

RIGHTS AND RESPONSIBILITIES OF MANAGERS AND SUPERVISORS IN THE ACCOMMODATION PROCESS FOR EMPLOYEES WITH DISABILITIES

IMPLEMENTATION PROCEDURE

The Auraria Higher Education Center (AHEC) has a strong commitment to maintaining a diverse workforce that includes employees with disabilities. AHEC adheres to all applicable federal and state laws, regulations, and guidelines with respect to persons with disabilities. It is the policy of AHEC to provide reasonable accommodations for qualified individuals with disabilities who are employees or applicants for employment. Failure to comply with this procedure may be a violation of AHEC's policy on Discrimination/Harassment. The employing unit or department of AHEC will provide reasonable accommodation to employees and applicants for employment.

After an employee has requested an accommodation and has provided appropriate medical documentation to the AHEC Director of Human Resources, the following process will be followed:

- 1. AHEC Human Resources will determine whether the employee is qualified for protection under Worker's Compensation or the Family Medical Leave Act.**
- 2. AHEC Human Resources will review documentation and meet with the employee and the employee's supervisor, to discuss the employee's accommodation needs, the essential functions of the employee's position, and to explore accommodation alternatives. If necessary, AHEC Human Resources will consult with outside resources such as the Job Accommodation Network (JAN).**
- 3. It is the responsibility of AHEC Human Resources to determine if a reasonable accommodation is available and if so, to insure the accommodation is implemented.**
- 4. In certain cases, at the discretion of the AHEC Human Resource Director, an ADA Resource Panel will review the request for accommodations.**
- 5. All agreements related to accommodations will be documented in writing.**

As a Manager or Supervisor, What are my ADA Responsibilities?

- Base all employment decisions (application process, hiring, training, assignments, evaluation, promotion, discipline, and termination) on an applicant or employee's qualifications and performance rather than a disability or need to accommodate.**
- Consult with your Division Director and the AHEC Director of Human Resources before making disability related decisions.**
- Provide appropriate disability information (accommodation policy, procedures and request form) to applicants/employees who request accommodations.**
- Once determined, provide accommodations quickly and consistently.**
- Maintain confidentiality regarding the disability and accommodations (no discussion with co-workers or colleagues, no medical records in supervisors' files).**
- Refer applicants/employees to the AHEC Director of Human Resources for information and/or assistance with disability accommodation procedures.**
- Review accommodations periodically to ensure that they are reasonable.**

The ADA prohibits asking an applicant or employee whether he or she has a disability.

The ADA prohibits harassment and retaliation based on disability or the need for accommodation.

AHEC policy prohibits modifying or denying an accommodation request without the review of the AHEC Director of Human Resources.

AHEC policy requires that all accommodations be documented.

Persons alleging discrimination on the basis of disability may file a formal complaint with AHEC. Copies of the Grievance Procedure are available at AHEC Human Resources.

State Personnel Rule R-8-32 mandates all appointing authorities aware of an allegation of discrimination based on disability, must refer the matter to the ADA Coordinator (AHEC Human Resource Director) for investigation, no later than 7 days from the date of the allegation.

As a Manager or Supervisor, What are my ADA Rights?

Managers and Supervisors can expect employees to....

- **Inform them that a disability exists when an accommodation may be needed.**
- **Follow procedures in appropriate disability accommodation policies.**
- **Provide medical verification and accommodation recommendations from a treating specialist to the AHEC Director of Human Resources.**
- **Perform the essential functions and meet the expected performance standards of the position after reasonable accommodation is provided.**

Managers and Supervisors can expect assistance from the designated HR representative when requested.

When Should I Contact the AHEC Director of Human Resources?

- **As soon as you become aware of a disability related employment matter or an employee requests an accommodation.**
- **When you are unsure whether a disability may be present (do not ask the applicant or the employee).**
- **When medical documentation or information is needed for ADA related reasons.**
- **Before imposing corrective or disciplinary action, up to and including termination, when there is a disability or a perceived disability.**

Resources

AHEC Director of Human Resources (303) 556-3384
Job Accommodation Network (JAN). (800) 526-7234