

## **ADA Compliance** <sup>[1]</sup>

If you need access or accommodations at work because of a disability or special situation and work for System Administration, CU System Human Resources is happy to work with you.

Individuals with disabilities are entitled to access, support and when appropriate reasonable accommodations. Human Resources provides System Administration employees with disability related information, services, reasonable accommodations and resources for staff and visitors to support the ongoing development of an accessible university that embraces diversity.

### **Report an Accessibility Issue**

If you encounter an access barrier in the System Administration building, you may fill out the [Report an Accessibility Issue Form](#) <sup>[2]</sup> <sup>[3]</sup> to report it to Human Resources. Once we receive the form, we will contact you with next steps.

### **Reasonable Accommodations**

A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.

Email System HR at [systemhr@cu.edu](mailto:systemhr@cu.edu) <sup>[4]</sup> to request an accommodation.

### **Confidentiality**

The law requires information be kept confidential. However, the law allows us to share your accommodation information with individuals with a legitimate need to know. These persons can include your supervisor(s), human resources personnel, first aid and safety personnel, personnel investigating compliance with the ADA and others. The law does not prohibit you from voluntarily discussing your condition or medical information with others.

*CU does not discriminate on the basis of race, color, national origin, sex, age, disability, religion, pregnancy, sexual orientation or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10, amended 11/8/2001).*

*Human Resources is responsible for ensuring compliance with the ADA, Sections 503 and 504 of the Rehabilitation Act of 1973, as well as other federal and state laws relating to disability.*

- Access topics
- Complaint Procedure
- Definitions

## **Accessible spaces and settings**

### **Integrated Settings**

All programs, services and activities offered by CU System Administration are to be provided in an integrated setting, appropriate to the needs of all participants, including persons with disabilities. Separate programs or activities for persons with disabilities may be considered only when there is no feasible way to provide an accommodation in an integrated setting.

### **Access to Physical Facilities and Spaces**

System Administration's office, 1800 Grant St., is accessible so that no individual with a disability is denied access. A program or activity must be made accessible through other suitable methods if it is scheduled in an inaccessible location. The department sponsoring the program or activity is responsible for informing participants of access procedures and coordinating access to an event, but may seek the assistance of Human Resources. A person requiring access is responsible for notifying the activity sponsor in a reasonable amount of time in advance.

### **Communications and information**

Communications with persons with disabilities must provide information about the existence and location of accessible features.

- Electronic media created by CU System Administration will use methodology that provides access to persons with disabilities and should be readable with a screen reader, and audio media should be scripted when relevant.
- Video media by or for CU System Administration, intended for public use, should be captioned.
- Video media used for instructional purposes will be accessible either with captioning, a sign-language interpreter or by providing a copy of the script.
- When selecting between methods of providing accessibility, preference should be given to the method that provides the greatest degree of accessibility.

## **Workplace accommodations**

Every qualified job applicant and employee with a disability at CU System Administration is entitled to reasonable accommodation in order for the employee to perform the essential functions of his or her position.

In order to receive a reasonable accommodation, an employee should contact Human Resources, provide information about the nature of his or her disability, and request an accommodation. Human Resources may ask for additional documentation of the employee's medical condition. Based on that information, Human Resources will determine whether a reasonable accommodation is appropriate based on the impact of a disability.

An interactive process will begin after Human Resources receives documentation, which consists of discussion among the employee, the employee's supervisor and Human Resources to determine the most appropriate workplace accommodation. If this does not result in a mutual agreement, Human Resources will determine the most appropriate accommodation.

## **Ergonomics**

Employees who need an ergonomic evaluation and adjustments on account of a disability should request an accommodation through Human Resources.

Employees who do not have a disability, but who are experiencing pain as a result of their workstation that a visit to a medical provider is needed, should file a workers' compensation claim with University Risk Management [5].

Employees who do not have a disability, and who are not currently experiencing pain, but who are interested in receiving an ergonomic evaluation should inquire within their department.

## **Pregnancy**

CU System Administration is firmly committed to complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. Under the law, section 24-34-402.3 of the Colorado Anti-Discrimination Act, employers are prohibited from denying employment opportunities based on the need to make a pregnancy-related reasonable accommodation and from retaliating against employees and applicants that request or use a pregnancy-related accommodation.

CU System Administration will not deny employment opportunities based on the need to make a pregnancy-related reasonable accommodation or retaliate against individuals who request or use a pregnancy-related accommodation.

If you are an employment applicant or current employee and would like to access potential reasonable accommodations for conditions related to pregnancy and childbirth, please contact [systemhr@cu.edu](mailto:systemhr@cu.edu)

[6].

CU System Administration fully recognizes the rights and responsibilities afforded under the Family and Medical Leave Act ("FMLA") [7], applicable state and local family leave laws, and the Americans with Disabilities Act (ADA).

Pregnant employees may continue to work until they are certified as unable to work by their physician. At that point, pregnant employees are entitled to receive benefits according to CU System Administration's short-term disability insurance plan [8] (if applicable). Finally, when an employee returns to work, she is entitled to return to the same or equivalent job with no loss of service or other rights or privileges. Additional resources are available, such as lactation rooms [9].

