



## BOISE STATE UNIVERSITY

University Policy 7570

# Reasonable Accommodations for Employees and Applicants

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### **Effective Date**

November 2019

### **Last Revision Date**

January 02, 2025

### **Responsible Party**

Human Resources and Workforce Strategy, (208) 426-1616  
Office of Institutional Compliance and Ethics, (208) 426-1258

### **Scope and Audience**

This policy applies to all Boise State University employees and Applicants for University employment.

### **Additional Authority**

- Section 503 of the Rehabilitation Act of 1973, as amended
  - Section 504 of the Rehabilitation Act of 1973, as amended
  - Americans with Disabilities Act of 1990, as amended (ADA)
  - Pregnant Worker's Fairness Act (PWFA)
  - Idaho Commission on Human Rights Act § 67-5901
  - Idaho Code § 67-5909
  - University Policy 1060 (Non-discrimination and Anti-harassment)
  - University Policy 1075 (Non-Discrimination on the Basis of Disability)
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## 1. Policy Purpose

To state the university's process for complying with applicable laws regarding Reasonable Accommodations for University employees and Applicants with a Disability.

## 2. Policy Statement

Boise State University is committed to providing Reasonable Accommodations to ensure equal access and opportunity for Applicants and employees consistent with state and federal laws.

## 3. Definitions

### 3.1 Applicant

An individual pursuing an employment opportunity with the University who submits appropriate application materials for an open or vacant position.

### 3.2 Disability

With respect to an individual:

- a. A Physical or Mental Impairment that substantially limits one or more Major Life Activities of such individual;
- b. A record of such an impairment; or
- c. Being regarded as having such an impairment.

### 3.3 Essential Functions

Position duties that are fundamental to a specific employment position. A function can be "essential" if, among other things, the position exists to perform the function, a limited number of other employees are available to perform the function, or the function is highly specialized, and the individual is hired based on having those specialized skills. Factors which determine whether a particular function is essential include:

- The judgment of the position's supervisor
- A written position description developed before a position is advertised
- The amount of time spent performing the function

- The consequences of not requiring the person in the position to perform the function
- The work experience of past incumbents in the position or current incumbents in similar positions.

### **3.4 Interactive Process**

An information-gathering approach used by the University to evaluate a request for accommodation. It is intended to be a flexible approach that centers on the communication between the University and the individual requesting an accommodation but may (and often does) involve obtaining relevant information from a supervisor and an individual's healthcare provider.

### **3.5 Major Life Activities**

Activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major Life Activities also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

### **3.6 Physical or Mental Impairment**

An impairment resulting from anatomical, physiological, or psychological abnormalities demonstrated by medically acceptable clinical and laboratory diagnostic techniques.

### **3.7 Qualified**

An individual with a Disability is Qualified for a specific position if the individual:

- a. Satisfies the requisite skill, experience, education, and other position-related requirements of the position, and
- b. Can perform the Essential Functions of the position with or without Reasonable Accommodation(s).

### **3.8 Reasonable Accommodation**

Any change in the workplace or in the way things are customarily done that provides an equal employment opportunity to an individual with a Disability that does not cause an Undue Hardship to the University.

The University provides Reasonable Accommodation:

- a. When an individual with a Disability needs a Reasonable Accommodation to have an equal employment opportunity in the application process;
- b. When an individual with a Disability needs a Reasonable Accommodation to perform the Essential Functions of the position held or sought, or to gain access to the workplace; and
- c. When an individual with a Disability needs a Reasonable Accommodation to enjoy equal access to benefits and privileges of employment (e.g., training, transportation, office-sponsored events).

### **3.9 Undue Hardship**

An action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the employment position and/or the nature or operation of the University.

### **3.10 University Business Days**

Monday through Friday, excluding weekends, official University holidays, and University closures.

## **4. Initiating a Request for a Reasonable Accommodation**

- a. The Reasonable Accommodation process may be initiated by an employee or Applicant by requesting an accommodation verbally or in writing.
- b. A supervisor who becomes aware of an employee's need for an accommodation due to an obvious medical condition or disability, or difficulties the employee is having performing their position duties, should refer the employee to Human Resources and Workforce Strategy or discuss the matter with Human Resources and Workforce Strategy regardless of whether or not the employee has requested an accommodation.

