

Americans with Disabilities Act (and Related State and Local Laws)

Policy Owner Human Resources

Responsible Office(s) Human Resources

Policy

Converse University complies with the Americans with Disabilities Act (ADA) and similar state and local laws by not discriminating against qualified individuals with disabilities. Converse also limits the instances it seeks medical information from employees and keeps that medical information confidential (on a need-to-know basis). Finally, where appropriate, the University offers reasonable accommodations to qualified disabled individuals so long as the employee is able to perform the essential functions of the position, and those reasonable accommodations will not create an undue hardship on Converse or pose a threat to health or safety. Accommodations are those changes, modifications, or alterations that allow an otherwise qualified employee to enjoy the benefits of working and perform all essential functions of his or her position, notwithstanding a physical or mental impairment. Accommodations may be in the form of changes in the workplace, leave, or reassignment to vacant positions. Persons seeking accommodations will be required to provide documentation of their disability status and abilities/restrictions. Failure to cooperate with the University's efforts to reach a reasonable accommodation will result in denial of protection under the applicable law. If two or more accommodations are reasonable and will be effective, the University has the right to decide what accommodation to make.

Accommodation Leave under the ADA (and similar laws)

Accommodation leave applies only to employees who: (1) do not meet the eligibility requirements under FMLA or who have exhausted FMLA leave; (2) are under the care of a licensed healthcare provider (practicing within the terms of his or her license); and, (3) are currently unable to perform one or more essential functions of their position, with or without accommodations. If Converse crafts an accommodation for the employee that would allow him or her to perform the position's essential functions even with the current medical restrictions, then leave under this policy will be unavailable.

To obtain leave under this policy, the employee must cooperate with Converse to obtain medical information substantiating: (1) the nature of impairment; (2) the functions the employee cannot perform; (3) the amount of time the employee will have the restrictions; (4) an estimated return-to-work date; (5) the level of confidence of the physician; and (6) estimated restrictions that will still exist after the employee is released to return to work.

Leave under this policy is discretionary. Converse will attempt to balance the employee's need for leave, the effectiveness of granting the leave, the reasonableness of the length of time requested, and the level of confidence of the physician on the one hand, with the needs of the organization and the hardship, posed to the University in granting the leave on the other hand. If the leave is granted, it will be job-protected.

Employees must concurrently exhaust any available paid time off (such as vacation, sick pay, or personal time off), Converse Leave benefits, Family Medical Leave, short-term disability benefits, workers' compensation benefits, or any other form of applicable paid leave during ADA leave. If no such paid time off is available, leave under this policy is unpaid and runs concurrently with any other Converse Leave and/or Family Medical Leave benefits.

If the employee requests an extension of leave, if the circumstances described by the original certification have changed significantly, or if the University receives information that casts doubt upon the continuing validity of the original certification, the University may require immediate recertification of the employee's medical condition.

If the employee recovers sooner than anticipated, the employee must communicate with Converse and make arrangements to return to work.

Leave under this policy must be used for its intended purpose. If Converse determines that the employee provided false information in order to obtain the leave or is using leave when such leave is not medically necessary or otherwise unnecessary, the employee may be subject to discipline, up to and including termination.

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