

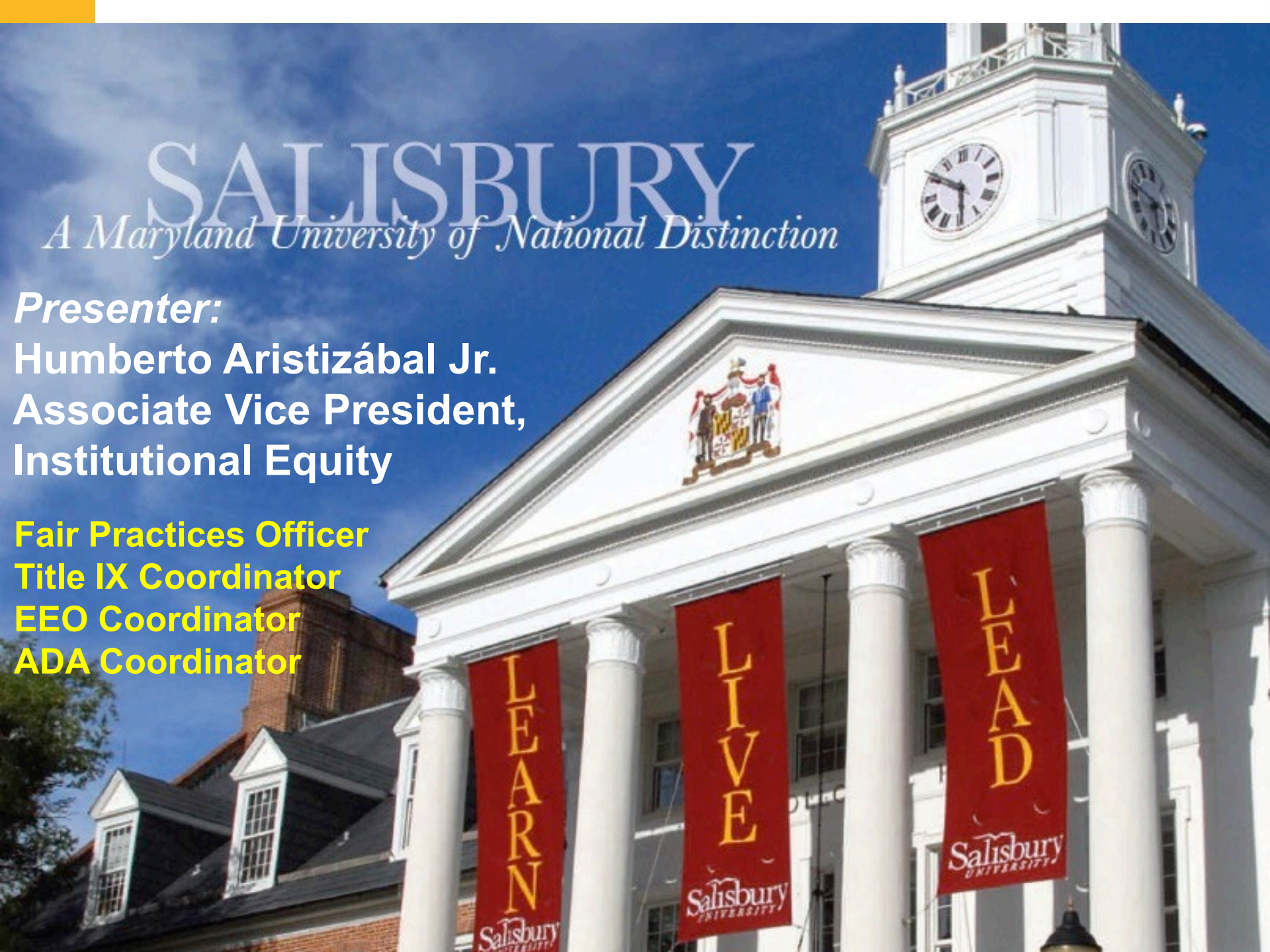
SALISBURY

A Maryland University of National Distinction

Presenter:

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Title IX Coordinator
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ADA Coordinator**





***Unpacking The
Reasonable
Accommodation
Conversation:
Achieving
Win/Win
Outcomes.***



Learning Objectives

At the end of this session you will be able to:

- Engage in a productive dialogue with an employee that results in win/win solutions when discussing a reasonable accommodation request.
- Be able to successfully navigate conversations related to requests for accommodations.



What percentage of the U.S. population lives with a disability?

