KEAN
OFFICE OF HUMAN RESOURCES

Reasonable Accommodations Policy & Procedures

I. Policy Statement

Kean University is committed to providing employment opportunities to all qualified applicants and employees without regard to a person's mental or physical disability, pursuant to the Americans with Disabilities Act (ADA) of 1990, Section 503/504 of the Rehabilitation Act of 1973, the Pregnant Workers Fairness Act (PWFA), the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) and the New Jersey Law Against Discrimination (LAD). Every reasonable effort will be made to accommodate special needs and/or limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation would impose an undue hardship upon the University or pose a direct threat of substantial harm to the health or safety of the applicant, employee or others.

II. Definitions - for medical requests pursuant to the ADA

A. The term **disability** means, with respect to an individual:

1. a mental or physical impairment which substantially limits one or more of the major life activities of such individual;
2. a record of such impairment; or
3. being regarded as having such an impairment.

The following conditions are excluded from the definition of disability: homosexuality, bisexuality, transvestism, pedophilia, exhibitionism, voyeurism, compulsive gambling, kleptomania, pyromania, gender identity disorders, current psychoactive substance use disorders, and other sexual behavior disorders.

B. The term **major life activities** include, but are not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, speaking, breathing, standing, lifting, learning, and working. A major life activity may also include major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

C. The term **qualified individual with a disability** means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

D. The term **reasonable accommodation** means a modification or adjustment to a job, the work environment, the job application process, or the way things are usually done that enables a qualified individual with a disability to perform the essential functions of the job and to enjoy an equal employment opportunity.

Examples of Reasonable Accommodation are:

- Making facilities accessible and usable;
- Modifying work schedules;
- Providing assistive equipment; or
- Modifying training materials.

III. General Information

A. At Kean University, the ADA Coordinator in the Office of Human Resources is responsible for evaluating requests for accommodation. The ADA Coordinator will also assist supervisors, employees, and job applicants in determining the most appropriate accommodations for various mental and physical disabilities.

B. No employees, including supervisors and managers, are **permitted to independently authorize work restrictions or accommodations of any kind. The Office of Human Resources will evaluate each case and make determinations, in consultation with the appropriate department head, and based on the medical certification of the physician chosen by Kean University to evaluate the employee.**

C. This policy does not cover light duty or work restrictions that are a result of on-the-job injuries or illnesses.

IV. Procedures for Requesting Reasonable Accommodations - for medical requests pursuant to the ADA

A. Applicants for Employment

1. Any applicant for employment may request reasonable accommodation. Applicants who need an accommodation for an interview or for completing the application process may request such in advance by contacting the Office of Human Resources at benefits@kean.edu.

2. Additionally, applicants may be required to complete a **Request for Accommodation Form** and submit it to the ADA Coordinator, in the Office of Human Resources. The applicant may also be required to provide the Office of Human Resources with sufficient medical documentation from the employee's own physician to substantiate the disability and functional limitations identified in the Request for Accommodations Form.

3. Each request will be reviewed on a case-by-case basis. The applicant, the department and the Office of Human Resources will be involved in the interactive process of determining potential reasonable accommodations.

4. Pre-employment inquiries about the existence of disabilities in the form of employment applications, interviews, tests or pre-employment medical examinations prior to making a job offer, are prohibited.

5. **Applicants may not be asked whether or not they have a disability.** If the applicant volunteers information about a disability, the interviewer shall not ask any questions relating to the nature or extent of the disability or whether treatment will be necessary.

6. If applicants are asked questions regarding their **ability to perform required job duties**, all applicants will be asked the same questions. Before such questions are asked, the applicant will be informed of Kean University's willingness to provide reasonable accommodations.

7. With respect to the ability to perform required job duties, an interviewer may ask each applicant whether or not he/she is **"able to perform the essential functions of the job applied for with or without reasonable accommodation."**

8. If an applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job but does not volunteer to comment on the need for accommodation, then no inquiry shall be made about the need for an accommodation.

9. If, however, the applicant indicates in response to such an inquiry that he/she can perform the essential functions of the job and does volunteer the need for an accommodation, the interviewer may ask the applicant how he/she will perform the essential functions of the position and what accommodation will be necessary.

10. Qualified applicants cannot be denied employment solely on the basis of a need to provide a reasonable accommodation. However, if the applicant who receives a tentative job offer cannot be reasonably accommodated, the offer must be rescinded.

B. Employees

1. Employees are entitled to request reasonable accommodations. To do so, the employee must complete a ***Request for Accommodation Form*** and submit it to the ADA Coordinator, in the Office of Human Resources. The employee must also provide the Office of Human Resources with an ***Medical Assessment Form*** completed by the employee's own physician/health care provider representing sufficient medical documentation to substantiate the disability and functional limitations identified in the Request for Accommodations Form.

