

Workplace Accommodations: Are they Different?

L. Scott Lissner

The Ohio State University

ADA Coordinator & 504 Compliance Officer

We ask you to join us in creating a culture that reflects...

Access and Inclusion

and

Civility and Respect

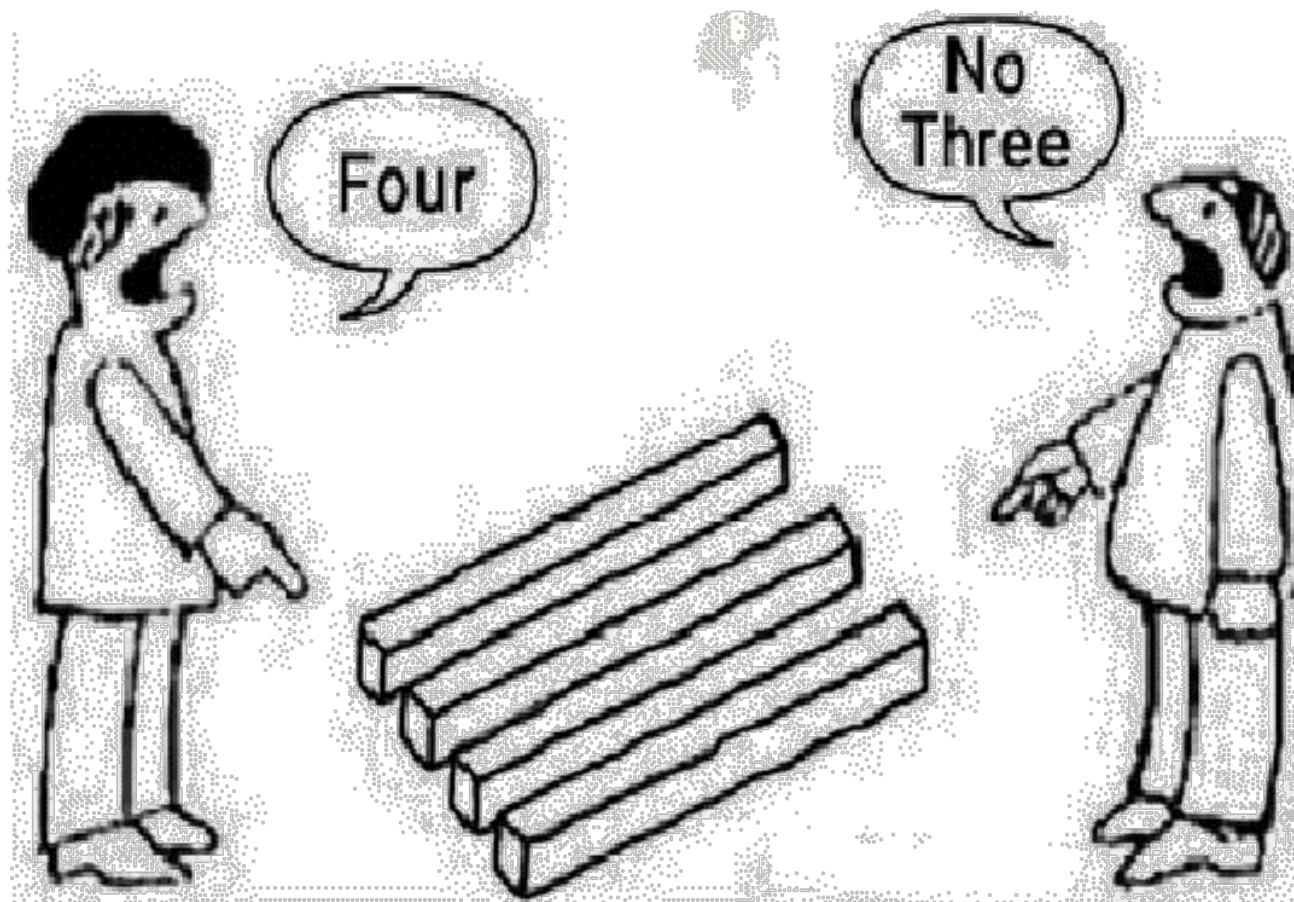
...this week and in all aspects of our organization.



