

FREQUENTLY ASKED QUESTIONS – ADA (Americans with Disabilities Act)

Q: What is ADA?

A: ADA (The Americans with Disabilities Act) prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services. Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Q: How do I know if I qualify?

A: An individual with a disability is a person who:

Has a physical or mental impairment that substantially limits one or more major life activities;

Has a record of such an impairment; or

Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Q: What is considered a reasonable accommodation?

A: Reasonable accommodations may include, but is not limited to:

Making existing facilities used by employees readily accessible to and usable by persons with disabilities.

Job restructuring, modifying work schedules, reassignment to a vacant position;

Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

Q: Does UNCG have to make an accommodation for me upon my request?

A: UNCG is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the University. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as a department’s size, financial resources, and the nature and structure of its operation. UNCG is not required to provide personal use items such as glasses or hearing aids.

Q: Do I have to tell UNCG that I have a disability?

A: If you think you will need a reasonable accommodation in order to participate in the application or promotion process, or perform essential functions, you should inform your

supervisor that an accommodation is needed. UNCG has an “**Informal ADA Process**” and a “**Formal ADA Process**”.

The formal process follows the ADA. The informal process is encouraged in the event you do not choose to pursue formal procedures to document your disability.

Q: How does the “Formal Process” work?

A: An employee must complete a “Request for Reasonable Accommodation” form and an “Employee Disability Verification form, available at HRS or online at <http://www.uncg.edu/hrs/adaforsm.html>. The completed forms must be returned to HRS. These forms provide a detailed description of the disability and documentation from a health care professional to help UNCG verify the condition, extent of the limitation, and identify reasonable accommodations based up the employee’s job responsibilities and needs. **Determination of qualification is not guaranteed until approval is received by the ADA Compliance officer and legal counsel.**

Q: How does the “Informal Process” work?

A: The employee should request an accommodation from his/her supervisor. A letter will be generated from the supervisor regarding the employee’s rights and options. The employee must review, sign, date, and return a copy of the letter to HRS. HRS will contact the supervisor to identify that the employee chose to follow the informal process. The supervisor will notify the employee if the requested accommodation will be provided. Keep in mind the department has no obligation to provide the requested accommodation.

Medical documentation and verification of the disability is usually not required, and there is no determination whether the employee is qualified under the ADA. Any rights the employee may have under the ADA are not triggered, and not available unless the formal process is followed. The department may or may not choose to grant the employee’s request for equipment or modification of the work environment. Any accommodation provided to the employee does NOT mean UNCG regards the employee disabled under the ADA, and does NOT grant the employee any legal rights under the ADA. UNCG has no legal obligation to grant an accommodation unless the formal process is followed.

Q: Do I have to pay for a needed reasonable accommodation?

A: No. The ADA requires that the employer provide the accommodation unless to do so would impose an undue hardship on the operation of the employer’s business.

Q: Can UNCG lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?

A: No.

Q: Does UNCG have to make non-work areas used by employees, such as cafeterias, bathrooms, or employer-provided transportation accessible to people with disabilities.

A: UNCG must provide reasonable accommodation.