2. **The Office of Human Resources will maintain the confidentiality of all medical information collected during this process.**

3. If the employee initially contacts the supervisor to discuss a request for accommodation without submitting a Request for Accommodations Form to the Office of Human Resources, it is the supervisor's responsibility to notify the Office of Human Resources and refer the employee to the ADA Coordinator for a consultation. (i.e., An employee presents his/her immediate supervisor with a physician's note indicating restrictions are required, or an employee makes a verbal request for work accommodations based on a medical condition.)

4. Upon receipt of the Request for Accommodations Form and the supporting medical documentation, the ADA Coordinator will meet with the employee and contact the department to initiate the interactive process. The ADA Coordinator will also examine the individual's job duties, determine the purpose of the position and identify essential functions.

5. The employee who is requesting an accommodation may be required to visit a physician chosen by Kean University for evaluation purposes, as appropriate. If this is the case:
    - The Office of Human Resources will make the appointment arrangements with a physician of Kean University's choosing and will confirm all appointments in writing, including date, time, and place of the appointment.
    - If the employee fails to appear for the evaluation, fails to reschedule the appointment with the Office of Human Resources, and/or fails to provide sufficient medical documentation from his/her own physician to substantiate the need for the accommodation, then the request for accommodation will be denied.
    - Once the medical evaluation from a physician of Kean University's choosing is available, the ADA Coordinator will once again engage the Department and the employee in an interactive process in order to identify and discuss potential accommodations.

6. The Office of Human Resources will consider, based on the merits of each case, whether the requested accommodation is reasonable, and determine if it would impose an undue hardship or change the essential functions of the job. Alternative reasonable accommodations will also be considered.

7. As a general rule, Kean University will purchase equipment when a determination is made that the use of the equipment is necessary in the transaction of the official business of the university. The equipment may not be of a personal nature (e.g., eyeglasses, hearing aids, etc.) which the employee can reasonably be expected to provide. In determining whether the purchase of a device should be authorized, consideration will be given to how well the employee could perform the job without the equipment and whether the principal benefit will be better job performance by the employee.

8. Where there is more than one effective accommodation, the final decision as to which accommodation will be provided shall be made by the Office of Human Resources after consideration of the wishes of the individual, the documentation provided, and advice from other appropriate personnel.

9. Written communication will be sent to the employee by the Office of Human Resources to notify him/her of whether or not the Request for Accommodation has been granted.

V. Pregnancy & Breastfeeding

A woman affected by pregnancy (including pregnancy, childbirth, or related medical conditions such as breastfeeding) may request a reasonable accommodation.

A qualified **employee or applicant** may request an accommodation due to pregnancy, childbirth or a related medical condition (such as breastfeeding) by submitting the request in writing to the Office of Human Resources (HR).

Employees wishing to request break time and/or lactation space to express breastmilk on campus should refer to the Break Time for Nursing Mothers guidelines.

The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation(s) sought and, any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be asked to submit a statement from a health care provider substantiating the need for the accommodation.

If requested, this will require confirmation of your physical or mental condition, and that it is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions and should also describe the adjustment or change at work that is needed due to the limitation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and engage in the interactive process to determine if an accommodation is reasonable and can be provided without undue hardship. While the reasonableness of each accommodation request will be individually assessed, possible accommodations could include allowing the individual to:

- Sit while working
- Receive additional break time to use the bathroom, eat and rest.
- Take additional time off to recover from childbirth.
- Reasonable break time each day, and a suitable private place (other than a toilet stall) in which to express breast milk
- Temporarily suspend an essential job function, such as being excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

It is important to note that a person may be deemed a qualified employee or applicant under the PWFA if their inability to perform the essential functions is just temporary, the essential functions can be performed in the near future, and the inability to perform the essential functions can be reasonably accommodated.

An employee may request paid or unpaid leave as a reasonable accommodation; however, Kean will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

VI. HR Contacts / ADA Coordinators

Lorice Thompson-Greer, Professional Services Specialist
908-737-3309 or lgreer@kean.edu

Yrelys Tapanes, Director-Benefits
908-737-3313 or ytapanes@kean.edu

VII. Monitoring of Reasonable Accommodations

The Office of Human Resources, in conjunction with the employee and the employee's supervisor will periodically review accommodations granted. Further, Human Resources will request ongoing medical documentation from the employee and appropriate health care providers. In the event the previously granted accommodations are not working, the University and the employee will further engage in the interactive process to determine if other appropriate accommodations are available. The final decision regarding any substantive modification or adjustment of previously approved accommodations will be made by the Office of Human Resources.

VIII. Complaint Process

A. If you are an employee and you believe you have experienced discrimination and/or harassment based on a disability or pregnancy (or pregnancy related conditions) and wish to file a complaint, please complete the Discrimination Complaint Processing Form (DPF-481) and submit it via email to the Office of Affirmative Action Programs at affiract@kean.edu.

B. Retaliation against any employee who alleges that she/he or they were the victim of discrimination/harassment, provides information in the course of the investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

C. An individual may also pursue other remedies available to him/her under applicable New Jersey law or federal law.

This version supersedes all other versions which are now void. Effective August 25, 2026