



Ohio Administrative Code Rule 3349-7-25 Disability and accommodation.

Effective: May 17, 2020

(A) Purpose

The purpose of this rule is to ensure that a qualified applicant for employment or an employee with a disability receives reasonable accommodation in the work place as required by the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and state and local requirements regarding persons with disabilities. The university is enriched by persons with disabilities in its student body and employees, it is important to also understand and support the needs and rights of these individuals.

(B) Scope

This rule applies to all applicants for employment and to all employees of the university including but not limited to faculty, administrative staff, unclassified hourly employees, classified civil service employees, and student employees.

(C) Definitions

(1) Consult rule 3349-7-01 of the Administrative Code.

(2) "Disability" refers to:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- (b) A record of physical or mental impairment; or
- (c) Being regarded as having a physical or mental impairment.



- (d) "Disability" does not include a substance abuse disorder resulting from current alcohol abuse or current illegal use of any drug.
- (3) "Direct threat" refers to a significant risk to health or safety of others that cannot be eliminated by reasonable accommodation.
- (4) "Reasonable accommodation" includes, but is not limited to:
- (a) Making existing facilities used by employees readily accessible to and usable by employees with disabilities; and
 - (b) Job restructuring, modified work schedules, acquisition or modification of equipment or devices, the provision of qualified readers or interpreters and other similar accommodations.
- (5) "Qualified individual with a disability" refers to an individual with a disability who, with or without reasonable accommodation meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the university.
- (6) "Major life activities" include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(D) Rule statement

- (1) The university's rule is to comply with the provisions of federal and state of Ohio law regarding persons with disabilities in the workplace. Under those laws, no otherwise qualified individual with a disability will be denied access to participation in services, programs, or activities of the university solely by reason of his or her disability. All employees will be held to the same performance standards and must be able to carry out the essential functions of their positions or programs with or without reasonable accommodation.
- (2) The university strictly prohibits any form of retaliation against any employee who requests an accommodation, reports or participates in the investigation of a complaint, or otherwise exercises



rights secured by this rule.

(3) Disclosure of disability and documentation.

(a) Disclosure is a matter of choice. An employee with a disability may choose not to request reasonable accommodations unless the disability presents a direct threat to the health or safety of others.

(b) Upon request of employees with disabilities, the university will make efforts to provide reasonable accommodations; however, the university is unable to make accommodations that impose an undue burden, present a direct threat to the health or safety of others, or fundamentally alter the nature of its programs, services, or activities.

(c) However, employees who choose to request an accommodation must disclose the underlying disability and provide documentation as required under this rule.

(d) Request for reasonable accommodation forms may be obtained from, and upon completion should be returned to, the department of human resources.

(e) Review

(i) The director of human resources or his/her designee will review the request for reasonable accommodation forms. An employee may be required by the director of human resources to provide further information or documentation.

(ii) The director of human resources or his/her designee will notify the applicant or employee in writing of the decision concerning the requested accommodation, and a copy will be sent to the employee's department head.

(f) Professional verification of disability

(i) Employees with a disability who request reasonable accommodations may be required to provide current written verification of the disability certified by a licensed physician, psychologist,



audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupation therapist or other health care provider who is qualified to diagnose or treat the disability in the state of Ohio. Further documentation may be required. Documentation should reflect the employee's present level of functioning in the major life activity affected by the disability and the effect the disability has on the employee's role at the university.

(ii) Responsibility for the cost of the initial professional verification of a disability and any supplemental assessments will be borne by the employee requesting accommodation. Responsibility for the cost of obtaining additional professional opinions requested by the university will be borne by the university.

(g) Records and retention

All information regarding the disability and any reasonable accommodations will be maintained by the department of human resources in accordance with the records retention schedule will maintain the files of applicants who are not hired who have made an accommodation request.

(4) Confidentiality

All information must be treated as confidential within the limits of federal and Ohio law.