35%

60%

20%

Americans with Disabilities Act (ADA)

- Applies to employees and applicants who are “qualified individuals with a disability”
- Prohibits disability discrimination and:
 - Requires a good faith interactive process
 - To determine reasonable accommodation or reassignment
 - No retaliation



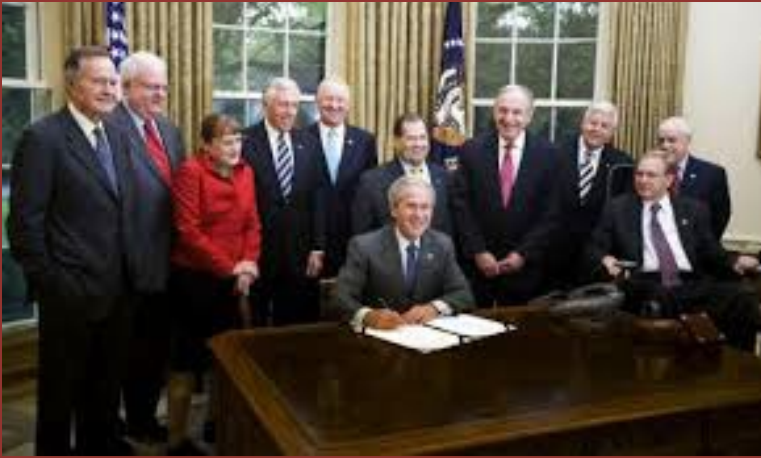
When you hear the word disability, the first word that comes to mind is

Covered Disabilities

- Case-by-case basis
- Physical or mental impairment that substantially limits one or more major life activities
- A record of such impairment
- Being regarded as having such an impairment



Covered Disabilities - ADAAA



- Congress stated its purposes was to "convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis."

Major Life Activity

- “Of central importance to daily life”
 - Caring for oneself
 - Performing manual tasks
 - Walking
 - Seeing
 - Hearing
 - Eating/Digestion



Major Life Activity

- Sleeping
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating



Major Life Activity

- **Thinking**
- **Communicating**
- **Working**
- **Sitting**
- **Standing**
- **Reaching**
- **Traveling**



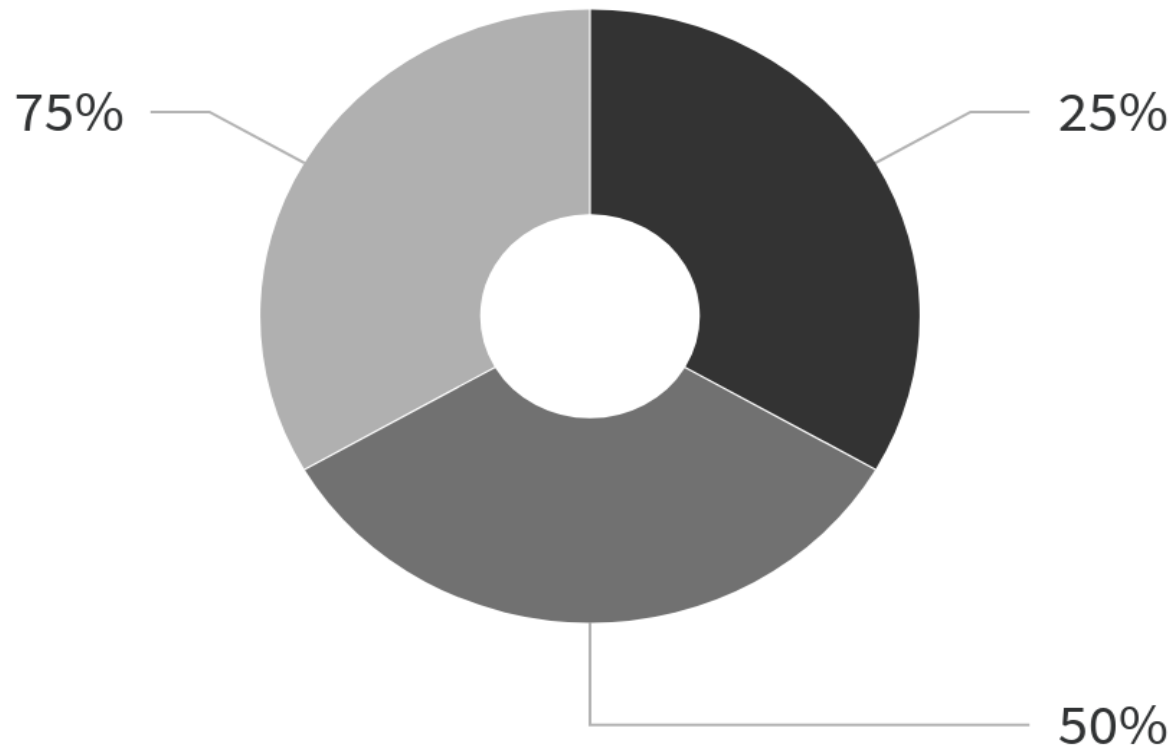
Major Life Activity

Ability to control bodily functions - ADAAA

- **Functions of the immune system**
- **Normal cell growth**
- **Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.**

