

## ACCOMMODATION OF EMPLOYEES WITH DISABILITIES

**Policy Number:** 401

**Categorized:** [Human Resources](#)

**Responsible Office:** Human Resources

**Subject:** Policy and procedure for providing reasonable accommodation to qualified employees with disabilities

**Related Policies:** [Equal Opportunity and Non-Discrimination](#)

**Procedures:** 401P

**Additional Information:**

**Effective Date:** 09/26/2016

**Last Reviewed Date:** 06/13/2020

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### 1. Scope

This policy applies to all qualified employees with disabilities who wish to request reasonable accommodation for their disabilities.

### 2. Policy Statement

Northern Virginia Community College is committed to providing equal employment opportunities for persons with disabilities in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. NOVA provides reasonable accommodations to qualified employees with disabilities to enable them to perform the essential functions of the job without undue hardship to the employer.

The College has procedures for responding to requests for workplace accommodations that allow the College to process requests in a prompt, fair and efficient manner. The procedures also provide guidance to employees with disabilities on how to request accommodations and what to expect.

### 3. Definitions

Disability:

- a. Any physical or mental impairment that substantially limits one or more major life activities; or
- b. Having a record of such an impairment; or
- c. Being regarded as having such impairment.

Essential functions: those job duties that are fundamental and central to the purpose of the position. NOVA provides reasonable accommodations to qualified employees with disabilities to allow the employees to accomplish the essential functions of their jobs, but never exempts employees with disabilities from having to perform the essential functions of their jobs.

A function may be essential if:

- a. The position exists to perform that function
- b. There are a limited number of employees available who could perform that function
- c. The function is highly specialized

Factors in determining whether a task is an essential function include:

- a. The employer's judgment;
- b. Position description written before the job was advertised and filled;
- c. Amount of time the employee spends performing the function;
- d. Functions performed by others in the same or similar job classifications;
- e. Work performed by current and past incumbents;
- f. Consequences if this position did not perform the function; and
- g. Number of available employees who could perform the function.

Major life activities: functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and experiencing leisure.

Qualified individual with a disability: a person with a disability who meets the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

Reasonable Accommodation: modifying or adjusting practices, procedures, policies, job duties, or the work environment so that a qualified individual with a disability can perform a position's essential functions, and/or enjoy equal employment opportunity. Reasonable accommodation will be implemented as long as it is medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation), and it does not impose an undue hardship on the College.

Substantially limits: when one is unable to perform a major life activity that the average person can perform; or when one is significantly restricted in the manner or duration under which one can perform a particular major life activity as compared to the average person.

Undue Hardship: an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the institution or program.

#### **4. Procedures**

See [401P](#).

#### **5. Authority**

Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008

Virginia Community College System (VCCS) Policy 3.14, Equal Employment Policy

[Department of Human Resource Management \(DHRM\) Policy 2.05, Equal Employment Opportunity](#)