#### 4.1 Accommodation in the Application/Interview Process

- a. Human Resources and Workforce Strategy provides information and assistance to Applicants who request an accommodation.
- b. An Applicant with a Disability may request an accommodation during the hiring process or for the application itself (e.g., modifying how the application can be submitted).
- c. Applicants are responsible for making accommodation requests to Human Resources and Workforce Strategy. An Applicant's request for an accommodation must allow the university sufficient time to review and respond to the request. An accommodation will not be implemented retroactively. Applicants may be asked to provide supporting documentation as part of the Interactive Process. Hiring managers should contact Human Resources and Workforce Strategy if an applicant requests an accommodation during the hiring process.

##### 4.1.1 Skill-Based Application Tests

- a. In the event an Applicant with a Disability applies for a position that requires all Applicants to complete a test(s) measuring certain skills, the Applicant may request a testing accommodation. If the test is a requirement of the application process, an Applicant with a Disability will not be granted a "test exemption."
- b. Examples of testing accommodations may include, but are not limited to:
  - Testing in a private room;
  - Providing extended time to take the test;
  - Providing instructions/test in large or bold print;
  - Providing magnification;
  - Use of a computer with screen readers (voice output);
  - Use of scratch paper; and
  - Allowing breaks.
- c. An Applicant with a Disability may need an accommodation to help meet the standard, but the standard must not be lowered, changed, or altered. In most cases, the University cannot

approve an accommodation, such as an alternative format or extended time, without supporting documentation from a licensed healthcare provider.

#### **4.2 Employee Request for a Reasonable Accommodation**

- a. Human Resources and Workforce Strategy is the University's point of contact for an employee requesting a Reasonable Accommodation. A supervisor notified of an employee's Disability, or a request for Reasonable Accommodation, should immediately notify Human Resources and Workforce Strategy.
- b. Any current employee or designee may request a Reasonable Accommodation from Human Resources and Workforce Strategy in person, or via phone, email, or fax. The responsibility for initiating a request for a Reasonable Accommodation rests with the employee.
- c. The employee requesting a Reasonable Accommodation should notify Human Resources and Workforce Strategy as soon as practical and provide information on the nature of the limitations impacting their ability to perform the essential functions of their position or access benefits and privileges of employment.
- d. Human Resources and Workforce Strategy will contact the employee to obtain additional information regarding the potential qualifying Disability and requested Reasonable Accommodation. The employee must complete a Request for Reasonable Accommodation Form and may be requested to complete an Authorization for Limited Release of Medical Information Form if the employee's disability is not known or obvious. The Request for Reasonable Accommodation Form and Authorization for Limited Release of Medical Information Form (provided by Human Resources and Workforce Strategy, if applicable) must be completed in full and submitted to Human Resources and Workforce Strategy as soon as possible. Upon request, Human Resources and Workforce Strategy will assist the employee in completing these forms. All requested information must be provided for the university to respond to the employee's request for a Reasonable Accommodation.
- e. The employee must promptly provide accurate and truthful medical information related to the disability, the employee's resulting functional limitations impacting their employment, and the need for accommodation to Human Resources and Workforce Strategy when requested. The interactive process includes providing authorization for the Human Resources and Workforce Strategy ADA Coordinator to consult with the employee's treating physician to determine the existence of a disability, obtain responses from treating physicians to questions related to functional limitations and suggested accommodations, and promptly respond to correspondence from the Human Resources ADA Coordinator during the interactive process.

- f. Failure to provide truthful and accurate information regarding a medical condition, or functional limitation(s), or making false representations for purposes of obtaining accommodations that are not necessary to enable the employee to perform the essential functions of their position or access the privileges and benefits of employment with the university, may result in disciplinary action up to and including termination of employment.

