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POLICY

EMPLOYMENT

# Reasonable Accommodations for Individuals with Disabilities, or Individuals who are Pregnant or Have a Pregnancy-Related Condition

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RESPONSIBLE OFFICE

**Equal Opportunity Office**

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Eligibility: Employees and applicants for employment; students should contact [Disability Services](#).

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# The University's Obligation to Provide Accommodations

In accordance with the Americans with Disabilities Act Amendments Act of 2008 and the Pregnant Workers Fairness Act of 2017, Boston University provides reasonable accommodations to qualified individuals with disabilities and those who are pregnant or have a pregnancy-related condition who require accommodations to safely and effectively perform the essential functions of their positions, or to participate in the employment application process.

When an employee or applicant for employment requests a reasonable accommodation, it is the employer's responsibility to determine whether the employee has a disability, is pregnant, or has a pregnancy-related condition, for which an accommodation is required; and if so, what constitutes an appropriate accommodation, and whether the accommodation requested is reasonable and feasible. This decision is made by appropriate University officials on a case by case basis through an interactive process with the individual requesting an accommodation, which generally includes review of appropriate documentation from the individual's medical provider. It is the responsibility of the individual requesting accommodation to provide sufficient information, upon request, to support the need for the accommodation requested.

## Requesting Accommodations

### APPLICANTS

An applicant for a non-faculty position who requires an accommodation during the application process should inform Human Resources. An applicant for a faculty position who requires an accommodation during the application process should inform the dean of the relevant school or college.

### EMPLOYEES

Faculty and staff should contact the Equal Opportunity Office to request an accommodation. An employee may request that the Equal Opportunity Office not disclose to his or her supervisor the disability, pregnancy or related condition for which an accommodation has been requested. The Equal Opportunity Office will honor this request whenever possible. Whether a request not to disclose can be honored will depend on whether it is necessary for the employee's supervisor, department chairman, or dean to know the nature of the condition in order to assist in the decision regarding appropriate accommodations.

## The Reasonable Accommodation Process for Employees

If a supervisor, department chair, or dean receives a request for reasonable accommodation from an employee, the supervisor, department chair or dean should direct the employee to the Equal Opportunity Office. The supervisor, department chair, or dean should not receive any medical information from an employee.

The employee requesting reasonable accommodation will need to complete the [Accommodation Request Form](#), which is available from the Equal Opportunity Office or Human Resources. The completed form should be returned to the Assistant Director for Compliance in the Equal Opportunity Office.

The Equal Opportunity Office will review the employee's request. The employee may be asked to provide additional information, including medical documentation of the disability, pregnancy, or pregnancy-related condition and the need for the requested accommodation. If, after the employee has provided documentation, the nature or extent of the medical condition described by the employee is unclear; more information is needed about the functional limitations imposed by the medical condition; or the relevance or efficacy of the requested accommodation to the reported disability, pregnancy, or pregnancy-related condition is unclear, the Equal Opportunity Office will request Occupational Health to review the request and the supporting documentation. Occupational Health may need to contact the employee's medical provider for further information; if so, the employee will be asked to sign a release. Occupational Health will communicate the results of this medical review to the Equal Opportunity Office.

If the review of the employee's information and supporting documentation indicates that a

reasonable accommodation is warranted and that the requested accommodation is appropriate to address the employee's condition, the Equal Opportunity Office will consult with the supervisor, department chair, or dean to determine whether the requested accommodation can be granted. The Equal Opportunity Office will work with the employee and the department in the effort to establish an effective and feasible accommodation that will enable the employee to perform the essential functions of the job. In some cases, Disability Services and/or Environmental Health & Safety may be consulted for technical assistance regarding what accommodations are appropriate and available.

Within a reasonable period of time, the employee will be informed of the final action taken on the accommodation request, including what, if any, accommodation will be provided. The Equal Opportunity Office will record the final action taken and maintain the information provided by the employee in a confidential file.

## Confidentiality

Information provided through the reasonable accommodation process must be kept confidential, with the exception of disclosure to the employee's supervisor(s) and other personnel in the event that they need to be informed in order to assess requests for, implement, or monitor accommodations. Information may also be provided to personnel called on to provide emergency medical treatment to the employee, or government officials investigating compliance with disability laws or regulations.

Any written information regarding an employee's medical condition, including the Accommodation Request Form, must be kept separate from the employee's regular personnel file. A dean, department chair, supervisor, or any other person who has participated in the evaluation or implementation of an accommodation request must not share information about an employee's medical condition or disability with any individuals, including other employees, or inform other employees that an accommodation is being provided because of a co-worker's pregnancy or related condition or disability, unless (1) the employee reporting the pregnancy, related condition or disability has consented to the disclosure, (2) the disclosure is necessary to confer with EOO, HR, or other University administrators to effectively evaluate and/or implement an employee's request for accommodation, or (3) the disclosure is permitted by applicable laws.

# Financial Responsibility for Accommodations

Individual departments are responsible for the costs, if any, associated with the provision of reasonable accommodations. In the event that an otherwise appropriate accommodation would result in excessive financial burden to a particular department, a formal written request for additional funding should be presented by the dean of the school or college or the appropriate vice president to the University Provost or the Executive Vice President, as appropriate, outlining the accommodation requested, the cost, and any other information that would be helpful in considering the funding request.

## Complaints

If an employee wishes to make a complaint about the manner in which an accommodation request was handled, or about perceived discrimination by the department against the employee based on the disability, pregnancy, or pregnancy-related condition and/or request for accommodation, the complaint should be directed to the Executive Director of Equal Opportunity. If the complaint arises out of an action of the Executive Director of Equal Opportunity, it should be filed directly with the Provost, who will determine which office(s) or officials should review the complaint. All such complaints will be handled in accordance with the University's [Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment](#).

Questions about reasonable accommodation of applicants and employees with disabilities should be addressed to the Equal Opportunity Office. Please contact the Equal Opportunity Office at [accomm@bu.edu](mailto:accomm@bu.edu).

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END OF POLICY TEXT

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# Additional Resources Regarding This Policy

## Related Policies

- [Disability Accommodation Policy](#)
- [Website Policy](#)

## Related Procedures

- [BU Minimum Web Accessibility Standards \(MWAS\)](#)

## Related BU Websites and Offices

### Students

- [Disability and Access Services Office](#)
  - [Accommodations/Campus Accessibility](#)

### Employees

- Email: [accomm@bu.edu](mailto:accomm@bu.edu)
- Submit a Request for Accommodation: [Submit a Request](#), [Submit a Referral](#)

## BU Resources

- [Accommodating Students with Disabilities | A Guide for Faculty & Staff](#)
- [Maintaining Accessible Content](#)

Categories: Disability Accommodations, Employment, Workplace Keywords: handicap, staff