



HRM 60.123 DISABILITY ACCOMMODATIONS IN EMPLOYMENT

PURPOSE

Mississippi State University recognizes that individuals with disabilities may need reasonable accommodations in order to participate equally in employment opportunities. The purpose of this policy is to ensure that the university complies with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Rehabilitation Act), and other applicable laws concerning accommodations for qualified individuals with disabilities in connection with university employment and to establish procedures for requesting and identifying appropriate accommodations.

This policy applies both to current university employees and to applicants for employment. The university will not deny employment opportunities based on disability or the need to make reasonable accommodations due to a covered disability.

POLICY

For purposes of this policy, an accommodation is any change in the workplace needed to provide an equal employment opportunity to an individual with a disability. A disability is a physical or mental impairment that substantially limits one or more major life activities, as defined by the ADA and Rehabilitation Act.

The university provides disability accommodations when they are needed (1) for an applicant to have an equal opportunity to apply and/or compete for a job; (2) for a qualified employee to perform essential functions or gain access to the workplace; and (3) to allow a qualified employee to enjoy equal access to the benefits and privileges of employment, such as training or work-sponsored events.

To be approved under this policy, a requested accommodation must be reasonable. The reasonableness of an accommodation is determined on a case-by-case basis and may include changes such as modification of equipment or physical spaces, adjustment of policies, assistance accessing resources, or other appropriate changes. An accommodation is not reasonable if it imposes an undue burden on the university or results in a fundamental change to a position or program. For example, an accommodation would not be reasonable if it required elimination of an essential job function or an indefinite leave of absence.

PROCEDURE

Requesting an Accommodation

An employee or applicant seeking a disability-related accommodation is responsible for submitting a request to Human Resources Management by completing the MSU Disability Accommodation Request Form. This form is located online at

<http://www.hrm.msstate.edu/forms/> and should be submitted via email to ada@hrm.msstate.edu.

Upon receiving a properly completed form, HRM will initiate an interactive process with the employee or applicant to identify an appropriate accommodation. HRM may request medical certification or other appropriate information to determine the nature and extent of the limitation on life activities. The employee or applicant is responsible for participating in good faith in the interactive process and for providing information as requested.

At the conclusion of the interactive process, HRM will notify the employee or applicant and the appropriate supervisor in writing of any recommended accommodation. If HRM determines that the employee or applicant's condition is not a covered disability or that no reasonable accommodation is possible, it will inform the employee in writing of that determination.

Supervisory Responsibilities

Although employees and applicants are responsible for submitting accommodation requests via the procedure above, supervisors who are informed directly of an employee or applicant's disability and need for accommodation are required to notify HRM promptly. While certain accommodation requests can be implemented by supervisors with minimal involvement by HRM, prompt notification to HRM prior to implementation of any accommodation is required to ensure that an appropriate interactive process is followed, and the outcome is properly documented.

After a reasonable accommodation has been identified under this policy, supervisors are expected to make good faith efforts to implement it. If, after a reasonable accommodation has been implemented, either the employee or applicant or the supervisor concludes that it is no longer effective or reasonable, or that a different accommodation is needed, it is the responsibility of the party seeking a modification to the accommodation to contact HRM prior to any alteration of the accommodation.

Review of Recommended Accommodations

If either the requesting employee or applicant or the supervisor charged with implementing an accommodation believes the interactive process has not yielded an appropriate accommodation, they may submit a request for review to the Director of Civil Rights Compliance, who can be reached at titleix@msstate.edu or 662-325-5839. The request must be submitted in writing within seven calendar days of notification by HRM of its recommendation.

Upon submission of a request for review, the Director will confer with the employee or applicant, HRM, and appropriate supervisors and university administrators and issue a final recommendation to the relevant department head. The final recommendation may uphold or modify the recommendation of HRM or refer the matter back to HRM for further consideration.

Confidentiality

Any medical information obtained by the university in connection with a request for accommodation will be retained in files separate from the requesting individual's personnel file. Any university employee who receives such information is bound by this confidentiality

requirement. The university will not disclose this information except as allowed or required by law.

Notwithstanding these requirements, HRM may share medical or other information relating to an accommodation request with the requesting party's supervisor, the Director of Civil Rights Compliance, or other university officials to make appropriate determinations concerning the accommodation.

Non-Retaliation and Non-Discrimination

Retaliation against any applicant or employee for utilizing any portion of this policy is prohibited and grounds for disciplinary action. Additionally, discrimination related to actual or perceived disability is prohibited, whether in connection with employment, university programs or activities, or the accommodation process itself.

If an employee or applicant feels that retaliation or discrimination has occurred, they should contact the Director of Civil Rights Compliance, who will investigate and make appropriate recommendations per the procedures in [MSU Operating Policy 03.03](#). If the complaint concerns the Director, it may be submitted to the university's Compliance Officer.

Advertisement

All advertisements of university employment opportunities must include an appropriate equal opportunity statement, including notice that the university does not discriminate on the basis of disability and list Human Resources Management as a point of contact for potential applicants seeking disability accommodations.

REVIEW

This policy and procedure will be reviewed by the Director of Civil Rights Compliance and the Chief Human Resources Officer as needed but not less than every four years.

REVIEWED BY:

/s/ Leslie Corey
Chief Human Resources Officer

11/22/2021
Date

/s/ David Shaw
Provost and Executive Vice President

11/22/2021
Date

/s/ Tracey Baham
Assistant Vice President, Institutional Strategy & Effectiveness

11/22/2021
Date

/s/ Brett Harvey
Director, Civil Rights Compliance

11/22/2021
Date

/s/ Joan Lucas
General Counsel

11/22/2021
Date

APPROVED BY:

/s/ Mark Keenum
President

11/22/2021
Date