workers' Compensation and Non-Industrial disabilities & medical conditions.
- ✓ Collaboration

Federal Disability Laws

- **Rehabilitation Act of 1973**

Americans with Disabilities Act 1990

- **American with Disabilities Act Amended 2009**
 - **Family Medical Leave Act**
 - **Fair Employment and Housing Act**

Rehabilitation Act of 1973

- Required all Federal agencies to make its programs accessible to the disabled.

Capitol Crawl March 12, 1990



On Monday, March 12, 1990 disability rights activists descended on the U.S. Capitol demanding the passage of the Americans with Disabilities Act (ADA) which would give equal rights to people with disabilities. The ADA was passed by the Senate the year before but as finding complications getting through the House of Representatives. Over 1,000 protesters came from 30 states to protest the Act's delay.

Americans with Disabilities Act 1990

- A physical or mental impairment that substantially limits one or more major life activities.
- OK to consider the ameliorative effects of mitigating measures such medication prosthetics or mobility devices.
- Requires Interactive Process.
- Requires Reasonable Accommodation.

Americans with Disabilities Act Amended 2009

- Still defines disability as a physical or mental impairment that substantially limits one or more major life activities.
- Cannot consider the ameliorative effects of mitigating measures such medication, prosthetics or mobility devices.
- Requires Interactive Process.
- Requires Reasonable Accommodation.

California Fair Employment and Housing Act (FEHA)

- Under FEHA, disability is defined as an impairment that makes performance of a major life activity difficult.
- Mitigating measures such as an assistive device, prosthesis or medications ARE NOT considered.
- Requires Interactive Process.
- Requires Reasonable Accommodation.

Family Medical Leave Act (FMLA)

- Protected Leave
- Military Duty
- Duration
 - 12 weeks of continuous leave
 - 480 hours of intermittent leave
 - Employee must provide medical certification that they can return to work.

Leaves & Pay

- Leaves as Accommodation
- Pay While on Leave

Medical Separation

- Administrative action to remove an employee from their FTE.
- Only if an employee is unable to perform the essential functions of the job with or without accommodation.
- Financial Hardship not an option for the Regents of UC.

The Interactive Process

- The interactive process is an ongoing dialogue between employer and employee when an employer becomes aware of or has knowledge that the employee may have a medical condition, disability, or other circumstance that could require reasonable accommodation.
- A good faith communication process between the employer and employee to identify a reasonable accommodation that allows the employee to perform the job effectively.

KEEP CALM
And
INTERACTIVE PROCESS ON

REASONABLE ACCOMMODATION

DON'T SWEAT THE SMALL
STUFF

“Reasonable Accommodation”

- A reasonable accommodation is a logical adjustment to the job that allows a person with a disability to perform the essential functions of the position.
- An adjustment which allows a person with a disability to participate in any and all aspects of the employment process, including recruitment, application and promotion, as well as all other employee privileges & benefits.

Reasonable Accommodation

- Possible accommodations
 - Transfer non-essential functions to another employee
 - Ergonomic adjustment
 - Time off for medical appointments and treatment
 - Modification of work tools or equipment
 - Modified work schedule
 - Leaves of absence
 - Assistive devices
 - Modification of existing facilities
 - Reassignment

NO EXCUSES

Reasonable Accommodation

- Exceptions
 - Undue hardship on employer. (This does not work for UC.)
 - Employee cannot perform essential functions of the job even with accommodation. (But you must explore all accommodations first.)

UCD Procedure 81.2—Special Selection (Reassignment)

- If accommodation in the employee's current position is not possible, reassignment to an active, vacant position, or a position anticipated to be vacant within a reasonable amount of time, shall be required.

Resources

- Disability Management
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- Leaves
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