

Determination of a disability

Upon receiving a request for an accommodation, the supervisor should refer the employee to the Office of Equal Opportunity (OEO). Employees may also contact the OEO directly without a referral.

Employees should call 491-5836 to set up a time to meet with the OEO. During this meeting, the OEO will further discuss the accommodation process and any required documentation needed from the employee.

Once all required documentation is received, the OEO will determine if the physical/mental impairment qualifies as a disability. If so, the next step is to determine possible reasonable accommodations.

What about Pregnancy?

Pregnancy is not a disability. However, a pregnant employee may have a pregnancy related medical condition (including post pregnancy) that meets the definition of disability under the ADA and ADAAA even for a temporary period of time and be entitled to reasonable accommodations.

Further, Colorado House Bill 16-1438 provides that a pregnant employee who has a pregnancy related medical condition and seeks accommodations for that condition, is entitled to reasonable accommodations if the request is not an undue hardship on the University or the employee's department. The Colorado House Bill does not require that the medical condition meet the definition of a disability.



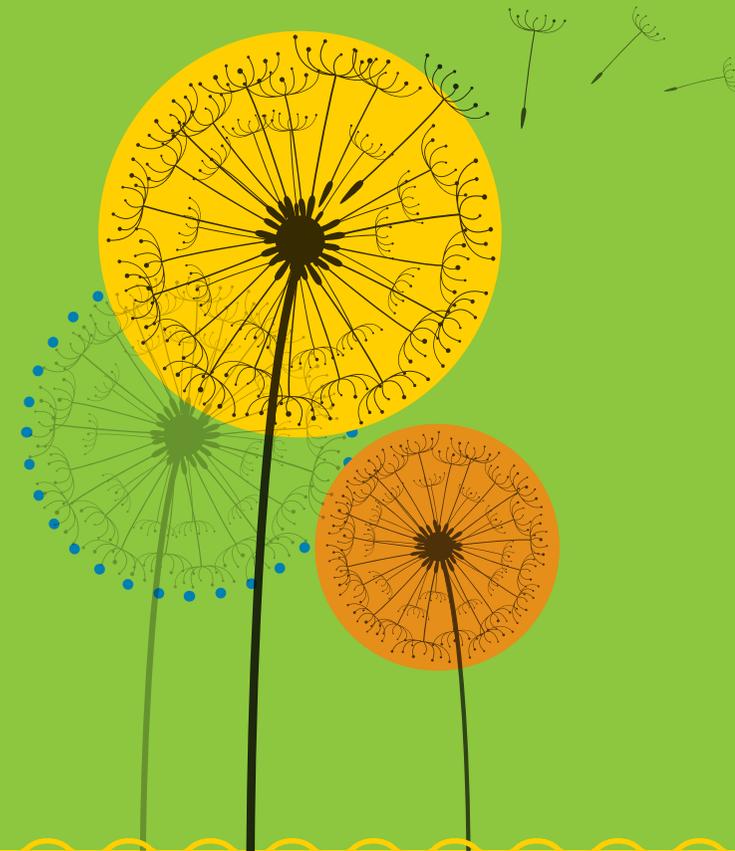
The Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) and ADA Amendments Act (ADAAA)

These laws were designed to provide a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities; to provide enforceable standards addressing discrimination and to ensure that the federal government plays a central role in enforcing these standards.

The Associate Vice President for Human Capital is responsible for the coordination of University compliance with the ADA.

Colorado State University does not discriminate on the basis of race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The University complies with the Titles VI and VII of the Civil Rights Act of 1964, as amended, related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Age Discrimination in Employment Act of 1967, as amended, The Pregnancy Discrimination Act of 1978, Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, and all civil rights laws of the State of Colorado. Accordingly, equal access and opportunity in treatment, employment, admissions, programs and activities shall be extended to all persons. The University shall promote equal opportunity and treatment in employment through a positive and continuing affirmative action program for ethnic minorities, women, persons with disabilities, and veterans. The Office of Equal Opportunity is located in 101 Student Services Building. The Title IX Coordinator is the Executive Director of the Office of Support and Safety Assessment, 123 Student Services Building, Fort Collins, CO 80523 -2026, (970) 491-7407. The Section 504 and ADA Coordinator is the Associate Vice President for Human Capital, Office of Equal Opportunity, 101 Student Services Building, Fort Collins, CO 80523-0160, (970) 491-5836.

Accommodations for Employees with Disabilities



Learn more at:
<https://oee.colostate.edu/>
(970) 491-5836

An equal access/equal opportunity university.

Colorado State University
OFFICE OF EQUAL OPPORTUNITY



Who is an individual with a disability?

An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities; or,
- has a record of such impairment; or,
- is regarded as having such an impairment.

Three factors are considered to determine whether a person's impairment substantially limits a major life activity:

- the nature and the frequency of the impairment;
- the expected duration of the impairment; and,
- the permanency or long-term impact of the impairment.

Who is an individual with a disability who is qualified?

An individual with a disability who is qualified is an individual who has a substantial impairment and meets the skill, experience, and education requirement of the position held or desired and who can perform the essential functions of the position with or without reasonable accommodations.

What are essential functions of the position?

Functions are considered essential if:

- the employees in the position are required to perform those functions;
- they are functions that would fundamentally change the position if removed;
- the position exists to perform those functions;
- a limited number of other employees are available to perform those functions; and,
- the functions are highly specialized, and the person in the position is hired for his or her special expertise or ability to perform the functions.

What are reasonable accommodations?

Reasonable accommodations are any modification or accommodation to a position, practice, policy, or the work environment that allows an individual with a disability who is qualified to participate equally in an employment opportunity.

Interactive process

The process for determining if an employee has a disability and whether there are reasonable accommodations that can be implemented is called the interactive process.

Identifying reasonable accommodations

The employee and supervisor, with or without assistance from the OEO, will work together to find accommodations that enable the employee to perform the essential functions of the job without creating undue hardship



for the employer. The OEO shall be informed of the agreed upon reasonable accommodations and record of such accommodations will be kept on file with the OEO.

Reasonable accommodations may include, but are not limited to:

- job restructuring, modifying work schedules, reassigning to a vacant position;
- acquiring or modifying equipment or devices;
- providing qualified readers or interpreters; and,
- making existing facilities readily accessible to and usable by persons with disabilities.

Confidentiality

All applicant and employee medical information received is kept confidential. Such information may be shared on a strict need-to-know basis with appropriate University administrators.

When supervisors are informed of an employee's limitations and accommodations, disclosure of the employee's medical information and status as an employee with a disability to other employees is prohibited.

Accommodation request

Often the interactive process is prompted by an employee's request for an accommodation due to a medical condition.