

## **AMERICANS WITH DISABILITIES ACT AND ILLINOIS PREGNANCY ACCOMMODATION ACT**

### **Purpose**

Pursuant to the Americans with Disabilities Act of 1990, the Illinois Pregnancy Accommodation Act, or other applicable State and Federal civil rights laws, Garrett-Evangelical Theological Seminary will reasonably accommodate employees with disabilities and pregnant employees, as defined by law. Failure to reasonably accommodate employees with disabilities and pregnant employees is a violation of federal and/or state law as well as Seminary policy.

### **Policy**

Garrett-Evangelical Theological Seminary ("Seminary") is committed to providing equal employment opportunities to all employees, including qualified individuals with disabilities. This may include providing reasonable accommodation, where appropriate.

To ensure that an employee with a disability can perform or continue to perform (if the disability occurs after employment) their job responsibilities, a reasonable accommodation by the Seminary may include, but is not limited to, the purchase of special equipment, changing the physical layout of the workplace, restructuring job responsibilities and duties and modifying the work schedule.

To ensure that a pregnant employee can continue to perform her job responsibilities, a reasonable accommodation by the Seminary may include, but is not limited to, more frequent breaks, private non-bathroom space for expressing breast milk, light duty, restructuring job responsibilities and duties and modifying the work schedule.

In general, it is an employee's responsibility to notify the Human Resources Office ("HR") if they have a need for an accommodation. Upon doing so, HR may ask for clarification of the type of accommodation they believe may be necessary or the functional limitations caused by the disability. The Seminary will request an employee's written permission to obtain additional information from the employee's physician or other medical or rehabilitation professional(s). Even though the employee provides input concerning the accommodation process, the Seminary will determine what constitutes a reasonable accommodation on a case-by-case basis and reserves the right to request additional independent medical examinations, evaluations, or other appropriate information at the Seminary's expense.

Medical information is treated as confidential and will be shared with Seminary administrators only on a need to know basis. Any medical information obtained is kept in a confidential employee file. The Seminary will not provide accommodations without appropriate documentation.

In limited instances, a requested accommodation may pose an "undue hardship" on the Seminary that prevents the accommodation from being offered. The determination of whether an accommodation creates an "undue hardship" is contingent upon a number of variables and is made by the Human

Resources Office. Supervisors must contact the Human Resources Office before disciplining, transferring, terminating, or relieving an employee of job responsibilities due to disability or pregnancy.

All questions should be directed to Erin Moore, Assistant Vice President of Human Resources and Employee Engagement at [erin.moore@garrett.edu](mailto:erin.moore@garrett.edu) or at 847-866-3918.

## ***Definitions of Terms***

### **Disability**

For purposes of this policy, an individual has a disability if they:

- a) have a physical or mental impairment which substantially limits a “major life activity”,
- b) have a record of having a substantially limiting impairment,
- c) are regarded as having a substantially limiting impairment, or
- d) are pregnant.

### **Impairments**

Examples include physiological disorders or conditions, mobility impairments, sensory impairments, cosmetic disfigurements, anatomical loss, mental or psychological disorders, intellectual disabilities, emotional illness, and learning disabilities.

### **Major Life Activities**

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, sitting, seeing, hearing, speaking, breathing, learning, and working.

### **An Otherwise Qualified Employee or Applicant**

An otherwise qualified employee or applicant under this policy is an employee or applicant who meets the skill, experience, education, and other job-related requirements of the position they hold or seek, and who is able to perform the essential functions of the position with or without reasonable accommodation. Nothing in this policy obligates the Seminary to hire or promote an individual with disabilities who, with or without reasonable accommodation, is not the best qualified for the position in question.

## ***Reasonable Accommodations***

### **Description**

The Seminary is prepared to modify or adjust the job application process, the position or work environment to make reasonable accommodation to the known disabilities of an otherwise qualified applicant or employee to enable them to be considered for the position sought, to perform the essential functions of the job, or to enjoy the benefits and privileges of employment substantially equal to those enjoyed by others without disabilities, unless:

- a) The accommodations would impose an undue hardship on the business operations, or
- b) Even with reasonable accommodation, the individual would still pose a direct threat of substantial harm to the health or safety of themselves or others.
- c) An accommodation that would be unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business would impose an undue hardship.

## **Examples**

Examples of reasonable accommodations include:

- restructuring jobs by reallocating or redistributing non-essential functions;
- altering when or how an essential job function is performed;
- modifying schedules;
- permitting exceptional use of accrued leave or leave without pay;
- acquiring or modifying equipment or devices;
- allowing the use of special equipment or devices provided by the individual; or
- reassigning employees (but not applicants) with disabilities to vacant positions for which they qualify.

## **Procedure**

### **Request for Accommodation**

Any employee or applicant may at any time inform their immediate supervisor or Human Resources of a request for a reasonable accommodation under this policy or may indicate that an adjustment or change is needed in their job because of disability-related limitations. Individuals with disabilities must provide Human Resources with a completed **Request for Accommodation Form** to assist the Seminary in determining if and what reasonable accommodation should be provided that would enable the employee to perform the essential job functions properly and safely. Employees or applicants with disabilities may also identify equipment, aids or services that they are willing to supply and use.

### **Verification of Need**

An otherwise qualified individual who requests reasonable accommodation may be required to provide documentation, including medical records sufficient to establish the existence of the claimed disability and the need for accommodation. The Seminary may also request information from employees (but not applicants) about disabilities and/or potential accommodations, which is job-related and justified by business necessity. The Seminary may require an employee to undergo an evaluation by medical personnel retained and paid by the Seminary to verify the existence or nature of a disability and to provide a basis upon which a reasonable accommodation can be assessed. All information obtained about the medical condition or history of the employee will be treated as confidential.

## **Determination**

Human Resources, in consultation with medical or other authorized personnel, will determine whether the Seminary considers the individual to be disabled. If the Seminary determines that the individual is not disabled, they will be notified that reasonable accommodation will not be provided.

### **Assessment of Accommodation**

When an individual is determined to be disabled, an assessment of the availability of reasonable accommodation will be made by Human Resources, individually, or in consultation with the appropriate supervisor or medical or other authorized personnel retained by the Seminary. Each situation will be assessed on its own unique facts. Factors to be examined include: the purpose and essential functions of the job; the precise job-related abilities and functional limitations of the individual and how those limitations could be overcome with reasonable accommodation(s); the nature and cost of the accommodation needed in relation to the Seminary's financial resources; and other federal and state

regulatory requirements. In deciding what, if any, accommodations will be offered, the Seminary will consider, but not be bound by, the input and preference of the individual involved.

**Notification**

The individual will be notified of the Seminary's decision regarding providing reasonable accommodation. Reasonable accommodation does not negate requirements for good job performance or adherence to generally applicable standards of production or conduct.