## 5. Interactive Process

### 5.1 University Responsibilities

- a. After receiving a request for Reasonable Accommodation, Human Resources and Workforce Strategy will engage in a timely, good faith Interactive Process to determine effective Reasonable Accommodations.
- b. To ensure that all effective accommodations have been considered, Human Resources and Workforce Strategy will discuss the request with the employee and the employee's supervisor(s) when the specific limitation, problem, or barrier is unclear; where effective accommodation is not obvious; where modifications to the request may be appropriate; where the parties are choosing between different possible reasonable accommodations; or in other situations where the interactive process can further promote resolution of the request for accommodation.
- c. The Interactive Process must include, but is not limited to:
  - Consulting with the employee's supervisor concerning the substance of the request and, in conjunction with the employee's supervisor, analyze the Essential Functions of the job as defined in the position description;
  - Consulting with the employee to determine the position-related limitation(s) resulting from the employee's Disability and how the limitation(s) could be overcome by a Reasonable Accommodation;
  - Identifying potential accommodation options;
  - Evaluating the effectiveness of each potential accommodation option;
  - Documenting all options discussed and reasons for selecting particular option(s);
  - Implementing the most appropriate option(s) after consulting with the employee's supervisor or department head; and

- Keeping the applicant or employee informed until accommodation is provided or denied.

## **5.2 Employee Responsibilities**

An employee seeking an accommodation must cooperate in the Interactive Process in good faith. Failure to do so may result in a delay or denial of the requested accommodation.

## **5.3 Ongoing Nature of Reasonable Accommodation**

- a. The duty to accommodate is a continuing duty that is not exhausted by one effort. Once the university becomes aware that an accommodation is not working, it must consider alternative accommodations. If it becomes apparent that a previously granted accommodation is not working, is no longer necessary, or needs to be modified, the supervisor or the employee must notify Human Resources and Workforce Strategy so that Human Resources and Workforce Strategy can further engage in the Interactive Process with the employee to identify other appropriate accommodations.
- b. Human Resources and Workforce Strategy must be consulted prior to any substantive modification or adjustment of a previously granted accommodation or prior to the denial of any newly requested accommodation.

## **5.4 Types of Accommodations**

- a. Reasonable Accommodation(s) may include, but are not limited to:
  - Equipment and assistive devices
  - Job-site modifications
  - Job restructuring/redesign
  - Supportive services
  - Scheduling examinations for persons with disabilities in small groups or individually
  - Providing materials in Braille, large print, or tape recording
  - Modification of training materials and policies
  - Part-time, modified, or flexible work schedules



- Provision for qualified readers or interpreters
  - Making existing facilities readily accessible
  - Leave of absences
  - Job reassignment to a vacant position.
- b. Depending on the nature of the Disability and Essential Functions of the position, a Reasonable Accommodation may be temporary or long-term.

#### 5.4.1 Job Reassignment

- a. Job reassignment should be considered only when accommodation within the individual's current position is not reasonable, possible, or would impose an Undue Hardship, or does not enable the employee to perform the essential functions of the position. An employee, however, must be qualified for the new position. Reassignment will be made to an existing position at the same level, where possible. If no vacant position at the employee's current level exists, the university may offer reassignment to a position in a lower classification in accordance with the guidelines below. Reassignment to a position at a higher classification is not considered a reasonable accommodation.
- b. An employee is qualified for a vacant position if they:
- Satisfy the requisite skill, experience, education, and other job-related requirements of the position;
  - Can perform the essential functions of the new position, with or without reasonable accommodation; and
  - Can legally be appointed to the position.
- c. It is the initial responsibility of the current supervisor and department head, in consultation with Human Resources and Workforce Strategy, to successfully place the employee, if possible. This requires identifying and preferably locating a vacant position in the current division before approving a reassignment request. It is ultimately the responsibility of the university to successfully place the employee, if possible. If it is necessary to place an employee in another position to accommodate their needs, the Chief Human Resources Officer has the authority to freeze applicable vacant positions until a determination is made regarding an appropriate Reasonable Accommodation placement.