Equity & Excellence

Access in Higher Education

JW Marriott Austin, Texas
July 19-23, 2021



Who is a Qualified Individual?

Does the person meet the necessary pre-requisites (education, credentials, experience, qualifications)?

Can the person engage in the effectively engage the central/essential tasks, activities, with reasonable accommodations if needed?



Reasonable *Accommodation/Modification*:

- Rationally related to the impacts of the disability
- Assists in the effective participation (performance) of the essential tasks
- Makes it possible for an individual with a disability to engage in a program or employment opportunity

When Are Accommodations Reasonable?

Addresses an impact of the disability

- Manner, Condition & Duration

Does not create a fundamental alteration (negate essential job functions)

- Comparable experience, performance or productivity

Does not create a Direct Threat

- Title II & III self
- Title I self or others
- Likely, imminent, significant & can not be substantially reduced with accommodations

Does not create an Undue Burden (Hardship)

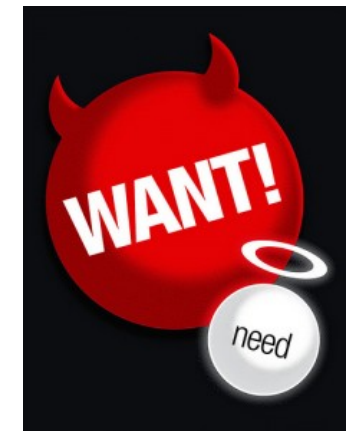
- Administrative
- Financial

Documenting Disability



Ask For What You Need

- Impairment
- Impact relevant to work tasks
- Supports request



Fundamental Alteration

- Mission & goals in syllabus & Curriculum documents
- Transfer agreements
- Accreditation Requirements
- Licensure Requirements
- Input from Faculty and Department
- Wynne based process for determination

Essential Elements & Functions?

- The “fundamental or core goals” of the program or position
- The purpose and outcome, rather than the manner in which job tasks is performed
- Unique responsibilities or skills
- Not marginal functions or duties added for convenience.

Evidence For Essential Functions

- Preexisting written job descriptions
- Amount of time spent on the task
- Consequences of the reduction/elimination
- Experience of current or former incumbents including evaluations
- The employer judgment with rational basis
- Terms of a collective bargaining agreement
- Certification or licensure requirements

Employment Context Considerations

- HR decision making processes
- Bargaining units
 - Tenure
- Interaction with FMLA
 - ADMs
- Productivity and hardship
- Reassignment

SCENARIOS

Respiratory Therapist

- Hired for neonatal unit
- Disclosed need after hire for a amplified stethoscope, which was provided
- 3 years later tried to call off sick on the phone as required but could not communicate due to hearing difficulty
- Asked to be allowed to evaluate patients tactilely



Anxiety/PTSD

- Teaches on campus
- Can't come to campus due to anxiety related to an earlier FML claim and related complaint
- Requests all asynchronous courses



- Diagnosis of anxiety disorder
- Low stress environment
- Supervisor is the trigger

- Diagnosis of stroke
- Low stress environment
- Deadlines and pace of work

What's Cooking?

- Eating Disorder
- Sensitivity to food smells
- No food that smells in work area and break room

Social Anxiety

- IT trainer
- Receives a poor annual review
- Documentation states should not have to talk to anyone at work.

New Tricks

- In a role that has moved to online processing
- Documentation states “can not learn new skills or processes”



Allergies & Asthma

- Clerical/insurance processing role
- Impacted by building
- Impacted by climate
- Requests to Telework from Florida



CONTACT

L. Scott Lissner,
ADA Coordinator & 504 Compliance Officer
The Ohio State University

Lissner.2@OSU.EDU [Http://ada.osu.edu](http://ada.osu.edu)

(614) 292-6207(v); (614) 688-8605(tty)
(614) 688-3665(fax)



Session Evaluation

- Your feedback helps shape future programming.
- Thank you for attending!