



Workplace Accommodation for Employees and Applicants with Disabilities Policy and Procedure

Purpose

The purpose of this policy is to describe Skidmore's compliance with the Americans with Disabilities Act, New York Human Rights Law, and all other applicable laws governing employment of individuals with disabilities. This policy is also intended to establish procedures for Human Resources to follow when managers/supervisors are assisting individuals with disabilities who request a reasonable accommodation.

Policy Statement

Skidmore is committed to complying with all requirements of the Americans with Disabilities Act, New York Human Rights Law, and all other applicable laws governing employment of individuals with disabilities. It is the policy of Skidmore not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Skidmore is committed to providing reasonable accommodations for all qualified individuals with disabilities who are current employees or applicants for employment.

Human Resources is the designated office that obtains and files disability-related and medical documents, certifies eligibility for services, and develops plans for provision of such accommodations for all employees and applicants for employment at the College.

Reasonable Accommodation Defined: A reasonable accommodation is an alteration or modification of the job, an employment practice, or work environment that allows an individual with a disability to enjoy an equal employment opportunity, without imposing an undue hardship upon Skidmore. Every reasonable accommodation determination will be made on an individual basis, based on the specific abilities and functional limitations of a particular employee or applicant with a disability and the specific functional requirements of a particular job.

A **disability** is defined as a physical, mental, or medical condition or impairment that is demonstrable by medically accepted clinical or laboratory diagnostic techniques; a record of such impairment; or being regarded as having such an impairment.

Undue Hardship is defined as an action requiring significant difficulty or expense by the employer. What constitutes an undue hardship is determined on a case-by-case basis taking into account, among other factors, the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the College's operation and the impact of the accommodation on the College's operation.

Essential Functions are the basic job duties that an employee must be able to perform, with or without a reasonable accommodation. At the College, the essential functions of the position are identified in the Job Description, Position Questionnaire or Faculty Handbook.

Procedure

Requests for Accommodations: All employees or applicants for employment requesting an accommodation should contact Human Resources and request to speak with the Assistant Director, Equal Employment Opportunity/Workforce Diversity or his/her designee.

The Assistant Director, Equal Employment Opportunity/Workforce Diversity or his/her designee will determine whether (a) an individual is eligible for a reasonable accommodation; (b) a proposed accommodation would be effective and should be offered; and (c) if a proposed accommodation would constitute an undue hardship.

The College will maintain all communications and related documentation regarding accommodations as confidential, sharing on a need to know basis as necessary to evaluate or arrange such accommodations.

Information provided shall not be used as criteria in making a future employment decision.

The Assistant Director, Equal Employment Opportunity/Workforce Diversity or his/her designee is responsible for addressing any concerns and investigating complaints of non-compliance with approved disability-related accommodations.

Reasonable Accommodation Requiring a Service Animal in the Workplace

Skidmore College cultivates an inclusive and supportive working environment and values the diverse identities of our employees. We are committed to providing employees with disabilities full and meaningful access to all College programs and activities and recognize that, for certain employees, service animals fulfill a crucial role in removing barriers necessary to achieve equal access to the programs and activities offered by the College and College facilities. In compliance with the Americans with Disabilities Act (ADA), New York Human Rights Law, and other applicable laws, Skidmore College permits qualified service animals to accompany their handler in all facilities on campus. As the health and safety of all those who access Skidmore College is also important, only service animals that meet the guidelines outlined below will be exempt from College policies that otherwise prohibit the presence of animals.

A ***“Service animal”*** is an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability. The ADA limits service animals to dogs and, in some circumstances, miniature horses. Service animals are not considered “pets” and are explicitly permitted to accompany the disabled person in all areas of the College where the disabled person is authorized to be. In extremely unusual circumstances a service animal may not be permitted in a specific area, such as in an animal research lab, if the service animal’s presence would pose a danger or interfere with research activities. In those cases the College will work with the individual to explore alternative accommodations for the individual to participate in the College’s program. *

Examples of Service Animals - The examples below are not meant to serve as an exhaustive list, but do indicate specific work or tasks performed by a service animal that directly relate to specific disabilities, thus meet the broad definition of service animal.

Guide Dog - is a carefully trained dog that assists persons with severe visual impairments or who are blind to navigate and travel.

Hearing or Signal Dog - has been trained to alert and assist persons with significant hearing loss or who are deaf to respond to specific sounds such as emergency alarms, doorbells, phones, and alarm clocks.

Sensory Signal or Social Signal (Ssig) Alert Dog - is trained to assist people with autism to avoid sensory overload, remain calm when in environments where sensory overload is high, and alerts the handler to distracting, repetitive movements. Dogs may also provide support similar to hearing or signal dogs.

Seizure Alert Dog - is trained to alert persons with seizure disorders of impending seizures and to assist their handler during and after a seizure by standing guard or going for help.

Mobility Dog - has been trained to assist people with severe mobility challenges by pulling wheel chairs or by providing physical support for balance and stability.

*Other animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

Qualified Individuals - For an individual to qualify for using a service animal on campus he/she must:

- Have a disability as defined by applicable law; and,
- The service animal must be trained do specific tasks for the qualified individual related to the individual's disability.

Institutional Inquiry

If and only if the work or tasks a service animal provides to a handler are not readily apparent, Skidmore staff may inquire of the qualified individual:

- Whether the animal is required because of a disability; and,
- What work or task has the animal been trained to perform.

Employees may contact Campus Safety if any questions or concerns arise relating to the presence of a service animal, to report service animal misbehavior, or mistreatment of a service animal. If living in a Skidmore residential hall, College personnel may require proof of compliance with local animal licensing ordinances.

Responsibilities of the Handler

A service animal must remain under the control of its handler. A service animal shall have a harness, leash, or other tether, unless the handler is unable to use such devices because of his or her disability, or because the use of such devices would interfere with the service animal's safe, effective performance of work or tasks. In the event a service animal is not harnessed, leashed, or tethered, the handler must maintain control of the animal through voice, signal, or other effective controls.

Handler of a service animal must be in compliance with local licensing laws.

The handler is responsible for removing or arranging for removal of animal waste.