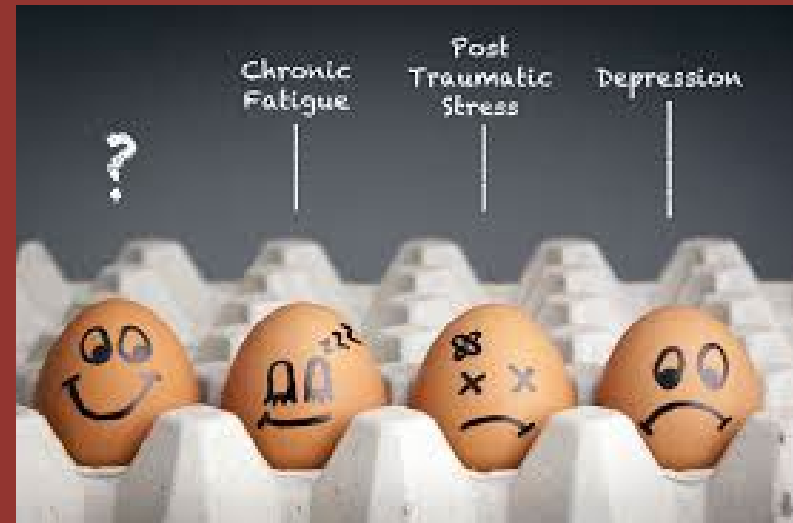
What percentage of disabilities are non-apparent?

25% A 50% B 75% C

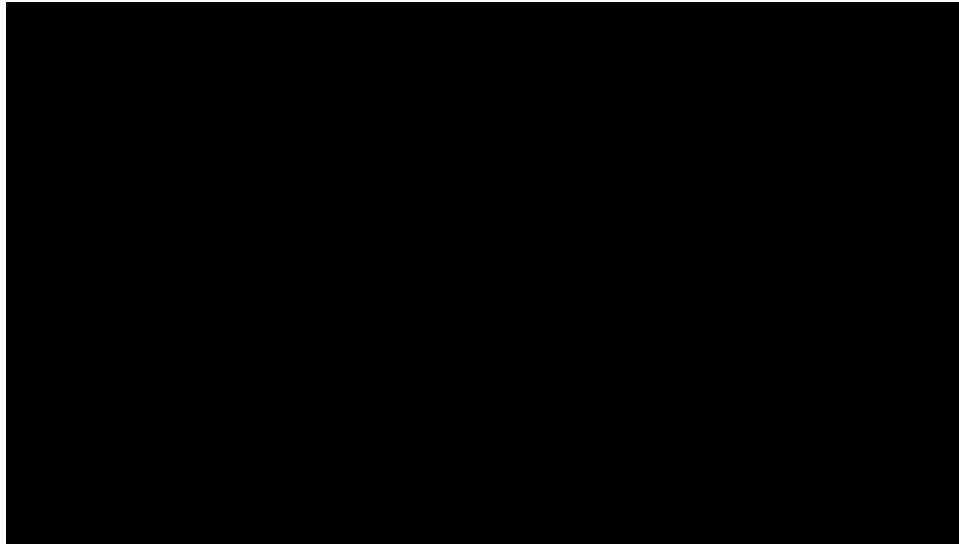


Covered Conditions

- HIV/AIDS
- Obsessive compulsive disorder
- Anxiety
- ADHD
- Autism
- Alzheimer's
- Seasonal affective disorder



Evaluating Requests for Reasonable Accommodations and the Interactive Process



<https://www.youtube.com/watch?v=Nha3an4TVvU&t=2s>

To see the videos, copy and paste the links into your Internet browser.

Evaluating Request for Reasonable Accommodations

1. What is your duty to accommodate?
2. Undue hardship
3. The Do Not's of a Reasonable Accommodation



Close to 50% of the U.S. population deals with a disability either directly or indirectly.

