



08.01.02.N0.01 Accommodation Requests under the American Disability Act and other applicable state and federal laws

Approved: June 28, 2022

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Summary

The Texas A&M Engineering Extension Service (TEEX) will provide equal opportunity to all employees, training participants, applicants for employment and admission, volunteers and the public who have disabilities.

This document provides guidance in complying with local, state, and federal civil rights laws and regulations with regard to qualified individuals with disabilities (IWDs). This includes providing reasonable accommodations to IWDs with regard to employment and training opportunities, as well as access to public events and services.

Definitions

Disability – the term “disability” means, with respect to an individual,

- (a) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (b) a record of such impairment; or
- (c) being regarded as having such an impairment.

Major life activity – a function of central importance to daily life including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, interacting with others, and the operation of major bodily functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Qualified individual – a person who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires, or who can complete the requirements of an educational or training program without a fundamental alteration of that program.

Reasonable accommodations – the removal of barriers (physical or non-physical) to enable individuals with disabilities to enjoy the same or similar opportunities, benefits, and privileges as individuals without disabilities, that do not impose undue hardship on the member.

Reasonable accommodations are not required for individuals with a history of a disability or who are regarded as having a disability. Further, members are not required to provide the accommodation requested by an individual with a disability (IWD) if it can provide an alternative effective accommodation

Undue hardship – an action requiring significant difficulty or expense when considered in light of the following factors:

- (a) the nature and cost of the accommodation needed;
- (b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility, the effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;
- (c) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities;
- (d) the type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- (e) the disruption to the employment or educational environment; and
- (f) the fundamental alteration of the nature or operation of the work or educational program.

Requirements

1. EMPLOYEE AND VISITOR PROCEDURES

1.1. Employees

- 1.1.1. Employees must submit the request for a workplace accommodation either in writing or verbally to either their supervisor or HR within a reasonable amount of time.
- 1.1.2. The following documentation may be requested to support each reasonable accommodation request:
 - 1.1.2.1. A medical statement that contains a diagnosis, prognosis and the major life function that is substantially limited. This medical statement should include an evaluation as to the effect that the impairment has on the employee's or prospective employee's ability to perform the duties associated with the position.
- 1.1.3. Interactive Process - The Human Resources Office (HRO) and supervisor must engage in discussions with the employee regarding the accommodation requested, essential job duties, functional limitations included in the documentation, range of possible accommodations, etc.
- 1.1.4. The following factors will be considered in determining whether to grant an accommodation:

- 1.1.4.1. Is the employee a person with a Disability as defined by System Regulation 08.01.02;
 - 1.1.4.2. Is the employee a Qualified Individual with a disability as defined in System Regulation 08.01.02;
 - 1.1.4.3. Does the information submitted establish a link between the disability and the accommodation requested;
 - 1.1.4.4. What is the extent that job functions are limited by the individual's disability;
 - 1.1.4.5. What are the essential and non-essential functions of the employee's current job;
 - 1.1.4.6. What is the range of options available to accommodate the disability;
 - 1.1.4.7. Will the requested accommodation be effective in allowing the employee to perform the essential functions of their current position;
 - 1.1.4.8. Will an alternate accommodation be effective in allowing the employee to perform the essential functions of their current position;
 - 1.1.4.9. Will providing an accommodation that allows the employee to perform the essential functions of their current job create an undue hardship for the Agency;
 - 1.1.4.10. Does the accommodation pose a direct threat to the employee or others;
 - 1.1.4.11. Any other factors relevant to the determination
- 1.1.5. Beneficiaries are notified of the approved accommodations by their supervisor or HR.

1.2. Visitors

- 1.2.1. Visitors that require an accommodation under the Americans with Disabilities Act (ADA) should submit a request for accommodation to Disability Resources at TEEEX Strategic and Education Services (SES) to communicate their needs.
- 1.2.2. Early notification is encouraged, and a request prior to visiting will facilitate the provision of a reasonable accommodation.

2. TRAINING PARTICIPANTS AND VOLUNTEERS PROCEDURES

- 2.1. Training participants and volunteers should submit a request for accommodation in writing or electronically within a reasonable amount of time (ie. at least two weeks) prior to the start of the training course.
- 2.2. The following documentation is needed to support a request for reasonable accommodation:
 - 2.2.1. Request for Accommodation Form (TEEX FORM-SES43), and
 - 2.2.2. Documentation from qualified evaluators, professionals, or institutions
- 2.3. Determination of accommodation and notice
 - 2.3.1. SES certifies that the participant is registered with Disabilities Resources to receive disability accommodations. Registration with Disabilities Resources allows for ongoing and future interactions with a beneficiary.