## 6. Requested Accommodation(s) Not Required

The University may deny a requested accommodation(s) if:

- a. It is determined that even with the requested accommodation(s), the individual will not be able to perform all of the Essential Functions of the position as defined in the job description; or
- b. The requested accommodation would remove an Essential Function of the position as defined in the job description; or
- c. The healthcare documentation submitted to the University in support of the individual's requested accommodation(s) does not establish the existence of a Disability as defined under the ADA or Section 504; or
- d. The requested accommodation(s) will impose an Undue Hardship; or
- e. The individual requesting the accommodation(s) poses a direct threat or significant risk of substantial harm to the health or safety of the individual or others. The University must determine, on a case-by-case basis, whether a Reasonable Accommodation would either eliminate the risk or reduce it to an acceptable level.

## 7. Decision Concerning a Requested Accommodation(s)

- a. If a Reasonable Accommodation is identified, Human Resources and Workforce Strategy will communicate the decision in writing to the employee and the supervisor.
- b. If an anticipated Reasonable Accommodation cannot be provided immediately for some reason, an interim accommodation may be granted if the University has received sufficient information through the Interactive Process to believe it is reasonably likely that an individual will be entitled to a Reasonable Accommodation. The employee and supervisor will be notified in writing of any interim accommodations.
- c. If denying a requested accommodation, Human Resources and Workforce Strategy will explore the possibility of a different Reasonable Accommodation with the individual.
- d. If Human Resources and Workforce Strategy offers a Reasonable Accommodation other than the one requested, but the alternative Reasonable Accommodation is not accepted by the employee, Human Resources and Workforce Strategy will record the employee's refusal

of the alternative Reasonable Accommodation, and section 7 of this policy, Refusing an Offered Reasonable Accommodation, will apply.

## 8. Refusing an Offered Reasonable Accommodation

An individual with a Disability may refuse a Reasonable Accommodation offered by the University. However, suppose an individual with a Disability refuses an offered Reasonable Accommodation and is unable or unwilling to perform the Essential Functions of the position at a satisfactory level without the offered Reasonable Accommodation. In that case, the individual will not be considered Qualified and may be dismissed from the application process, employment, or be subject to a medical layoff as provided by applicable law, University and/or Idaho State Board of Education policy, and/or the Rules of the Division of Human Resources and Idaho Personnel Commission.

## 9. Confidentiality

- a. All health information obtained by the University in connection with a request for a Reasonable Accommodation will be kept confidential and maintained by Human Resources and Workforce Strategy in a separate employee health information file (see University Policy 7530 – Employee Files).
- b. The employee's supervisor will be informed by Human Resources and Workforce Strategy of any restrictions in duties or work and any implemented Reasonable Accommodation. An employee is not required to disclose the health basis for a requested Reasonable Accommodation to the employee's supervisor. The employee's personal, health-related information must not be solicited by the supervisor.

## 10. Subsequent Review

A Qualified employee and/or supervisor may confer with Human Resources and Workforce Strategy to determine the effectiveness of or to evaluate the business impact of the approved Reasonable Accommodation. Any request for updated or new medical information must meet the position-related and consistent with business necessity standard under the ADA..

## 11. Complaints

- a. An employee with a Disability who believes they have been discriminated against on the basis of Disability, or retaliated against due to a Reasonable Accommodation request, may [submit a complaint](#) to the Office of Title IX and Institutional Equity. The University

processes complaints alleging discrimination or harassment on the basis of disability pursuant to University Policy 1060 (Non-discrimination and Anti-harassment).

- b. An individual with a Disability may also file a complaint with either of the following:

[Idaho Human Rights Commission](#)

317 W Main Street Boise, ID 83702

(208) 334-2664

or

[Equal Employment Opportunity Commission](#)

(206) 220-6850

## 12. Forms

Discrimination and Harassment Complaint Form

<https://www.boisestate.edu/compliance/complaint-form/>

Request for Reasonable Accommodation Form

Request form by emailing [hrs@boisestate.edu](mailto:hrs@boisestate.edu)

Authorization for Limited Release of Medical Information Form

Request form by emailing [hrs@boisestate.edu](mailto:hrs@boisestate.edu)

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## Revision History

January 02, 2025