True **A**

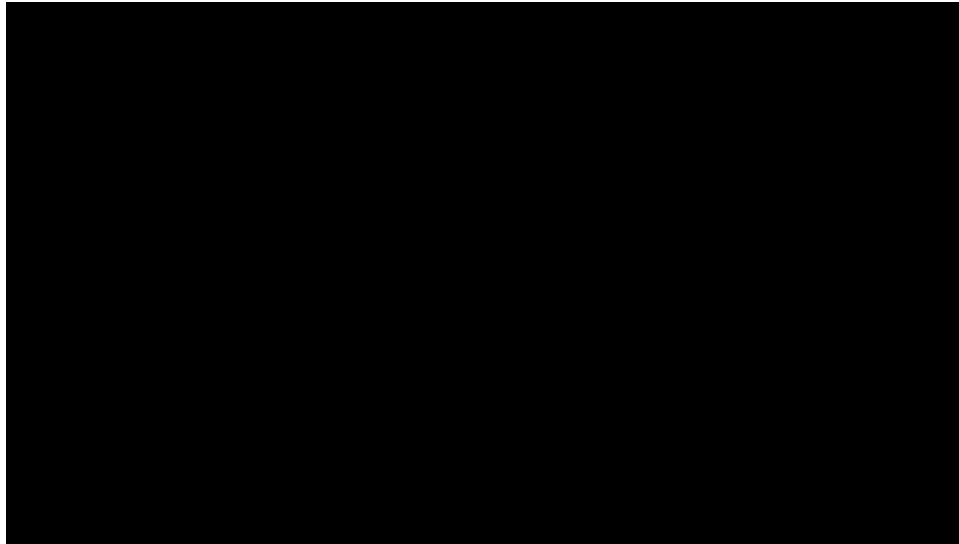
False **B**

Covered Conditions?

- Stuttering?
- Obesity?
- Claustrophobia?
- Tobacco addiction?
- Morning sickness?



Negotiating Reasonable Accommodations



<https://www.youtube.com/watch?v=WNF-yVxTR4I>

Scenario #1:

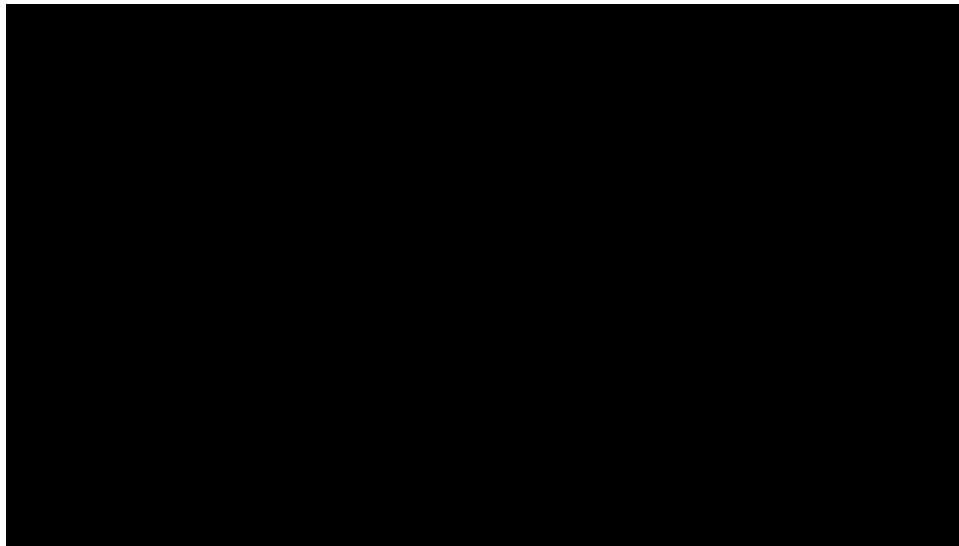
Accommodating non-apparent disabilities where stigma is a factor

“Why was the employee’s disability not apparent to the supervisor?”

“What did the supervisor do wrong?”

“What could the supervisor have done differently?”

A Video About Interviewing People With Disabilities | Interviewing Training Video



<https://www.youtube.com/watch?v=CgPhbsnV8Ig>

Scenario #2:

Interviewing candidates who appear to have a disability

What did the interviewer do wrong?

What did the interviewer do right?

What should be the main objective of the job interview?

Scenario #3:

Addressing the intersection between performance management and requested accommodations

Does the employee have a “disability” within the meaning of the ADA?

Is the employee qualified to perform the essential functions of the position?

Is SU required to “reasonably accommodate the employee?”

Scenario #3:

Addressing the intersection between performance management and requested accommodations

Can SU discipline the employee for poor work performance or workplace misconduct related to his drinking?





How can I get assistance?

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Fair Practices Officer

Title IX, EEO and ADA Coordinator

**Questions
or
Concerns?**



**KEEP
CALM
AND
CALL
THE OIE**

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Make Tomorrow Yours

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