

<i>Americans with Disabilities Act Policy</i>	PENNSTATE HERSHEY  Milton S. Hershey Medical Center
<b>Penn State Hershey Medical Center – Human Resources Manual</b>	<b>Policy Number: HR74</b>
<b>Authorized by: <i>Charles V. Wilson, Chief Human Resources Officer</i></b>	
<b>Approved by: <i>Charles V. Wilson, Chief Human Resources Officer</i></b>	

## **POLICY**

Penn State Hershey Medical Center (PSHMC) prohibits discrimination on the basis of disability and maintains a policy of compliance with all federal and state laws regarding disability, including the Americans with Disabilities Act (ADA). In compliance with the ADA, Penn State Hershey Medical Center will make “reasonable accommodations” for qualified individuals with disabilities.

## **DEFINITIONS**

1. 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 (*under the ADA Amendments Act of 2008, PSHMC is not obligated to provide Reasonable Accommodations to an individual who is covered only under the “regarded as” prong.*)

**NOTE:** *Temporary, non-chronic impairments of short duration, with little or no long term or permanent impact, are usually not disabilities; therefore accommodations for temporary impairments are not required under the ADA. Examples of such impairments may include, but are not limited to, broken limbs, sprained joints, concussions, appendicitis, and influenza.*

2. 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.
3. “Reasonable accommodations” should enable the employee to perform the essential functions of the job. PSHMC is not obligated to make an accommodation that imposes an “undue hardship” on its operation of business. Examples of reasonable accommodations include, but are 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, policies, and providing qualified readers or interpreters.
4. An “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.

## **GUIDING PRINCIPLES**

1. PSHMC will not tolerate discrimination against qualified individuals with disabilities. If you believe you have been discriminated against in the employment or accommodation process with respect to a disability, promptly report the matter to the Office of Human Resources. Refer to the Conflict Resolution and Complaints of Unlawful Discrimination and Harassment policy HR-07 for additional information on filing a complaint with the Office of Human Resources. All complaints of discrimination or similar prohibited conduct will be thoroughly investigated.
2. Management and supervisory personnel must comply with this policy and the ADA, and any who fail to do so shall be subject to appropriate disciplinary action up to and including termination.
3. On a case by case basis, good faith efforts will be emphasized to assure reasonable accommodation for persons with disabilities who require accommodation to effectively perform the duties of their respective job description.
4. Prohibition against retaliation: No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by the ADA or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA.
5. All employees should be prepared to make reasonable accommodations, consistent with Penn State Hershey Medical Center’s business needs, for individuals with disabilities.

## **PROCEDURE**

1. It is the responsibility of the employee with a disability to inform PSHMC that an accommodation is needed. Appropriate documentation will be required to determine if the employee has a disability covered by the ADA and functional limitations which will be used as a guideline for effective and reasonable accommodation determination.
2. To request an accommodation, employees should contact their Manager or Human Resources and ask for an *Accommodation Request Form*. Inquiries regarding specific building or work site accessibility or accommodation should be directed to Human Resources for further review and coordination with the Facilities department. The completed *Accommodation Request Form* should be submitted to Human Resources. For assistance with completing the Accommodation Request Form, contact Human

Resources.

3. Upon receipt of a completed *Accommodation Request Form*, Human Resources along with management will initiate a discussion with the individual requesting an accommodation to identify, what if any, reasonable accommodation exists.

### **RELATED POLICIES**

HR-07 Conflict Resolution and Complaints of Unlawful Discrimination and Harassment

HR-11 Sexual Harassment

HR-12 Statement of Non-Discrimination and Harassment

HR-40 FMLA

HR-19 Leaves of Absences

### **PERSON RESPONSIBLE FOR REVIEW OF POLICY**

Chief Human Resources Officer

### **Initial Effective Date:**

January 6, 2010

### **Review date(s):**

### **Revision Date(s):**

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