

I. POLICY

It is the policy of Eastern Virginia Medical School (EVMS) to hire, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination in all employment practices, including but not limited to, appointment, promotion, demotion, transfer, recruitment, advertising, lay-off, termination, classification, pay rate, or other forms of compensation, and selection for training. Further, EVMS complies with the requirements of the Americans with Disabilities Act, Pregnancy Discrimination Act (PDA), and/or other applicable Federal or State law regarding employees or applicants who request an accommodation under those laws.

II. DEFINITIONS

As defined by the Americans with Disabilities Act and its Amendments (ADAA).

Disability – means a physical or mental impairment, or being regarded as having such an impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment.” To qualify as a disability under the ADAA, the impairment must be permanent or of extended duration.

Essential Function – means a fundamental job duty of an employment position held or sought by a person with a disability (the term “essential function” does not include any marginal function of a particular position).” “A job function may be considered essential for any of several reasons, including, but not limited to the following: (1) the function may be essential because the reason the position exists is to perform that function; (2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or (3) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Reasonable Accommodation – means actions that may include: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring, part-time or modified work schedules, allowing work from home or other remote location; reassignment to a vacant position, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

III. REQUESTS FOR ACCOMMODATION(S)

A. Initiating a Request.

1. Employees are responsible for initiating a request for any desired disability-related workplace accommodation by submitting the request through EVMS' employee portal for leave and accommodation requests, [Absence Tracker](#).
2. Supervisors are responsible for immediately notifying Human Resources of any employee accommodation requests brought to their attention.
3. Employees requesting a disability and/or pregnancy-related workplace accommodation will be required to complete and/or upload supporting documentation into AbsenceTrackerForm. This system is used to record the accommodation request, to explore possible workplace accommodations, to provide a means of reviewing such requests, and to record EVMS' responses.
4. A completed Health Care Provider Release Form must be submitted with the Reasonable Accommodation Request. The Health Care Provider Release Form allows healthcare providers to advise EVMS about the functional abilities and limitations in relation to the job function of an employee requesting an accommodation. If, however, both the Disability and the need for the accommodation are obvious, and the request is for a Reasonable Accommodation, as determined by the Executive Director of Human Resources or his designee, Human Resources may provide a Reasonable Accommodation after discussion with the employee without the need for further documentation or review.

B. Request Review.

1. Following the receipt of all the necessary documentation regarding the request for accommodation, including the Reasonable Accommodation Request Form and Health Care Provider Release Form, Human Resources will begin the interactive process with the employee. During this process with the employee, Human Resources will acknowledge and discuss the request with the employee and explain EVMS' accommodation process and, if any, the next steps to be taken. This process may include an in-person or may be carried out through other means of communication. Human Resources will meet with an employee in-person upon request.
2. Human Resources will analyze each request for accommodation on a case-by-case basis and make a good faith effort to reasonably accommodate all requests. Review of the request shall be in accordance with the ADA, PDA, and Virginia Human Rights Act. Factors to be considered include but are not limited to: (a) the accommodation requested; (b) the information provided by the employee's health care provider; (c) the duration of the request; (d) alternative accommodations; (e) financial cost and funding of the requested accommodation; (f) employee performance, effectiveness and efficiency issues; and (g) other related factors.
3. When applicable, Human Resources shall also consider the Essential Functions of the employee's position, based on an essential and marginal job function analysis, and/or the technical standards of any Graduate Medical Education Program.

4. In the event that a second professional opinion is deemed necessary to effectively evaluate the request for accommodation, the associated department will bear the cost of obtaining the second opinion.

C. Determination and Implementation.

1. Upon making a determination, Human Resources will provide the employee and the employee's supervisor with the Reasonable Accommodation Request Form that indicates EVMS' determination.

2. When a Reasonable Accommodation is approved, supervisors are responsible for implementing the Reasonable Accommodation as indicated by Human Resources. Financial responsibility for providing a purchased Reasonable Accommodation (other than physical barrier removal projects) belongs to the associated department or GME program.

Record Keeping and Confidentiality All documentation, medical or otherwise, received with regard to a request for disability-related workplace accommodation(s) shall be kept confidential and will be held in a separate, distinct, and secure location apart from any personnel files of the individual. Information regarding the nature of a Disability and/or any Reasonable Accommodation granted shall be restricted to individuals who, in their official capacity, have a legitimate need for the information. All EVMS officers and supervisors have a responsibility to maintain the confidentiality of medical information regarding a staff or faculty member's disability.

IV. PROTECTION AGAINST RETALIATION

Employees who make a request for a disability-related workplace accommodation(s) will not be subject to any form of retaliation for making the request. Any employee who knowingly retaliates against an employee for making a request under, or reporting a violation of, this policy shall be subject to immediate disciplinary action, in accordance with the EVMS Compliance Reporting/Anti-Retaliation Policy. Retaliation may include but is not limited to, negative employment action, discrimination, harassment, and/or threats of physical harm. Complaints of retaliation should be reported to Human Resources at 757-446-6043 or the Institutional Compliance Office at 757-446-6008.