- 2.3.2. Appropriate accommodations are determined by SES and the participant based on the type of disability, documented needs, previous accommodations, and functional limitations of the participant.
 - 2.3.3. SES issues a Letter of Accommodation (LOA) to the participant for each class. Participant must request a new letter for each subsequent class or academy.
 - 2.3.4. The participant is responsible for discussing his approved accommodations with their Training Manager and/or instructor.
 - 2.3.5. The Training Manager and/or instructor is responsible for providing the participant with the approved accommodation listed in the LOA.
- 2.4. Licensing and Certification exam accommodations
- 2.4.1. Licensing or certification entities have a separate review and approval process for testing accommodations. Accommodations allowed by TEEEX for a class or training may differ from those allowable by the licensing/certification entity for testing, which may require more time for additional review.
 - 2.4.2. The training participant is responsible for contacting the licensing entity directly to request accommodations.
 - 2.4.3. The training participant is responsible to providing a copy of their approved accommodations by the licensing entity to the Disability Resources office and the Training Program

3. ALTERNATIVE OR INTERIM ACCOMMODATIONS

If a requested accommodation cannot be provided, interim or alternative accommodations will be offered to a qualified individual.

4. DENIALS

4.1. Employee Denials

- 4.1.1. If a department cannot fulfill an accommodation and no interim or alternative accommodations can be provided, HR must be notified by the department before a written determination is issued to the requesting individual. The notification must include the reason for the denial.
- 4.1.2. Denials of a requested accommodation will be approved under circumstances including, but not limited to, the following:
 - 4.1.2.1. The requested accommodation is not supported by the medical documentation
 - 4.1.2.2. The requested accommodation would require eliminating or changing the essential functions of the employee's current job;
 - 4.1.2.3. The requesting individual failed to participate in the interactive process, to provide or release medical information needed to make the accommodation determination, or to submit other information as needed by the Agency;
 - 4.1.2.4. The requested accommodation will not enable the employee to perform the essential functions of their job;

- 4.1.2.5. There is no known accommodation which would allow the employee to do the essential functions of the job;
- 4.1.2.6. The requested accommodation poses an undue hardship on the operations of the Agency;
- 4.1.2.7. The requested accommodation or the employee's use of that accommodation would result in a direct threat to the health and safety of the employee or others;
- 4.1.2.8. The requested accommodation is a personal item which is used for accomplishing daily activities both on or off the job (examples prosthetic limbs, wheelchairs, hearing aids)

4.2. Participant Denials

- 4.2.1. If a program cannot fulfill an accommodation and no interim or alternative accommodations can be provided, SES must be notified by the program before a written determination is issued to the requesting individual. The notification must include the reason for the denial.
- 4.2.2. Denials of a requested accommodation will be approved under circumstances including, but not limited to, the following:
 - 4.2.2.1. The requested accommodation is not supported by the medical documentation
 - 4.2.2.2. The requested accommodation would require eliminating or changing the core competencies of a training course
 - 4.2.2.3. The requesting individual failed to participate in the interactive process, to provide or release medical information needed to make the accommodation determination, or to submit other information as needed by the Agency;
 - 4.2.2.4. The requested accommodation will not enable the training participant to acquire the core competencies of the training
 - 4.2.2.5. There is no known accommodation which would allow the training participants to acquire and demonstrate the core competencies required of the training (i.e certain vocational skills)
 - 4.2.2.6. The requested accommodation poses an undue hardship on the operations of the Agency;
 - 4.2.2.7. The requested accommodation is a personal item which is used for accomplishing daily activities both on or off the job (examples prosthetic limbs, wheelchairs, hearing aids)

5. RECORDKEEPING AND REPORTING

- 5.1. Documentation and forms related to the request for accommodation will be kept confidential to the extent permitted by the law and maintained separately from employee and training records by:

- 5.1.1. HR for employees
- 5.1.2. SES for training participants, visitors and volunteers

6. GRIEVANCE PROCESS

- 6.1. Complaints alleging illegal discrimination, harassment, or related retaliation on the basis of disability will be handled in accordance with provisions of System Regulation 08.01.01, *Civil Rights Compliance* and TEEEX Rule 08.01.01.N1 *Civil Rights Compliance*

Quality Assurance Measures

The Access Coordinator will document and monitor accommodation or job modification requests and will evaluate the Agency’s performance in responding to such requests.

The Access Coordinator will provide a report of the number and type of accommodation/job modification requests received and processed, and any systemic issues or concerns, to senior management on at least an annual basis

Related Statutes, Policies, or Requirements

[The Rehabilitation Act of 1973, as amended](#)
[American with Disability Act of 1990, as amended](#)
[System Regulation 08.01.01, Civil Rights Compliance](#)
[TEEX Rule 08.01.01.N1, Civil Rights Compliance](#)
[TEEX SAP 08.01.01.NO.02, Service and Emotional Support Animals](#)
SES FORM 43, *Accommodation Request Form*

Office of Responsibility

Contacts for SAP clarification and interpretation:

Training Participants, Visitors and Volunteers:
Strategic and Education Services
(979) 213-6789
Studentservices@teex.tamu.edu

Employees:
Human Resources Office
(979) 431-4953
HR@teex.tamu.edu