



Americans with Disabilities Act

Citation Reference

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| VOLUME | HUMAN RESOURCES |
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Policy Statement

The University System of Georgia complies with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

This policy ensures consistency in practices among institutions of the University System while affording the appropriate level of flexibility needed at the institutional level.

Applicability

All units of the University System of Georgia are covered by this policy.

Who Should Read This Policy

All Human Resources personnel within the University System of Georgia should be aware of this policy.

Definitions

These definitions apply to these terms as they are used in this policy:

- **ADA:** Americans with Disabilities Act.
- **ADAAA:** Americans with Disabilities Act Amendments Act of 2008.
- **Undue Hardship:** An action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

Process and Procedures

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.

Reasonable accommodation 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.
- An institution 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 operation of the employer’s business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operation.
- An institution is not required to lower quality or production standards to make an accommodation; nor is an institution obligated to provide personal use items such as glasses or hearing aids.
- The ADAAA expands the definition of “major life activities” by including two non-exhaustive lists:
 1. the first list includes many activities that the EEOC has recognized (e.g., walking) as well as activities that EEOC has not specifically recognized (e.g., reading, bending, and communicating);
 2. the second list includes major bodily functions (e.g., “functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions”);

The ADAAA further states:

- states that mitigating measures other than “ordinary eyeglasses or contact lenses” shall not be considered in assessing whether an individual has a disability;

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- clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;
- provides that an individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or perceived impairment will meet the “regarded as” definition of disability, unless the impairment is transitory and minor;
- provides that individuals covered only under the “regarded as” prong are not entitled to reasonable accommodation; and
- emphasizes that the definition of “disability” should be interpreted broadly.

Responsible Parties and Contact Information

| Party | Responsibility | Phone/Email/URL |
|---|---|--|
| Vice Chancellor for Human Resources, USG | Maintain policy, provide guidance to institution human resources officers on effective utilization policy, and monitor campuses for compliance. | 404-962-3235 usg-hr@usg.edu |
| Institution Chief Human Resources Officers | Ensure all managers are aware of this policy. Provide guidance to management on appropriate application of the policy. Ensure that an appropriate process or institutional level policy is in place to facilitate fair and equitable evaluations of requests for accommodations. Ensure appropriate documentation is maintained when necessary. | See University System HR Officer Listing |

Appendices (Internal Documents, Forms and Web Links)

- (Pending)

Related Documents and Resources (External)

- None

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