

# **Frequently Asked Questions about the Americans with Disabilities Act**

## **What should I know before beginning the ADA process?**

It is important to understand what is covered under the ADA process and what is not. ADA protects and supports employees who have a documented physical or mental impairment that substantially limits major life activities. An impairment may be temporary or chronic in nature. ADA is not the appropriate process for supporting the physical or mental needs of a dependent or family member.

If, upon discussion with an employee or review of submitted paperwork, the situation does not seem to be covered by ADA, we will offer and review other options that may be more appropriate for that employee and their circumstances. There are several benefits available to support employees when they need to care for themselves or their dependents and eligible family members.

## **Who sees my information and who knows about my requested accommodation(s)?**

The medical basis for your request is only visible to HRDI and Benefits; medical forms are not shared. However, we will need to share the information that is necessary to identify, secure and implement the accommodation. For example, we may need to share with IT that we need their help in identifying software or hardware that could help someone who is identified as visually impaired or experiencing declining visual ability. Individuals involved in supporting the ADA process must maintain confidentiality.

The decision to disclose a disability or impairment involves confidential medical information and is a decision for the individual. HRDI and Benefits will only share necessary information with those needed to support the process. Except when legally obligated, HRDI and Benefits do not share information about who has made an ADA request, whose request have been approved or rejected, what is being requested or whether an accommodation has been implemented.

## **How long does the ADA process take?**

The process of identifying and implementing an appropriate ADA accommodation is different for each case, because everyone has a different circumstance, care plan, prognosis, and health profile. Job duties and responsibilities also differ. Patience is needed to engage this process with care.

Some accommodation requests are relatively simple to navigate, while others take more time. We understand that some needs arise unexpectedly and that there can be changes or evolutions in the mental and physical condition of an employee. To the extent that an employee has an awareness of a future need they are encouraged to begin the process of documenting that need as early as possible. An example of this is an employee who anticipates a surgery and knows they will need to have the college consider a change in schedule to support a period of recovery. Getting that process underway will give us all a better chance of implementing the appropriate accommodation timely.

When completing paperwork with your doctor, we encourage you to share information about your job responsibilities and to be specific where needed.

### **What are the major responsibilities and what does that work look like on a routine basis?**

Physical demands such as lifting or pushing heavy equipment, schedule, and physical work environment can be important factors to share so that your doctor can make suggestions that properly support your needs. The more specific you and your doctor can be with suggestions or information that should be considered, the more informed the iterative process can be. Details and specificity can help expedite your ADA process.

### **What does “iterative process mean?**

The iterative process is a dialogue and exchange of information between the employee and the employer to help clarify the needs of the employee and the expectations of the employer, and to identify and implement an appropriate accommodation. As an employer we can request that additional information be provided to clarify the need or to provide better context for a request.

As an employer we have an obligation to provide a reasonable accommodation but that is not the same as a “preferred” accommodation. The iterative process helps us clarify and understand the scope of the need within the context of the core functions of the position, operational needs and whether there is an undue burden or hardship in implementing a requested accommodation.

The iterative process is not static and can and should continue as conditions change. If an employee experiences a change in their condition, if there is a change in the medical recommendations, or if an accommodation needs to be updated, the employee has an obligation to provide Benefits with that information in a timely fashion so that the iterative process can be undertaken again. Following those discussions, adjustments can be made and approved if appropriate. If there are changes in operational needs or if an identified accommodation can be supported with modification or where an accommodation can be supported for a fixed or specified period, the college has the same obligation to re-engage in the iterative process.

Each case is different, is influenced by different variables, and yields different outcomes. Accommodations or support measures for one employee may not look the same as those employed for another employee, even where the conditions appear similar. We work closely with employees and supervisors to support a balance between the employee’s well-being and the operational needs of the college.

### **ADA and COVID-19**

(ADA) and other state legislation allow for employees to self-identify the need for accommodations if they are in a high-risk category for Covid-19 based upon a pre-existing medical condition or disability or if they are the primary care provider to someone who is in a high-risk category. Accommodations are determined by the needs of the individual employee in

consultation with their medical provider and the Office of Human Resources, Diversity & Inclusion.

**How does ADA work if I have a dependent who has an immunocompromised condition or has a history of immunosuppressed conditions?**

ADA does not protect the medical needs of dependents or eligible family members. If your ability to perform your position, in whole or in part, is impacted by your responsibility to care for a dependent or other eligible family member, other leave processes or alternatives may be appropriate. The medical standards for immunocompromised or immunosuppressed are defined and it would be important to be sure that the documentation is clear regarding the dependent's status, duration of status, as well as the risks that need mitigation. Please contact Benefits at [benefits@newpaltz.edu](mailto:benefits@newpaltz.edu) to discuss your specific circumstances with a member of the staff.