## Pregnancy Accommodation Guidelines

### Accommodations:

- To request a reasonable accommodation, the employee should provide HR with documentation verifying the need for accommodations. Email HR at [systemhr@cu.edu](mailto:systemhr@cu.edu) [6] to request a reasonable accommodation. The following forms should be submitted and will be utilized to assess the need for and duration of the accommodation(s):
  - Pregnancy medical information form [10] (to be completed by physician monitoring pregnancy)
- Accommodations will be assessed on a case-by-case basis and may remain in place until the employee is no longer able to work. Once the employee returns to work, she should return to her duties as normal. Should the employee require a continuation of a pregnancy accommodation after childbirth, a request must be submitted along with supporting medical documentation to verify the need for and duration of the requested accommodation, provided under the Family and Medical Leave Act (FMLA) [7].
- **Equipment and Furniture:** Accommodations that require the purchase of an item (e.g. ergonomic equipment) will be purchased by Human Resources. Therefore, the equipment must be returned to the office once the employee is no longer able to work. Human Resources will be responsible for contacting the department and arranging for collection of the items. A request must be submitted along with supporting medical documentation if the employee requires the equipment post-pregnancy. Human Resources will assess this need as a disability accommodation. Should the employee like to use the equipment as a preference, the employee's department may be able to purchase the items from Human Resources at a used cost rate, pending availability.

### Notice of Accommodations:

Upon approval of the reasonable accommodation(s), the employee and those who have a legitimate need to know will receive a notice of determination. The notice will inform the employee of the approved accommodation(s) and parameters for implementation, duration with an anticipated end date and the employee's right to request accommodations in the future.

A person with a disability who believes he or she is not being accommodated, or who has experienced discrimination or harassment on the basis of disability, may file a complaint with Human Resources by emailing [systemhr@cu.edu](mailto:systemhr@cu.edu) [4].

A person may also file a complaint with the federal government through the U.S. Department of Education's Office for Civil Rights [11] (for students), the U.S. Equal Employment Opportunity Commission [12] (for employees), or the U.S. Department of Justice [13] (for members of the public).

**Access:** The opportunity for persons with disabilities to utilize and enjoy the same facilities, programs and services as non-disabled persons.

**Americans with Disabilities Act (ADA):** The ADA is a federal anti-discrimination law designed to remove barriers that prevent qualified persons with disabilities from enjoying the same employment opportunities as non-disabled persons.

**Event Accommodation:** An adjustment and/or service that provides a person with a disability equal access. Accommodations can include, but are not limited to, interpreters, listening devices and physically accessible locations.

**Major Life Activities:** Functions such as walking, seeing, hearing, speaking, breathing, performing manual tasks, caring for oneself, sitting, standing, lifting, reaching, thinking, concentrating, reading and writing.

**Person with a Disability:** One who has a physical or mental impairment that limits her/him in one or more major life activities.

**Qualified Individual with a Disability:** An individual with a disability who satisfies and can perform the essential functions of the position, with or without reasonable accommodation.

**Reasonable Accommodation:** A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.

**Substantial Limitation:** The inability or a significant restriction as to the condition, manner or duration under which a person can perform a major life activity as compared to the average person.

**Undue hardship:** An action requiring significant difficulty or expense for the university.

#### **Groups audience:**

Employee Services

#### **Right Sidebar:**

ES: HR - Contact CU System HR

ES:HR - Campus HR Contact Information

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**Source URL:**[https://www.cu.edu/employee-services/collaborative-hr-services/cu-system/policies/ada-compliance?\\_ga=2.151529209.1128760819.1591646809-533192699.1591646809](https://www.cu.edu/employee-services/collaborative-hr-services/cu-system/policies/ada-compliance?_ga=2.151529209.1128760819.1591646809-533192699.1591646809)

## Links

- [1] <https://www.cu.edu/employee-services/collaborative-hr-services/cu-system/policies/ada-compliance>
- [2] <https://www.cu.edu/employee-services/forms/report-accessibility-issue>
- [3] <https://es-sandbox-cu.pantheonsite.io/forms/employee-accommodation-request-form>
- [4] <mailto:systemhr@cu.edu> [5] <https://www.cu.edu/risk>
- [6] <mailto:systemhr@cu.edu?subject=Pregnancy%20accommodation> [7] <https://www.cu.edu/employee-services/collaborative-hr-services/cu-system/time/family-medical-leave> [8] <https://www.cu.edu/employee-services/benefits-wellness/current-employee/disability-insurance> [9] <https://www.cu.edu/employee-services/collaborative-hr-services/cu-system-administration/employee-resources/lactation>
- [10] <https://www.cu.edu/docs/pregnancy-medical-information-request-form>
- [11] <https://www2.ed.gov/about/offices/list/ocr/index.html> [12] <https://www.eeoc.gov/>
- [13] <https://www.justice.gov/>